# Chapter 1

# GENERAL PROVISIONS

ARTICLE I
**Adoption of Code**
**[Adopted 8-9-1999 by Ord. No. 8-99; readopted 12-13-1999 by Ord. No. 9-99[1]]**

### § 1-1. Adoption of Code.

The various chapters and sections of the 1980 Code of Ordinances of the City of Taneytown, and subsequent ordinances of the City of Taneytown of a general and permanent nature adopted by the Mayor and Council of the City of Taneytown, as revised, codified and consolidated into chapters and sections by General Code Publishers Corp. and consisting of Chapters 1 through 205, are hereby approved, adopted, ordained and enacted as the "Code of the City of Taneytown," hereinafter known and referred to as the "Code."

### § 1-2. Code supersedes prior ordinances.

This ordinance and the Code shall supersede the 1980 Code of Ordinances of the City of Taneytown and 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.

### § 1-3. Effective date.

All provisions of this ordinance and of the Code shall be in full force and effect on or after the passage and approval of this ordinance to the extent not otherwise provided herein.

### § 1-4. Copy of Code on file.

A copy of the Code in loose-leaf or post binder form 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 Taneytown by impressing thereon the Seal of the city, and such certified copy shall remain on file in the office of the City Clerk of the city, to be made available to persons desiring to examine the same during all times while the Code is in effect.

### § 1-5. 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 Taneytown" shall be understood and intended to include such additions and amendments. Whenever such additions, amendments or supplements to the Code shall

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1. **Editor's Note: This ordinance was adopted to rectify procedural problems with Ord. No. 8-99.**

be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf or post binder book containing said Code as amendments and supplements thereto.

### § 1-6. Publication and filing.

The Mayor and Council of the City of Taneytown, pursuant to law, shall cause to be published, in the manner required, a notice of the passage of this ordinance in a newspaper of general circulation in the city. 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 notice, 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.

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

It shall be the duty of the City Clerk, or someone authorized and directed by the City Clerk, to keep up-to-date the certified copy of the book containing the Code required to be filed in the City 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 printed as supplements to said Code books, at which time such supplements shall be inserted therein.

### § 1-8. Sale of Code book.

Copies of the Code book containing 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.

### § 1-9. 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 Taneytown 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.

### § 1-10. 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 section or part thereof.

### § 1-11. 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 section or part thereof.

### § 1-12. Repeal of ordinances.

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 adopting ordinance, except as hereinafter provided.

### § 1-13. Ordinances saved from repeal.

The adoption of this Code and repeal of ordinances provided for in § 1-12 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 March 1, 1999.

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 or resolution 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. All matters relative to zoning, including the dedication of property or approval of preliminary or final subdivision plans and plats and any other matter related to zoning. It is the legislative intent of the Mayor and City Council of Taneytown, in adopting this new ordinance, that any change or mistake required to be shown for rezoning subsequent to the adoption of this ordinance shall not be from the date of adoption of this ordinance, but changes in the character of the neighborhood or a mistake in the existing zoning may be shown and considered as evidence by the Mayor and City Council of Taneytown from the date of the original adoption of the Zoning Ordinance on June 12, 1972, or from the date of adoption of any future comprehensive reasonable Zoning Map amendment.

K. 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.

L. Any legislation relating to or establishing a pension plan or pension fund for municipal employees.

### § 1-14. Changes in previously adopted ordinances.

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. In addition, the following changes, amendments or revisions are made herewith, to become effective upon the effective date of this ordinance as set forth in Schedule A attached hereto and made a part hereof (chapter and section number references are to the ordinances as they have been renumbered and appear in the Code).[2]

### § 1-15. Deposit of copies with state agencies.

Pursuant to § 9A of Article 23A of the Maryland Code, a copy of the Code of the City of Taneytown containing the Charter shall be deposited with the Maryland Department of Legislative Reference.

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**2. Editor's Note: Schedule A is on file at the office of the City Clerk.**

ARTICLE II
**Use, Construction and Penalties**
**[Adopted 1-14-1980 by Ord. No. 5-79 as Title 1 of the 1980 Code]**

### § 1-16. How code designated and cited. [Amended 8-9-1999 by Ord. No. 8-99; 12-13-1999 by Ord. No. 9-99]

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

### § 1-17. Definitions and rules of construction.

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

A. Charter. The words "Charter" or "City Charter" shall mean the Charter of the City of Taneytown, Maryland.

B. City. The words "the city" or "this city" shall mean the City of Taneytown, Maryland.

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

D. Council. The words "the Council" shall mean the Council of the City of Taneytown, Maryland.

E. County. The words "the county" or "this county" shall mean Carroll County, Maryland. **[Amended 8-9-1999 by Ord. No. 8-99; 12-13-1999 by Ord. No. 9-99]**

F. Gender. Words importing the masculine gender shall include the feminine and neuter.

G. Joint authority. All words giving a joint authority to three or more persons or officers shall be construed as giving that authority to a majority of those persons or officers.

H. Keeper and proprietor. The words "keeper" and "proprietor" shall mean and include persons, firms, associations, corporations, clubs and copartnerships, whether acting by themselves or a servant, agent or employee.

I. May. The word "may" is permissive.

J. Mayor. The word "Mayor" shall mean the Mayor of the City of Taneytown, Maryland.

K. Month. The word "month" shall mean a calendar month.

L. Number. Words used in the singular include the plural, and the plural includes the singular number.

M. Oath. The word "oath" shall be construed to include an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

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

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

P. Owner. The word "owner," applied to any property, shall include any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety of the whole or a part of that property.

Q. Person. The word "person" shall include a corporation, firm, partnership, association, organization and any group acting as a unit, as well as an individual.

R. Personal property includes every species of property except real property, as herein defined.

S. Preceding; following. The words "preceding" and "following" shall mean next before and next after, respectively.

T. Property. The word "property" shall include real and personal property.

U. Real property shall include lands, tenements and hereditaments.

V. Shall. The word "shall" is mandatory.

W. Sidewalk. The word "sidewalk" shall mean that area or portion of a public way located between the street and curbline, or the lateral lines of a roadway where there is no curb, and the adjacent or proximate property line having frontage on such street or public way, which area is intended for the use of pedestrians. **[Amended 7-12-2004 by Ord. No. 16-2004]**

X. State. The words "state" or "this state" shall mean the State of Maryland.

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

Z. Tenant; occupant. The word "tenant" or "occupant," applied to a building or land, shall include any person who occupies the whole or a part of such building or land, whether alone or with others.

AA. Time. Words used in the past or present tense include the future as well as the past and present.

BB. Year. The word "year," except where the fiscal year is specifically referred to, shall mean a calendar year.

### § 1-18. Catchlines of sections.

The catchlines of the several sections of this Code are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be titles of those sections nor as any part of those sections, nor, unless expressly so provided, shall they be so deemed when any of those sections, including the catchlines, are amended or reenacted.[3]

### § 1-19. Amendments.

A. All ordinances passed subsequent to this Code of Ordinances which amend, repeal or in any way affect this Code of Ordinances may be numbered in accordance with the numbering system of this Code and printed for inclusion therein. When subsequent ordinances repeal any chapter, section or subsection or any portion thereof, those repealed portions may be excluded from this Code by omission from reprinted pages.

B. Amendments to any of the provisions of this Code shall be made by amending those provisions by specific reference to the section of this Code in substantially the following language: "Section _____ of the Code of Ordinances of the City of Taneytown, Maryland, is hereby amended to read as follows: (Set out new provisions in full)."

C. When the Council desires to enact an ordinance of a general and permanent nature on a subject not heretofore existing in the Code, which the Council desires to incorporate into the Code, a section in substantially the following language shall be made a part of the ordinance: "Section _____. It is the intention of the Council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Taneytown, Maryland, and the sections of this ordinance may be renumbered to accomplish such intention."

D. All sections, articles, chapters or provisions of this Code desired to be repealed should be specifically repealed by section or chapter number,

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**3. Editor's Note: The following original sections, which immediately followed this section, were deleted 8-9-1999 by Ord. No. 8-99: Sec. 1-1-4, Effect of repeal of ordinances; Sec. 1-1-5, Provisions deemed continuations of existing ordinances; and Sec. 1-1-6, Severability of parts of code.**

as the case may be. **[Amended 8-9-1999 by Ord. No. 8-99; 12-13-1999 by Ord. No. 9-99]**

### § 1-20. General penalty for misdemeanors; continuing violations. [Amended 8-9-1999 by Ord. No. 8-99; 12-13-1999 by Ord. No. 9-99]

Whenever in this Code or in any ordinance or resolution of the legislative body or in any rule, regulation or order promulgated by any officer or agency of the City under authority duly vested in the officer or agency any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in the Code, ordinance, resolution, rule, regulation or order the doing of any act is required or the failure to do an act is declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided therefor, the violation of any such provision of this Code or any ordinance, resolution, rule, regulation or order shall be punished by a fine not exceeding $1,000 or by imprisonment for not more than six months, or by both such fine and imprisonment in the discretion of the court. Each day any violation of any provision of this Code or of any such ordinance, resolution, rule, regulation or order shall continue shall constitute a separate offense.[4]

### § 1-21. County legislation. [Amended 12-20-1988 by Ord. No. 18-88]

The ordinances, codes or other laws, rules and regulations of Carroll County, Maryland, shall not apply within the corporate limits of the City unless the same are expressly incorporated into this Code by reference.

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**4. Editor's Note: Original Sec. 1-1-9, General penalty for municipal infractions, which immediately followed this section and was added 2-13-1984 by Ord. No. 3-84, was repealed 4-10-1995 by Ord. No. 11-95.**

# Chapter 7

# COUNCIL MEETINGS, PROCEDURES AND CONDUCT

**GENERAL REFERENCES**

**Officers and employees — See Ch. 34.**

## § 7-1. Agenda. [Amended 8-9-1999 by Ord. No. 8-99[5]]

All reports, communications, ordinances, resolutions, contract documents or other matters to be submitted to the Council shall, at least 24 hours prior to each Council meeting, be delivered to the City Clerk, whereupon the City Clerk shall immediately arrange a list of such matters according to the order of business and furnish each member of the Council with a copy of the same prior to the Council meeting and as far in advance of the meeting as time for preparation will permit.

## § 7-2. Presiding officer.

The presiding officer shall preserve strict order and decorum at all regular and special meetings of the Council. The presiding officer shall state every question coming before the Council, announce the decision of the Council on all subjects and decide all questions of order; subject, however, to an appeal to the Council, in which event a majority vote of the Council shall govern and conclusively determine those questions of order.

## § 7-3. Call to order.

The Mayor shall take the chair precisely at the hour appointed for the meeting and shall immediately call the Council to order. In the absence of the Mayor, the Mayor Pro Tem shall call the Council to order. Upon the arrival of the Mayor, the Mayor Pro Tem shall immediately relinquish the chair upon the conclusion of the business immediately before the Council.

## § 7-4. Roll call. [Amended 8-9-1999 by Ord. No. 8-99]

Before proceeding with the business of the Council, the City Clerk or his or her deputy shall call the roll of the members and the names of those present shall be entered in the minutes.

## § 7-5. Order of business. [Amended 8-9-1999 by Ord. No. 8-99]

Promptly at the hour set on the day of each regular meeting, the members of the Council, the City Manager, the City Clerk and Mayor shall take their

**5. Editor's Note: Original Sec. 2-1-11, Meetings; regular and special, which immediately preceded this section and was amended 5-22-1990 by Ord. No. 9-90, was deleted 8-9-1999 by Ord. No. 8-99.**

regular stations in the Council chambers, and the business of the Council shall be taken up for consideration and disposition in the following order:

A. Opening of regular meeting.

B. Roll call.

C. Approval of minutes.

D. Reception of delegations.

E. Resolutions, ordinances and agreements.

F. Manager's report and correspondence.

G. Old business.

H. New business.

I. Council reports.

J. Adjournment.

### § 7-6. Reading of minutes. [Amended 8-9-1999 by Ord. No. 8-99]

Unless a reading of the minutes of a Council meeting is requested by a member of the Council, those minutes may be approved without reading if the City Clerk has previously furnished each member with a copy thereof.

### § 7-7. Rules of debate.

A. Presiding officer. The Mayor, Mayor Pro Tem or such other member of the Council as may be presiding may debate from the chair, subject only to those limitations of debate as are by these rules imposed on all members by reason of his or her acting as presiding officer, except that as presiding officer, he or she may vote only in case of a tie, as provided in Charter § C-304D. **[Amended 8-9-1999 by Ord. No. 8-99]**

B. Getting the floor; improper references to be avoided. Every member desiring to speak shall address the chair, and, upon recognition by the presiding officer, shall confine himself or herself to the question under debate, avoiding all personalities and indecorous language.

C. Interruptions. A member, once recognized, shall not be interrupted when speaking unless it is to call him or her to order or as herein otherwise provided. If a member, while speaking, is called to order, he or she shall cease speaking until the question of order is determined, and, if in order, he or she shall be permitted to proceed.

D. Privilege of closing debate. The Council member moving the adoption of an ordinance or resolution shall have the privilege of closing the debate.

### § 7-8. Addressing the Council. [Amended 8-9-1999 by Ord. No. 8-99]

Any person desiring to address the Council shall first make appointment to do so by not later than Wednesday preceding a scheduled meeting; provided, however, that the presiding officer may allow any person to address the Council without securing such prior appointment.

### § 7-9. Silence constitutes affirmative vote.

Unless a member of the Council states that he or she is not voting, his or her silence shall be recorded as an affirmative vote.

### § 7-10. Rules of procedure. [Amended 4-13-1981 by Ord. No. 7-81; 8-9-1999 by Ord. No. 8-99]

Except as otherwise provided by law or in this Code, the procedure of the Council shall be governed by Robert's Rules of Order, newly revised, Henry M. Robert III, 1990.

### § 7-11. Previous questions.

The previous questions may be called at any time by a majority of the members present. The ayes and nays may be called for by any member.

### § 7-12. Motions having precedence.

A. When a question is under consideration no motion shall be received except as follows:

   (1) To lay on the table.

   (2) To postpone to a time certain.

   (3) To postpone indefinitely.

   (4) To refer to a committee.

   (5) To amend.

   (6) To strike out or insert.

   (7) To divide.

B. Motions for any of these purposes shall have precedence in the order named.

### § 7-13. Motion to adjourn.

A motion to adjourn shall always be in order and shall be decided without debate.

### § 7-14. Special committees.

All committees of the Council shall be nominated by the Mayor and approved by the Council.

### § 7-15. Claims against City.

No account or other demand against the City shall be allowed until it has been considered and reported upon by the City Manager.

### § 7-16. Matters before the Council to be sponsored. [Amended 8-9-1999 by Ord. No. 8-99]

Ordinances, resolutions and other matters or subjects requiring action by the Council must be introduced and sponsored by a member of the Council, except that the City Manager may present ordinances, resolutions and other matters or subjects to the Council, and any Council member may assume sponsorship thereof by moving that those ordinances, resolutions, matters or subjects be adopted; otherwise they shall not be considered.

### § 7-17. Reports and resolutions to be filed. [Amended 8-9-1999 by Ord. No. 8-99]

All reports and resolutions shall be filed with the City Clerk and entered in the minutes.

### § 7-18. Style of ordinances. [Amended 8-9-1999 by Ord. No. 8-99]

All ordinances passed by the Council shall be prefaced by "Be it Enacted and Ordained by the Council of the City of Taneytown that..." Ordinances shall be signed by the Mayor and attested to by the Clerk, except in the case of a veto, at which time the Clerk shall attest the ordinance and so note that the same was passed pursuant to Charter provisions, notwithstanding the veto of the Mayor.

### § 7-19. Elected official conduct, duties, Personnel Manuals and policies. [Added 6-13-2016 by Ord. No. 22-2016]

A. Elected official conduct, protocol and policies.

(1) Purpose.

(a) The purpose of this section is to define the role of elected officials in the governance of the City. For the purposes of this section, "official" or "officials" shall mean the Mayor and each individual member of the City Council. This code consists of rules and guidelines 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.

(b) Limitations; other laws and rules. 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, federal laws prohibiting discrimination and harassment, the provisions of the City's own City Charter and Code, and the City's Employee Manual.

(c) 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.

(2) Rules, policy and guidance. Policies governing the conduct of officials are listed in this section. Following each rule is a set of policies that give specific application to the rule. In italics following each rule is further explanation of the rule and guidance for interpreting and applying the rule and shall be made a part of such rule.

(a) The Council and personnel matters.

[1] Officials shall deal with the administrative service provided to the businesses and residents of the City solely through the City Manager.

[2] Officials are encouraged to learn the functions and operations of the various departments, or to understand the operational steps related to a specific task or job; however, officials shall not direct, order or make demands of any City employee, other than inquiries that can be answered routinely and without research, or notify such employee, such as police on patrol, of issues that are part of their normal routines. In addition, there are times when the official may be serving as the project or task lead and directing the tasks of employees in the absence of the employee's supervisor. Such a role is acceptable if properly approved by the Mayor and City Council. In no case shall the official give direction to an employee that incurs additional expense to the City. Any concerns about work assignment or department performance should be addressed to the City Manager.

*Implementation Guidance. The City's staff is 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 outside the scope of what is detailed above, the employee is put in an awkward position and the management structure is undermined. In some cases such actions have the potential for creating liability for the City. Officials are not authorized directly to give work assignments to employees, including department heads, outside of the scope detailed above. Employees are instructed not to take impromptu directions or work assignments from officials and to report any such attempts to their supervisor and/or department head. Any employee who has a question or a concern is expected to address this matter with their department head or supervisor. Employees will be held accountable for approaching officials on these matters as a way of circumventing or undermining the role, authority and responsibility of their supervisor.*

[3] Officials shall not attempt to reorganize priorities of a department head or any employees or influence the manner by which City staff delegates assignments or performs their assigned functions or duties.

*Implementation Guidance. 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, staff assistance 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 City Manager or, in the absence thereof, the department head.*

[4] Officials shall not retaliate or threaten to retaliate against employees.

*Implementation Guidance. 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. However 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.*

[5] Officials shall not threaten a City employee with disciplinary action.

*Implementation Guidance. 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 to properly 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 publicly criticize an employee. Officials may have high expectations of employees' work performance, but there is no room or tolerance in the City organization for public humiliation of any person.*

[6] Officials that are approached or engaged by employees regarding work-related issues or concerns of employees will direct such employee to follow the chain of command and procedures for addressing concerns as detailed in the City Codes, Personnel Manual and directives issued on such matters. Furthermore, the official will notify the City Manager if the official feels that the actions of the employee were an attempt to gain leverage or circumvent the systems and procedures in place. The official will follow up with the City Manager to see if the issue was properly addressed. Any egregious issues involving the City Manager will be addressed as spelled out in the Personnel Manual. At no time will the official take further action on the matter or engage any further with the employee unless all remedies have been exercised as detailed in the City Codes, Personnel Manual and directives issued on such matters.

*Implementation Guidance. It is plausible that employees will attempt to gain leverage on a situation, issue or dispute with a fellow employee. It is also plausible for employees to attempt to negatively influence the opinion of an official as a way of gaining a more favorable outcome for the employee. This type of behavior erodes the chain of command and structure of the City's operations. It also*

*creates inconsistencies in how issues are resolved and creates divisiveness within the employee ranks, while reducing overall organizational morale. Not only is this unhealthy for the organization, but any misuse of interaction of employees and officials in this manner should not be tolerated. Furthermore, this section should NOT be taken as a statement that the City condones or turns a blind eye towards inappropriate behavior, hostile environments or legitimate workplace issues of employees. Policies must be followed to address employee concerns to ensure timely and proper resolution.*

[7] Officials shall not discuss any personal issues about employees with any person, persons, entities or agencies; nor shall any official make disparaging or slanderous remarks about employees, offer details or documentation regarding an employee's work or personal issues, conduct formal or informal investigations into employees, or discuss or provide any information or documents regarding past, present, proposed or pending disciplinary actions of any employees unless all such above-listed acts have been authorized by formal action of the City Council.

*Implementation Guidance. Employees of the City are public employees, however still have certain protections related to personnel matters which are not subject to public disclosure. State law authorizes closed sessions for the Mayor and Council to address personnel matters, and the Maryland Public Information Act provides certain provisions for denial of personnel information to the public. Further, the City's Employee Manual and certain state and federal laws also create certain obligations and conditions regarding employees' workplace rights. Individual elected officials shall not discuss employee matters outside of official meetings and business and will protect the privacy, reputation and integrity of the City's employees whenever possible.*

(b) Individual members as part of the collective body. 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.

[1] Officials shall not make representations or promises to any third party regarding the future actions of the City or of the City Council, unless the City Council has duly authorized such representation or promise.

*Implementation Guidance. When officials engage in conversations with residents, business owners, 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 City or whether they are presenting their own views.

*Implementation Guidance. 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 City 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] An official shall not, either directly or indirectly, be involved in or attempt to influence administrative matters that are under the direction of the City Manager or a department head, such as staff decisionmaking, the development of staff recommendations, scheduling of work, executing department priorities, personnel issues, purchasing, etc.; or interfere with the manner by which the City Manager or a department head performs his or her duties. It is recognized that the department heads report to the City Manager.

*Implementation Guidance. This is necessary to protect staff from undue influence and pressure from individual officials and to allow staff to execute work in the priority set by management. Neither the City Manager nor department heads can function effectively if inconsistent direction is received from individual elected officials or if not given the support and independence necessary to administer their respective duties and assignments. If an elected official wishes to influence an administrative action, decision, recommendation, workload, work schedule, etc., it must be brought to the attention of the Mayor and City Council so the Mayor and Council can decide whether to address it as a matter of policy.*

[4] Officials shall not interfere with the implementation by City staff of approved projects and programs.

*Implementation Guidance. As detailed in Charter § C-603, the City Manager is responsible for the management of the City, including, but not limited to, City projects, grant programs, infrastructure upgrades, repairs and maintenance; and shall coordinate the work of all related consultants, engineers, contractors and agents thereof; and shall have the power to assign and delegate such duties to other staff as needed. City officials must avoid interfering with or directing the City Manager's method of carrying out the Council's decisions, even if the project or program was conceived and initiated by an individual member of the Council. Once a project or program receives City Council's approval, it is an official activity of the City, not of any individual member of the City Council. Officials do not have authority and should refrain from giving directions or instructions to City contractors or consultants working on City projects or programs or attempt to change the scope or any portion thereof without the concurrence of the City Manager.*

[5] Individual officials shall be respectful of the need for a managed, professional approach to managing special City events, initiatives and activities. No commitments of funds, resources, equipment or personnel shall be made without the concurrence of the City Manager.

*Implementation Guidance. It is not unusual for the Mayor and City Council to receive requests from citizens, vendors, personal contacts, etc., requesting assistance with certain administrative functions of the City. This is particularly true for the more visible functions, such as event management, marketing and promotion, etc. For example, event management is a staff-driven administrative function - syncing the event calendar with other City functions, allocating space, equipment and employees, preplanning and coordinating public safety, traffic and pedestrian access and financial management and documentation. Staff's approach to event management combines professional judgment with past experiences in order to create well-rounded, quality events for the community.*

[6] The Mayor and Council enjoy certain statutory protections when they act as a collective unit exercising proper legislative and executive authority. Individual action not only places increased risk and liability on the person taking such action but also creates potential liability for the City for such individual acts. Individual elected officials shall not act individually outside their authority as defined by the City Code and Charter.

*Implementation Guidance. Individual elected officials may feel that they are empowered by their election to individually represent the City in any manner in which they see fit, or to say whatever they want, or discuss any City business they want with whomever they want. Beyond this conduct being hereby declared unacceptable, it is also hereby interpreted to be "an individual and personal act occurring outside the scope of their official responsibilities and/or beyond their public official authority." The City's liability coverage is in place to protect elected and appointed persons who act within the scope of their official employment and authority, as spelled out in the City Charter, City Codes or formally sanctioned acts of City Council. This liability coverage does not provide coverage for the conduct or acts of an official that are deemed to be "individual and personal acts."*

(c) Improper use of information and resources. City resources shall be used solely for proper governmental purposes and only with proper authorization.

[1] There shall be only one City letterhead format and no "individual elected official" letterhead. City letterhead may only be used for official City business to express the position and interests of the City and not to express the personal position or opinion of an elected official.

*Implementation Guidance. City letterhead must be used with care to avoid misunderstandings. Letterhead must be used to communicate official City policy or actions and for the transaction of official City business.*

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

*Implementation Guidance. 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.

*Implementation Guidance. 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. This includes legal advice or opinions given to the City by its legal advisors. 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) Acts against the City. When representing the City, officials shall conduct themselves in a dignified manner and in accordance with all legal requirements.

[1] When representing the City on official business, officials shall not speak negatively of the City or of any City officials, employees, contractors or vendors; furthermore, said officials shall behave responsibly and in a manner as to project a positive image for the City.

*Implementation Guidance. Whenever an official is representing the City, in or out of the City, the official is "on duty" and should behave in a manner that will reflect well on the City. When out of the City 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] An official who unsuccessfully takes legal action against the City by way of a claim, suit, charge or petition shall reimburse all court costs, attorney and legal fees incurred by the City, if such legal action is unsuccessful and was not related to a claim of discrimination or other like charge.

*Implementation Guidance. Sometimes legal actions are an option when resolving disputes; however, such legal actions brought forth by an official are paid for by the taxpayers of the City of Taneytown. When such actions are not related to a civil liberty or recovery of damages on the part of the official, then the dispute is more than likely borne by failure to accept the democratic process or the procedures legally in place to govern the City. This does not preclude the official from mounting a legal challenge; but if the courts do not agree that some type of indiscretion or misconduct has taken place, then the taxpayers are entitled to reimbursement of their money.*

[3] Officials shall exercise best efforts to avoid the appearance of impropriety in the performance of their official duties.

*Implementation Guidance. 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. Officials must avoid situations which may not technically violate laws or other ethical provisions, so as to avoid the appearance of any impropriety.*

(e) Failure to attend/participate. Elected officials have a great deal of responsibility and are charged with keeping the City's best interest at heart and to act in a financially responsible manner. In order to fulfill this responsibility, elected officials are encouraged to participate in various meetings, trainings, seminars and conferences. Elected officials are free to establish their own levels of participation; however, elected officials are also reminded that some of these meetings, trainings, seminars and conferences require an advance payment of funds by the City to reserve and secure the official's participation in those events and, as such, they are expected to attend and participate in those events.

[1] An elected official that agrees to attend, requests to attend, or signs up to attend a meeting, training, seminar, conference or other such related events, but does not participate or attend such event or function, shall be required to reimburse the City for any or all portions of any cost paid for by the City and not recoverable by way of refund or credit issued to the City, unless extenuating circumstances exist and reimbursement is waived by a majority vote of the City Council.

(f) Failure to follow Code/Employee Manual.

[1] Elected officials must adhere to all of the requirements contained in the Taneytown City Code, which include but are not limited to the Taneytown Ethics Ordinance, the Campaign Finance Ordinance, and similar provisions. Any violation of these provisions serves to undermine the public trust in elected office and shall be considered additional violations to this Code of Conduct and subject to enforcement and penalties herein.

[2] Section 8, Section 9, Section 10, and Section 11.1 of the Taneytown Employee Manual shall be applicable to City elected officials. Violations of these provisions shall be considered violations of this Code of Conduct and subject to enforcement and penalties herein.

[3] Enforcement.

[a] As these are rules and polices governing the Mayor and Council, only the Mayor and Council members may make a complaint for alleged violations. A written statement alleging a violation of this Code of Conduct by an elected official shall be submitted as a resolution

to the Mayor and City Council, citing the person involved and the events surrounding the matter. This resolution shall be placed on the Council's agenda for discussion in the same manner as other resolutions. After discussion and an opportunity for the elected official who is the subject of the complaint to address the matter at the meeting where the resolution is discussed, the City Council shall make a finding in the matter. If it is found that a violation has occurred, the City Council shall, by motion, impose any penalty deemed applicable. These actions shall be made by a super-majority vote of the remaining members who are not the subject of the complaint. These actions are not subject to a veto by the Mayor, but the Mayor may vote in case of a tie.

[b] Penalties which may be imposed by the City Council shall be a fine between $50 and $500; a written reprimand; written censure; or other penalties permitted by the Charter and City Code; or a combination thereof.

# Chapter 11

# DEPARTMENTS

**GENERAL REFERENCES**

**Officers and employees — See Ch. 34.** **Personnel — See Ch. 39.**

ARTICLE I

# General Provisions

**[Adopted 1-14-1980 by Ord. No. 5-79 as Title 2, Chapter 2, Article D of the 1980 Code; amended it its entirety 9-9-2013 by Ord. No. 4-2013]**

## § 11-1. Designation.

The departments of the City shall include the following:

A. Administration:

(1) General.

(2) Finance.

(3) Economic Development.

B. Public Works:

(1) Water.

(2) Sewer.

(3) Streets.

C. Police.

D. Planning and Zoning.

E. Parks and Recreation:

(1) Parks.

(2) Recreation.

F. Code Enforcement.

## § 11-2. Powers and duties.

The departments of the City shall perform such duties and functions as required by the City Manager.

## § 11-3. Department heads; organizational chart.

A. There may be appointed by the Mayor, with the approval of the Council, department heads, including a Chief of Police, Public Works Director, Director of Planning and Zoning, Director of Parks and Recreation, Director of Economic Development, Code Enforcement Officer, City Clerk, and Treasurer. One individual may serve as head of more than one department if the City Manager shall so organize and direct. Only the City Manager, Mayor and department head may give direct orders to City employees.

B. There shall be an organizational chart approved by resolution of the City Council outlining the organization of City government.

ARTICLE II
**Police Department**
**[Adopted 1-14-1980 by Ord. No. 5-79 as Title 3, Ch. 1, Art. A of the 1980 Code]**

### § 11-4. Police Chief. [Amended 11-10-1980 by Ord. No. 8-80]

Subject to the general supervision of the City Manager, the Police Department shall be under the direction and control of the Police Chief. The Police Chief's compensation shall be determined by the Council. The Police Chief shall serve at the pleasure of the Mayor and Council and may be removed by vote of the Council. The action of the City Council in removing the Police Chief shall be final.

### § 11-5. Composition and organization.

The Department shall consist of such officers and employees of such ranks and positions and shall be organized as approved by the Council.

### § 11-6. Powers and duties.

The Department shall be responsible for patrol, traffic control, investigation of accidents, investigation of crimes, apprehension of offenders, court appearances, security of business establishments and for such other matters of public safety and law enforcement as directed by the City Manager and required by the Council.

### § 11-7. Police manual. [Amended 9-8-1980 by Ord. No. 7-80]

The Mayor and City Council may from time to time, by resolution, adopt a police manual for the purpose of regulating the conduct of members of the Police Department and the administration of police affairs and may from time to time amend, modify or repeal the same by resolution.

ARTICLE III
**Fire Department**
**[Adopted 1-14-1980 by Ord. No. 5-79 as Title 3, Ch. 2, Art. A of the 1980 Code]**

### § 11-8. Department recognized.

The Taneytown Volunteer Fire Department is hereby recognized as the fire protection unit of the City for the prevention and suppression of fire.

### § 11-9. Powers and duties of Chief. [Amended 8-9-1999 by Ord. No. 8-99; 12-13-1999 by Ord. No. 9-99]

The Chief of the Fire Department shall have general control of the Department and the personnel, apparatus and fire alarm system and fire sites of the City.[6]

### § 11-10. Conduct at fires.

No person shall be in any street, alley or square near where a fire is in progress in such a way as to interfere with the activities of the Fire Department.

### § 11-11. Interference with fire fighters or fire apparatus.

No person shall interfere with a fire fighter in the discharge of his or her duty, nor shall any person, other than a member of the Fire Department, loiter about any fire station or change, handle or meddle in any manner with any fire engine or other fire apparatus.

### § 11-12. Riding on fire apparatus.

No person, other than a bona fide member of the Fire Department, shall mount any fire engine, wagon or apparatus while on its way to or from a fire, or at any other time, unless by permission of the driver or officer in command of that engine or other fire apparatus.

### § 11-13. False alarms; removing fire equipment.

It shall be unlawful for any person to knowingly give a false alarm or remove any fire apparatus or equipment belonging to the City or the Fire Department of the city from its proper place except in the case of fire or other public necessity.

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**6. Editor's Note: The following original sections, which immediately followed this section, were deleted 8-9-1999 by Ord. No. 8-99 and 12-13-1999 by Ord. No. 9-99: Sec. 3-2-3, Duty of chief in case of fire; Sec. 3-2-4, Chief to investigate cause of every fire; Sec. 3-2-5, Inspection to be made upon complaint; Sec. 3-2-6, Chief to order fire hazards remedied; Sec. 3-2-7, Failure to comply with order unlawful; and Sec. 3-2-8, Right to enter a building or premises.**

# Chapter 16

# ETHICS

## § 16-1. Applicability.

The provisions of this chapter shall apply to all officials, employees and appointees to boards, commissions and committees of the City unless otherwise specified.

## § 16-2. Ethics Commission.

A. Membership; terms. There shall be a City Ethics Commission, which shall be composed of five members appointed by the Mayor with the consent of the Council. The Ethics Commissioners shall be registered voters of the City and shall not hold any other office in the City government during their term of office. The term of office for each Commissioner appointed shall be three years.

B. Chairperson. The Commission shall elect a Chairperson from among its members. The term of the Chairperson shall be for one year. The Chairperson shall be eligible for re-election.

C. Counsel. The Commission shall be advised by the City Attorney and the City Clerk.

D. Responsibilities and authority. The Commission shall have the following responsibilities and authority:

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

(2) To provide published advisory opinions to persons subject to this chapter as to the applicability of the provisions of this chapter to them;

(3) To process and make determinations as to complaints filed by any person alleging violations of this chapter;

(4) To conduct a public information program regarding the purposes and application of this chapter;

(5) To grant exemptions and modifications to the conflict of interest and financial disclosure provisions set forth in §§ 16-3 and 16-4 as authorized by § 16-6;

(6) To investigate any incident occurring after the effective date of this chapter within two years prior to the time such incident is called to the Commission's attention where there is reasonable grounds to believe there may be a violation of this chapter;

(7) To conduct hearings, issue summonses and subpoenas, and administer oaths and affirmations. Summonses and subpoenas may be served by certified mail, by private process server or by anyone

who could lawfully serve said subpoenas and summonses in a judicial proceeding of a civil nature. Summonses and subpoenas shall be enforced, by legal action in a court of competent jurisdiction, to compel the attendance of parties and witnesses and to require the production by them of books, papers, documents and other materials relevant to any case under consideration;

(8) To adopt regulations and establish procedures to implement this chapter;

(9) To conduct investigations relative to violations of this chapter;

(10) To develop appropriate forms and instructions for the making of financial disclosure and other functions of the Commission and to cause same to be timely distributed to those persons required to file same;

(11) To initiate complaints and/or investigations on its own motion where it has reason to believe the provisions of this chapter have been violated;

(12) To certify to the State Ethics Commission on or before October 1 of each year that the City is in compliance with the requirements of the State Government Article, Title 15, Subtitle 8, of the Annotated Code of Maryland;

(13) To determine if changes to this chapter are required to be in compliance with the requirements of the State Government Article, Title 15, Subtitle 8, of the Annotated Code of Maryland, and forward any recommended changes and amendments to the Mayor and City Council;

(14) To adopt any other policies and procedures to assist in the Commission in the performance of its duties.

### § 16-3. Conflicts of interest.

A. All City elected officials, officials appointed to City boards and commissions, employees and committees are subject to this section.

B. Participation prohibitions.

(1) Except as permitted by Commission regulation or opinion, individuals subject to this section may not participate in:

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

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

[1] A business entity in which the individual has a direct financial interest of which the individual may reasonably be expected to know.

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

[3] A business entity with which the individual or a qualified relative is negotiating employment or has any arrangement concerning prospective employment.

[4] A business entity that is a party to an existing contract with the individual or qualified relative which could reasonably be expected to result in a conflict between the private interests of the individual and the official duties of the individual.

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

[6] A business entity that the individual knows is a creditor or obligee of the individual or a qualified relative of the individual with respect to a thing of economic value and, as a creditor or obligee, is in a position to directly and substantially affect the interest of the individual or qualified relative of the individual.

(2) In this subsection, the term "qualified relative" means a spouse, parent, child, stepchild or sibling.

(3) In this subsection, the term "business entity" means any for-profit or not-for-profit enterprise, including a corporation, general or limited partnership, sole proprietorship, joint venture, association, firm, institute, trust, or foundation. It shall also include entities such as independent fire departments, rescue squads, homeowners associations, condominium associations, religious and civic organizations.

(4) An individual who is disqualified from participating under Subsection B(1)(a) or (b) shall disclose the nature and circumstances of the conflict and may participate or act if:

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

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

(c) The disqualified individual is the only person authorized to act.

(5) The prohibitions of Subsection B(1)(a) and (b) do not apply if participation is allowed by regulation or opinion of the Commission.

C. Employment and financial interest restrictions.

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

(a) Be employed by or have a financial interest in an entity subject to the authority of the individual or the City agency, board or commission with which the individual is affiliated or that is negotiating or has entered a contract with the agency, board or commission with which the individual is affiliated.

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

(2) This prohibition does not apply to:

(a) An individual who is appointed to a regulatory or licensing authority pursuant to a statutory requirement that persons subject to the City's authority be represented in appointments to said authority.

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

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

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

D. Post-employment limitations and restrictions.

(1) A former elected official, appointee to a board or commission 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,

appointee or employee significantly participated as an official, appointee or employee.

(2) For a period of one year following the termination of service to the City, a former Mayor or member of the City Council may not assist or represent another party for compensation in a matter that is the subject of legislative or regulatory action by the City.

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

F. Use of prestige of office.

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

(2) The subsection does not prohibit the performance of usual and customary constituent services by an elected official without additional compensation.

G. Solicitation and acceptance of gifts.

(1) An individual may not solicit any gift.

(2) An individual may not directly solicit or facilitate the solicitation of a gift on behalf of another person from an individual that is a regulated lobbyist.

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

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

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

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

(d) Is a registered lobbyist with the City.

(4) Notwithstanding Subsection G(3), the individual 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 individual at a meeting which is given in return for the participation of the individual in a panel or speaking engagement at the meeting.

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

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

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

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

(5) Subsection G(4) does not apply to gifts:

(a) That would tend to impair the impartiality and the independence of judgment of the individual receiving the gift.

(b) Of significant value that would give the appearance of impairing the impartiality and independence of judgment of the individual.

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

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

I. All individuals subject to this chapter shall not use any City facilities, vehicles, equipment, materials, or personnel for private purposes or profit, or facilitate or permit such use by others, unless the use of such facilities, property, vehicles, equipment, materials or personnel is:

(1) Generally available to the public; or

(2) Authorized by a City law or regulation; or

(3) Use of City telephones for reasonably necessary personal local calls, or for long distance calls in emergencies, with permission of the City Manager or his designee and reimbursement to the City.

J. All individuals subject to this section shall not solicit business from any individual or organization having a decision before a City board or commission.

K. All individuals subject to this section shall not make representations to other governmental organizations that are portrayed as the position of the City government unless such positions have been approved in advance by a majority vote of the board or commission or unless such representations are a legitimate exercise of specific authorities identified in the Code of the City of Taneytown. Nothing herein shall be construed as a limitation of the right of officials and employees to attend, participate in and speak at public and/or private forums of their choice in the individual's private capacity.

L. An individual shall disclose employment and interests that raise conflicts of interest or potential conflicts of interest in connection with a specific proposed action by the individual or City sufficiently in advance of the action to provide adequate disclosure to the public and Commission.

M. All individuals subject to this section shall not cause or advocate a member of their family to be hired, employed, promoted, transferred or advanced to any position in the City of Taneytown. No City official or employee shall participate in an action relating to the discipline of a member of the City official's or City employee's family.

N. Participation in procurement.

(1) An individual or a person that employs an individual who assists the City in the drafting of 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 Commission may establish exemptions from the requirements of this section for providing descriptive literature, sole-source procurements, and written comments solicited by the City.

## § 16-4. Financial disclosure.

A. This section applies to all local elected officials, candidates for local elected office, and the following appointed officials and employees: **[Amended 3-11-2013 by Ord. No. 1-2013]**

(1) The City Manager.

(2) All members of the Taneytown Planning Commission.

(3) All members of the Taneytown Board of Zoning Appeals.

(4) The City Clerk/Treasurer.

(5) All City department heads.

(6) The City Economic Development Director.

(7) The City Zoning Administrator.

(8) The City Code Enforcement Officer.

B. All individuals subject to this section shall file a financial disclosure statement required by this section with the Commission, on the form provided by the Commission, under oath or affirmation.

C. Deadlines for filing statements.

(1) An incumbent local elected official, appointed officials and employees subject to this section shall file a financial disclosure statement annually, no later than January 31 of each year, for the activity of the preceding calendar year.

(2) An individual who is appointed to fill a vacancy in a position subject to this section shall file a financial disclosure statement for the activity of the preceding calendar year within 30 days after appointment.

(3) An individual who, other than by reason of death, leaves an office for which a statement is required shall file a statement within 60 days after leaving office covering the year immediately preceding the year in which the individual left office, unless such a statement has already been filed, and the portion of the current calendar year during which the individual held office.

D. Candidates for local elected office. Candidates for local elected office shall file a financial disclosure statement at the time that they file their certificate of candidacy and each year thereafter through the year of the election, pursuant to the deadlines established in this section, or they are deemed to have withdrawn their candidacy. The Board of Elections may not accept any certificate of candidacy unless a financial disclosure statement has been filed in proper form.

E. Public records.

(1) The 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 the fees established by the City.

(3) If an individual examines or copies a financial disclosure statement, the Commission shall record the name and address of the

individual reviewing or copying the statement and the name of the person whose financial disclosure statement was examined or copied.

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

(5) The Commission shall retain financial disclosure statements for four years from the date of receipt, after which time the statements shall be destroyed.

F. 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, both domestic and international.

(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 acquired, the manner in which the interest was acquired, and the identity of the person from whom the interest was acquired.

[4] The nature and amount of 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.

[6] The identity of any other person with an interest in the property.

(2) Interests in corporations and partnerships.

(a) A statement filed under this section shall include a schedule of all interests in any corporation, partnership, limited liability partnership or limited liability corporation, regardless of whether the entity does business with the City.

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

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

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

[3] If any interest was transferred, in whole or in part, at any time during the reporting period, 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.

[4] The date the interest was acquired, the manner in which it was acquired and the identity of the person from whom the interest was acquired and the nature and amount of 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 this section by reporting, instead of a dollar amount, the number of shares held or 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 interest reported under Subsection F(2).

(b) For each interest reported under this section, 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] 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, if known, the identity of the person to whom the interest was transferred.

[4] The date the interest was acquired, the manner in which it was acquired and the identity of the person from whom the interest was acquired and the nature and amount of 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.

[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 section, 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.

[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 by the individual or by a member of the individual's immediate family if the individual was involved in the transaction giving rise to the liability.

(b) For each liability reported under this section, 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.

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

(7) Family members employed by City. The statement filed under this section shall include a schedule of 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 City does not regulate, exercise authority over or contract with the place of employment or business entity of the minor child.

(9) Civic organizations and similar entities. A statement filed under this section shall include a schedule of the names and addresses of all entities, whether for-profit or not-for-profit, which are located in the City, subject to regulation by the City or doing business with the City, of which the individual or a member of the individual's immediate family was an officer or director, or with which organization such person holds a fiduciary relationship. By way of example and not of limitation, this shall include independent fire departments, rescue squads, homeowners' associations, condominium associations and religious and service organizations.

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

G. For purposes of this section, the following interests are considered to be the interests of the individual making the financial disclosure 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 an interest of 15% or greater 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, the individual held a reversionary interest or was a beneficiary or, if the trust was revocable, was a settlor.

H. Individuals subject to the provisions of this section shall file supplemental financial disclosure statements with the Commission disclosing any interest or employment acquired after the end of the previous calendar year and before the due date of the next annual financial disclosure statement for the current year, where such an interest or employment may require disqualification under § 16-3.

I. 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.

**§ 16-5. Lobbying disclosure.**

A. Any person who personally appears before any City official or employee with the intent to influence that person in performance of his official duties and who, in connection with such intent, expends or reasonably expects to expend in a given calendar year in excess of $500 on food, entertainment or other gifts for such officials, shall be known as a registered lobbyist and shall file a registration statement for that calendar year with the Commission not later than January 15 of the calendar year or within five days after first making these appearances.

B. The registration statement shall include complete identification of the registrant and of any other person on whose behalf the registrant acts. It shall also identify the subject matter on which the registrant proposes to make these appearances. This registration statement shall be valid for a one calendar year period, and must be refiled each year as necessary.

C. Registrants under this section shall file a report within 30 days after the end of any calendar year during which they were registered, disclosing the value, date, and nature of any food, entertainment or other gift provided to a City official or employee during the preceding calendar year. When a gift or series of gifts to a single official or employee exceeds $50 in value, the official or employee shall also be identified.

D. The registrations and reports filed pursuant to this section shall be maintained by the Commission as public records available for public inspection and copying.

**§ 16-6. Exemptions and modifications.**

A. The Commission may grant exemptions and modifications to the provisions of §§ 16-3 and 16-4 of this chapter to employees and appointed members of boards, commissions and committees if it determines that application of those provisions would:

(1) Constitute an unreasonable invasion of privacy;

(2) Significantly reduce the availability of qualified persons for public service; and

(3) Not be required to preserve the purpose of this chapter.

**§ 16-7. Complaints; investigations; hearings; decisions.**

A. Complaints.

(1) Any person may file a confidential complaint with the Ethics Commission. A complaint shall be made under oath, in writing, and be signed by the complainant; however, this does not preclude the Ethics Commission from investigating unsigned or anonymous complaints in its discretion. It shall allege reasonable grounds to believe that a violation of this chapter may have occurred within two years prior to the filing of the complaint.

(2) If the complaint fails to allege facts sufficient to state a violation of this chapter, the Ethics Commission may dismiss the complaint. The Ethics Commission must provide the complainant with an explanation of its decision to dismiss the complaint and shall inform the subject of the complaint that the complaint was filed and dismissed but shall not disclose the identity of the complainant.

B. Investigations.

(1) The Ethics Commission shall investigate a complaint that meets the requirements of Subsection A(1) of this section. The Ethics Commission may investigate any circumstances that come to its attention, from any source, which may involve a violation of this chapter. An investigation may include all reasonable sources of relevant information, including the subject of the complaint. In conducting its investigation, the Ethics Commission shall utilize its own membership and/or City staff and private investigators as may be authorized by the Ethics Commission. The Ethics Commission's investigation and deliberations, including the name of the complainant, the subject of the complaint, and any witness, shall be confidential except as further provided in this section. All persons involved in the investigation of any complaint shall be bound by the confidentiality provisions of this section.

(2) The Ethics Commission shall prepare a written summary of the results of its investigation. It shall provide the subject of the complaint with a copy of its investigation summary but shall not include the identity of the complainant or any witness. If the Ethics

Commission finds insufficient evidence to conclude, by a preponderance of the evidence, that a violation has occurred, it shall dismiss the complaint. If the Ethics Commission finds sufficient facts to conclude that a violation has occurred, it shall advise the subject of the complaint that he/she has a right to request, within 30 days, a hearing before the Ethics Commission.

C. Hearings. If a hearing is requested, the following procedures shall apply:

(1) The subject of the complaint shall be provided with a copy of the Ethics Commission's investigation summary which identifies the complainant and all sources of information on which the Ethics Commission relies.

(2) The Ethics Commission may rely on the facts stated in the investigation summary or may call witnesses and present other evidence at the hearing.

(3) The subject of the complaint may request that subpoenas be issued by the Ethics Commission pursuant to § 16-2D of this code. The Ethics Commission shall issue subpoenas for any reasonably relevant witnesses and evidence.

(4) The rules of evidence used in judicial hearings do not apply to hearings before the Ethics Commission. The Ethics Commission may admit and give appropriate weight to evidence, including hearsay, that possesses probative value commonly accepted by reasonable and prudent persons.

(5) A hearing is closed to the public. However, the Ethics Commission may, in its sole discretion, open the hearing to the public if the subject of the complaint so requests.

(6) The Ethics Commission must make written findings based on the record made at the hearing. If, after a hearing, the Ethics Commission finds that no violation of this chapter has occurred, the Ethics Commission must dismiss the complaint.

D. Decisions. If the Ethics Commission finds that a violation of this chapter has occurred and no hearing is requested within 30 days, the Ethics Commission may issue an appropriate order under this chapter based on the results of its investigation. Unless the Ethics Commission dismisses the complaint without holding a hearing, the order and investigation summary, except for the identity of the complainant and the witnesses, shall be public information.

## § 16-8. Enforcement.

A. To enforce compliance with the provisions of this chapter the 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 this chapter.

(2) Access 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 this chapter.

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

B. Upon finding a violation of any provision of this chapter, the Commission may:

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

(2) Issue a reprimand.

(3) Recommend to the appropriate authority other appropriate discipline of the violator, including censure or removal if such is authorized by law, termination, suspension or other personnel action, including suspension of salary or other compensation.

(4) If the violation is to § 16-5 of this chapter, the Commission may:

(a) Require the violator who is a registered lobbyist to file any additional reports or information that is reasonably related to the information that is required under § 16-5.

(b) Impose a fine not exceeding $5,000 for each violation.

(c) Suspend the registration of the individual registered lobbyist if the Commission finds that the lobbyist has knowingly and willfully violated § 16-5 of this chapter or has been convicted of a criminal offense arising from lobbying activities.

C. Upon the request of the Commission, the City may file a petition for injunctive or other relief in any court having proper venue for the purpose of requiring compliance with the provisions of this chapter.

D. A finding of a violation of this chapter by the Commission shall be considered public information under the terms of the applicable state statute.

### § 16-9. Appeals and reconsideration.

A final decision of the Commission on a complaint or request for a waiver may be appealed to the circuit court under the applicable Maryland Rules of Procedure governing administrative appeals. An appeal does not stay the effect of the Commission's decision unless the court hearing the appeal orders a stay.

### § 16-10. Removal of ethics commission member.

A member of the Commission may be removed by the majority vote of the City Council after a hearing for neglect of duties, misconduct in office, a disability that makes the member unable to discharge the powers and duties of office, or a violation of this chapter.

# Chapter 18

# CAMPAIGN FINANCE

**GENERAL REFERENCES**

**Ethics — See Ch. 16.**

**Elections — See Ch. 103.**

**Officers and employees — See Ch. 34.**

ARTICLE I
**Financial Contributions and Expenditures**
**[Adopted 4-11-2016 by Ord. No. 20-2016]**

## § 18-1. Reporting of contributions and expenditures — candidates.

Every candidate for election to any elective office provided for in the City Charter shall file with the City Ethics Commission written reports in accordance with this article of all cash and in-kind contributions received, or by any other person acting on the candidate's behalf and known to the candidate, for use in connection with the candidate's campaign for election, and any expenditures made, or known to have been made by any person other than the candidate on the candidate's behalf, in connection with such election. If actual costs for an expenditure are not available when a report is due, this must be documented on the report and an estimate must be provided. An in-kind contribution shall be considered anything of value, other than a gift of money, donated to any candidate or representative, or a representative of any political committee, to promote or assist any candidate or political committee.

## § 18-2. Time and manner of reporting — candidates.

A. The first report of a candidate in an election shall be filed with the City Ethics Commission on or before the last day to file for elected office.

B. The second report of such a candidate shall be filed with the City Ethics Commission 15 days before the election.

C. The third report of such a candidate shall be filed with the City Ethics Commission seven days before the election.

D. The next report of every candidate, whether elected or not, shall be filed on the last day of the month following the month in which the election was conducted.

E. Thereafter, every candidate shall annually file by December 31 a report of any contributions received or expenditures made by the candidate or any other person on the candidate's behalf from the day of filing of the last prior report and any balance remaining in the account. No report shall be required after all receipts and disbursements have been entirely accounted for and no balance shall remain in the account.

F. The first report filed by any candidate shall include any balance remaining at the expiration of the last reporting period from any prior election and any contributions received and any expenditures made since the date of his last prior report through the day immediately preceding the date of the filing of such first report. Each subsequent report by any candidate shall include all contributions received and expenditures made from the day of the filing of the last prior report through the day preceding the filing of the subsequent report.

G. The City Ethics Commission may extend the filing deadline of any report required by this section due to exigent circumstances.

H. Every such report shall be available for inspection by any person at the City offices during regular business hours.

I. If the last day of the month on which any report is due shall fall on a Saturday, Sunday or a legal holiday, then such report shall be required to be filed on the next following day when City offices are open for regular business.

J. Any candidate who shall fail to timely file a report required by this section shall be subject to a fine of $100.

### § 18-3. Reporting of contributions and expenditures — political committees.

Any political committee making independent expenditures in excess of $250 in cash or in-kind contributions to assist in the promotion of the success or defeat of any candidate or slate of candidates for City elective office shall file with the City Ethics Commission reports in accordance with this article of all monetary and in-kind contributions received and expenditures made. If actual costs for an expenditure are not available when a report is due, this must be documented on the report and an estimate must be provided. An in-kind contribution shall be considered anything of value, other than a gift of money, donated to any candidate or representative, or a representative of any political committee, to promote or assist any candidate or political committee. Expenditures by a political committee may not be coordinated with any candidate or group of candidates.

### § 18-4. Time and manner of reporting — political committees.

A. The first report of a political committee shall be due within three days of collecting or expending the first $250 or more to assist in the promotion of the success or defeat of any candidate or slate of candidates for City elective office.

B. The second report of such political committee shall be filed with the City Ethics Commission 29 days before the election.

C. The third report of such political committee shall be filed with the City Ethics Commission 15 days before the election.

D. The fourth report of such political committee shall be filed with the City Ethics Commission seven days before the election.

E. The next report of such political committee shall be filed on the last day of the month following the month in which the election was conducted.

F. Thereafter, every such political committee shall annually file by December 31 a report of any contributions received or expenditures made to assist in the promotion of the success or defeat of any

candidate or slate of candidates for City elective office. No report shall be required after all receipts and disbursements have been entirely accounted for and no balance shall remain in the account.

G. The first report filed by any such political committee shall include any balance remaining at the expiration of the last reporting period from any prior election and any contributions received and any expenditures made to assist in the promotion of the success or defeat of any candidate or slate of candidates for City elective office since the date of this last prior report through the day immediately preceding the date of the filing of such first report. Each subsequent report by any political committee shall include all contributions received and expenditures made from the day of the filing of the last prior report through the day preceding the filing of the subsequent report.

H. Every such report shall be available for inspection by any person at the City offices during regular business hours.

I. If the last day of the month on which any report is due shall fall on a Saturday, Sunday or a legal holiday, then such report shall be required to be filed on the next following day when City offices are open for regular business.

### § 18-5. Reporting of individual expenditures.

Any individual that expends a cumulative total of $250 or more in cash or in-kind contributions to assist in the promotion of the success or defeat for any candidate or slate of candidates for City office shall file reports of such expenditures with the City Ethics Commission in accordance with this article. If actual costs for an expenditure are not available when a report is due, this must be documented on the report and an estimate must be provided.

### § 18-6. Time and manner of reporting — individuals.

A. The first report of an individual shall be due within three days of collecting or expending the first $250 or more to assist in the promotion of the success or defeat of any candidate or slate of candidates for City elective office.

B. The second report of such individual shall be filed with the City Ethics Commission 29 days before the election.

C. The third report of such individual shall be filed with the City Ethics Commission 15 days before the election.

D. The fourth report of such individual shall be filed with the City Ethics Commission seven days before the election.

E. The final report of such individual shall be filed on the last day of the month following the month in which the election was conducted.

F. Each report shall include each expenditure made since filing the previous report through the day immediately preceding the date of the report.

G. Every such report shall be available for inspection by any person at the City offices during regular business hours.

H. If the last day of the month on which any report is due shall fall on a Saturday, Sunday or a legal holiday, then such report shall be required to be filed on the next following day when City offices are open for regular business.

### § 18-7. Failure to file report.

A. Any candidate who shall fail to file the first report required by this article on or before the last day to file for elected office or who shall fail to file any report required by this article within two business days of its due date shall not be eligible for election, and his or her name shall not appear on the ballot for such election.

B. Any candidate elected to the office to which he or she seeks, who shall fail to file any report required by this article to be filed before an election or fails to pay any fine imposed under this article, shall not be administered the oath of office and permitted to serve until such report has been filed and the fine has been satisfied.

### § 18-8. Custody of reports.

All reports required by this article shall be retained by the City and maintained by the City Ethics Commission in a separate filing system as provided by the City for not less than seven years after the election to which they pertain. The Taneytown Ethics Commission shall make all forms filed available for public inspection and create summaries thereof for publication by the City.

### § 18-9. Restrictions on campaign contributions.

A. No candidate may accept, in connection with any election, a contribution in cash in excess of $500 or an in-kind contribution, or combination thereof, the value of which is in excess of $500 from any one person. No person may contribute or promise to contribute, in the aggregate, more than $500 in cash, or in-kind contributions valued at more than $500, to any one candidate in connection with any one election. No person may contribute or promise to contribute, in the aggregate, more than $500 in cash, or in-kind contributions, or combination thereof, valued at more than $500 per candidate, to any one political committee. No person may contribute more than a total of $1,500 in connection with any one election. No candidate shall accept any contribution in excess of $25 in cash unless it be by check, money order or other written or electronic instruments. No candidate or political committee shall accept any anonymous contributions. Any

anonymous contribution received by a candidate or a political committee shall be promptly paid over to the City to be used for any lawful purpose.

B. The contributions of a candidate to the candidate's own campaign are not subject to the limitations of this section, and said monetary contributions need not pass through a campaign account, provided that such self-funded contributions do not exceed $500 and/or no other contributions are received by said candidate. Said contributions shall be reported as required in other provisions of this article.

C. Any campaign contributions received by a candidate or political committee must be deposited in a separate account with a financial institution. Campaign contributions must not be commingled with any other funds.

D. No campaign contributions shall be received within seven days of the election.

E. The limits on contributions contained in this article are based on a calendar year.

### § 18-10. Loans to candidates.

A. A loan to a candidate is considered a contribution in the amount of the outstanding principal balance of the loan unless:

(1) The loan is from a financial institution or other entity in the business of making loans; or

(2) The loan is to a candidate and:

(a) Repayment of the loan is personally guaranteed by the candidate; and

(b) Repayment of the loan is required within one year from the date of the loan.

B. A loan by a candidate or the candidate's spouse to a candidate is exempt from the requirements of Subsection A of this section.

C. The total amount of all loans to a candidate for one election cycle shall not exceed $10,000.

### § 18-11. Prohibition on use of campaign contributions.

No candidate or political committee may pay a fine issued for violations of this article with campaign contributions.

### § 18-12. Definition of election.

For the purposes of this article, a run-off election, if required, shall not be deemed as an election separate and apart from the general election which it follows.

### § 18-13. Authority lines.

Campaign material includes, but is not limited to, signs, buttons, letters, tickets, solicitations, sample ballots, mailings, radio and television advertisements, websites, electronic media advertisement, social networking sites, bumper stickers, handouts and paraphernalia. Each item of campaign material must include an authority line, set apart from the other printing or content of the campaign material. The authority line must state the name and address (unless the address is on file with the Ethics Commission) of the person who is responsible for the production and distribution of the campaign material.

### § 18-14. Robocalls.

A. All artificial or prerecorded telephone message must include:

(1) At the beginning of the message, the identity of the business, individual or other entity initiating the call; and

(2) During or after the message, the telephone number or address of the business, individual or other entity initiating the call.

B. No robocalls shall be made after 8:00 p.m.

### § 18-15. Restrictions.

No person other than a candidate, treasurer or other agent of such candidate, or political committee, shall make an expenditure to aid or promote the success or defeat of a candidate. No person may avoid the limitations on permitted campaign contributions by making an expenditure to aid or promote the success or defeat of a candidate. However, any individual may pay for the cost of publishing his or her own personal views as to a candidate. A person shall be identified if campaign materials are prepared or authorized by a candidate, treasurer of the candidate, political committee or done in coordination with a candidate, a candidate's treasurer or political committee.

### § 18-16. Contributors.

Any corporation, business, other legal entity or a natural person shall have the right to make any contribution to or expenditure on behalf of a candidate, and any candidate may accept a contribution from the above-named sources in accordance with the provisions of the City Code.

### § 18-17. Disposition of surplus funds.

After an election, a candidate or political committee may retain surplus funds, or surplus funds may be disposed of as follows:

A. Returned, pro rata, to the contributors by the treasurer; or

B. Paid to a charitable organization registered pursuant to Article 41, § 103B, of the Annotated Code of Maryland, as amended, or to a charitable organization exempt from such registration pursuant to Article 41, § 103, of the Annotated Code of Maryland, as amended;[7] or

C. Paid to a local board of education or to a recognized nonprofit organization providing services or funds for the benefit of pupils or teachers; or

D. Paid to any public or private institution of higher education in the state for scholarship or loan purposes.

### § 18-18. Forms.

The Taneytown Ethics Commission shall be responsible for promulgating the forms necessary to carry out the intent of this article. A form shall be provided for candidates that solely self-fund their campaign and expend less than $500, which shall contain an affidavit to such information and will be filed at the times required by this article. Further these candidates shall be required to file an expenditure report, on a form to be provided, at the same time of the last filing before the election, as required by this article, detailing the expenditures made and that they are less than the $500.

### § 18-19. Violations; injunctive relief.

A. Any person who willfully violates the provisions of this article shall be guilty of a misdemeanor. Any officer or employee of the City government who is convicted of a misdemeanor under the provisions of this article shall immediately upon a guilty finding cease to hold such office or employment.

B. In addition thereto, the City may institute injunctive, mandamus or any other appropriate action or proceedings at law or equity for enforcement of this article or to correct violations of this article, and any court of competent jurisdiction shall have the right to issue a restraining order, temporary or permanent injunctions or mandamus or other appropriate form of remedy or relief.

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**7. Editor's Note: See now Title 6 of the Business Regulation Article of the Annotated Code of Maryland.**

# Chapter 34

# OFFICERS AND EMPLOYEES

**GENERAL REFERENCES**

**Departments — See Ch. 11.**

**Ethics — See Ch. 16.**

**Personnel — See Ch. 39.**

**Planning Commission — See Ch. 42.**

## § 34-1. Manager.

For provisions on the appointment and duties of the City Manager, see Charter §§ C-601, C-602 and C-603.

## § 34-2. Clerk. [Amended 9-9-2013 by Ord. No. 5-2013]

For provisions on the appointment and duties of the City Clerk, see the Charter of the City of Taneytown.

## § 34-3. Attorney.

A. Appointment; qualifications. The Mayor, with the approval of the Council, shall appoint a City Attorney. The City Attorney shall be a member of the bar of the Maryland Court of Appeals.

B. Compensation. The City Attorney shall have such compensation as shall be approved by Council through an annual hourly fee schedule.

C. Powers and duties.

(1) The City Attorney shall be the legal adviser of the city and shall perform such duties in this connection as may be required by the Council or the Mayor. When required by the Mayor or City Manager, the City Attorney shall furnish written or verbal opinions upon any legal affairs of the city.

(2) It shall be the duty of the City Attorney to review and approve for legal sufficiency all bonds, deeds, obligations, contracts, leases and ordinances.

D. Attending meetings.

(1) It shall be the duty of the City Attorney to attend all regular Council meetings unless excused by the Mayor or presiding officer.

(2) The City Attorney shall attend all special meetings of the Council and regular or special meetings of the Planning Commission, Board of Appeals and Economic Development Commission, when notified to do so by the Mayor or City Manager.

E. Legal consultants. The city shall have the power to employ such legal consultants as it deems necessary from time to time.

### § 34-4. Auditor.

A. Appointment; qualifications. The City of Taneytown shall solicit the services of a qualified firm of certified public accountants to audit the financial statements of the city through competitive bid process. The firm and all assigned key professional staff are to be properly licensed to practice in Maryland.

B. Compensation. The City Auditor may receive such compensation as approved by the Council for the city's annual audit and as outlined by specific agreement. The City Auditor shall also have such compensation as shall be approved by Council through an annual hourly fee schedule for work performed outside the annual audit.

C. Auditing standards. The audit shall be performed in accordance with generally accepted auditing standards as set forth by the American Institute of Certified Public Accountants, Government Auditing Standards, issued by the Comptroller General of the United States, and the provisions of OMB Circular A-128, Audits of State and Local Governments, as applicable.

### § 34-5. Engineer.

A. Appointment; qualifications. The Mayor, with the approval of the Council, shall appoint a City Engineer(s). The City Engineer shall be a certified member of the Maryland Engineers Licensing Board.

B. Compensation. The City Engineer shall have such compensation as shall be approved by Council through an annual hourly fee schedule. The City Engineer may also receive such compensation as approved by the Council on a project-by-project basis and as outlined by specific agreement.

C. Powers and duties. The City Engineer shall be the technical advisor of the city for infrastructure projects, maintenance, development and planning and shall perform such duties in this connection as may be required by the Mayor, Council or City Manager.

D. Engineering consultants. The city shall have the power to employ such engineering and other professional consultants as it deems necessary from time to time.

### § 34-6. Treasurer. [Added 9-9-2013 by Ord. No. 5-2013]

For provisions on the appointment and duties of the Treasurer, see the Charter of the City of Taneytown.

## Chapter 39

## PERSONNEL

**GENERAL REFERENCES**

**Departments — See Ch. 11.** **Officers and employees — See Ch. 34.**

**Ethics — See Ch. 16.**

### § 39-1. Personnel manual. [Amended 8-9-1999 by Ord. No. 8-99]

The city shall adopt a personnel manual by resolution and may modify, amend or repeal the same by resolution.

# Chapter 42

# PLANNING COMMISSION

**GENERAL REFERENCES**

**Subdivision of land — See Ch. 180.** **Zoning — See Ch. 205.**

### § 42-1. Creation; jurisdiction.

There is hereby created a Planning Commission of the City of Taneytown, hereinafter referred to as the "Commission." Its territorial jurisdiction shall extend throughout the corporate limits of the City of Taneytown.

### § 42-2. Membership; terms of office.

A. There shall be five members of the Commission, each to serve for a period of five-year staggered terms of office, on the same basis now in effect for appointment, and until his or her successor takes office, one of whom shall be a member of the Council.

B. All members shall be eligible for reappointment. **[Amended 8-9-1999 by Ord. No. 8-99; 12-13-1999 by Ord. No. 9-99]**

C. There shall be an alternate member of the Commission appointed pursuant to the terms of this chapter. This alternate member shall be empowered to sit on the Commission in the absence of any member of the Commission. The alternate member shall serve a period of five years and shall be treated in all other respects as a member of the Commission. **[Added 11-9-2009 by Ord. No. 09-2009]**

### § 42-3. Appointment.

The members of the Commission shall be appointed by the Mayor subject to approval by the Council.

### § 42-4. Vacancies.

Any permanent vacancy on the Commission for any reason shall be filled only for the unexpired portion of the term in question. Vacancy appointments, as with initial appointments, shall be made by the Mayor subject to approval by the Council.

### § 42-5. Compensation. [Amended 8-9-1999 by Ord. No. 8-99; 12-13-1999 by Ord. No. 9-99]

All members of the Commission shall receive such compensation as fixed from time to time by resolution of the Council.[8]

## Chapter 46

## PURCHASES AND CONTRACTS

### § 46-1. Purpose.

The purposes of this chapter are:

A. To provide for the fair and equitable treatment of all persons or firms involved in purchases by the city;

B. To assure that supplies, materials, equipment, construction of public improvements or contractual services are purchased efficiently, effectively and at the most favorable prices available to the city;

C. To promote competition in contracting; and

D. To provide safeguards for maintaining a purchasing system of quality and integrity.

### § 46-2. Applicability.

The provisions of this chapter shall apply to all contracts for the purchase of supplies, materials, equipment, construction of public improvements or contractual services made by the city after the effective date of this chapter (March 11, 1996).[9]

### § 46-3. Expenditures under $25,000. [Added 10-15-2013 by Ord. No. 6-2013[10]]

Expenditures, including petty cash, for supplies, materials, equipment, construction of public improvements or contractual services involving less

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8. **Editor's Note: Original Secs. 8-1-6, Officers, 8-1-7, Staff and finances, and 8-1-8, Powers, which immediately followed this section, were deleted 8-9-1999 by Ord. No. 8-99 and 12-13-1999 by Ord. No. 9-99.**

9. **Editor's Note: Original Sec. 2-3-13, Administration, which immediately followed this section, was deleted 8-9-1999 by Ord. No. 8-99 and 12-13-1999 by Ord. No. 9-99.**

10. **Editor's Note: This ordinance also superseded former § 46-3, Expenditures under $10,000, as amended.**

than $25,000 shall be made by the City Manager without the necessity for formal bids.[11]

### § 46-4. Sole-source purchases. [Amended 8-9-1999 by Ord. No. 8-99; 12-13-1999 by Ord. No. 9-99; 10-15-2013 by Ord. No. 6-2013]

A contract involving $25,000 or more may be awarded without competition when the City Manager determines, after a good faith review of available sources, that there is only one source for the required supplies, materials, equipment, construction of public improvements or contractual services. A written determination for the basis of the determination that there is only one source for the required supplies, materials, equipment, construction of public improvements or other contractual services shall be included in the file with respect to the purchase or shall be duly reported and noted in the minutes of the Mayor and Council. Sole-source procurement shall be approved by the Mayor and Council as provided in § 46-7.

### § 46-5. Professional services. [Amended 8-9-1999 by Ord. No. 8-99; 12-13-1999 by Ord. No. 9-99]

All contracts for professional services, such as accounting, architectural, auditing, engineering, land surveying, planning, legal and insurance services, in excess of $10,000 shall not be subject to the competitive bids provided in this chapter but shall be approved on an individual basis by the Mayor and Council.

### § 46-6. Emergency purchases.

Upon the request of the City Manager, the Mayor may authorize emergency purchases of all required supplies, materials, equipment, construction improvements or contractual services where there exists a threat to public health and safety or welfare. A written determination for the basis for the emergency and for the selection of a particular contractor shall be included in the file with respect to the purchase. The Mayor shall notify the Council promptly, in writing, of any emergency purchases. In the absence of the Mayor, the Mayor Pro Tem may exercise the authority contained herein.

### § 46-7. Procedure for sealed bids; written contracts. [Amended 8-9-1999 by Ord. No. 8-99; 12-13-1999 by Ord. No. 9-99; 10-15-2013 by Ord. No. 6-2013]

A. The City Manager shall advertise for sealed bids for all purchases in the amount of $25,000 or more for written contracts which shall be awarded to the bidder who offers the lowest or best bid, quality of goods and work, time of delivery or completion and responsibility of bidders being considered. The specifications for such sealed bids shall be prepared under the direction of the City Manager. All sealed bids

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**11. Editor's Note: Original Sec. 2-3-14(b), which immediately followed this section and dealt with expenditures of $7,500 or more, was deleted 8-9-1999 by Ord. No. 8-99 and 12-13-1999 by Ord. No. 9-99.**

shall be directed to the City Manager. A formal bid opening process will be conducted by the Mayor and the Treasurer. Upon the opening of bids, the Treasurer shall promptly submit them for review and written recommendation as directed by the Mayor. The recommendation and bid shall then be submitted to the City Clerk for placement upon the agenda of the Mayor and Council. The Mayor and Council may accept or reject any and all bids and may waive technical defects and accept a bid which in its judgment is in the best interest of the City, or it may require advertisement of bids.

B. For purchases of less than $25,000 or where securing sealed bids is impractical, unreasonable or not advantageous to the City, the City Manager shall institute an alternate procurement method by utilizing the open market. A written basis for the determination that the securing of sealed bids is impractical, unreasonable or not advantageous to the City shall be included in the file with respect to the purchase or duly noted in the minutes of the Mayor and Council meeting.

C. All written contracts for amounts of $25,000 or more shall be signed by the Mayor and attested by the City Clerk. Contracts for less than $25,000 may be signed by the City Manager. All contracts may be protected by such bonds, penalties and conditions as the Mayor and Council may require.

### § 46-8. Cooperative purchases.

Nothing in this chapter shall prohibit cooperative procurement with federal, state, county or other municipal governments.

# Chapter 69

# ALCOHOLIC BEVERAGES

**GENERAL REFERENCES**

**General penalty for misdemeanors — See Ch. 1, § 1-20.**

**Parks and recreation — See Ch. 153.**

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### § 69-1. Definitions.

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

PUBLIC PROPERTY — Includes a building or parts thereof, grounds or other curtilage area, cemeteries, parks, streets, alleys, highways, sidewalks, roads or parking areas located on land owned, leased, operated or possessed by the city.

### § 69-2. Possession and consumption on public property. [Amended 8-9-1999 by Ord. No. 8-99]

It shall be unlawful and a misdemeanor for any person to drink any alcoholic beverage, as defined by the Annotated Code of Maryland, and/or to possess any alcoholic beverage in an open container while:

A. On public property, unless previously authorized by the Mayor and Council.

B. On the adjacent parking area of any combination of retail establishments or other property, such as a shopping center, where the general public is invited for business or entertainment purposes, unless expressly authorized by the owner thereof.

C. On any adjacent parking area or other outside area of any property owned or leased by a nonprofit or civic organization, such as a volunteer fire company, where the general public is invited for business or entertainment purposes, unless expressly authorized by the owner thereof.

D. In any vehicle located on any of the places enumerated in this section, unless expressly so authorized.

## Chapter 72

## AMUSEMENT DEVICES

**GENERAL REFERENCES**

**Business licenses — See Ch. 88.** **Vending machines — See Ch. 198.**

### § 72-1. Definitions.

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

AMUSEMENT DEVICE — Any electrically or mechanically operated machine or device utilized for amusement purposes, including slot machines, pinball machines, video games and all other such devices, other than jukeboxes.

### § 72-2. Issuance and display of license; fee.

A. The license fee for each such machine or device authorized at any location shall be the sum set annually by motion of Council for that year or any portion thereof due and payable on July 1 of each year.

B. Display of license. The license for each such location shall be displayed prominently.

C. The City Manager shall issue such license upon payment thereof to the Clerk.

D. The license for each location shall be issued for a specified number of machines. No licenses issued hereunder may be transferred to any other location.

### § 72-3. Zoning requirements.

No permit for any amusement device shall be issued to any location within the city zoned other than local business or general business pursuant to the provisions of this Code and maps adopted in relation thereto.[12] No more than three devices shall be allowed by any license issued to any location within a local business zone.

### § 72-4. Violations and penalties. [Amended 8-9-1999 by Ord. No. 8-99]

A violation of this chapter is declared to be a municipal infraction. The penalty for violation shall be $50 for each initial offense and $100 for each repeat offense.

### § 72-5. Revocation of license.

The Mayor and Council may revoke the license issued to any location within the city if it has been decided that there has been a violation of this chapter.

## Chapter 75

## ANIMALS

**GENERAL REFERENCES**

**Parks and recreation — See Ch. 153.**

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### § 75-1. Adoption of county ordinance.

The Animal Control Ordinance adopted and enforced by Carroll County, Maryland, shall be the official Animal Control Ordinance of the City of Taneytown, and such ordinance is hereby adopted by reference. The code official of the county shall be the inspector or enforcement official for the city for this purpose. This section is not intended to limit the power of the city in any other manner to require or regulate animal control by any other applicable sections of this Code.

## Chapter 82

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12. **Editor's Note: See Ch. 205, Zoning.**

# BUILDING CONSTRUCTION AND FIRE PREVENTION

**GENERAL REFERENCES**

| | |
|---|---|
| **Erosion and sediment control — See Ch. 106.** | **Stormwater management — See Ch. 173.** |
| **Landscaping — See Ch. 136.** | **Subdivision of land — See Ch. 180.** |
| **Minimum Livability Code — See Ch. 142.** | **Water — See Ch. 201.** |
| **Sewers — See Ch. 167.** | **Zoning — See Ch. 205.** |

## § 82-1. Adoption of county codes.

The various building codes adopted and enforced by Carroll County, Maryland, including the BOCA Building Code, Mechanical Code, Family Dwelling Code, Energy Conservation Code, Carroll County Plumbing Code, National Electric Code and Life Safety Code, shall be the official building codes of the City of Taneytown, Maryland, and such codes are hereby adopted by reference.

## § 82-2. Enforcement.

The building official of the county shall be the building inspector for the City and for this purpose shall enforce the provisions of any building codes which may be applicable within the City.

## § 82-3. Zoning certificate and building permit required. [Amended 8-9-1999 by Ord. No. 8-99; 12-13-1999 by Ord. No. 9-99]

No building of any description shall be erected or removed and no structural alterations or additions (except painting) to the same shall be made unless and until a zoning certificate and building permit shall have been obtained.

## § 82-4. Application for zoning certificate. [Amended 8-9-1999 by Ord. No. 8-99; 12-13-1999 by Ord. No. 9-99]

Every person who erects or causes to be erected any building or alteration within the City limits or makes any structural alterations or additions (except painting) to the same shall, before commencing work, make a written application to the Zoning Administrator for a zoning certificate, to be accompanied by plans and specifications for approval.

A. Every plan for the erection of a new building must show thereon that suitable provisions have been made for connection to the City sewer system, if service is available, or for the construction of an approved sanitary disposal system if the new construction cannot be connected to the municipal sewer system.

B. This application shall contain the name of the owner, lot and square number, kind of building, number of stories in height, dimensions of

the building and location of the same on the lot, the contemplated use of the building and the estimated value of the building, alterations or additions.

C. All applications for certificates for the erection of any new building shall be accompanied by a fee as fixed by the Council, a schedule of which shall be maintained on file in the office of the Clerk.[13]

### § 82-5. Certificate of use and occupancy. [Added 9-22-1986 by Ord. No. 9-86; amended 8-14-1989 by Ord. No. 6-89; 8-9-1999 by Ord. No. 8-99; 12-13-1999 by Ord. No. 9-99]

In addition to any other requirement set forth in this Code of Ordinances or any other applicable code adopted by reference, no certificate of use and occupancy shall be issued by or on behalf of the City until all driveways, sidewalks, parking areas and lawn seeding and grading shall have been fully completed. In the event that inclement weather prohibits such completion, the City Manager and Zoning Administrator may approve the issuance of a temporary certificate of use and occupancy upon receipt of a security bond or cash payment in the amount of 110% of the total estimated cost, as approved by the City, guaranteeing the completion of any such items within a ninety-day period. Upon a written request, the City Manager may, under extenuating circumstances, extend the time period an additional 90 days. In the event that the items have not been completed in the time frame allotted, the City may complete the items utilizing the bond or cash payment pledged to complete such unfinished work.

### § 82-6. House numbering. [14] [Added 9-11-2000 by Ord. No. 6-2000]

All primary buildings, residential, commercial and industrial, shall have installed house numbers distinguishing the address number for the street for which the building is situated. The numbers shall correspond with the approved street address as established by the City Clerk and recognized by the United States Postmaster. Numbers shall be a minimum of four inches in height and contrasting in color to the adjoining background. All numbers must be conspicuously displayed and affixed so as to be readable and distinguishable from the nearest point of the corresponding public or private street. Addresses located on private streets shall have installed on a private sign post and located at the street entrance, house numbers visible from the public street and have installed house numbers located on the property that are visible from the private street. House numbering shall be required for all new construction, renovations and accessory use buildings as a condition for all zoning permits. No certificate of use and occupancy shall be issued by or on behalf of the City until approved house numbering is installed as required herein.

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**13. Editor's Note: Original Sec. 9-1-5, Planting of trees, shrubs and bushes, which immediately followed this section, was repealed 8-9-1999 by Ord. No. 8-99 and 12-13-1999 by Ord. No. 9-99. See now Ch. 176, § 176-21.**

**14. Editor's Note: Former § 82-6, Sprinkler systems, added 1-12-1987 by Ord. No. 13-86, as amended, was repealed 8-14-2000 by Ord. No. 5-2000.**

### § 82-7. Fire prevention. [Added 8-9-1999 by Ord. No. 8-99; amended 12-13-1999 by Ord. No. 9-99]

Fire prevention measures are administered by the State Fire Marshal's office.

### § 82-8. (Reserved)[15]

### § 82-9. Violations and penalties. [Amended 8-9-1999 by Ord. No. 8-99; 12-13-1999 by Ord. No. 9-99]

Any violation of this chapter is declared to be a municipal infraction. The penalty for violation shall be $50 for each initial offense and $100 for each repeat offense.

## Chapter 85

## BURNING, OPEN

### § 85-1. Permit required.

It shall be unlawful for any person to permit any open fire not contained within a building or structure within the corporate limits of the city unless a permit has been issued for the same in accordance with the provisions of this chapter or the same is exempt from the permit requirement by virtue of the provisions of this Code or other law.[16]

### § 85-2. Application procedure; notice to adjoining property owners.

A. The City Manager shall be responsible for the preparation of suitable forms for applications for permits and issuance of permits. The application shall describe in detail the nature of the material or structure to be burned, the location, date and hours of the proposed burning and such other information as may be determined appropriate by the City Manager, including the availability of appropriate fire-fighting equipment or other protective measures. The City Manager shall post the property and notify all contiguous property owners and wait 15 days after the sending of such notice, in writing, before making a determination whether to grant the requested permit. The notice to all contiguous property owners shall state that all comments concerning the permit requested must be made to the city office within 15 days. The City Manager shall not approve the application unless he or she is satisfied that all of the following criteria have been satisfied:

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15. **Editor's Note: Former § 82-8, Open space impact fee, was removed 12-14-2009 by Ord. No. 10-2009 and renumbered as Art. V, Park Acquisition and Development, § 153-18, Open space impact fee.**

16. **Editor's Note: Original Sec. 3-2-42, Permitted fires, which immediately followed this section, was deleted 8-9-1999 by Ord. No. 8-99.**

(1) That the proposed burning is desirable either for property maintenance or for public health and safety.

(2) That public provisions have not been made for the collection and removal of the materials proposed to be burned.

(3) That there is no reasonably practical alternative to the proposed burning.

(4) That the materials proposed to be burned are not predominantly characteristic of those that produce dense smoke, such as rubber tires, roofing materials or similar items.

B. Upon issuance of the permit, the City Manager shall set forth thereon any restrictions to be imposed on the proposed burning and shall give appropriate notice to all adjoining property owners of the date and time of the proposed burning.

### § 85-3. Permit fee. [Added 8-9-1999 by Ord. No. 8-99]

The Council may approve a fee for administrative cost for permit processing.

### § 85-4. Liability; obligation to secure other permits.

The issuance of any permit shall not relieve the applicant for the permit or any person causing or permitting an open fire from responsibility and liability for any injury that may result from the burning, nor shall such person be relieved of his or her obligation to secure any other permits for the burning that may be required by any other law.

### § 85-5. Violations and penalties. [Amended 8-9-1999 by Ord. No. 8-99]

Any violation of the provisions of this chapter shall be deemed a misdemeanor and shall be punishable by a fine not to exceed $1,000 or imprisonment for a period not to exceed six months, or both.

# Chapter 88

# BUSINESS LICENSES

**GENERAL REFERENCES**

**Amusement devices — See Ch. 72**

**Peddlers, solicitors and vendors — See Ch. 157.**

**Vending machines — See Ch. 198.**

### § 88-1. County license required.

No person, firm or corporation shall engage in business within the corporate limits without first having obtained a license from Carroll County for such purpose and paid the required license fee.

### § 88-2. Fees.

The fees for business licenses shall be as established and collected by Carroll County.

### § 88-3. Approval of license application. [Amended 1-9-1984 by Ord. No. 16-83]

Prior to the issuance of a business license within the city, the application for that license must be approved by the city. Prior to the granting of any such approval by the city, all county, state and city real estate taxes shall be fully paid current on the entire premises or any portion which is occupied by the business to be so licensed, and, further, any and all county, state or city personal property taxes or other municipal assessments or levies due from the applicant shall be fully paid current.

## Chapter 93

## CABLE TELEVISION

### § 93-1. Definitions.

As used in this chapter, the following words shall have the meaning ascribed thereto:

ADDITIONAL SERVICES — Any of the following:

A. Such video services as the transmission of all leased access signals not included in basic subscriber service, as well as the transmission of cablecast video advertising messages and pay television signals.

B. Such audio services as the retransmission of cablecast AM or FM signals and the transmission of cablecast radio advertising messages, as permitted by the FCC.

C. Such digital services as the transmission of digital signals, including but not limited to two-way signals, computer signals, signals associated with fire and burglar alarm services, signals associated with home shopping, remote medical diagnosis, utility equipment monitoring and similar services.

D. Services not involving the transmission of signals, including rental of equipment, training services and all other services which may be provided by the franchisee to programmers or subscribers.

BASIC SERVICE — All subscriber services provided by the company in one or more service tiers, including the delivery of broadcast signals, access channels and origination channels, covered by a regular monthly charge paid by all subscribers to a particular service tier, excluding optional services for which a separate per-channel or per-program charge is made. Home security service, data retrieval or other such auxiliary services shall not be considered part of basic service.

BROADCAST SIGNAL — A television or radio signal that is transmitted over the air and is received by a cable television system off the air, by satellite, by microwave or by direct connection to a broadcasting station.

CABLECAST SIGNAL — A signal that is transmitted by a cable television system, including microwave links, and is not involved in a broadcast transmission path.

CABLE GROSS REVENUES or GROSS REVENUES — Any and all cash, credits, property or other consideration of any kind or nature, and all of the amounts earned or accrued, arising from, attributable to or in any way derived directly or indirectly by the franchisee, or an entity in any way affiliated with the franchisee, in whatever form and from all sources which are in connection with or attributable to the operation of the cable television system within the franchisors' corporate boundaries or the franchisee's provision of cable services within the franchisors' corporate boundaries.**[Amended 4-13-2000 by Ord. No. 2-2000]**

A. Cable gross revenues shall include, without limitation, all subscriber and customer fees and revenues earned or accrued net of bad debts, including fees and revenues for basic cable services; additional tiers; premium cable services; late charges; a pay per view; program guides; installation, disconnection, reconnection, change in service or service call fees; fees for the provision, sale, rental or lease of converters, remote controls, additional outlets and other customer premises equipment; late fees and administrative fees; barter; revenues from the sale or carriage of other cable-related services; fees paid by subscribers; revenues from the use of leased access channels; advertising revenues from the system; and revenues and compensation from home shopping programming. Cable gross revenues shall not include the value of free services not required by the franchise agreement; nor any taxes on services furnished by the franchisee which are imposed directly on any subscriber or user by the state, franchisors or other governmental unit and which are collected by the franchisee on behalf of said governmental unit. A franchise fee is not such a tax.

B. Advertising revenues and other revenues whose sources cannot be identified with a specific subscriber shall be allocated to franchisors based upon the percentage of subscribers residing in the franchise area compared to that served from the headend serving each franchisor.

C. All amounts earned or accrued from internet service and/or other interactive cable services shall be included in cable gross revenues.

CABLE TELEVISION SYSTEM — A cable television system, not exempted by appropriate federal, state and local codes, or community antenna television system (CATV), means a system of antennas, cables, wires, lines, towers, waveguides or other conductors, converters, equipment or facilities designed and constructed for the purpose of producing, receiving, transmitting, amplifying and distributing audio, video and other forms of electronic or electrical signals, located in the city. Said definition shall not include any such facility that serves or will serve only subscribers in one or more multiple-unit dwellings under common ownership, control or management which does not use the city's rights-of-way.

CHANNEL — A bank of frequencies, six megahertz wide, in the electromagnetic spectrum capable of carrying either one audiovisual television signal and a few nonvideo signals or a large number of nonvideo signals.

CITY — The City of Taneytown, Maryland, a Maryland municipal corporation, and all the territory now or hereafter acquired or annexed within its territorial corporate limits, as set forth in the Charter of the city.

CITY AGENCY — The person, department, committee or agency designated by the city to act for it in certain matters relating to cable television or, if designated by the Council, the Council itself.

CITY MANAGER — The City Manager of the City of Taneytown, Maryland.

COMMERCIAL SUBSCRIBER — A subscriber who receives a service in a place of business, where the service may be utilized in connection with a business, trade or profession or institution.

COMPANY — Any provider of a cable television system.

CONVERTER — An electronic device which converts signals to a frequency not susceptible to interferences within the television receiver of a subscriber and, by an appropriate channel selector, which also permits a subscriber to view all signals delivered at designated dial locations.

COUNCIL — The Mayor and Council of the City of Taneytown, Maryland.

EDUCATIONAL ACCESS CHANNEL — Any channel where educational authorities are the designated programmers.

FCC — The Federal Communications Commission.

FRANCHISEE — Any provider of a cable communications system which receives a franchise pursuant to this chapter.

FRANCHISE or FRANCHISE AGREEMENT — The separate agreement by which a franchise is granted to a franchisee pursuant to this chapter.

LEASED ACCESS CHANNEL — Any channel available for lease, at fair and nondiscriminatory rates, on a first-come, first-served basis, including those portions of the other access channels not in use by their designated programmers.

LOCAL GOVERNMENT ACCESS CHANNEL — Any channel where the city or other local governments or agencies are the designated programmers.

LOCAL ORIGINATION CHANNEL — Any channel where the franchisee is the programmer.

MONITORING — Observing a communications signal, or the absence of a signal, where the observer is neither the subscriber nor the programmer, whether the signal is observed by visual or electronic means, for any purpose whatsoever, provided that monitoring shall not include system-wide, nonindividually addressed sweeps of the system for purposes of verifying system integrity, controlling return path transmission or billing for pay services. Monitoring does not include tapping as herein defined.[17]

PAY TELEVISION — The delivery to subscribers, over the cable communications system, of television signals for a fee or charge to subscribers over and above the charge for basic subscriber service, on a per-program, per-channel or other subscription basis.

PRIVATE CHANNEL — The same as "secure channel."

PROGRAMMER — Any person, firm, corporation, institution or entity who or which produces or otherwise provides program material for transmission by video, digital or other signals, either live or from recorded tapes or films or by other means, to a subscriber by means of the cable communications system.

PUBLIC ACCESS CHANNEL — Any channel where any member of the general public may be a programmer, on a first-come, first-served, nondiscriminatory basis.

PUBLIC STREET — The surface of and the space above and below any public street, avenue, highway, boulevard, concourse, driveway, bridge, tunnel, park, parkway, waterway, dock, bulkhead, wharf, pier, alley, right-of-way, public utility easement, public utility and any other public ground or water subject to the jurisdiction and control of the city.

RESIDENTIAL SUBSCRIBER — A subscriber who receives a service in an individual dwelling unit where the service is not to be utilized in connection with a business, trade, profession or institution.

SECURE CHANNEL — Any channel so arranged electronically as to be available only to subscribers who possess specific decoding equipment in order to receive a usable signal.

SERVICE AREA — The geographic area in which the franchisee provides CATV service.

SUBSCRIBER — Any person, firm, institution, corporation or other entity who or which elects to receive, for any purpose, a service provided by the franchisee by means of or in connection with the cable television system.

SUBSCRIBER SERVICE DROP — Each extension wiring from the franchisee's distribution lines to a subscriber point of use.

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**17. Editor's Note: Original Sec. 10-6-1(34), which contained a definition of "ordinance," was deleted 8-9-1999 by Ord. No. 8-99.**

TAPPING — Observing a two-communications signal exchange, whether the communications signal exchange is observed by visual or electronic means, for any purpose whatsoever, without the consent of all parties to the communication, subject, however, to the authority provided pursuant to the Courts and Judicial Proceedings Article, Title 10, Subtitle 4, of the Annotated Code of Maryland to intercept communications.**[Amended 8-9-1999 by Ord. No. 8-99; 12-13-1999 by Ord. No. 9-99]**

TOTAL GROSS RECEIPTS — Any and all compensation and other consideration collected or received or in any manner gained or derived by a franchisee from the operation of its CATV service within the service area of the city.

## § 93-2. Application for franchise.

A. The city agency shall advertise for application for a CATV franchise(s) in local newspapers having general circulation and in one or more national cable industry publications. The written application for a franchise submitted to the city shall contain the following information: **[Amended 8-9-1999 by Ord. No. 8-99; 12-13-1999 by Ord. No. 9-99]**

(1) The name, address and form of business of the applicant. If the applicant is a corporation, it shall also state the percentage of ownership and the names, addresses and occupations of its officers, directors and major stockholders (1% or more) and the names and addresses of any parent or subsidiary companies. If the applicant is a corporation controlled by another corporation, the names, addresses and occupations of the officers, directors and major stockholders (owners of 1% or more) of the controlling corporation shall also be stated. If the applicant is a partnership or other unincorporated association, the percentage of ownership and the name and address of each member, whether active or inactive, shall be set forth, and if one or more partners are corporations, the names, addresses and occupations of such corporation's officers, directors and major stockholders shall also be stated. It shall also specify the names and technical and professional qualifications and career backgrounds of the persons who will manage the system proposed by the applicant.

(2) A list of all other cable television systems, if any, in which the applicant (or any partner or major stockholder of the applicant) has substantial interest (1% or more), stating the location, approximate number of homes served and the name and address of the local franchising body.

(3) A thorough description of the proposed cable television system to be installed and operated and the time schedule for such installation and the manner in which the applicant proposes to conduct, install, maintain and operate the same. The description shall contain sufficient technical detail to enable the city to make

a determination as to whether the proposed system is technically equal to or superior to that proposed by other applicants.

(4) A schedule of proposed rates and charges to all classes of subscribers for both installation and monthly service.

(5) A statement setting forth all agreements and understandings, whether written, oral or implied, existing between the applicant and any person, firm or corporation with respect to the proposed franchise or the proposed CATV operation. If a franchise is granted hereafter to a person, firm or corporation posing as a front or as the representative of another person, firm or corporation and such information is not disclosed in the original application, such franchise shall be forfeited and the franchisee shall forfeit all revenues and any bond to the city.

(6) A financial statement prepared by a certified public accountant, or person otherwise satisfactory to the city, and/or such other financial documents as may be required by the city showing the applicant's financial status and its financial ability to complete the construction and installation of the approved CATV system. Such statements shall include, in addition to the foregoing, a responsible estimate of the costs of construction and installation of such CATV system, a detailed statement of the financing of such costs and the amount of borrowed funds, if any, which may be required and including the source and availability thereof.

B. The city may at any time demand and the applicant shall provide such supplementary, additional or other information as the city deems reasonably necessary to show the applicant's true ownership and control and financial, technical and character qualifications.

C. The applicant shall specifically set forth that it will comply with each of the provisions of this chapter and/or rules and regulations related thereto.

D. The applicant may submit any other information it feels relevant or that will enhance its proposal.

E. The applicant will accompany its application with a cash deposit or certified check, as specified in the request for proposal, payable to the city, which sum shall be returned (without interest) to the applicant if it is not successful in being awarded a franchise. In the event that the applicant is successful, said deposit shall be returned (without interest) to the applicant at the time the franchise is accepted by the applicant and a performance bond, as hereafter required, is filed with the city; provided, however, that if a franchise is awarded and not accepted within 60 days of the award or the performance bond is not filed within that time, said deposit shall be forfeited to the city as liquidated damages and the city shall have no further obligation to the applicant.

F. In addition to the deposit mentioned in Subsection E above, the applicant will accompany its application with a check made payable to the city in the amount of not less than $1,000 to help defray the administrative costs involved in the processing of applications. No part of this sum shall be refundable. In addition, the successful bidder shall remit to the city the difference between the aggregate of application deposits received and the actual prefranchise award administrative costs incurred by the city, if any. Payment must be received by the city prior to its execution of the franchise agreement.

## § 93-3. Public hearing; award of franchise.

A. The city reserves the right to reject any or all applications. The city agency, following the receipt of the application(s), may hold a public hearing to hear comments on the application(s) and shall give the public 15 days' advance notice of such hearing, if any, by publishing the notice in a newspaper of general circulation in the city. In the event that the city elects to hold a public hearing, at such public hearing the applicant(s) shall be requested to make a presentation and answer questions propounded by the public or Council relating to any aspect of its application. **[Amended 8-9-1999 by Ord. No. 8-99; 12-13-1999 by Ord. No. 9-99]**

B. In the event that the city elects to hold a public hearing, following the public hearing(s), although not necessarily on the same date(s), or if the city elects not to hold a public hearing, the city may reject any or all applications or take such action empowered to it by law.

C. By resolution, the city may grant a franchise for a CATV system to any such applicant(s) as may appear from said application(s) to be, in the city's opinion, best qualified to render proper and efficient CATV service to television viewers and subscribers in the service area. If favorably considered, the application submitted shall constitute and form a part of the franchise agreement, except as otherwise indicated in the franchise agreement.

## § 93-4. Franchise provisions and restrictions.

A. General provisions.

(1) Every franchise granted pursuant to this chapter shall be subject to the following: federal, state and local laws, rules and regulations, ordinances and resolutions, including those governing the monitoring and tapping of cablecast signal and the penalties for violation thereof.

(2) Any franchise granted hereunder shall be subject to the right of the city to:

(a) Terminate the same for misuse or failure to comply with any material provisions of this chapter or any federal, state or local laws, ordinances, rules or regulations.

(b) Require proper and adequate extension of plant, service and maintenance thereof at the highest practicable standards consistent with the current state of the art.

(c) Control and regulate the use of its streets, alleys, bridges and public places and the space above and beneath them. Each franchisee shall pay such part of the cost of improvement or maintenance of streets, alleys, bridges and public places as shall arise from the franchisee's use thereof and shall protect and save the city, its agents, employees and servants harmless from all claims and/or damages arising from said use.

(d) Require joint use of the property and appurtenances of each franchisee located in the streets, alleys and public places of the city by the city and insofar as such joint use may be reasonable and practicable.

(e) Through its appropriately designated representatives, inspect all construction or installation work performed subject to the provisions of the franchise agreement, this chapter and any amendments, rule or regulation thereunder and make such inspections as it shall feel necessary to ensure compliance therewith. However, the franchisee shall remain primarily responsible for design and installation and for compliance with all requirements.

(f) Require, at the expiration of the term for which the franchise is granted or upon termination and cancellation as provided herein, the franchisee to remove, at its own expense, any and all portions of the CATV system from the public ways within the service area within a reasonable period of time, as established by the city.

(3) The franchise shall not be transferred or assigned, either in whole or in part, or leased, sublet or mortgaged in any manner, nor shall title thereto, either legal or equitable, or any right, interest or property therein pass to or vest in any person, corporation, association or other entity, either by act of the franchisee or by operation of the law, without the written consent of the city and under such terms and conditions as the city may require by formal city action.

(4) Prior approval of the city (following formal city action) shall be required where control of more than 25% of the franchisee is proposed to be acquired by a person, partnership, association, corporation or group of persons acting in concert, none of whom own or control 25% or more of such right of control, singularly or collectively, at the time the franchise is granted. By its acceptance

of a franchise, the franchisee specifically acknowledges and agrees that any such acquisition occurring without prior approval of the city shall constitute a material violation of a franchise.

(5) The franchise shall be nonexclusive and shall be for terms of up to 15 years, which may be renewed under such conditions as may be in effect at that time. **[Amended 4-13-2000 by Ord. No. 2-2000]**

(6) Unless waived by the city, in writing, the franchisee shall be bound and governed by the rules and regulations contained in the FCC Cable Television Report and Order as set out in 47 CFR Part 76 (1972) and applicable FCC regulations, except as otherwise modified by this chapter, as well as applicable local and state laws, ordinances and regulations.

(7) The franchisee, or any of its agents or employees, shall not sell or otherwise make available to any party lists of the names and addresses of subscribers or any list which identifies the viewing habits of individual subscribers, subject, however, to the right of the city agency to audit the records of the franchisee to establish compliance with the agreement of the franchisee and the city. This subsection does not prohibit the franchisee from providing composite ratings of subscriber viewing to any party.

(a) No signals transmitted from a subscriber terminal shall be monitored by the franchisee in order to determine patterns or practices without the express written permission of the subscriber. The request for such permission shall be contained in a separate document with a prominent statement that the subscriber is authorizing the permission in full knowledge of its provisions. Such written permission shall be for a limited period of time, not to exceed one year, which shall be renewable at the option of the subscriber. No penalty shall be invoked for a subscriber's failure to provide or renew such an authorization. (This statement must be in the authorization.) The authorization shall be revocable at any time by the subscriber without penalty of any kind whatsoever. Such authorization is required for each type or classification of cable television activity planned; provided, however, that the franchisee shall be entitled to conduct system-wide or individually addressed sweeps for the purpose of verifying system integrity, controlling return-path transmission or billing for pay services.

(b) Tapping is specifically prohibited. (See § 93-15.)

(8) The application of the franchisee shall be incorporated by reference in the franchise agreement. The franchise agreement shall contain such further conditions or provisions as may be negotiated by the city and the franchisee. In case of conflict or ambiguity between any terms or provisions of the franchise

agreement and this chapter, the terms of the franchise agreement shall control.

(9) Detailed plans and specifications for the installation of works of improvements authorized herein shall first be approved by the city agency or its authorized agents during construction to ensure quality control and compliance with plans, specifications and applicable costs. **[Amended 4-13-2000 by Ord. No. 2-2000]**

(10) Equipment and facilities.

(a) The franchisee shall, when and where practicable, lease, rent or in any other lawful manner obtain the use of towers, poles, conduits, lines, cables and other equipment and facilities from present holders of public licenses and franchises within the city, including the Baltimore Gas and Electric Company, Allegheny Power Company and the Bell Atlantic Telephone Company, and said towers, poles, conduits, lines, cables and other equipment and facilities shall be leased, rented or obtained on such terms as agreed, subject to all existing and future ordinances and regulations of the city. Copies of all agreements with such public utilities operating within the city shall be placed on file in the office of the city agency immediately upon their execution. **[Amended 8-9-1999 by Ord. No. 8-99; 12-13-1999 by Ord. No. 9-99]**

(b) Wherever such facilities are not reasonably available from the sources specified herein, the franchisee shall have the right to erect and maintain its own poles, conduits and related facilities as may be necessary for the proper construction and maintenance of its cable television distribution system, subject to applicable laws, ordinances and regulations and restrictions of titles.

(11) Transmission and distribution structures.

(a) All transmission and distribution structures, lines and equipment erected by the franchisee within the city shall be so located as to cause minimum interference with the proper use of streets, alleys and other public ways and places and to cause minimum interference with the rights or reasonable convenience of property owners who adjoin any of said streets, alleys or other public ways and places. Any opening or obstruction in the streets or any other public places made by the franchisee in the course of its operation shall be guarded and protected at all times by the placement of adequate barriers, fences or boardings, the bounds of which, during periods of dusk and darkness, shall be clearly designated by warning lights.

(b) In case of any disturbance of pavement, sidewalk, driveway or other surfacing, the franchisee shall, at its own cost and expense and in a manner authorized by the city agency, replace and restore all paving, sidewalk, driveway or surface of any street or alley disturbed in as good condition as before said work was commenced and shall maintain the restoration in an approved condition.

(c) In the event that at any time during the period of this franchise the city shall lawfully elect to alter or change the grade of any public street, water main or sewer mains, the franchisee, upon reasonable notice by the city agency, shall remove, relay and relocate its poles, wires, cables, underground conduits, manholes and other telephone fixtures at its own expense.

(d) The franchisee shall not replace new poles or other fixtures where the same will interfere with any gas, electric or telephone fixtures, water hydrant or main, sewer main, sewer and water services or other fixtures placed in any street, and the same shall, where practicable, be placed at the outer edge of the sidewalk and inside the curbline, and those placed in alleys shall be placed close to the line of the lot abutting on said alley and then in such a manner as not to interfere with the usual travel on said public streets.

(e) The franchisee shall, upon the request of any person holding a building moving permit, temporarily raise or lower its wires to permit the moving of buildings. The expense of such temporary removal, raising or lowering of wires shall be paid by the person requesting the same, and the franchisee shall have the authority to require such payment in advance. The franchisee shall be given no less than 48 hours' advance notice to arrange for such temporary wire changes.

(f) The franchisee shall be required to trim trees upon and overhanging streets, alleys, sidewalks and public places of the city so as to prevent the branches of such trees from coming in contact with the wires and cables of the franchisee, all trimming to be done at the expense of the franchisee.

(12) The construction and maintenance of the cable television system, including house connections, shall be in accordance with the provisions of the National Electrical Safety Code, prepared by the National Bureau of Standards, and such applicable laws and regulations of the city, Carroll County, State of Maryland and of the United States affecting such installations which may be presently in effect or may be from time to time in the future in effect, including a securing of all permits for such construction and maintenance required by applicable law. All structures, equipment, lines and connections shall be of permanent nature, durable and installed in accordance with good engineering practice and

maintained in a safe, suitable and substantial condition in good order and repair wherever situated or located. **[Amended 8-9-1999 by Ord. No. 8-99; 12-13-1999 by Ord. No. 9-99]**

(13) Copies of all petitions, applications and communications by or to the franchisee involving the Federal Communications Commission, Securities and Exchange Commission or any other state or county agency or department having jurisdiction in respect to any matters affecting the franchisee shall also be furnished simultaneously to the city agency by the franchisee.

(14) The franchisee or applicant for franchise shall have all necessary permits and authorizations required in the conduct of its business.

(15) Upon granting of any franchise as herein contemplated, the franchisee shall, throughout the life of such franchise, keep the city agency fully informed with respect to the matters specified below, and the failure to disclose such information during the life of such franchise shall be considered a material violation of the franchise and subject such franchisee, at the discretion of the city, to suspension or termination:

(a) Each franchisee shall allow the city agency to audit all of its accounting and financial records upon reasonable notice; make available all of its plans, contracts and engineering, statistical, customer and service records relating to its system and all other records required to be kept hereunder; and at all times maintain complete and accurate books of accounts, records of its business and operations and all other records required by this specification.

(b) Each franchisee shall file annually with the city agency a report indicating all persons who, at any time during the preceding year, did control an interest in the franchise of 1% or more, setting forth for each the extent of the interest and all creditors, secured and unsecured, in excess of $1,000, setting forth for each the amounts owed.

(c) Each franchisee shall annually file a report detailing maintenance, state of the art, improvements, signal strength and signal quality at the subscriber end of the system.

(d) Each franchisee shall also file annually such other information concerning its operating as may be required by the city agency. The city shall retain, throughout the life of any franchise given in pursuance of this chapter, the right to demand such supplemental, additional or other information as above noted, and upon proof of the failure to supply such information upon reasonable demand, the franchise under which any applicant may be operating may, at the option of the city, be suspended upon order of the city until such information is forthcoming.

(e) Each franchisee shall file a plan on an annual basis showing its plans for extending its service to those parts of the service area unserved at that time.

B. Number of channels. The franchisee's distribution system shall be capable of carrying all AM, FM and television signals originated in the Washington, Baltimore and Harrisburg areas required or allowed to be carried by the FCC. The system capacity in the forward path shall be at least 25 channels. The system shall have the capability of providing simultaneous reverse direction signals for digital, audio and video signal transmission on all elements of the system when and as allowed by the FCC.

(1) The antenna and receiving and distribution equipment shall be installed and maintained so as to provide pictures on subscribers' receivers throughout the system essentially of the same quality as those received at the antenna site.

(2) Installation and maintenance of equipment shall be such that standard NTSC color signals shall be transmitted with full fidelity to any subscriber color receiver. The franchisee shall maintain its service in accordance with such reasonable standards regarding uniformity of transmission, noise levels and channel signal voltages as may from time to time be established.

(3) Whenever it is necessary to shut off or interrupt service for the purpose of making repairs, adjustments or installations, the franchisee shall do so at such times as will cause the least amount of inconvenience to its customers, and unless such interruption is unforeseen and immediately necessary, it shall give reasonable notice thereof to its customers.

C. Use of channels.

(1) There shall be at least three channels designated as public channels, one for public access, one for local government access and one for education access, as defined elsewhere herein.

(2) Pay television shall be allowed on secure channels only. Advertising shall be allowed subject to restrictions imposed by the FCC or other applicable rules or regulations.

(3) The franchisee is prohibited from censoring any program which is cablecast over public channels, except such censoring as is required by the FCC or other applicable rules and regulations.

(4) Charges made by the franchisee to a programmer, except for public channels, shall be based upon the fair market value of the service and no other criteria. A franchisee is prohibited from unlawfully discriminating among users or in favor of itself.

(5) (Reserved)[18]

(6) (Reserved)[19]

(7) The educational, government and public access channels shall be made available free of charge; however, charges for equipment, personnel and production of public access programming shall be reasonable and consistent with the goal of affording users a low-cost means for live public access programs not exceeding five minutes in length per day. **[Amended 8-9-1999 by Ord. No. 8-99; 12-13-1999 by Ord. No. 9-99]**

(8) The system shall be engineered to provide an audio alert system to allow authorized officials, as designated by the city, to automatically override the audio signal on all channels and transmit and report emergency information.

D. Subscriber equipment. The franchisee shall provide every subscriber with all equipment necessary for reception on the subscriber's set of channels to which he or she has subscribed; however, a provision shall be made in the rate schedule whereby the subscriber charge shall be less if the subscriber furnishes a converter.

E. State of the art. The franchisee shall continually upgrade its facilities, equipment and service so that its system is as advanced as the current state of technology will allow. Compliance with this provision shall be determined by the city agency.

F. Public service installations and basic service. The franchisee shall provide one free installation and free basic service at all municipal buildings, police stations, fire stations, schools, hospitals, jails and libraries within the service area. Such installations shall be made at such reasonable locations as shall be requested by the respective units of government or education institutions. Any charge for relocation of such installations shall, however, be charged at actual costs. Additional installations at the same location may be made at cost plus 10%. No monthly service charges shall be made for distribution of the franchisee's signals within such publicly owned buildings.

G. Other business activities. In the conduct of the business franchised hereunder, neither the franchisee nor its officers, employees or agents shall sell, repair or install or recommend the sale, repair or installation of radio or television receivers; provided, however, that nothing herein shall be deemed to prohibit the franchisee, at the customer's request and without payment, from examining and adjusting a customer's receiver set to determine whether reception difficulties originate in said set or in the franchisee's system. The franchise granted pursuant hereto authorizes only the operation of a system as provided for herein and does not take the place of any other franchise, license or permit

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**18. Editor's Note: Former Subsection C(5), which required the franchisee to provide studio facilities for public access, was repealed 4-13-2000 by Ord. No. 2-2000.**

**19. Editor's Note: Former Subsection C(6), which required that a program and production specialist be available, was repealed 4-13-2000 by Ord. No. 2-2000.**

which might be required by law of the franchisee in order to install its system.

H. Interconnection. The franchisee shall be capable of interconnecting its system or any part thereof with any other broadband communications facility operating in the city or county and/or the adjacent jurisdictions. The interconnection shall be made within 60 days of an order by the city to proceed, unless, for good cause shown by the franchisee, a reasonable time extension is granted by the city agency.

I. Building apartments. No franchisee shall be required to pay any fee to the building owner(s) to provide cable television service to any member of the public in any privately owned buildings which are in the city. Any disputes between the franchisee and any building owner shall be heard at and resolved by a hearing by the city agency. Each franchisee shall report to the city agency any building owner who requests a fee from the franchisee as a condition for allowing the franchisee to install a cable system service in the building owner's building. A franchisee is expressly prohibited from entering into any agreement with an owner of a multiple-dwelling unit which would increase the rates or increase or decrease services to a subscriber residing in the dwelling, other than with medical organizations or educational or charitable institutions; however, this shall not contravene the provision of Subsection F above.

J. Repair. Any damage caused to the property of building owners or users or any other person by the franchisee shall be repaired by the franchisee.

K. Removal of facilities upon request. Upon termination of service to any subscriber, the franchisee shall promptly remove all its facilities and equipment from the premises of such subscriber upon his or her written request. The franchisee shall not charge a fee for the same.

### § 93-5. Forfeiture or surrender of franchise.

A. In the event of failure of the franchisee to commence to render community television service to the residents of the service area as contemplated and provided for by a franchise within a period of 18 months from the date of the grant of a franchise, the city shall consider this as a material violation of the franchise and, therefore, have the right to revoke the franchise and all rights of the franchisee thereunder.

B. If the franchisee shall fail to comply with any of the provisions of this chapter or default in any of its obligations, except for causes beyond the reasonable control of the franchisee, as heretofore provided, and shall fail, within 30 days after written notice from the city agency, to correct such default or noncompliance, the city shall consider this as a material violation of the franchise and, therefore, have the right to revoke the franchise and all rights of the franchisee thereunder.

C. Upon the termination of the franchise or any renewal thereof, the franchisee shall remove its posts, poles and all aboveground equipment from the streets, lanes, sidewalks, highways, alleys, bridges and other public places in the service area and shall restore such streets, lanes, highways, sidewalks, alleys, bridges and other public places to their original condition. Following termination of the franchise, any property owned by the franchisee and not removed from city properties within six months from the termination date will become the property of the city to do with as it may choose. Any cost occurring to the city in removing the franchisee's former possessions from the city streets or land will be a claim against the franchisee.

D. The franchisee may surrender the franchise at any time upon filing with the city a written notice of its intention to do so at least 60 days before the surrender date. On the surrender date specified in such notice, all the rights and privileges and all of the obligations, duties and liabilities of the franchisee under this chapter shall cease and terminate, except that the franchisee shall have an additional six months to remove its plant and equipment from city streets and all other public lands upon which it is located. At the end of said six months, any property owned by the franchisee and not removed from city properties will become the property of the city to do with as it may choose. Any costs occurring to the city in removing the franchisee's former possessions from city streets or land will be a claim against the franchisee.

E. Tapping shall constitute immediate grounds for the revocation of the franchise. The prosecution of any person for tapping shall not be a bar to the revocation of the franchise granted hereunder. Upon an allegation that the franchisee has engaged in tapping, the city shall give notice to the franchisee that a hearing will be conducted to consider whether or not the franchisee has engaged in tapping. At the hearing, the franchisee and any interested person may be heard on the issue of whether or not the franchisee engaged in tapping. Should the city find, in its discretion, that the franchisee engaged in tapping, the city may suspend or revoke the franchise granted hereunder.

F. In order that the city, or its designee, may exercise its option to take over the facilities and property of the system as authorized herein upon expiration or forfeiture or revocation of the rights and privileges of the franchisee, the franchisee shall not make, execute or enter into any deed, deed of trust, mortgage, contract, conditional sales contract or any loan, lease, pledge, sale, gift or any other agreement concerning any of the rights, facilities or property, real or personal, of the system without prior approval of the city and upon the city's determination that the transaction proposed by the franchisee will not be harmful to the rights of the city under the franchise; provided, however, that this subsection shall not apply to the disposition or replacement of worn-out or obsolete facilities or personal property in the normal course of carrying on the CATV business or to routine contractual relationships entered into in the ordinary course of the cable business.

G. The franchise herein granted shall, at the option of the city, cease and terminate upon the appointment of a receiver or receivers or trustee or trustees to take over and conduct the business of the franchisee, whether in a receivership, reorganization, bankruptcy or other similar action or proceeding. In the case of a foreclosure or other judicial sale of the plant, property and equipment of the franchisee, or any part thereof, including or excluding the franchise, the city may serve notice of termination upon the franchisee and the successful bidder at such sale, in which event the franchise herein granted and all rights and privileges of the franchisee hereunder shall cease and terminate 30 days after service of such notice, unless:

(1) The city shall have approved the transfer of the franchise as and in the manner in this chapter provided; and

(2) Such successful bidder shall have covenanted and agreed with the city to assume and be bound by all the terms and conditions of this chapter.

### § 93-6. City's right of intervention.

The franchisee shall not oppose intervention by the city in any suit or proceeding to which the franchisee is a party.

### § 93-7. Local office; complaint procedures.

A. The franchisee shall maintain, within 20 miles of the service area, a local business office or designated agent for the purpose of receiving and resolving all complaints regarding the quality of service, equipment malfunctions and other similar matters.

B. The franchisee shall provide a toll-free telephone number at which subscribers may contact the franchisee or agent thereof on a twenty-four-hour basis in the case of emergencies and shall list such number in the local telephone directory and shall notify its subscribers of such service.

C. Complaints by any subscriber may be filed with the franchisee, in writing, or delivered to the franchisee orally in person or by means of the telephone.

D. Any complaints received from subscribers shall be investigated by the franchisee and service restored at least within 48 hours of their receipt. In the event that service is not restored within 48 hours, the subscriber shall be credited with a reduction in his or her monthly payment for each full day or portion of a day that such service is not restored by determining from the monthly charge the prorated charge for each day's service, then multiplying said daily charge by the number of days during which service was not wholly restored and subtracting the result from the monthly charge.

E. The franchisee shall keep a maintenance service log that will indicate the nature of each complaint, the name of the employee of the franchisee receiving the complaint, the date and time it was received, the disposition of the complaint and the time and date thereof. In said log the franchisee shall state the specific steps taken by the company to remedy the complaint. This log shall be made available for periodic inspection by the city agency.

F. The procedure for reporting and resolving complaints shall be stated, in writing, by the franchisee to each subscriber at the time of initial subscription to the cable system.

G. The franchisee shall maintain the staff and facilities needed to handle properly system maintenance and complaints.

H. The franchisee shall maintain a duty roster of qualified technicians to respond to complaints or malfunctions at other than normal office hours.

### § 93-8. Indemnification; bond; insurance.

A. Liability and indemnification of the city. The franchisee shall indemnify and hold harmless the city, its agents, servants, officials and employees at all times and specifically agrees that it will pay all damages and costs which the city or its agents, servants, officials or employees may be legally required to pay arising from the franchise granted herein. Such damages and penalties shall include, but not be limited to, damages arising out of copyright infringements and other damages arising out of the installation, operation or maintenance of the CATV system authorized, allowed or prohibited by the franchise. In the event that suit shall be filed against the city or its agents, servants, officials or employees, either independently or jointly with the franchisee, to recover for any claim or damages, the franchisee, upon notice to it by the city, shall defend the city or its agents, servants, officials or employees, as the case may be, against the action, and in the event of a final judgment being obtained against any of them, either independently or jointly with the franchisee, by reason of the acts of the franchisee, the franchisee will pay said judgment and all costs and legal fees and hold the city, its agents, servants, officials and employees harmless therefrom.

B. Faithful performance bond. The franchisee shall, concurrently with its acceptance of a franchise, file with the city, at the franchisee's sole expense, a corporate surety bond with a responsible company approved by the city and licensed to do business in Maryland in the amount of not less than $100,000, renewable annually and conditioned upon the faithful performance of the franchisee and upon the further condition that in the event that the franchisee shall fail to comply with any one or more of the provisions of the franchise agreement or this chapter, there shall be recoverable, jointly and severally from the principal and surety of such bond, any damages or loss suffered by the city or subscribers

as a result thereof, including the full amount of any compensation, indemnification or cost of removal or abandonment of any property of the franchisee as prescribed hereby, plus a reasonable allowance for attorney's fees and costs, said condition to be a continuing obligation on the part of the franchisee to the city that may arise from the acceptance of the franchise or its renewal or from the exercise of any privilege or right herein granted. The bond shall provide that at least 30 days' prior written notice of intention not to renew or to cancel or of any material change shall be given by the surety company by filing the same with the city agency. **[Amended 4-13-2000 by Ord. No. 2-2000]**

C. Insurance. The franchisee shall carry insurance in such forms and in such companies as shall be approved by the city agency, such approval not to be unreasonably withheld, to protect the city, its agents, servants, officials and employees and the franchisee from and against any and all claims, injury or damage. The insurance policies and performance bonds obtained by the franchisee in compliance with this and other sections shall be issued by a company or companies acceptable to the city agency, and a current certificate or certificates of insurance and bonding, along with written evidence of payment of all required premiums, shall be filed and maintained with the city agency during the term of the franchise and prior to the commencement of construction. Said policies shall name the city as an additional insured and shall contain a provision that a written notice of cancellation or reduction in coverage of said policy shall be delivered to the city agency 30 days in advance of the effective date thereof. The policies shall protect the city, its agents, servants, officials and employees and the franchisee from and against any and all claims, injury or damage to persons or property, both real and personal, caused by the construction, erection, operation or maintenance of the system.

(1) The amount of such insurance shall be in the discretion of the city but shall not be less than the amount set forth in the franchise agreement. **[Amended 4-13-2000 by Ord. No. 2-2000]**

(2) Workers' compensation insurance shall also be provided as required by the laws of the State of Maryland.

D. Nonwaiver. Neither the provisions of this section, or of any bonds accepted by the city or city agency pursuant hereto, nor any damage recovered by the city thereunder shall be construed to excuse unfaithful performance by the franchisee or limit the liability of the franchisee under this chapter or the franchise for damages, either to the full amount of the bond or otherwise.

### § 93-9. Area of coverage; extensions.

A. The franchisee shall extend the installation of cables, amplifiers and related equipment throughout the area covered by the franchise as rapidly as practicable. Service shall be extended throughout the service

area as soon as practicable or as directed by the city agency, but no later than 18 months following the issuance of the franchise.

B. The franchisee shall file a map and program report with the city agency at the close of each calendar year showing the exact area of the city being served by the cable television system and the location and identification of major component parts of the system and plans for future service extensions by year.

### § 93-10. Adoption of county ordinances. [Amended 3-14-1994 by Ord. No. 1-94]

A. Ordinance No. 113, adopted by the County Commissioners of Carroll County, Maryland, on January 17, 1994, is hereby adopted as part of the Code of Ordinances of the City of Taneytown, Maryland, by reference.

B. Ordinance No. 126, adopted by the County Commissioners of Carroll County, Maryland, on November 29, 1994, is hereby adopted as part of the Code of Ordinances of the City of Taneytown, Maryland, by reference. **[Added 4-10-1995 by Ord. No. 8-95]**

### § 93-11. Franchise fees. [Amended 4-13-2000 by Ord. No. 2-2000]

A. During the term of any franchise granted pursuant to this chapter, the franchisee shall pay to the city for the use of its streets and public ways and other facilities, as well as the maintenance, improvement and supervision thereof, an annual franchise fee as specified in the franchise agreement.

B. Method of computation.

(1) Payments due the city under the terms of the franchise shall be computed quarterly and paid within 30 days of the end of each quarter, that is, within 30 days after December 31, March 31, June 30 and September 30, respectively. The city agency shall be furnished with a statement with each payment, certified as correct by the franchisee, and an annual statement for the entire year, prepared by a certified public accountant.

(2) All statements shall reflect the total amount of gross subscriber revenues. Statements accompanying payments of the franchise fee shall set forth a detailed computation of the payment. The city agency reserves the right to reasonable inspection of the books, records, maps, plans and other material of the franchisee.

C. Right of recomputation. No acceptance of any payment shall be construed as a release or as an accord and satisfaction of any claims the city may have for further or additional sums payable as a franchise fee under the franchise agreement or for the performance of any other obligation hereunder.

D. Failure to make required payment. Failure to pay any fees required by this section shall be considered a material violation of the franchise in accordance with the foregoing provisions of this chapter and shall, at the option of the city, result in a suspension or termination of the franchise granted, and reinstatement thereof may, at the option of the city, be had upon payment of the delinquent fee or fees, plus any interest and/or penalties as may be required by the city.

### § 93-12. Duties of city agency.

Until such time as the city establishes a separate city agency, the city itself shall have the powers of the city agency but may designate all or any part of them to the City Manager. The city agency, in addition to any functions assigned to it elsewhere in this chapter, may have the following functions. It may:

A. Advise the city on matters which might constitute grounds for revocation of a franchise or other enforcement action in accordance with this specification.

B. Resolve disagreements among the franchisee, subscribers and public and private users of a system. Such decisions of the city agency shall be appealable to the city in the event that the city does not designate itself as the city agency.

C. Advise the city on the regulation of rates in accordance with this chapter.

D. Coordinate the franchisee's services for best public use of facilities and channels of the system.

E. Determine general policy relating to the service provided subscribers and the operation and use of public channels, with a view to maximizing the diversity of programs and services to subscribers. The use of public channels shall be allocated on a first-come, first-served basis, subject to limitations on monopolization of system time or prime times.

F. Encourage use of public channels among the widest range of institutions, groups and individuals. This endeavor shall be conducted with a view toward establishing different categories of uses.

G. Cooperate with other systems and coordinate interconnection of systems.

H. Audit all franchisee records required by this chapter and require the preparation and filing of information additional to that required herein.

### § 93-13. Citizen advisory committees.

Citizen advisory committees may be established as the need arises.

### § 93-14. Recourse, arbitration and costs. [Amended 8-9-1999 by Ord. No. 8-99; 12-13-1999 by Ord. No. 9-99]

A. Recourse. The franchisee shall have no recourse whatsoever against the city or its officers, officials, boards, commissions, agents or employees for any loss, cost, expense or damage arising out of any provisions or requirements of the franchise or because of its enforcement, except as may be provided herein.

B. Arbitration. In the event that the city and franchisee are unable to agree as to franchise amendments or any other matter that may be made subject to arbitration by this chapter, then each party shall designate an arbitrator, and these two arbitrators shall in turn select a third arbitrator. The three arbitrators, by majority vote, shall have the power to determine any matter made subject to arbitration by this chapter. If this method fails or for any reason cannot be followed, then arbitration shall be conducted in accordance with § 3-201 et seq. of the Courts and Judicial Proceedings Article of the Annotated Code of Maryland.

C. Costs. Except where otherwise expressly stated herein, all costs incurred by a franchisee in connection with any provision of this chapter shall be borne by the franchisee.

### § 93-15. Penalties for tapping. [Amended 8-9-1999 by Ord. No. 8-99; 12-13-1999 by Ord. No. 9-99]

Tapping shall constitute a misdemeanor. Any person found guilty of tapping is subject to punishment under the provisions of § 10-402 of the Courts and Judicial Proceedings Article of the Annotated Code of Maryland, when the act of tapping would be a violation of that article. When the tapping does not constitute a violation of the Courts and Judicial Proceedings Article, § 10-401 et seq., any person who is found guilty of tapping shall be punished by a fine of not more than $1,000 or by imprisonment of not more than six months, or both.

## Chapter 98

## CURFEW

### § 98-1. Findings.

A. There has been an increase in juvenile violence, drug-related juvenile activity and crime by persons under the age of 17 in the city; and

B. Persons under the age of 17 are particularly susceptible by their lack of maturity and experience to participate in unlawful and gang-related activities and to be victims of older perpetrators of crime.

### § 98-2. Purpose.

The purpose of this chapter is to provide for the protection of minors from each other and from other persons, to provide for the enforcement of parental control over and responsibility for children, to protect the general public and reduce the incidence of juvenile criminal activities pursuant to the city's power to promote the health, safety and general welfare of its citizens.

### § 98-3. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

CURFEW HOURS —

A. From 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday until 6:00 a.m. of the following day; and

B. One minute after 12:00 a.m. until 6:00 a.m. on any Friday or Saturday.

EMERGENCY — An unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, natural disaster, automobile accident or any situation requiring immediate action to prevent serious bodily injury or loss of life.

ESTABLISHMENT — Any privately owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

GUARDIAN —

A. A person who, under court order, is the guardian of the person of a minor; or

B. A public or private agency with which a minor has been placed by a court.

MINOR — Any person under 17 years of age.

OPERATOR — Any individual, firm, association, partnership or corporation operating, managing or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

PARENT — A person who is:

A. A natural parent, adoptive parent or stepparent of another person; or

B. At least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.

PUBLIC PLACE — Any place to which the public or a substantial group of the public has access and includes, but is not limited to, parks, streets,

highways and common areas of schools, hospitals, apartment houses, office buildings, transport facilities and shops.

REMAIN —

A. To linger or stay; or

B. To fail to leave premises when requested to do so by a police officer or the owner, operator or other person in control of the premises.

SERIOUS BODILY INJURY — Bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

### § 98-4. Offenses.

A. A minor commits an offense if he or she remains in any public place or on the premises of any establishment within the city during curfew hours.

B. A parent or guardian of a minor commits an offense if he or she knowingly permits, or by insufficient controls allows, the minor to remain in any public place or on the premises of any establishment within the city during curfew hours.

C. The owner, operator or any employee of an establishment commits an offense if he or she knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

### § 98-5. Defenses.

A. It is a defense to prosecution under § 98-4 of this chapter that the minor was:

(1) Accompanied by the minor's parent or guardian;

(2) On an errand at the direction of the minor's parent or guardian, without any detour or stop;

(3) In a motor vehicle involved in interstate travel;

(4) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;

(5) Involved in an emergency;

(6) On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the Police Department about the minor's presence;

(7) Attending an official school, religious or other recreational activity supervised by adults and sponsored by a civic organization or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an

official school, religious or other recreational activity supervised by adults and sponsored by a civic organization or another similar entity that takes responsibility for the minor;

(8) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right of assembly; or

(9) Married or had been married or had disabilities of minority removed in accordance with law.

B. It is a defense to prosecution under § 98-4C of this chapter that the owner, operator or employee of an establishment promptly notified the Police Department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

### § 98-6. Enforcement.

Before taking any enforcement action under this chapter, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this chapter unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in § 98-5 of this chapter is present.

### § 98-7. Violations and penalties.

Any person who violates the provision of this chapter is guilty of a misdemeanor and of a separate offense for each day or part of a day during which the violation is committed, continued or permitted. Each offense, upon conviction, is punishable as provided in § 1-20.

## Chapter 100

## LOITERING

**GENERAL REFERENCES**

**Alcoholic beverages — See Ch. 69.**

**Curfew — See Ch. 98.**

**Streets, sidewalks and other public places — See Ch. 176.**

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### § 100-1. Definitions.

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

LOITERING — Remaining idle in essentially one location and shall include the concepts of spending time idly, loafing or wailing about aimlessly and shall also include the colloquial expression "hanging around."

PUBLIC PLACE — Includes not only streets, alleys and sidewalks, parking lots, and city property, but also those establishments generally open for the public convenience and use.

### § 100-2. Unlawful activity.

It shall be unlawful for any person to loiter in a public place in such a manner as to:

A. Create or cause to be created a danger of a breach of the peace.

B. Create or cause to be created any disturbance or annoyance to the comfort and repose of any person.

C. Obstruct the free passage of pedestrians or vehicles.

D. Obstruct, molest or interfere with any person lawfully in any public place.

E. Solicit or engage in any lewd, lascivious or illegal act.

F. Solicit money or other valuable consideration without giving consideration in return.

G. Making of unsolicited remarks of an offensive, disgusting or insulting nature or calculated to annoy or disturb the person to or in whose hearing they are made.

### § 100-3. Unlawful activity near establishments selling alcoholic beverages.

A. It is unlawful for any person or persons to stand or loiter within 50 feet of a retail establishment which sells alcoholic beverages, in such a manner as to obstruct free passage on or along the street or sidewalk, and to disobey a request by a police officer to move on.

B. The fifty-foot distance mentioned in this section is to be measured along the street or other public way in both directions from the center of the main entrance or any other entrance of the retail establishment used by the public.

C. Nothing contained in this section is intended to prevent property owners or their guests from sitting on their front steps or standing on their sidewalks in front of their property, regardless of whether or not the property is within the fifty-foot line.

### § 100-4. Unlawful activity near school property.

It is unlawful for any person who is without a business purpose for being there to loiter in any public or private school building, around an entrance thereof, upon school grounds or upon a public way within 100 yards of the school grounds and to refuse to leave such premises when requested to do so by a school employee or law enforcement official.

### § 100-5. Enforcement.

Whenever the presence of any person in any public place is causing any of the conditions enumerated in § 100-2, any police officer may order that person or persons to leave that place. Any person who shall refuse to leave after being ordered to do so by a police officer, or returns after being ordered to leave, shall be in violation of this chapter.

### § 100-6. Violations and penalties.

Any person who violates the provisions of this chapter shall be guilty of a misdemeanor. Each offense, upon conviction, shall be punishable by a fine not exceeding $1,000 or by imprisonment for not more than 30 days, or by both such fine and imprisonment in the discretion of the Court.

## Chapter 103

## ELECTIONS

### § 103-1. through § 103-10. (Reserved)

### § 103-11. Schedule. [Amended 12-12-2016 by Ord. No. 29-2016]

The following schedule shall be utilized for every general election of the City.

A. Election day: first Monday of May.

B. Absentee ballots available: three weeks prior to election day.

C. Deadline for Board of Election Supervisors to verify and certify candidate nomination: four weeks prior to election day.

D. Candidate nomination close: six weeks prior to election day.

E. Notice of election/nomination published: nine weeks prior to election day.

### § 103-12. Notice of election/nomination.

A notice, substantially similar to the language included below, shall be published in a newspaper of general circulation in the City of Taneytown, pursuant to the schedule in § 103-11 above.

The City of Taneytown will hold its City Election on Monday, May [insert date] between the hours of 7:00 a.m. and 7:00 p.m. at the [insert poll location and address]. The election is for [insert offices/charter amendment].

Any resident of Taneytown seeking election to these offices must file a certificate of nomination no later than 4:00 p.m. on [insert date]. Certificates of nomination may be obtained from the City Office located at 17 East Baltimore Street, Taneytown, during regular business hours. Candidates shall be at least 25 years of age, shall have resided in the City of Taneytown for at least [insert qualifications for Mayor and/or Council] years immediately prior to the election and shall be qualified voters of the City.

Residents of the City of Taneytown who are at least 18 years of age and registered with the Carroll County Board of Elections shall be eligible to vote in the upcoming City election. Any person wishing to register to vote may do so any time prior to [insert date four weeks prior to election day] at the Carroll County Board of Elections. If you are registered to vote in a federal, state or county election you do not need to register again.

Absentee ballots may be obtained from the City Office after completing a request form and shall be available on [insert date three weeks before election day]. All completed absentee ballots must be returned no later than 7:00 p.m. [insert date of election]. The request form for absentee ballots is available by contacting the City office or from the City's website.

## § 103-13. Absentee voting.

The provisions set forth in this section shall apply to all City elections.

A. Procedures for voting by absentee ballot.

(1) Any qualified voter registered to vote in a City election is entitled to vote by absentee ballot. Such voter shall make application for an absentee ballot at the City Office no earlier than seven weeks prior to any election. Upon receipt of a properly completed application and no sooner than three weeks prior to the election, the voter may be mailed an absentee ballot, may obtain an absentee ballot in person at the City office, or an absentee ballot may be issued to an authorized agent of the voter.

(2) Form of application. The application shall contain the voter's name; address; phone number; signature; a space to select the option of picking the absentee ballot up in person, by mail, or through an authorized agent; a space to list the authorized agent's name, address and phone number; and a statement indicating that the ballot must be returned prior to the closing of the polls, giving the date and time, or it will not be counted. An application shall be rejected if not properly completed.

(3) Authorized agents. If the voter does not apply in person, the voter may designate an individual to act as an agent for the purpose of delivering the absentee ballot to the voter. The name and address of the agent shall be listed on the application for the absentee ballot. The agent shall execute an affidavit under penalty of perjury that the ballot was delivered to the voter who submitted the application; that the ballot was marked by the voter in the agent's presence; that the ballot was placed in a sealed envelope in the agent's presence; and that the agent returned the sealed envelope to the City office. **[Amended 3-13-2017 by Ord. No. 2-2017]**

(a) To qualify for agent delivery, the registered voter must:

[1] Live in a:

[a] Nursing home;

[b] Assisted living facility;

[c] Residential treatment center;

[d] Group home;

[e] Battered women's shelter; or

[2] Be hospitalized; or

[3] Be unable to go to the polling place due to incapacitating health reasons or a disability.

(b) To qualify as an authorized agent, a person:

[1] Must be at least 18 years old.

[2] Must be a registered voter within the City of Taneytown or a licensed health care professional engaged in the care of the absentee voter.

[3] May not be a candidate on the ballot or be a direct relative of a candidate on the ballot.

(c) An individual may not be an agent for more than one voter in an election.

(4) If the voter has requested that the ballot be delivered by mail, the Clerk shall, as soon as practicable, mail to the voter at an address designated by the voter, an absentee ballot and an envelope therefor. Mailing shall be by certified mail, return receipt requested or, if to be sent out of the country, by the quickest mailing practical. Postage for transmitting the ballot material to the voter shall be paid for by the City, and postage for the return of the ballot shall be paid by the voter.

(5) A record of applications for all absentee ballots shall be maintained, noting the date and time received; and the name and address of the applicant. This record shall be available for examination by the public.

(6) After issuance of the absentee ballot, that voter's record shall be marked accordingly and shall be removed from the voter rolls and held separately. No voter who has had an absentee ballot issued to them shall vote or be allowed to vote in person at any polling place.

(7) No more than one absentee ballot shall be issued to any voter unless the Board of Election Supervisors has reasonable grounds to believe that the absentee ballot previously issued has been lost, destroyed or spoiled.

B. Canvassing of absentee ballots.

(1) Absentee ballots shall not be opened or unfolded at any time prior to the closing of the polls and the beginning of the canvass of the ballots.

(2) Any absentee ballot received after the time for closing of the polls will not be counted.

(3) If the Board determines that the affirmation on the outside of the ballot envelope has been properly completed and that person is entitled to vote and has not already voted on Election Day, the Board shall open the ballot envelope and remove the ballot therefrom and place it in a ballot box prepared for that purpose. When any ballot envelope is opened, the Board shall enter into the appropriate register the fact that the voter has voted, using the initials "A.B." to indicate the vote has been by absentee ballot. If there is more than one ballot in the ballot envelope, all ballots shall be rejected.

(4) Invalid absentee ballots. Any absentee ballot which has voted for a person who has ceased to be a candidate shall not be counted for such candidate, but such vote shall not invalidate the remainder of such ballot. If at or prior to the time of canvassing the ballots, the Board shall determine from proof or investigation that the absentee voter who marked a ballot had died before Election Day, such ballot shall not be counted. If the Board has not been able to determine that an absentee voter had died prior to Election Day, the vote shall be counted, and the fact that such absentee voter may be shown to have been deceased on Election Day shall not invalidate such ballot or election.

(5) Maintaining records. All absentee voter applications, certifications, ballot envelopes and ballots shall be kept separate and apart from the ballots cast in the regular voting places and retained for six months after the date of election at which they were cast unless,

prior to that time, the Board shall be ordered by a court of competent jurisdiction to keep the same for a longer period.

C. Form of ballots for absentee voters. In sufficient time prior to the date absentee ballots are available, an adequate number of absentee ballots and three types of envelopes described herein shall be printed. The ballots shall contain the words "Absentee Ballot" printed in large letters in a clear space at the top of each ballot. Underneath these words shall be printed the following warning: "Mark ballot by placing "X" or other such mark that clearly indicates the voter's choice in the proper blank after each candidate or question. Do not erase or make identifying mark." The Board of Election Supervisors shall prescribe the size, form and printed content of the absentee ballot material and envelopes providing for a covering envelope, a ballot envelope and a return envelope.

### § 103-14. Board of Election Supervisors rules and procedures.

The Board of Election Supervisors is authorized to promulgate rules and regulations to implement the provisions of the Charter and Code for the conduct of the City elections, including but not limited to the Board's operating rules, polling place procedures, vote count procedures, and any other matter deemed to be appropriate and necessary to the conduct of City elections.

### § 103-15. through § 103-19. (Reserved)

### § 103-20. Petitions. [Added 5-18-2017 by Ord. No. 8-2017]

A. Applicability.

(1) The provisions of this section shall apply to all petitions filed pursuant to the Charter and Code of the City of Taneytown and matters subject to petition contained in applicable provisions of Title 4 of the Local Government Article of the Annotated Code of Maryland.

(2) Nothing in this chapter shall create, enlarge, alter or add any petition rights of the citizens of Taneytown which are not otherwise authorized by the Charter and Code of the City of Taneytown or applicable provisions of state law.

B. Contents of petitions.

(1) A petition shall contain:

(a) An information page; and

(b) Signature pages containing not less than the total number of signatures required by law to be filed.

(2) Information page. The information page shall contain:

(a) A description of the subject and purpose of the petition.

(b) Identification of the sponsor and, if the sponsor is an organization, the individual designated to receive notices under this chapter and the address of the individual and organization.

(c) The number of signature pages comprising the petition and the total number of signatures contained in the petition.

(3) Signature page. Each signature page shall contain:

(a) A description of the subject and purpose of the petition, conforming to the requirements of applicable law.

(b) If the petition seeks to challenge a charter amendment adopted by the Mayor and City Council, the resolution number which adopted the charter amendment and:

[1] A fair and accurate summary of the substantive provisions of the charter amendment; or

[2] The full text of the charter amendment.

(c) If the petition seeks to adopt a charter amendment, the description must comply with the applicable provisions of the Local Government Article of the Annotated Code of Maryland.

(d) If the petition is filed pursuant to the provisions of the Local Government Article of the Annotated Code of Maryland, it shall also comply with the applicable requirements stated therein.

(e) A statement, to which each signer (petitioner) subscribes, that:

[1] The signer supports the purpose of the petition process; and

[2] Based on the signer's information and belief, the signer is a registered voter of the City.

(f) A space for the signature of the petitioner.

(g) A space for the petitioner to print their name and address.

(h) A space for the petitioner to write the date of signing.

(i) A space for the required affidavit made and executed by the circulator.

(4) A signature page shall satisfy the requirements of Subsection B(3) above before any signature is affixed to it and at all relevant times thereafter.

(5) All signature pages comprising the petition shall be assembled and filed as one instrument.

C. Form petition. A petition substantially similar to the one referenced as "Sample Petition 1" shall be used to comply with the terms of this section.

D. Information provided by signers.

(1) To sign a petition, an individual shall:

(a) Sign the individual's name as it appears on the City's voter registration records. A minor variation in the signature of a petitioner between the signature on the petition and that on the City's voter registration records shall not invalidate the signature.

(b) Include the following information, printed or typed, in the spaces provided:

[1] The signer's name as it was signed;

[2] The signer's address; and

[3] The date of signing.

(2) Validation and counting. The signature of an individual shall be validated and counted if:

(a) The requirements of Subsection D(1) of this section have been satisfied;

(b) The individual is a registered voter of the City when the individual signed the petition;

(c) The individual has not previously signed the same petition;

(d) The signature is attested to by an affidavit appearing on the page on which the signature appears;

(e) The date accompanying the signature is not later than the date of the affidavit on the page; and

(f) The signature was affixed within the requisite period of time, as specified by law.

(3) Removal of signature and additional signatures.

(a) A signature may be removed:

[1] By the signer upon written application to the Mayor and City Council, if the application is received prior to the filing of that signature; or

[2] Prior to the filing of that signature, by the circulator who attested to that signature or by the sponsor of the petition, if it is concluded that the signature does not satisfy the requirements of this section.

(b) A signature removed pursuant to this section may not be included in the total number of signatures stated on the information page included in the petition.

(c) Subsequent to the filing of a petition under this section, but prior to the deadline for filing the petition, additional signatures may be added to the petition by filing an amended information page and additional signature pages conforming to the requirements of this section.

E. Circulators; affidavit of circulator.

(1) Each signature page shall contain an executed affidavit by the individual in whose presence all of the signatures on that page were affixed and who observed each of those signatures being affixed, herein cited as the "circulator." The circulator shall be a registered voter of the City of Taneytown.

(2) The affidavit shall contain the statement that:

(a) All identifying information given by the circulator is true and correct;

(b) Signatures were placed on the petition in the circulator's presence;

(c) Based on the circulator's best knowledge and belief, each signature on the page is genuine and each signer is a registered voter of the City.

(3) Any signature page which does not fulfill the requirements of this section shall be disallowed and all signatures thereon shall not be counted.

(4) A circulator must be at least 18 years old at the time any of the signatures covered by the affidavit are affixed.

F. Filing of petitions. A petition shall be addressed to the Mayor and City Council of the City of Taneytown and shall be filed with the City Clerk.

G. Determinations at time of filing.

(1) Upon the filing of a petition, the City Clerk shall review the petition to make a determination that the petition, as to matters other than the validity of signatures, is sufficient. This determination may be deferred to obtain a legal review of the petition by the City.

(2) Declaration of deficiency. The City Clerk shall declare that the petition is deficient if it is determined that:

(a) The petition was not timely filed.

(b) The petition does not satisfy any requirements of law for the number of signatures.

(c) The requirements relating to the form of the petition have not been satisfied.

(d) The use of a petition for the subject matter of the petition is not authorized by law.

(e) The petition has failed to satisfy some other requirement established by law.

(3) Unless a declaration of deficiency is made, the City Clerk shall make a determination that the petition, as to matters other than the validity of signatures, is sufficient, in which case the process of verification of signatures shall begin pursuant to the provisions of this section.

(4) Notice of the determination made under this section shall be given to the Mayor and City Council of the City of Taneytown and to the individual designated to receive notice on the information page of the petition.

H. Verification of signatures.

(1) Upon the filing of a petition, unless it has been declared deficient under the terms of this section, the City Clerk shall proceed to verify the signatures and count the validated signatures contained in the petition. The purpose of signature verification is to ensure that the name of the individual who signed the petition is listed as a registered voter of the City at the time the petition was signed.

(2) If it is determined that the petitioner is not a registered voter of the City at the time of the signing, that signature will be disallowed and not counted in the total of valid signatures contained in the petition.

(3) If the name of the petitioner is not legible or if information required under this section is not provided, that signature will be disallowed and not counted in the total of valid signatures contained in the petition.

I. Certification.

(1) At the conclusion of the verification and counting process, the City Clerk shall:

(a) Determine whether the validated signatures contained in the petition are sufficient to satisfy all requirements established by law relating to the number of signatures; and

(b) Determine whether the petition has satisfied all other requirements established by law for that petition.

(2) If the City Clerk determines that a petition has satisfied all requirements established by law relating to that petition, the City

Clerk shall certify that the petition process has been completed and shall:

(a) Notify the Mayor and City Council of the City of Taneytown and submit the petition and certification to the Mayor and City Council for appropriate action required by law.

(b) Send notice of such certification to those designated to receive notice on the information page of the petition.

(c) Post a public notice in the customary place indicating that a petition has been filed and has been certified to be valid.

(3) If the City Clerk determines that a petition has not satisfied all requirements established by law relating to that petition, the City Clerk shall certify the petition as invalid and shall:

(a) Notify the Mayor and City Council of the City of Taneytown of such invalidity.

(b) Send notice of such invalidity to those designated to receive notice on the information page of the petition.

(c) Post a public notice in the customary place indicating that a petition has been filed and has been declared invalid.

# Chapter 106

# EROSION AND SEDIMENT CONTROL

**GENERAL REFERENCES**

**Building construction — See Ch. 82.**

**Landscaping — See Ch. 136.**

**Stormwater management — See Ch. 173.**

**Subdivision of land — See Ch. 180.**

**Water — See Ch. 201.**

## § 106-1. 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 to control the adverse impacts associated with accelerated soil erosion and resultant sedimentation. Minimizing soil erosion and off-site sedimentation will minimize damage to public and private property and assist in the attainment and maintenance of water quality standards.

B. The provisions of this chapter, pursuant to Title 4, Subtitle 1 of the Environment Article of the Annotated Code of Maryland, are adopted under the authority of the City of Taneytown Charter and shall apply to all grading occurring within the City of Taneytown. 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.

## § 106-2. Definitions.

For the purposes of this chapter, certain words shall have meaning assigned to them as follows:

ADMINISTRATOR — The Zoning Administrator of the City of Taneytown.

ADVERSE IMPACT — Any deleterious effect on water or wetlands, including their quality, quantity, surface area, species composition, aesthetics or usefulness for human or natural uses. Such deleterious effect is or may potentially be harmful or injurious to human health, welfare, safety or property and to biological productivity, diversity or stability or unreasonably interfere 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 considered a part of this definition.

APPLICANT — Any person who executes the necessary forms to procure official approval of a project or a permit to carry out construction of a project.

CITY — The City of Taneytown, Maryland.

CLEAR — Any activity which removes the vegetative ground cover.

DEPARTMENT — The Department of the Environment.

DEVELOPER — A person undertaking, or for whose benefit any or all of the activities covered by this chapter are commenced or carried on. General contractors or subcontractors, or both, without a proprietary interest in a project are not included within this definition.

DRAINAGE AREA — That area contributing runoff to a single point measured in a horizontal plane which is enclosed by a ridge line.

EROSION — The process by which the land surface is worn away by the action of the wind, water, ice or gravity.

EROSION AND SEDIMENT CONTROL — A system of structural and vegetative measures that minimize soil and off-site sedimentation.

EROSION AND SEDIMENT CONTROL PLAN — An erosion and sediment control strategy or plan to minimize erosion and prevent off-site sedimentation by containing sediment on site or by passing sediment-laden runoff through a sediment control measure prepared and approved in accordance with the specific requirements of the city and this chapter and designed in accordance with the Maryland Standards and Specifications for Soil Erosion and Sediment Control.

EXEMPTION — Those land development activities that are not subject to the erosion and sediment control requirements contained in this chapter.

GRADE — To cause disturbance of the earth. This shall include, but not be limited to, any excavating, filling, stockpiling of earth materials, grubbing, root mat or topsoil disturbance or any combination of them.

INSPECTION AGENCY — The Department of the Environment or, if delegation of enforcement authority is granted, the appropriate local inspection agency.

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 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 sediment control associated with earth changes or disturbances.

SEDIMENT — Soils or other surface 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 which 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.

STABILIZATION — The prevention of soil movement by any of various vegetative and/or structural means.

STANDARDS AND SPECIFICATIONS — The 1994 Maryland Standards and Specifications for Soil Erosion and Sediment Control or any subsequent revisions.

VARIANCE — Modification of the criteria set forth in the standards and specifications.

WATERSHED — The total drainage area contributing runoff to a single point.

WETLANDS — Any area that has saturated soils or periodic high groundwater levels and vegetation adapted to wet conditions and periodic flooding.

### § 106-3. Scope; exemptions and variances.

A. Scope. No person shall clear or grade land without implementing soil erosion and sediment controls in accordance with the requirements of this chapter, except as provided within this section.

B. Exemptions. The following are exempt from this chapter:

(1) Agricultural land management practices and construction of agricultural structures.

(2) Single-family residences or their accessory buildings on lots of two acres or more that disturb an area less than 1/2 acre.

(3) Clearing or grading activities that disturb less than 5,000 square feet of land area and disturb less than 100 cubic yards of earth.

(4) Clearing or grading activities that are subject exclusively to state approval and enforcement under state law and regulations.

C. Variances. The Carroll Soil Conservation District may grant a written variance from the requirements of the standards and specifications if strict adherence to the specifications will result in unnecessary hardship and not fulfill the intent of this chapter. The developer shall submit a written request for a variance to the Carroll Soil Conservation District. The request shall state the specific variances sought and reasons for requesting the variance. The Carroll Soil Conservation District shall not grant a variance unless and until sufficient specific reasons justifying the variance are provided by the developer.

## § 106-4. Erosion and sediment control plan.

A. Review and approval of erosion and sediment control plan.

(1) A person may not clear or grade land without first obtaining an erosion and sediment control plan approved by the Carroll Soil Conservation District.

(2) The applicant shall submit an erosion and sediment control plan and any supporting computations to the Carroll Soil Conservation District for review and approval. The erosion and sediment control plan shall contain sufficient information, drawings and notes to describe how soil erosion and off-site sedimentation will be minimized. The Carroll Soil Conservation District shall review the plan to determine compliance with this chapter and the standards and specifications prior to approval. The plan shall serve as a basis for all subsequent grading and stabilization.

(3) In approving the plan, the Carroll Soil Conservation District may impose such conditions thereto as may be deemed necessary to ensure compliance with the provisions of this chapter, the state sediment control regulations, COMAR 26.09.01, the standards and specifications or the preservation of public health and safety.

(4) The Carroll Soil Conservation District shall notice the applicant of approval or reasons for the disapproval or modification within 30 days after submission of the completed erosion and sediment control plan. If a decision is not made within 30 days, the Carroll Soil Conservation District shall inform the applicant of the status of the review process and the anticipated completion date. The

erosion and sediment control plan shall not be considered approved without the inclusion of the signature and date of signature of the Carroll Soil Conservation District on the plan.

(5) Approved plans may remain valid for two years from the date of approval unless renewed by the Carroll Soil Conservation District.

B. Contents of the erosion and sediment control plan. The applicant is responsible for submitting an erosion and sediment control plan which meets the requirements of the Carroll Soil Conservation District, this chapter, the state sediment control regulations, COMAR 26.09.01, and the standards and specifications. The plan 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. The applicant shall certify on the drawings that all clearing, grading, drainage, construction and development shall be conducted in strict accordance with the plan. Applicants shall submit the following information:

(1) A letter of transmittal.

(2) A vicinity sketch indicating North arrow, scale and other information necessary to easily locate the property.

(3) A plan at an appropriate scale indicating at least:

(a) The name, address and telephone number of the owner of the property where the grading is proposed, the developer and the applicant.

(b) The existing and proposed topography.

(c) The proposed grading and earth disturbance, including the surface area involved, the volume of spoil material, the volume of borrow material and the limits of grading, including limitation of mass clearing and grading whenever possible.

(d) Storm drainage provision, including velocities and quantities of Q10 flow at outfalls and site conditions around points of all surface water discharge from the site.

(e) Erosion and sediment control provisions to minimize on-site erosion and prevent off-site sedimentation, including:

[1] Provisions to preserve topsoil and limit disturbance.

[2] Details of grading practices.

[3] Design details for structural controls.

[4] Details of temporary and permanent stabilization measures, including placement of the following statement on the plan: "Following initial soil disturbance or

redisturbance, permanent or temporary stabilization shall be completed within seven calendar days as to the surface of all perimeter dikes, swales, ditches, perimeter slopes and all slopes greater than three horizontal to one vertical (3:1) and 14 days as to all other disturbed or graded areas on the project site." The requirements of this Subsection B(3)(e)[4] do not apply to those areas which are shown on the plan and are currently being used for material storage or to those areas on which actual construction activities are currently being performed or to interior areas of a surface mine site where the stabilization material would contaminate the recoverable resource. Maintenance shall be performed as necessary to ensure that the stabilized areas continuously meet the appropriate requirements of the 1994 Maryland Standards and Specifications for Soil Erosion and Sediment Control.

(f) The 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. The sequence of construction shall, as a minimum, include a schedule and time frame for the following activities:

[1] Clearing and grubbing for those areas necessary for installation of perimeter controls.

[2] Construction of perimeter controls.

[3] Remaining clearing and grubbing.

[4] Road grading.

[5] Grading of the remainder of the site.

[6] Utility installation and whether storm drains will be used or blocked after construction.

[7] Final grading, landscaping or stabilization.

[8] Removal of controls.

(g) A statement placed on the plan indicating that the developer shall request that the inspection agency approve work completed in accordance with the approved erosion and sediment control plan, the grading or building permit and this chapter.

[1] On all sites with disturbed areas in excess of two acres, approval of the inspection agency shall be requested upon completion of installation of perimeter erosion and sediment controls but before proceeding with any other

earth disturbance or grading. Other building or grading inspection approvals may not be authorized until this initial approval by the inspection agency is made.

[2] Approval shall be requested upon final stabilization of all sites with disturbed areas in excess of two acres before removal of controls.

(h) Certification by the owner or developer that any clearing, grading, construction or development, or all of these, will be done pursuant to this plan and that responsible personnel involved in the construction project will have a certification of training at a Department of the Environment approved training program for the control of sediment and erosion before beginning the project. The certification of training for responsible personnel requirement may be waived by the Carroll Soil Conservation District on any project involving four or fewer residential units.

(i) A statement placed on the plan indicating that the permittee shall notify the inspection agency 48 hours before commencing any land disturbing activity.

(j) Any additional information or data deemed appropriate by the Carroll Soil Conservation District.

C. Modification to erosion and sediment control plans. The Carroll Soil Conservation District may revise approved plans as necessary. Modifications may be requested by a permittee, the inspection agency and the city.

## § 106-5. Grading and building permits.

A. Permit requirements. Before a grading or building permit for any lot or parcel is issued by the city, the Carroll Soil Conservation District must review and approve an erosion and sediment control plan for the site.

B. 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.

C. 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 shall be exempt from the permit fee.

D. Permit suspension and revocation. The city may suspend or revoke any grading or building permit after providing written notification to the permittee based on any of the following reasons:

(1) Any violation(s) of the terms or conditions of the approved erosion and sediment control plan or permit.

(2) Noncompliance with a violation notice(s) or stop-work order(s) issued.

(3) Changes in site characteristics upon which plan approval and permit issuance were based.

(4) Any violation(s) of this chapter or any rules and regulations adopted under it.

E. Permit conditions. In issuing the grading permit, the city may impose such conditions thereto as may be deemed necessary to ensure compliance with the provisions of this chapter or the preservation of the public health and safety.

## § 106-6. Performance bond.

The city shall require the developer to furnish a surety or cash bond, irrevocable letter of credit or other means of security acceptable to the city in the amount of 110% of documented erosion and sediment control construction costs.

## § 106-7. Inspections.

A. Inspection frequency reports.

(1) The permittee shall maintain a copy of the approved erosion and sediment control plan on site.

(2) On all sites with disturbed areas in excess of two acres, the permittee shall request that the inspection agency inspect work completed at the stages of construction specified below to ensure accordance with the approved erosion and sediment control plan, the grading or building permit and this chapter:

(a) Upon completion of installation of perimeter erosion and sediment controls, prior to proceeding with any other earth disturbance or grading. Other building or grading inspection approvals may not be authorized until initial approval by the inspection agency is made.

(b) Upon final stabilization before removal of sediment controls.

(3) Every active site having a designed erosion and sediment control plan should be inspected for compliance with the plan on the average once every two weeks.

(4) Inspectors shall prepare written reports after every inspection. The inspection report shall describe:

(a) The date and location of the site inspection;

(b) Whether or not the approved plan has been properly implemented and maintained;

(c) Any practice or erosion and sediment control plan deficiencies; and

(d) If a violation exists, the type of enforcement action taken.

(5) The inspection agency shall notify the on-site personnel or the owner/developer, in writing, when violations are being observed, describing the nature of the violation, the required corrective action and the time period in which to have the violation corrected.

B. Right to 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 this chapter.

C. Modifications to erosion and sediment control plans. When inspection of the site indicates the approved erosion and sediment control plan needs modification, the modification shall be made in compliance with the erosion and sediment control criteria contained in the standards and specifications as follows:

(1) The permittee shall submit requests for major modifications to approved erosion and sediment control plans, such as the addition or deletion of a sediment basin, to the plan approval agency to be processed appropriately. This processing includes modifications due to plan inadequacies at controlling erosion and sediment as revealed through inspection.

(2) The inspector may approve minor modifications to approved erosion and sediment control plans in the field if documented on a field inspection report. The plan approval agency shall, in conjunction with the inspection agency, develop a list of allowable field modifications for use by the inspector.

D. Complaints. The inspection agency shall receive complaints and initiate endorsement procedures when violations are confirmed. Any complaint received shall be acted upon routinely within three working days, and the complainant shall be notified of any action or proposed action routinely within seven working days of receipt of the complaint.

## § 106-8. Enforcement.

Enforcement procedures shall be as follows:

A. When the inspection agency or an inspector determines that a violation of the approved erosion and sediment control plan has occurred, the inspector shall notify the on-site personnel or the permittee, in writing, of the violation, describe the required corrective action and state the time period in which to have the violation corrected. **[Amended 8-9-1999 by Ord. No. 8-99]**

B. If the violation persists after the date specified for corrective action in the notice of violation, the inspection agency shall stop work on the site. The inspection agency shall determine the extent to which work is stopped, which may include all work on the site except that work necessary to correct the violation.

C. If reasonable efforts to correct the violation are not undertaken by the permittee, the inspection agency shall refer the violation for legal action.

D. 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.

E. Any step in the enforcement process may be taken at any time, depending upon the severity of the violation.

F. If a person is working without a permit, the inspection agency shall stop work on the site, except activity necessary to provide erosion and sediment control.

### § 106-9. Violations and penalties. [Added 12-8-1997 by Ord. No. 5-97]

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 $1,000 or imprisonment not exceeding six months, or both, for each violation, with costs imposed at the discretion of the court. Each day upon which the violation occurs constitutes a separate offense. **[Amended 8-9-1999 by Ord. No. 8-99]**

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 of Taneytown or the state in a civil action for damages in an amount equal to double the cost of installing or maintaining controls.

D. Any governing authority that recovers damages in accordance with this section shall deposit them in a special fund, to be used solely for correcting, to the extent possible, the failure to implement or maintain erosion and sediment controls and for administration of the sediment control program.

# Chapter 112

# FIREARMS

### § 112-1. Discharging firearms, air rifles and other devices. [Amended 4-13-1992 by Ord. No. 3-92]

No person shall discharge or shoot off any gun, pistol, air rifle, air pistol, bow and arrow, crossbow or similar device within the corporate limits of the city. This section shall not be construed to prohibit archery that is lawfully allowed indoors within the corporate limits of the city by any business or other concern having approval to do so by the Mayor and Council, nor shall the same apply to any shooting or target range in existence on the effective date of Ordinance No. 3-92 and having permission from the Mayor and Council to continue such operations.

### § 112-2. Violations and penalties. [Amended 8-9-1999 by Ord. No. 8-99]

A violation of any of the provisions of this chapter is declared to be a municipal infraction. The penalty for violation shall be $50 for each initial offense and $100 for each repeat offense.

## Chapter 114

## FLOODPLAIN MANAGEMENT

**GENERAL REFERENCES**

**Building construction — See Ch. 82.**

**Erosion and sediment control — See Ch. 106.**

**Storm sewer systems — See Ch. 172.**

**Stormwater management — See Ch. 173.**

**Subdivision of land — See Ch. 180.**

**Site plans — See Ch. 181.**

**Zoning — See Ch. 205.**

### § 114-1. Adoption of Flood Insurance Study and Flood Insurance Rate Maps.

Those public records entitled "Flood Insurance Study for Carroll County, Maryland and Incorporated Areas," dated October 2, 2015, with accompanying Flood Insurance Rate Maps, dated October 2, 2015, and all subsequent amendments and/or revisions, copies of which shall be kept on file in the City Office of the City of Taneytown, are hereby adopted by reference as the basis for establishing the special flood hazard areas for floodplain management in the City of Taneytown. The special flood hazard areas documented in the Flood Insurance Study and Flood Insurance Rate Maps are the minimum area of applicability of the floodplain management regulations and may be supplemented by studies for other areas as allowed in the regulations.

### § 114-2. Adoption of county regulations. [Amended 4-10-2017 by Ord. No. 3-2017]

The public record designated as the "Floodplain Management Regulations for Carroll County," known as Chapter 153, Floodplain Management, of the Carroll County Code, dated September 3, 2015, and all subsequent amendments and/or revisions, copies of which shall be kept on file in the City Office of the City of Taneytown, is hereby adopted as the legal basis for implementing floodplain management in the City of Taneytown.

### § 114-3. Delegation of responsibility; floodplain administrator.

A. The City of Taneytown delegates the responsibility or floodplain management to Carroll County as provided in an executed resolution dated September 14, 2015.

B. The City Manager is designated as the National Flood Insurance Program floodplain administrator for the City of Taneytown and is responsible for coordinating with Carroll County and will serve as the community point of contact on National Flood Insurance Program issues for county, state and federal officials.

### § 114-4. Enforcement.

Carroll County shall have the right and authority to fully enforce the provisions of the ordinance within the corporate limits of the City of Taneytown.

### § 114-5. Violations and penalties.

Any person who fails to comply with any or all of the requirements or provisions of the Floodplain Management Ordinance shall be subject to the penalties as outlined within Chapter 155, § 155-37, of the Carroll County Code.

## Chapter 116

## FOREST CONSERVATION

### § 116-1. Adoption of county ordinance.

The Carroll County Forest Conservation Ordinance adopted and enforced by Carroll County, Maryland, shall be the official Forest Conservation Ordinance for the City of Taneytown, Maryland, and such ordinance is hereby adopted by reference. The official of the county shall be the inspector and/or enforcement official for the city for this purpose.

# Chapter 124

# HEALTH AND SANITATION

**GENERAL REFERENCES**

**Minimum Livability Code — See Ch. 142.**

**Peddlers, solicitors and vendors — See Ch. 157.**

**Streets and sidewalks — See Ch. 176.**

ARTICLE I
**General Provisions**

## § 124-1. Purpose.

The purpose of this chapter is to require that dwellings be kept clean and free from dirt, filth, rubbish, garbage and similar matter and from vermin and rodent infestation; to provide for the control of weeds and litter on vacant lots or other properties and streets and sidewalks within the City; to regulate refuse storage and to make other necessary regulations regarding health and sanitation; and to authorize the City to issue orders compelling compliance with the provisions of this chapter and to correct those conditions at the expense of the property occupants and/or owners of properties upon which violations occur.

## § 124-2. Definitions.

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

ABANDONED MOTOR VEHICLE — Any vehicle that meets any of the following conditions:

A. Is in such a rusted, wrecked, dismantled or deteriorated condition as not to be lawfully operable on public roads.

B. Is in such a deteriorated or decayed condition, whether or not it is operable, so as to constitute a breeding ground for rats, mosquitoes or other vermin or insects.

ABANDONED MOVEABLE PROPERTY — Any major appliance, such as refrigerators, freezers, ranges, etc., or any parts of the same or of other machinery or any scrap metal or other items which are not being used in any construction and are left unattended for a period in excess of 10 days on any public way, neutral ground, or lot so as to constitute a breeding ground for rats, mosquitoes or other vermin or insects.

AUTHORIZED PRIVATE RECEPTACLE — A storage and collection receptacle as required and authorized in § 124-8.

BULK WASTE — Large items of refuse, including but not limited to appliances, furniture, trees, branches and stumps, large auto parts, and construction and remodeling waste which cannot be handled by normal municipal waste processing, collection or disposal methods.

CITY — The City of Taneytown, Maryland, its officers, officials, agents, and employees.

CODE ENFORCEMENT OFFICER — The official of the City appointed to ensure compliance with the provisions of the Code of the City of Taneytown.

CRITICAL HAZARD — Any violation of this chapter that, if not immediately abated, may adversely affect the public health, welfare or safety.

DAY — For purposes of notification as provided in this chapter, “day” or “days” will mean calendar days.

GARBAGE — Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food, including kitchen and table wastes, fat, offal, dead fish, bones, shells of seafood, grain, fruit and other such matter.

HANDBILL — Printed material intended for distribution to promote an event, product, campaign or service.

HAZARDOUS WASTE — Any waste substance or material designated as a hazardous substance pursuant to § 7-201 et seq. of the Environmental Article of the Annotated Code of Maryland.

HIGHWAY — Shall have the meaning stated in § 8-101 of the Transportation Article of the Annotated Code of Maryland.

IMMEDIATE ABATEMENT — Action taken to correct a public health, welfare, or safety hazard determined by the City to be a critical hazard.

LITTER — Garbage, refuse and rubbish and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

MUNICIPAL SOLID WASTE — Garbage, refuse, rubbish, trash and other discarded materials, resulting from residential activities, which can be handled by normal municipal waste processing, collection or disposal methods. Municipal solid waste does not include bulk waste or hazardous waste.

NEWSPAPER — A publication intended for general circulation by sale or subscription and published regularly at short intervals containing information and news of general interest.

NOTICE — Documentation of a violation advising a property owner or occupant of such, which may include information regarding corrective action necessary and penalties should the violation not be corrected. The date upon which the City issues such correspondence to a property owner advising him or her of a violation shall be deemed the date of notice. Such notice shall be sent by certified mail and regular mail to the property owner's address as determined by reasonable means by the City.

OVERGROWN — Growth of weeds or other plants wherein any plant not grown for cultivation or ornamental purposes is eight inches tall or higher.**[Amended 6-14-2010 by Ord. No. 5-2010]**

PARK — A park, reservation, playground, beach, recreation center or any other public area in the City owned or used by the City and devoted to active or passive recreation.

PRIVATE PREMISES — Any dwelling, house, building or other structure designed or used, either wholly or in part, for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule

or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

PUBLIC PLACE — Any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings.

RECYCLING — Materials including but not limited to glass, rigid plastic, metal cans, paper and cardboard that may be segregated from residential garbage for collection and reuse.

REFUSE — All putrescible and nonputrescible solid waste (except body waste), including rubble, debris, ashes, street cleanings, dead animals, garbage and other waste or rejected matter, including cut grass, fallen leaves, twigs and other articles severed from realty and other household, commercial and industrial wastes.

RUBBISH — Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery, discarded household goods and similar materials.

TRASH — Solid or nonliquid refuse other than garbage.

YARD WASTE — Grass cuttings and leaves.

ARTICLE II
**Property Maintenance**

### § 124-3. Maintenance requirement; duty to maintain.

Every dwelling within the City and every part thereof shall be kept so clean and free from any accumulation of dirt, filth, rubbish, refuse, garbage or similar matter as not to be a danger to the health of any occupant thereof and shall be kept free from vermin and rodent infestation. It shall be the duty of each occupant or owner of a dwelling unit to keep in a clean condition that portion of the property which he or she occupies or over which he or she has control. If the occupant or owner shall fail to keep his or her portion of the property clean as above provided, the City may send a written notice to that occupant or owner requesting him or her to remedy the condition within the time specified in the notice. Failure of the occupant or owner to comply with the notice within that time shall be a violation of this chapter.

### § 124-4. Weeds.

No owner or occupant of any land within the corporate limits of the City shall permit any land to become overgrown with weeds. Trees and other ornamental grasses are exempt from this requirement, as long as the same are planted for ornamental, agricultural or other domestic purposes and are not growing wild.

### § 124-5. Inspections.

The Code Enforcement Officer shall periodically inspect all property in the City to determine compliance with the requirements of this article.

ARTICLE III
**Refuse and Rubbish**

### § 124-6. Prohibited disposal.

It shall be unlawful for any person to throw or dispose of any sweepings, dust, ashes, offal, garbage, paper, handbills, dirty or polluted liquid or any other refuse or rubbish upon any street, sidewalk, vacant or occupied lot, public place or elsewhere in the City except in receptacles provided for that purpose.

### § 124-7. Premises to be kept clean.

All occupants and owners of land within the City are hereby required to keep their premises in a clean and sanitary condition, free from accumulations of refuse or rubbish except when stored as provided in this article.

### § 124-8. Storage.

A. Each owner, occupant or other responsible person using or occupying any building or other premises within this municipality where refuse accumulates or is likely to accumulate shall provide and keep covered an adequate number of metal, durable rubber or durable plastic refuse containers. The refuse containers shall be strong, durable and rodent- and insectproof. They shall each have a capacity of not less than 20 gallons nor more than 60 gallons, except that this maximum capacity shall not apply to larger containers which may be handled mechanically. Furthermore, except for containers which may be handled mechanically, the combined weight of any refuse container and its contents shall not exceed 60 pounds. No refuse shall be placed in a refuse container until the refuse has been drained of all free liquids.

B. Containers shall be maintained in good repair and in a clean and sanitary condition. No refuse shall be allowed to spill from such containers or remain on the surface or ground around such containers.

### § 124-9. Location of containers.

Where alleys are used by the municipal refuse collectors, containers shall be placed on or within six feet of the alley line in such a position as not to intrude upon the traveled portion of the alley. Where streets are used by the refuse collectors, containers shall be placed adjacent to and back of the curb, or adjacent to and back of the ditch or street line if there is no curb, at such times as shall be scheduled for the collection of refuse therefrom, provided that containers shall not be placed at such locations for more than 12 hours before the time of collection. Within 12 hours after these containers have been emptied they shall be removed by the owner to within, or to the rear of, his or her premises and away from the street line until the next scheduled time for collection.

### § 124-10. Disturbing containers.

No unauthorized person shall uncover, rifle, pilfer, dig into, turn over or place refuse in, on, alongside or near a container belonging to another without the express permission of the owner or lessee thereof. This section shall not be construed to prohibit the use of public refuse containers for their intended purpose.

### § 124-11. Collection vehicles.

The collection of refuse shall be by means of vehicles with beds constructed of impervious materials which are easily cleanable and so constructed that there will be no leakage of liquids draining from the refuse onto the streets and alleys. Furthermore, all refuse collection vehicles shall utilize closed beds or those coverings as will effectively prevent the scattering of refuse over the streets or alleys.

### § 124-12. Disposal at unauthorized sites.

The disposal of refuse in any quantity by any person in any place, public or private, other than at the site or sites designated for refuse disposal by the Council is expressly prohibited.

### § 124-13. Collection and disposal of municipal solid waste.

A. The City shall provide for the collection and disposal of municipal solid waste, including recyclables, for residential units within the City. The Mayor and City Council are authorized to enter into a contract or contracts with collectors to perform all or part of such collection and disposal.

B. The City may provide for the collection and disposal of municipal solid waste, including recyclables, for industrial and commercial users in the City. The Mayor and City Council are authorized to levy a charge for such service, and to enter into a contract or contracts with collectors to perform all or part of industrial and commercial trash collection and disposal.

C. Regular collection service shall not include removal of bulk trash. The Mayor and City Council are authorized to institute a process for the collection of bulk waste, including a charge for such service, and are authorized to enter into a contract or contracts with collectors to perform all or part of bulk trash collection and disposal.

### § 124-14. Industrial and commercial pickup service.

All industrial and commercial users having one cubic yard or more of garbage or trash per scheduled pickup shall be required to provide their own trash collection and disposal.

### § 124-15. Disposal of hazardous waste.

Any user producing hazardous waste shall be fully responsible, at its own expense, for its proper disposal as required by local, state or federal laws.

### § 124-16. Waste produced outside City limits.

No waste produced or accumulated outside the corporate limits of the City shall be deposited within the corporate limits of the City.

### § 124-17. Yard waste.

The City shall provide for the collection and disposal of yard waste, which shall be limited to grass clippings and leaves. Grass clippings and leaves shall be placed in City-approved bags, which must be securely closed and may not exceed 30 pounds or the bag's capacity, whichever is less. Such collection shall be provided as needed, as determined by the City.

ARTICLE IV
**Littering**

### § 124-18. Deposit in public places.

No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the City except in public receptacles or in authorized private receptacles for collection.

### § 124-19. Use of receptacles to prevent scattering.

Persons placing litter in public receptacles or in authorized private receptacles shall do so in a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

### § 124-20. Sweeping into gutters.

No person shall sweep into or deposit in any gutter, street or other public place within the City the accumulation of litter from any building or lot or from any public or private sidewalk or driveway.

### § 124-21. Duty to keep sidewalks free of litter.

Persons owning or occupying places of business or residences within the City shall keep the sidewalk in front of their premises free of litter.

### § 124-22. Persons in vehicles.

No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the City or upon private property.

### § 124-23. Parks.

No person shall throw or deposit litter in any park within the City except in public receptacles and in a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein.

### § 124-24. Bodies of water.

No person shall throw or deposit litter in any fountain, pond, lake, stream, bay or any other body of water in a park or elsewhere within the City.

### § 124-25. Handbills.

A. Deposit in public places. No person shall throw or deposit any handbill in or upon any sidewalk, street or other public place within the City.

B. Placement on vehicles. No person shall throw or deposit any handbill in or upon any vehicle; provided, however, that it shall not be unlawful in any public place for a person to hand out or distribute, without charge to the receiver thereof, a handbill to any occupant of a vehicle who is willing to accept it, pursuant to the provisions of Chapter 157 of this Code.

C. Uninhabited or vacant premises. No person shall throw or deposit any handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant.

D. Posted premises. No person shall throw, deposit or distribute any handbill upon any private premises if requested by anyone thereon not to do so or if there is placed on the premises in a conspicuous position near the entrance thereof a sign bearing the words "No Trespassing," "No Peddlers or Agents," "No Advertisement" or any similar notice indicating in any manner that the occupants of the premises do not desire to have their right of privacy disturbed or to have any handbills left upon the premises.

E. Inhabited private premises.

(1) No person shall throw, deposit or distribute any handbill in or upon private premises which are inhabited except by handing or transmitting any handbill directly to the owner, occupant or other person then present in or upon such private premises; provided, however, that in case of inhabited private premises which are not posted, as provided in this article, that person, unless requested by anyone upon the premises not to do so, may place or deposit any handbill in or upon the inhabited private premises if the handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about those premises or sidewalks, streets or other public places.

(2) Exemption for mail and newspapers. The provisions of this section shall not apply to the distribution of mail by the United States Postal Service or to newspapers, except that newspapers shall be placed on private property in a manner so as to prevent their being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

### § 124-26. Dropping from aircraft.

No person in an aircraft shall throw out, drop or deposit within the City any litter, handbill or any other object.

### § 124-27. Posting notices.

No person shall post or affix to any lamppost, public utility pole or tree or upon any public structure or building any notice, poster or other paper or device calculated to attract the attention of the public, except as may be authorized or required by law.

### § 124-28. Private property.

No person shall throw or deposit litter on any private property within the City.

### § 124-29. Premises to be free of litter.

The owner or person in control of any private property shall at all times maintain the premises free of litter. The owner or person in control of private property may maintain authorized private receptacles for collection in a manner so that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property.

ARTICLE V
**Abandoned Vehicles and Moveable Property**

### § 124-30. Property to be kept free of abandoned vehicles and moveable property.

Every property within the City shall be kept clean and free from any abandoned vehicles, abandoned moveable property or similar matter, so as not to be a danger to the public health, safety, welfare, comfort, or the health of any occupant thereof. If personal property, including but not limited to furniture, implements, tools, goods, effects, or other chattel, remains in an area of violation on the real property, that personal property shall be deemed to be abandoned moveable property and shall be subject to removal.

ARTICLE VI
**Violations, Penalties and Abatement**

## § 124-31. Violations and penalties.

A violation of any of the provisions of this chapter is declared to be a municipal infraction. The penalty for violation shall be $50 for each initial offense and $100 for each day the violation continues.

## § 124-32. Notice and abatement by City.

A. Written notice of violation; waiver of requirement.

(1) Whenever it shall appear to the Code Enforcement Officer that a violation of the provisions of this chapter exists upon any property in the City, written notice of the violation shall be given to the property owner and/or occupant of that property.

(2) Critical hazards. When a violation is deemed a critical hazard, any or all provisions regarding notification may be waived to allow immediate abatement of the violation.

B. The City may remove, abate, suspend, alter or otherwise improve the condition of the property to resolve the violation, if said violation is not remedied by the property owner or occupant within seven days after notice pursuant to this section is given. **[Amended 6-14-2010 by Ord. No. 5-2010]**

C. Any property owner or occupant that receives notice of a violation of this chapter may appeal in writing to the City Manager to contest the determination of a violation by the Code Enforcement Officer within seven days after notice pursuant to this section is given. The City Manager shall affirm or overrule the decision of the Code Enforcement Officer in writing. If the City Manager's decision affirms the determination of the Code Enforcement Officer the property owner or occupant shall have five days in which to remedy the violation or the City may remove, abate, suspend, alter or otherwise improve the condition of the property to resolve the violation. **[Amended 6-14-2010 by Ord. No. 5-2010]**

D. Whenever the City takes actions to remedy a violation pursuant to this section, the property owner shall be responsible for all costs and expenses, including legal fees, labor costs, disposal costs, and any other costs that the City may incur in the process of the remediation of said violation. Said costs will be billed to the owner of the property and if not paid shall constitute a lien on the real property in the same manner and to the same extent as unpaid real estate taxes and will be included on the next regular real estate tax bill.

E. If a violation of this chapter involves a motor vehicle, the City may, in addition to any other available remedy, impound and dispose of the

same pursuant to the provisions of Chapter 193, Vehicles and Traffic, of the Code of the City of Taneytown.

# Chapter 136

# LANDSCAPING

## § 136-1. Adoption of county manual.

The Landscaping Manual adopted and enforced by Carroll County, Maryland, shall be the official landscaping manual of the City of Taneytown, Maryland, and such manual is hereby adopted by reference. The code official of the county shall be the inspector or enforcement official for the city for this purpose. This section is not intended to limit the power of the city in any other manner to require greater or more extensive landscaping as may be required in any manner by other applicable sections of this Code.

# Chapter 142

# LIVABILITY

## § 142-1. Adoption of county code.

The Minimum Livability Code adopted and enforced by Carroll County, Maryland, shall be the official livability code of the City of Taneytown, Maryland, and such code is hereby adopted by reference. The code official of the county shall be the inspector or enforcement official for the city for this purpose.

## § 142-2. Disposition of property of evicted occupants. Added 12-11-2006 by Ord. No. 11-2006]

A. In this section, "highway" has the meaning stated in § 8-101 of the Transportation Article of the Annotated Code of Maryland.

B. If personal property, including but not limited to furniture, implements, tools, goods, effects, or other chattels, removed from a property by an eviction remains on or near a public highway for more than 24 hours, the personal property shall be deemed abandoned.

C. The City of Taneytown may remove and dispose of the personal property in a landfill once the property has been abandoned for 48 hours.

D. When the City of Taneytown has removed and disposed of the personal property a fee will be charged to the owner of the real property, and if unpaid, it shall be collected in the same manner as real estate taxes, and such charges shall constitute a lien on the land and premises in the same manner and to the same extent as unpaid real estate taxes.

E. The fee charged for removal and disposal by the City shall be established and amended by resolution of the Council.

# Chapter 153

# PARKS AND RECREATION

**GENERAL REFERENCES**

**Alcoholic beverages — See Ch. 69.**

**Litter in parks — See Ch. 124, § 124-23.**

ARTICLE I
**Parks**
**[Adopted 3-11-1996 by Ord. No. 3-96 (Title 6, Ch. 1 of the 1980 Code)]**

## § 153-1. Dedication of Memorial Park.

The Taneytown Memorial Park is dedicated to those from this community who have served their country in war.

## § 153-2. Rules and regulations for all City parks. [Amended 8-9-1999 by Ord. No. 8-99; 12-3-1999 by Ord. No. 9-99]

The following rules and regulations apply to all parks owned and/or maintained by the City:

A. The hours of operation of the parks shall be as fixed from time to time by the Council.

B. Vehicles in the parks after posted hours shall be towed out of the parks at the expense of the owner of the vehicle.

C. Alcoholic beverages shall be allowed within pavilions in the parks only by permit approved by order of the Council.

D. Equipment and furniture shall not be removed from the park pavilions.

E. Dogs and other pets shall be limited in each municipal park as determined and posted, from time to time, by the City, and when permitted in any such park, all dogs must be controlled at all times and contained by a leash and all excrement or feces shall be removed immediately by the pet handler. **[Amended 11-8-1999 by Ord. No. 10-99]**

F. Profanity is prohibited in all park areas, and violators shall be subject to immediate removal.

G. No person shall ride or cause to be operated a skateboard on any public tennis court, basketball court, paved park drive or parking area.[20] **[Amended 12-14-2009 by Ord. No.10-2009]**

H. Fees for the use of park facilities shall be set from time to time by resolution of City Council.

I. Conditions and regulations as to the use of any City-owned park and/or recreation facility may be established from time to time by resolution of the City Council. **[Added 3-11-2002 by Ord. No. 1-2002]**

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**20. Editor's Note: Former Subsection H, concerning removal of equipment from park pavilions, was repealed 12-14-2009 by Ord. No.10-2009, which ordinance also redesignated former Subsections I and J as Subsections H and I.**

### § 153-3. Violations and penalties. [Amended 8-9-1999 by Ord. No. 8-99; 12-13-1999 by Ord. No. 9-99]

Any violation of the provisions of this article is declared to be a municipal infraction. The penalty for violation shall be $50 for each initial offense and $100 for each repeated offense.

ARTICLE II
**(Reserved)**[21]

**§ 153-4. through § 153-7. (Reserved)**

**21. Editor's Note: Former Art. II, Swimming Pools, adopted 1-14-1980 by Ord. No. 5-79 as Title 6, Chapter 2, of the 1980 Code, as amended, was repealed 12-14-2009 by Ord. No.10-2009.**

ARTICLE III
**Parks and Recreation Advisory Board**
**[Adopted 2-9-2004 by Ord. No. 2-2004]**

### § 153-8. Creation; membership; terms.

A. There shall be created an Advisory Board to advise the Mayor and Council in matters related to City owned parks and recreation facilities.

B. The Advisory Board shall consist of five members appointed by the Mayor with the consent of the Council. **[Amended 12-14-2009 by Ord. No. 10-2009]**

C. The term of appointment for membership on the Advisory Board shall be for a period of three-year staggered terms of office.

D. The Mayor shall appoint a member of the Council to serve as a nonvoting member and liaison to the Advisory Board. **[Amended 12-14-2009 by Ord. No. 10-2009]**

### § 153-9. Powers and duties.

Subject to the supervision, the budgetary policies and appropriations, and approval of the Council, and subject to the laws, ordinances and regulations of the City of Taneytown, the powers and the duties of the Advisory Board shall be as follows:

A. To make recommendations to the Mayor and Council regarding all questions of general policy relating to parks and recreation within the City of Taneytown.

B. To make recommendations to the Mayor and Council regarding schedules of user fees and rates for the use of any City owned park or recreation facility.

C. To make recommendations to the Mayor and Council regarding rules and regulations for the uses of all City owned park and recreation facilities and for the participation by groups and individuals participating in its City recreation programs.

D. To make recommendations to the Mayor and Council regarding participation with any federal, state, county or local governments or any other governmental agency or citizen's group in providing, establishing, conducting and maintaining adequate recreation facilities, programs and activities.

E. To submit to the Council an annual report of its activities, together with recommendations for future activities and development of parks and recreation facilities and programs in the City of Taneytown.

### § 153-10. Officers. [Amended 12-14-2009 by Ord. No. 10-2009]

A. The Advisory Board shall, by majority vote, elect a member of the Advisory Board to serve as Chairperson. The term of the Chairperson shall be for one year. Such Chairperson shall be eligible for election to serve additional terms as Chairperson. This election shall occur each year in July. In the absence of a Chairperson to conduct the election described herein, the election shall be conducted by the nonvoting member of the City Council appointed as liaison to the Board.

B. The Advisory Board shall, by majority vote, elect a member of the Advisory Board to serve as Secretary. The term of the Secretary shall be for one year. Such Secretary shall be eligible for election to serve additional terms as Secretary. This election shall occur each year in January.

### § 153-11. Resignations; removal of members; vacancies.

A. Resignation. Any member of the Advisory Board may resign at any time by providing written notice to the Chairperson of the Advisory Board and the Mayor and Council. Such resignation shall be effective on the date specified in such written notice.

B. Removal. Any member of the Advisory Board may be removed, with or without cause, by a majority vote of the Council.

C. Vacancies. Vacancies on the Advisory Board shall be filled by the Mayor with the consent of the Council, for the unexpired term. **[Amended 12-14-2009 by Ord. No. 10-2009]**

### § 153-12. Compensation.

Reasonable expenses of members of the Advisory Board related to Advisory Board matters may be submitted to the City Council for approval for reimbursement by the City.

### § 153-13. Meetings; quorum. [Amended 12-14-2009 by Ord. No. 10-2009]

A. Meetings. The Advisory Board shall hold regular meetings as deemed necessary by the Advisory Board and shall provide at least 15 days' notice of the date, time and location of the meeting. All Advisory Board meetings shall be open to the public and comply with the provisions of the Open Meetings Act.

B. Quorum. A majority of the members of the Advisory Board shall constitute a quorum. No business shall be conducted at any meeting of the Advisory Board unless a quorum shall be present.

C. Agenda. All meetings shall operate under an agenda listing the items to be discussed and the business before the Advisory Board. This agenda shall be posted on the City’s website and at the City Office as far in advance of the meeting as possible.

D. Order of business. The business of the Advisory Board shall be taken up for consideration and disposition in the following order:

(1) Opening of meeting.

(2) Roll call.

(3) Approval of minutes.

(4) Reception of delegations.

(5) Unfinished business.

(6) New business.

(7) Staff reports.

(8) Comments/discussion from Board members.

(9) Citizen comments.

(10) Adjournment.

E. Minutes. As soon as possible after the Advisory Board meets, it shall have written minutes of its session prepared. The minutes shall reflect:

(1) Each item that the Advisory Board considered;

(2) The action that the Advisory Board took on each item; and

(3) Each vote that was recorded.

**§ 153-14. Advisors.**

A. The City Manager shall serve as an advisor to the Advisory Board.

B. The City Recreation Director shall serve as an advisor to the Advisory Board.

C. The City Attorney shall serve as attorney to the Advisory Board.

ARTICLE IV
**Skate Park**
**[Adopted 2-14-2005 by Ord. No. 2-2005]**

## § 153-15. Operation.

The Taneytown Skate Park shall be operated by the City.

## § 153-16. Rules and regulations.

The following rules and regulations apply to the skate park facility:

A. All persons using the skate park or skate park grounds do so at their own risk and are solely responsible for any accidents or injury in connection with such use.

B. All persons using the skate park must provide their own equipment. The City is not responsible for inspecting or otherwise certifying the fitness of said equipment for use at the skate park. Bicycles may be ridden in the skate park facility but must use peg covers.

C. Helmets must be worn at all times by all users of the skate park facility. The usage of knee, elbow and wrist guards is encouraged.

D. The cost of any property damage will be charged to the responsible party.

E. The City is not responsible for any lost or damaged personal property.

F. The number of users is limited to 100 at any one time.

G. No food, beverages or smoking is allowed within the fenced area of the facility.

H. Extreme recklessness in the use of the facility is grounds for removal from the facility.

I. No one shall remain at the facility nor loiter in the area after the facility is closed.

J. All users must follow the instructions and directions of City staff at all times.

K. City staff, in their absolute discretion, may close the skate park at any time.

L. Horseplay, foul language, inappropriate behavior and noncompliance with instructions from City staff will not be tolerated.

M. Violations of any rules and regulations of the skate park may result in the individual being suspended from the use of the facility.

N. The hours of operation shall be set by the City staff and posted for the public.

### § 153-17. Violations and penalties.

A violation of this article is declared to be a municipal infraction. The penalty for violation shall be established and amended by resolution of the Council.

ARTICLE V

## Park Acquisition and Development[22]

**[Adopted 8-9-1999 by Ord. No. 8-99; amended in its entirety 12-13-1999 by Ord. No. 9-99]**

### § 153-18. Open space impact fee.

There shall be assessed against each dwelling unit, prior to securing a building permit, an impact fee in the sum of $1,500 per dwelling unit. All such impact fees received shall be maintained by the City in a special account or accounts to be used exclusively for park acquisition and development. To the extent that any subdivision lot created pursuant to the provisions of Chapter 180-42, Subdivision of Land, § 180-8, Open space, shall have previously paid the sum of $1,500 for such lot or land was conveyed to the City in kind, or a combination of both, as determined by the City, this impact fee is waived or prorated.

**22. Editor's Note: Former § 82-8, Open space impact fee, was removed 12-14-2009 by Ord. No. 10-2009 and renumbered as this Art. V, § 153-18.**

# Chapter 157

# PEDDLERS, SOLICITORS AND VENDORS

**GENERAL REFERENCES**

**Business licenses — See Ch. 88.**

## § 157-1. License required.

A. It shall be unlawful for any person to engage, within the corporate limits of the city, in the business of a peddler or solicitor or street vendor, as defined by Maryland law, or transient vendor without first obtaining a license as provided herein.

B. No person shall be permitted to sell any article or thing upon any street or public place within the city, except at those places as may be approved by the city.

## § 157-2. Definitions.

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

PEDDLER, SOLICITOR or STREET VENDOR — Includes any person who hawks, peddles or vends, distributes literature or takes orders for any wares, merchandise or service upon the streets of the City or any person who goes from house to house to vend, sell or take orders for any wares or merchandise or anything of value or solicits service.

## § 157-3. Exemptions.

The provisions of this chapter shall not apply to:

A. Persons selling merchandise to manufacturers, wholesalers or retailers for use in their business or for resale.

B. Fraternal, religious, charitable, patriotic, educational, benevolent or civic organizations.

C. Volunteer fire companies.

D. Canvassers of political, social, and religious positions and/or of a political candidate, petition, referendum or other ballot issue. **[Added 9-9-2002 by Ord. No. 3-2002]**

## § 157-4. Separate license for each individual.

A separate license must be obtained for each individual who will participate in the hawking, peddling or vending or the taking of orders for any wares or merchandise.

### § 157-5. Application for license.

A. Applicants for a license shall file with the City Clerk a signed application giving the following information:

(1) Name, local and permanent address, age, weight, height, color of hair and eyes and other distinguishing physical characteristics.

(2) Name and local permanent addresses of the person by whom he or she is employed or with whom he or she is associated.

(3) Length of that employment or association.

(4) Brief description of the business and nature of the merchandise to be sold.

(5) One photo identification.

(6) If a vehicle is to be used, a description of the same, together with the license number.

(7) 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.

B. If the application is for a license for peddling, soliciting, street vending or transient vending on property not owned by the applicant, a letter must be submitted to the City Clerk from the owner of the property advising that the solicitor has permission to use the property for the purpose of soliciting, vending or peddling.

### § 157-6. Investigation of applicant.

Upon receipt of a license application, the City Clerk shall cause an investigation of the applicant's business and moral character to be made as he or she deems necessary for the protection of the public welfare.

### § 157-7. License fee. [Amended 10-14-1996 by Ord. No. 10-96]

The fee for a peddler's, solicitor's, street vendor's and transient vendor's license shall be $25 per fiscal year or any part thereof. Any applicant who meets all other qualifications of this chapter and who possesses a valid and existing trader's license and whose principal place of business is located within the corporate limits of the City shall be exempt from the requirement of payment of the fee set forth herein.

### § 157-8. Appeals.

An appeal from an action of the City Clerk in failing to approve the issuance of any license may be taken to a regular meeting of the Council, which shall thereafter affirm the action of the City Clerk or overrule it and direct the Clerk to issue the license. The Council shall render its decision within 60 days of hearing any appeal.

### § 157-9. Terms of license.

A license issued under this chapter shall be good for the period of duration specified in the license from the date of issuance, unless earlier suspended or revoked as provided in this chapter. Every peddler or solicitor or street vendor shall carry with him or her his or her 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 or she is so engaged. The license shall remain the property of the City and shall be surrendered to the City Clerk upon expiration, suspension or revocation.

### § 157-10. Denial, revocation or suspension.

The City Clerk may refuse to issue or renew a license or may revoke or suspend any license issued under this chapter if the City Clerk 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 § 157-5. The City Clerk may suspend for a period up to 90 days, or 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 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 revocation, suspension or failure to renew shall be by written notice to the licensee delivered personally or sent by certified mail to the licensee's local address listed in his or her application. The notice shall contain a statement of the reason for the action taken.

### § 157-11. Vehicles.

Every vehicle and every thing pertaining thereto used by a licensed peddler, solicitor or street vendor shall at all times be maintained in a clean and orderly condition, and no portion of the contents thereof shall be thrown, spilled or deposited upon the street or other public place.

### § 157-12. Violations and penalties. [Amended 8-9-1999 by Ord. No. 8-99]

Any violation of this chapter is declared to be a municipal infraction. The penalty for violation shall be $50 for each initial offense and $100 for each repeat offense.

# Chapter 167

# SEWERS

**GENERAL REFERENCES**

**Stormwater management — See Ch. 173.** **Water — See Ch. 201.**

ARTICLE I
**General Provisions**
**[Amended 6-11-1984 by Ord. No. 4-84]**

## § 167-1. Purpose; objectives.

A. This chapter sets forth uniform requirements for direct and indirect contributors to the sewerage facilities of the City of Taneytown and enables the city to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the general pretreatment regulations (40 CFR Part 403).

B. The objectives of this chapter are:

(1) To prevent the introduction of pollutants into the sewerage system which will interfere with the operation of the system or contaminate the resulting sludge.

(2) To prevent the introduction of pollutants into the sewerage system which will pass through the system inadequately treated into receiving waters or the atmosphere or otherwise be incompatible with the system.

(3) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system.

(4) To provide for equitable distribution of the cost of the sewerage system.

## § 167-2. Short title.

The short title of this chapter shall be the "City of Taneytown Sewer Use Code."

## § 167-3. Definitions.

The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Words, terms and phrases are as follows:

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.

BOD (biochemical oxygen demand) — The quantity of oxygen, expressed in milligrams per liter (mg/l), utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20º C.

CITY — The City of Taneytown, Maryland, or its authorized deputy, agent or representative.

GARBAGE — Solid waste resulting from the domestic and commercial preparation, cooking and dispensing of food and from handling, storage and sale of produce.

IMPROVED PROPERTY — Any property upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sewage and/or industrial wastes shall be or may be discharged.

INDUSTRIAL ESTABLISHMENT — Any room, group of rooms, building or other enclosure used or intended for use, in whole or in part, in the operation of one business enterprise for manufacturing, fabricating, processing, cleaning, laundering or assembling any product, commodity or article or from which any process waste, as distinct from sewage, shall be discharged.

INDUSTRIAL WASTE — Solid, liquid or gaseous substances, waterborne waste or form of energy discharged or escaping in the course of any industrial, manufacturing, trade or business process or in the course of development, recovering or processing of natural resources, but not sewage.

INDUSTRIAL WASTE QUESTIONNAIRE — As set forth in § 167-5 of this chapter.

INTERFERENCE — The inhibition or disruption of the sewage treatment plant processes or operations which contributes to a violation of any requirement of the city's National Pollutant Discharge Elimination System (NPDES) permit. The term includes prevention of sewage sludge use or disposal by the city in accordance with Section 405 of the Act (33 U.S.C. § 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the city.

Mg/l — Milligrams per liter.

OWNER — Any person vested with ownership, legal or equitable, sole or partial, of an improved property.

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. The masculine gender shall include the feminine, and the singular shall include the plural where indicated by the context.

pH — The logarithm of the reciprocal of the concentration of hydrogen ions, expressed in gram equivalent per liter of solution, indicating the degree of acidity or alkalinity of a substance.

PRETREATMENT or TREATMENT — The reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the sewerage

facilities. The reduction or alteration can be obtained by physical, chemical or biological processes or process changes or by other means, except as prohibited by federal regulations.

PRETREATMENT REQUIREMENTS — Any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on an industrial user.

QUALIFIED ANALYST —

A. Any person holding an undergraduate degree in chemistry or in a closely allied field (e.g., biology or sanitary engineering); or

B. Any other person who has demonstrated competency in wastewater analysis by having analyzed satisfactorily a minimum of three reference wastewater samples as supplied upon request by the city.

SEWAGE — The normal water-carried household and toilet waste from any improved property, excluding, however, the effluent from septic tanks or cesspools, rain, stormwater and groundwater, as well as roof or surface water, drainage or percolating or seeping waters or accumulation thereof, whether underground or in cellars or basements.

SEWAGE TREATMENT PLANT — That portion of the sewerage system designed to provide treatment to wastewater, including, but not necessarily limited to, any arrangement of devices and structures used for treating sewage and authorized industrial waste.

SEWERAGE SYSTEM — Any sanitary sewers that convey wastewater to the sewage treatment plant, but not including pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this chapter, "sewerage system" shall also include any sewers that convey wastewaters to the sewerage system from persons who are, by contract or agreement with the city, users of the city's sewerage system.

SLUG — Any discharge of water, sewage or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than 15 minutes more than five times the average twenty-four-hour concentration or flow during normal operation.

STANDARD METHODS — An abbreviated expression used to denote Standard Methods for the Examination of Water and Wastewater, a manual published by the American Public Health Association specifying official analytical procedures for the measurement of wastewater parameters.

SUSPENDED SOLIDS — Solids that either float on the surface of or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering.

TOTAL SOLIDS — The sum of dissolved and undissolved constituents in water or wastewater.

TOXIC SUBSTANCE — Any substance or combination of substances that is listed as toxic in regulations of the Environmental Protection Agency or is present in sufficient quantity, either singly or by interaction with

other wastes, to injure or interfere with any sewage treatment process, to constitute a hazard to humans or animals, to create a public nuisance or to create any hazard in the sewerage system or in the receiving waters of the sewage treatment plant.

UNAUTHORIZED WASTE — Any waste which is not in compliance with the provisions of this chapter or which is discharged into the sewerage system by a person in violation of any provision contained in this chapter.

UNGROUND GARBAGE — Garbage that has not been shredded to such a degree that all its particles will be carried freely under normal sewer flow conditions, with no particle greater than 1/2 inch in any dimension.

USER — Any person who contributes or causes or permits the contribution of wastewater into the city's sewerage system.

WASTEWATER — The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, whether treated or untreated, which is contributed into or permitted to enter the sewerage system.

### § 167-4. Prohibited wastes.

A. No person shall discharge or cause to be discharged any stormwater, surface water, spring water, groundwater, roof runoff, subsurface drainage, building foundation drainage, cellar drainage or drainage from roof leader connections into the sewerage system.

B. The city reserves the right to refuse permission to connect to the sewerage system, to compel discontinuance of use of the sewerage system or to compel pretreatment of industrial wastes by any industrial establishment in order to comply with treatment discharge criteria and to prevent discharges deemed harmful or to have a deleterious effect upon any sewer, the sewerage system or the sewage treatment plant.

C. Except as otherwise provided, no person shall discharge or cause to be discharged into the sewerage system any sewage, industrial wastes or other matter or substance:

   (1) Having a temperature higher than 120º F. or less than 32º F.

   (2) Containing more than 80 mg/l of fat, oil or grease.

   (3) Containing any gasoline, benzene, naptha, fuel, oil, paint products, acid or other inflammable or explosive liquids, solids or gases.

   (4) Containing unground garbage.

   (5) Containing, but not limited to, any ashes, cinders, sand, mud, straw, shavings, metals, glass, rags, feathers, tar, plastics, wood, whole blood, paunch manure, bentonite, lye, building materials, rubber, hair, bones, leather, porcelain, china, ceramic wastes or other solid or viscous substances capable of causing obstruction or

other interference with the operation of the sewerage system or sewage treatment plant.

(6) Having a pH, stabilized, lower than 6.5 or higher than 9.0 or having any other corrosive or scale-forming property capable of causing damage or hazard to structures, equipment, bacterial action or personnel of the sewerage system or the sewage treatment plant.

(7) Containing a toxic substance in sufficient quantity to injure or cause interference with any sewage treatment process, to constitute a hazard to humans or animals or to create any hazard in the receiving waters of the sewage treatment plant.

(8) Containing total solids greater than 2,000 parts per million or of such character and quantity that unusual attention or expense is required to handle such material in the sewage treatment plant.

(9) Containing a noxious or malodorous gas or substance which creates a public nuisance.

(10) Containing dye from any source that will not have an effluent the equivalent of that produced by alum coagulation and chlorination to remove suspended or collodial matter and bleach the dissolved dyes.

(11) Containing radioactive substances and/or isotopes of such half-life or concentration as may exceed limits in compliance with applicable state or federal regulations.

(12) Having a chlorine demand in excess of 12 mg/l at a detention time of 20 minutes.

(13) Prohibited by any permit issued by the State of Maryland or the Environmental Protection Agency.

(14) Containing wastes which are not amenable to biological treatment or reduction in existing treatment facilities, specifically nonbiodegradable complex carbon compounds.

(15) Having BOD greater than 250 mg/l.

(16) Having a content of suspended solids greater than 250 mg/l.

(17) Containing slugs having an average daily flow greater than 5% of the average daily sewage flow at the sewage treatment plant.

(18) Containing toxic or poisonous substances in excess of the following limits, measured at the point of discharge to the sewerage system; provided, however, that deviations from the schedule may be authorized by the city, in its sole discretion, upon an affirmative showing by the person requesting the same that such deviation will not be harmful to the sewerage system or sewage treatment plant:

| Substance | Maximum Concentration (mg/l) |
|---|---|
| Arsenic | 0.01 |
| Cadmium (as Cd) | 0.01 |
| Chromium (trivalent) | 0.5 |
| Chromium (hexavalent) | 0.3 |
| Copper (as Cu) | 1.0 |
| Cyanides | 0.1 |
| Lead | 0.05 |
| Mercury | 0.1 |
| Nickel (as Ni) | 0.5 |
| Phenol | 0.005 |
| Silver | 0.05 |
| Zinc (as Zn) | 2.5 |

(19) Containing any toxic substance not mentioned in the foregoing list that will pass through the treatment works and exceed the maximum permitted levels for such substance under the requirements of the state or other governmental agencies.

D. Drainage of swimming pools. Filter backwash lines shall be discharged to the sewerage system as follows:

(1) Sand filter backwash shall be discharged to the sewerage system.

(2) Diatomaceous earth filter backwash shall be connected to the sewerage system through settling tanks with three months' storage capacity of spent diatomaceous earth, which tanks shall be readily accessible for removing solid waste for disposal.

E. Removal, transportation and disposal of sewage and industrial waste.

(1) The industrial wastes discharged by tank trucks into the sewerage system shall not contain industrial waste, chemicals or other matter, with or without pretreatment, that does not conform to the requirements of this chapter.

(2) Any industrial waste to be discharged from tank trucks shall be disposed at the location designated at the sewage treatment plant at the time or times and at a rate or rates of discharge fixed by the city.

F. In no circumstance shall a person discharge or cause to be discharged into the sewerage system any of the substances listed in Subsection C above without first filing an industrial waste questionnaire and receiving written approval by the city, as described in § 167-5 of this chapter.

G. Whenever a person is authorized by the city and the appropriate governmental agencies to discharge any polluted water, sewage or industrial waste containing any of the substances or possessing any of the characteristics referred to in Subsection C, such discharge shall be subject to the continuing approval, inspection and review of the city. If, in the opinion of the city, such discharge is causing or will cause damage to the sewerage system and/or sewage treatment plant, the city shall order the person causing such discharge to cease doing so forthwith or to take other appropriate action, as may be required by the city, to eliminate the harmful discharge.

H. Nothing contained in this chapter shall be construed as prohibiting any special agreement or arrangement between the city and any person whereby industrial wastes of unusual strength or character may be admitted into the sewerage system by the city, either before or after pretreatment.

## § 167-5. Administration.

A. Industrial waste questionnaire. Any person proposing a connection to the sewerage system through which industrial wastes will be discharged shall file with the city an industrial waste questionnaire, to be furnished by the city, which will supply the city with pertinent data with respect to the industrial wastes proposed to be discharged into the sewerage system. The cost of obtaining all such data shall be borne by the person, hereinafter referred to as the "applicant," proposing to make or use a connection to the sewage system.

B. Review of questionnaire. Within 30 days of receipt of the industrial waste questionnaire in proper form with all required data by the city, it shall notify the applicant, in writing, as follows:

(1) That the wastewater proposed to be discharged is acceptable and permission will be given by the city;

(2) That the wastewater proposed to be discharged is unacceptable;

(3) That the wastewater proposed to be discharged will be acceptable, provided that certain action is taken and maintained by the applicant, specifying the terms and conditions thereof; or

(4) That it requires further information, studies and tests, specifying the requirements thereof, before it can determine whether the proposed discharge is, is not or will be acceptable.

C. Waste characteristic change. Any person who is discharging industrial waste into the sewerage system and who contemplates a change in the method of operation or in the pretreatment facilities which will alter the type of industrial waste then being discharged into the sewerage system shall file a revised industrial waste questionnaire at least 30 days prior to such change. Approval or disapproval of the modified

industrial waste shall be regulated by the procedures established hereunder for the industrial waste questionnaire.

D. Industrial waste contribution reports. Ten days prior to the first day of March, June, September and December, each contributor of industrial waste shall file with the city a report on the quality and quantity of its discharge. The report forms shall be supplied by the city and shall be similar to Environmental Protection Agency (EPA) Form 7550-22, page IV-1.

E. Sampling, flow measurement, testing and inspection.

(1) When required by the city, a person who is discharging industrial wastes into the sewerage system shall install, at his or her expense, a suitable control manhole, subject to approval by the city, together with such necessary meters and other appurtenances to facilitate observation, sampling and measurement of the wastewater. Construction shall be completed within 90 days following written notification by the city.

(2) Each industrial establishment shall provide the city the opportunity of access at any time to any part of any improved property served by the sewerage system as shall be required for purposes of inspection, measurement, sampling, testing and records examination for ascertainment of whether the purpose of this chapter is being met.

(3) All measurements, tests and analyses of the characteristics of wastes to which reference is made in this chapter shall be made in accordance with the latest edition of Standard Methods and shall be determined by a qualified analyst.

(4) The costs of all sampling, testing, inspection and other monitoring activities incurred by the city while enforcing the provisions of this chapter shall be reimbursable from the respective user.

(5) The city shall annually prepare and make available to the public, upon request, a report listing those users which were not in compliance with any pretreatment requirements or any other provision of this chapter at least once during the 12 previous months. The report shall also summarize any enforcement actions taken against the user(s) during the same 12 months.

(6) Both the users and the city shall maintain all records relating to compliance with pretreatment requirements for a period of three years, and all such records shall be made available to officials of the EPA upon request.

(7) Information and data on a user obtained from questionnaires, monitoring programs and inspections shall be available to the public or other governmental agency without restriction, unless the user specifically requests and is able to demonstrate to the

satisfaction of the city that the release of such information would divulge information entitled to protection as trade secrets of the user.

F. Interceptors. Grease, oil and sand interceptors shall be provided by the owner of any industrial establishment, when required by the city, for the proper handling of liquid wastes containing grease in excessive amounts or any inflammable wastes, sand or other harmful ingredients. Any interceptor, when required by the city, shall be of a type and capacity approved by the city and constructed or installed at an accessible, safe, suitable and satisfactory location in accordance with plans approved by the city prior to installation or commencement of construction.

G. Flow equalizers. The city reserves the right to require industrial establishments having large variations in rates of waste discharge to install suitable regulating devices for equalizing waste flows to the sewerage system.

H. State and federal requirements. Where state or federal requirements and limitations on discharges exist and are more stringent than the requirements and limitations contained in this chapter, then the most stringent requirements and limitations shall apply.

I. Separation of wastes. In the case of complete separation of domestic sewage from industrial wastes within an industrial establishment, with the domestic wastes only discharged to the sewerage system, an industrial waste questionnaire will not be required.

## § 167-6. Pretreatment facilities.

A. Whenever a person requests permission from the city to discharge any polluted water, sewage or industrial waste containing any of the substances or possessing any of the characteristics referred to in § 167-4C, the city may, in its sole discretion, require as a condition to its granting approval for such discharge that said person provide, at his or her own expense, pretreatment of such waters or wastes to reduce or eliminate objectionable substances or characteristics prior to discharge into the sewerage system or to control the quantities or rates of discharge of such waters or wastes.

B. Whenever a person is required by the city to provide pretreatment facilities, no construction of such facilities shall be commenced until:

(1) Construction drawings, specifications and other pertinent information relating to the proposed facilities are submitted by said person to the city.

(2) The city gives written approval for the construction of the proposed facilities.

C. Whenever pretreatment facilities are approved by the city and are placed in operation, said facilities shall be continuously maintained in satisfactory and effective operation by the person who installed them or by the owner thereof, at his or her own expense. The city shall have the right to inspect said facilities at any reasonable time to ensure such are being properly maintained and operated in accordance with the then-current rules and regulations of the city.

### § 167-7. Notice of violation; liability for damage.

A. Any person who discharges or causes to be discharged any polluted water, sewage or industrial waste containing any of the substances or possessing any of the characteristics referred to in § 167-4 of this chapter, upon written notice from the city, shall immediately cease and desist from such violation. If such person fails to cease such violation after notice has been given, then the city shall have the right to order the same to disconnect from the sewerage system.

B. Any person who causes harm or damage to the sewerage system and/or sewage treatment plant as a result of a violation of this chapter shall be liable to the city for the full cost of such harm or damage.

### § 167-8. Responsibility of owners of improved property.

The owner of each improved property connected to the sewerage system shall be responsible for all acts of tenants or other occupants of such improved property insofar as such acts shall be governed by provisions of this chapter.

### § 167-9. Responsibility for installation and maintenance of facilities.

The owner of any improved property required by this chapter to have sanitary facilities for sewage disposal shall be responsible for the proper installation of such facilities. The occupant or person having immediate use and control of such property shall be responsible for maintaining the facilities in sanitary and usable condition, unless by contractual arrangement between the parties the owner expressly agrees to retain such responsibility.

### § 167-9.1. Responsibility for connections. [Added 10-8-2001 by Ord. No. 11-2001]

A. The property owner will furnish and install, at the property owner's sole expense, all such piping and equipment that is necessary to connect from the property owner's property line to the City's sewer main. All such equipment and materials shall be approved by the City prior to installation and shall be installed by a licensed master plumber who shall be approved by the City prior to any such work being performed.

B. Title to all sewer lines and laterals from the sewer main to the property line is vested in and shall at all times remain the sole property of the City and shall not be trespassed upon or interfered with in any respect. This property and equipment shall be maintained by the City after completion of the work.

C. The sewer lateral from the property line to the building shall be installed at the expense of the property owner. For this installation, the property owner shall employ a licensed master plumber to do the work. Materials and methods of construction shall be in accordance with established codes adopted by the City and shall be subject to the approval of the City. The sewer lateral between the property line and the building and all fixtures on or in the building of the property owner or applicant shall be maintained by the property owner and the work shall be performed by a licensed master plumber in a manner satisfactory to the City.

D. All sewer house connections shall be six-inch PVC (polyvinyl chloride) pipe, with a cleanout at or near the property line.

E. No sewer lateral shall be laid in the same trench with any gas, water, or any other utility or facility of a public service company or within three feet of any other excavation or fault.

F. In the event of a complaint regarding a sewer stoppage, the Director of Utilities for the City will promptly determine whether the main sewer line is clear and, if not, the stoppage will be cleared as soon as possible. If the main-line sewer is found to be clear, the complainant will be so informed and he/she shall then, at his or her own expense, employ a licensed master plumber to determine the location of the stoppage, to relieve the stoppage and to clean out the lateral line. If, upon investigation by City officials or their representatives or agents, the pipe between the property line and the main line sewer is found to be damaged, then the City, at its sole expense, will have the option either to repair or replace the damaged pipe.

### § 167-10. When connection to sanitary sewer is required.

Any building or structure within the meaning of Chapter 205, Zoning, § 205-1B, and located on land which abuts upon a street or other public way containing a sanitary sewer must be equipped with sanitary sewage disposal facilities connected to that sanitary sewer.

### § 167-11. Use of other than prescribed facilities.

Where this chapter requires a particular type of sewage disposal facility, the use of any other type, or disposal by any other means, is hereby expressly prohibited unless approved by the Council. The Council approves exceptions to the provisions of this chapter only when the lot size, soil composition, lay of the land or other unusual circumstances make the installation and use of the prescribed facilities unfeasible, and provided that

conditions favor those installations as adequate for protection of the public health.

### § 167-12. Obstruction of sanitary sewers.

It shall be unlawful for any person willfully or maliciously to deposit any material in any toilet, bathtub, sink or other plumbing fixture which may result in the obstruction of any sanitary sewer. This liability on the part of occupant shall not relieve the owner of the responsibility of cleaning any resultant chokage which shall subject the occupant to the penalties of this chapter upon proper proof of such willful malicious act.[23]

### § 167-13. Extension of sanitary sewers.

Any extension of the city's sanitary sewer system shall be made at the expense of the developer or property owner unless and until it is deemed to be in the best interests of the health, safety, economics or community development of the city that the Council, by affirmative vote, allow other means of financing such extension of the city's sanitary sewer system, including but not limited to city participation in bearing any portion of the cost of the same.

### § 167-14. Sewer services outside city. [Amended 8-9-1999 by Ord. No. 8-99]

The city shall not provide sewer services outside the corporate limits of the city.

### § 167-15. Violations and penalties. [Amended 8-9-1999 by Ord. No. 8-99]

The violation by any person or persons who individually, collectively or through others violate any provision of this chapter or of the rules and regulations of the Council is declared a municipal infraction. The penalty for violation shall, unless otherwise specified herein, be $50 for each initial offense and $100 for each day any violations continue.

### § 167-16. Adoption of additional rules and regulations.

The city reserves the right to adopt, from time to time, such additional rules, regulations, fees and penalties as it shall deem necessary and proper in connection with use and operation of the sewerage system, which rules, regulations, fees and penalties shall be, shall become and shall be construed as part of this chapter.

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**23. Editor's Note: Original Sec. 5-2-13, Storm water management, which immediately followed this section, was deleted 8-9-1999 by Ord. No. 8-99. See now Ch. 173, Stormwater Management.**

ARTICLE II
**Mandatory Connection; Charges**

### § 167-17. Sewer connection required.

All improved properties within the corporate limits of the city shall be connected to the sanitary sewage system of the city.

### § 167-18. City may order connection.

In the event of a failure of any property owner to so connect to the sanitary sewage system, the Council shall have the power and authority to order the connection made by any competent contractor of its choice and shall have the right to impose the costs thereof as a charge against and a lien upon that property, which costs shall be due, payable and collectible in the same manner as are the ad valorem taxes of the city.

### § 167-19. Privies prohibited; violations and penalties. [Amended 8-9-1999 by Ord. No. 8-99]

It shall be unlawful for any person, persons, firm or corporation to have or maintain within the corporate limits of the city any outdoor toilet or privy. Any violation of this section is declared to be a municipal infraction. The penalty for violation shall be $50 for each initial offense and $100 for each day the violation continues.

### § 167-20. Rates and charges.

The schedule of rates and charges for sewer services furnished by the city shall be as established by the Mayor and Council from time to time by resolution.

### § 167-21. Collection of charges.

The sewage charge hereby imposed and levied shall be collected by the Clerk at the same time and in the same manner as the charge for water furnished and supplied is collected. Upon the failure of any user of the sanitary sewage system to pay the charge levied and imposed within 30 days after the statement of the charges due, the city, or its agents or employees, after five days' written notice, may discontinue the supply of water to or for the property or premises owned or occupied by any delinquent user. Any unpaid bills shall be and remain a lien upon the premises served until paid and may be collected in the same manner as taxes levied upon real estate by the city, and bills for any service shall be directed to the owner or owners of the premises served.

### § 167-22. Sewer allocation. [Added 11-9-1992 by Ord. No. 9-92]

A. Any property owner, developer or individual seeking site plan approval or subdivision approval must obtain sewer allocation for any part of a proposed project that is to be recorded in the land records of Carroll

County before final approval by the city. Sewer allocation will be based upon approved Maryland Department of the Environment (MDOE) regulations.

B. Sewer allocations will be assigned and held in reserve at no charge for one year following the effective date of approval. The sewer allocation can be renewed once for a one-year period only upon payment of a sewer allocation reservation fee (SARF). The sewer allocation reservation fee is $250 per lot or dwelling unit that does not possess a valid building permit. The fee set forth herein is in addition to any fee or charge which may now or hereafter be made by the city.

C. A sewer allocation shall be effective for a period of one year from the date of allocation. If actual construction on the proposed project has not commenced by the end of that period, as evidenced by the possession of a valid building permit, the allocation shall expire unless renewed for the additional year.

D. After the allocation has expired, the owner, developer or individual must reapply for sewer allocation.

E. Notification of the passage of this section is to be made to the current owner of the property for which the allocation was granted by certified mail.

# Chapter 172

# STORM SEWER SYSTEMS

**GENERAL REFERENCES**

**Sewers — See Ch. 167.**

**Stormwater management — See Ch. 173.**

**Subdivision of land — See Ch. 180.**

**Water — See Ch. 201.**

ARTICLE I
**General Provisions**

## § 172-1. Purpose.

A. The purpose of this chapter is to provide for the health, safety, and general welfare of the residents of the City of Taneytown through the regulation of nonstormwater discharges to the storm drainage system. This chapter establishes methods for controlling the introduction of illicit discharges or pollutants into the City's separate storm sewer system (CS4) in order to comply with requirements of the NPDES permit process.

B. The objectives of this chapter include:

(1) Regulation of the contribution of pollutants to the CS4 by stormwater discharges by any user; and

(2) Prohibition of illicit connections and discharges to the CS4.

## § 172-2. Definitions.

In this chapter the following terms have the meanings indicated. Any term not defined in this chapter shall have the meaning as defined in any chapter of the Code or in the Natural Resource Article, § 8-1201, et seq. Annotated Code of Maryland. Any term not defined in the Code in any chapter shall have its generally accepted meaning.

BEST MANAGEMENT PRACTICES or BMPS — Conservation practices or systems of practices and management measures that minimize adverse impacts to the environment, including surface water, groundwater flow and circulation patterns, and to the chemical, physical, and biological characteristics. BMPs include schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

CITY SEPARATE STORM SEWER SYSTEM OR CS4 — A separate storm sewer system that is owned or maintained by the City and designed to convey stormwater runoff to a point of discharge into waters of the state.

CLEAN WATER ACT — The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments.

COMAR — Code of Maryland Regulations.

CONSTRUCTION ACTIVITY — An activity subject to NPDES construction permits, including a construction project resulting in land disturbance of one acre or more, clearing, grubbing, grading, excavating, and demolition.

COUNTY — The Board of Commissioners of Carroll County or its designee.

DRAINAGE BASIN — An area drained by an ordered stream system and classified by the highest order stream that forms its discharge.

ENHANCEMENT — An action performed to provide additional protection to create or improve the function of an ecosystem.

FACILITY — Any structure or complex of structures where runoff is discharged into a CS4.

HAZARDOUS MATERIALS — Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

ILLICIT DISCHARGE — Any discharge to any CS4 that is not composed entirely of stormwater runoff except discharges resulting from common residential stormwater runoff, fire-fighting activities or from any legally permitted discharge. The direct discharge of any sanitary discharge, including domestic sewage or other pollutants, into any CS4 will be considered an illicit discharge.

ILLICIT CONNECTION — A surface or subsurface drain or conveyance that allows an illicit discharge to enter the storm drain system, including but not limited to:

A. A conveyance which allows a nonstormwater discharge, including sewage, process wastewater, and wash water, to enter the storm drain system or a connection to the storm drain system from an indoor drain or sink, regardless of whether the drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or

B. A drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

INDUSTRIAL ACTIVITY — An activity subject to NPDES industrial permits as defined in 40 CFR § 122.26(b)(14).

NPDES — National Pollutant Discharge Elimination System.

NPDES STORMWATER DISCHARGE PERMIT — A permit issued by the Environmental Protection Agency or the state that authorizes the discharge of pollutants to waters of the United States.

OUTFALL — The point where a storm sewer system discharges.

PERSON — Includes the federal government, the state, any county, municipal corporation, or other political subdivision of the state, or any of their units, or an individual, receiver, trustee, guardian, executor,

administrator, fiduciary, or representative of any kind, or any partnership, firm, association, public or private corporation, or any other entity.

POLLUTANT —

A. A contaminant that may result in any alteration of the physical, chemical, or biological properties of groundwater or surface water, including any change in temperature, taste, color, turbidity, or odor of the receiving waters or discharge or deposit of any organic matter, harmful organism, or liquid, gaseous, solid, radioactive, or other substance into groundwater or surface water that may render the waters harmful or detrimental to the public health or welfare to any domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial use of the water, to any livestock, wild animals, birds, fish or other aquatic species that may use the water; or

B. Any substance that may cause or contribute to pollution, including but not limited to paints, varnishes, and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

SEPARATE STORM SEWER SYSTEM — A private conveyance or system of conveyances, including but not limited to drainage systems, streets, catch basins, curbs, gutters, ditches, swales, constructed channels, storm drains, associated underground piping and any on-site stormwater management facilities that are:

A. Designed or used for the collection and conveyance of stormwater runoff (either immediate or delayed) from any form of precipitation event;

B. Not any part of a combined sewer system; and

C. Not part of or discharging into any publicly owned treatment works (POTW) as defined in 40 CFR 122.2.

SIGNIFICANT MATERIALS — Includes, but is not limited to: raw materials, petroleum derivative products; any controlled hazardous substances pursuant to COMAR 26.13; industrial waste pursuant to COMAR 26.08.01.01; infectious waste pursuant to COMAR 26.04.07.02; materials such as solvents or detergents; finished materials such as metallic products; raw materials used in food processing or production; fertilizers; pesticides; waste products such as ashes, slag and sludge or any other material that could result in pollution of waters of the state as a constituent in stormwater discharge.

STORM DRAINAGE SYSTEM — Any facilities by which stormwater is collected or conveyed, including but not limited to any roads with drainage systems, streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and man-made or altered drainage channels, reservoirs, and other drainage structures.

STORMWATER — Any surface flow, runoff, and drainage consisting entirely of water resulting from any form of natural precipitation.

STRUCTURE — Anything constructed, the use of which requires fixed location on the ground or which is attached to something having fixed location.

WASTEWATER — Any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

WATERCOURSE — Any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine, or wash, in and including any adjacent area that is subject to inundation from overflow or floodwaters and their associated wetlands.

## § 172-3. Discharges.

A. No new connection to a CS4 may be effected without prior approval of the City.

B. No person may:

(1) Discharge any significant materials or pollutant into any component of any CS4 that would constitute an illicit discharge;

(2) Continue any illicit discharge to any CS4;

(3) Create any condition that may result in an illicit discharge or pollution of stormwater conveyed and discharged from any outfall of those systems;

(4) Cause or contribute to any type of illicit discharge into a CS4 or watercourse that may result in a potential for adverse impact;

(5) Alter or create an obstruction to flow of a CS4 or watercourse that reduces its capacity or ability to provide its intended design capacity or natural function; or

(6) Create a new connection or maintain a connection that may introduce any discharge other than stormwater into any CS4 or watercourse.

C. The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

**§ 172-4. Exemptions.**

The following discharges are exempt from the prohibitions established by this chapter:

A. Waterline flushing or other potable water sources;

B. Landscape irrigation or lawn watering;

C. Permitted diverted stream flows;

D. Rising groundwater;

E. Groundwater infiltration to storm drains;

F. Uncontaminated pumped groundwater;

G. Uncontaminated discharge from foundation drains or pumps;

H. Air-conditioning condensation;

I. Springs;

J. Noncommercial washing of vehicles;

K. Natural riparian habitat or wetland flows;

L. Fire-fighting activities;

M. Any water source not containing pollutants;

N. Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety;

O. Dye testing with prior verbal notification to the authorized enforcement agency; and

P. Any nonstormwater discharge legally permitted under a NPDES permit issued by the Maryland Department of the Environment, provided that the discharger is in full compliance with all requirements of the issued permit and with all other applicable laws and regulations and with prior written approval of discharge to the CS4.

ARTICLE II
**Storm Sewer Protection**

## § 172-5. Maintenance.

Any person in control of any part of a storm sewer system, including any stormwater management facility or any surface or subsurface stormwater conveyance system, shall maintain those components in good and workable condition. The owner shall promptly repair and restore the systems or components when conditions warrant.

## § 172-6. Suspensions; terminations.

A. The City may, without prior notice, suspend any approved discharge access to a CS4 to a person when suspension is necessary to stop an actual or threatened discharge that presents or may present imminent and substantial danger to the environment, to public health or welfare, or to any system, watercourse, or designated sensitive resource. If a person fails to comply with a suspension order, the City may take steps to prevent or minimize damage to any storm sewer system, watercourse, or sensitive resource or to minimize an identified danger or hazard to the general health and welfare.

B. A person discharging to a CS4 or watercourse in violation of this chapter may have the system access terminated if such termination would abate, reduce, or eliminate an illicit discharge. The City shall notify a violator in writing of the proposed termination of system access. The violator may petition the City for reconsideration. Reinstatement of a discharge, connection, or access which has been terminated pursuant to this section without the City approval constitutes a violation of this chapter.

## § 172-7. Compliance.

A person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of the permit. Proof of compliance with the permit shall be submitted in a form acceptable to the City prior to allowing any discharge to the CS4.

## § 172-8. Inspections.

This section applies to all facilities that have stormwater discharges, including construction activity or any other discharge to any CS4.

A. The City may, upon notification, enter and inspect the source of any discharge, including those under an individual or general NPDES permit, that are subject to this chapter when necessary to determine compliance. Failure to cooperate with an inspection constitutes a violation of this chapter.

B. To determine compliance, the City may inspect, sample, examine, and investigate the source of any discharge to a CS4. In support of any investigation, the City may review and copy any records maintained pursuant to the conditions of any discharge permit or this chapter.

C. The City may require the discharger to install monitoring equipment if the nature of the discharge warrants. The facility's sampling and monitoring equipment shall be maintained in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure accuracy.

## § 172-9. Control of illicit discharges.

A. The owner of any property shall prevent accidental discharge of prohibited materials or pollutants into CS4 or watercourses through the use of structural and nonstructural BMPs.

B. Any person who is the source of an illicit discharge may be required to implement, at the person's expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants to any CS4. Compliance with the terms and conditions of a valid NPDES permit authorizing the discharge of stormwater constitutes compliance with this section.

## § 172-10. Watercourse protection.

A. The owner of property through which a watercourse passes shall keep and maintain that part of the watercourse within the property generally free of man-made obstructions or sources of pollutants.

B. The owner shall maintain existing privately owned structures within or adjacent to a watercourse, so that the structures will not become a hazard to the use, function, or physical integrity of the watercourse.

## § 172-11. Notification of spills or accidental discharges.

A. Notwithstanding other requirements of law, any person responsible for a site who has information of an illicit discharge or discharge of pollutants into stormwater, the storm sewer system, or watercourse, shall contain and clean up the release.

B. Time period for notification.

(1) For a release of hazardous materials, the person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services.

(2) For a release of nonhazardous materials, the person shall notify the City in person or by telephone or facsimile no later than the next business day.

(3) Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City within three business days of the notice by telephone.

C. If the discharge of prohibited materials emanates from a commercial or industrial use, the owner or operator shall retain an on-site written record of the discharge and the actions taken to prevent its recurrence.

## § 172-12. Guaranty.

The City may require a surety, cash bond, irrevocable letter of credit, or other means of security acceptable to the City as a guaranty under certain requirements of this chapter. In cases when a guaranty is required, the amount required shall be no less than the total estimated cost of the action required. The guaranty shall include forfeiture provisions for failure to complete the required activity within the time specified. The guaranty may not be released prior to final inspection which verifies compliance with this chapter. No partial releases may be made. In the event that the guarantor fails to perform or complete the required activity, the City may use the guaranty to complete the work.

## § 172-13. Enforcement.

A. Whenever the City finds that a person has violated this chapter, the City shall issue a notice of violation.

B. If abatement of a violation or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration shall be completed. The notice shall state that, should the violator fail to remediate or restore within the established deadline, the work will be contracted for completion by the City and the costs shall be charged to the violator.

C. If a person has violated or continues to violate the provisions of this chapter, the City may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

D. The Mayor and City Council may by resolution set fines for acts that violate the provisions of this chapter.

# Chapter 173

# STORMWATER MANAGEMENT

**GENERAL REFERENCES**

**Building construction and fire prevention — See Ch. 82.**

**Erosion and sediment control — See Ch. 106.**

**Sewers — See Ch. 167.**

**Subdivision of land — See Ch. 180.**

**Water — See Ch. 201.**

## § 173-1. 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 to control the adverse impacts associated with increased stormwater runoff. Proper management of stormwater runoff will minimize damage to public and private property, reduce the effects of development on land, control stream channel erosion, reduce local flooding and maintain after development, as nearly as possible, the predevelopment runoff characteristics.

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 Taneytown Code and shall apply to all development occurring within the incorporated area of the City of Taneytown. 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. The City of Taneytown shall be responsible for the coordination and enforcement of the provisions of this chapter.

## § 173-2. Incorporation 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, is incorporated by reference by the City of Taneytown and shall serve as the official guide for stormwater principles, methods and practices.

B. U.S. Department of Agriculture (USDA) Natural Resources Conservation Service Maryland Conservation Practice Standard Pond Code 378 (January 2000).

## § 173-3. Definitions.

For the purpose of this chapter, the following definitions describe the meaning of 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 are or may potentially be harmful or injurious to human health, welfare, safety or property, to biological productivity, diversity or stability or which unreasonably interfere 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 executes the necessary forms to procure official approval of a project or a permit to carry out construction of a project.

AQUIFER — A porous water-bearing geologic formation generally restricted to materials capable of yielding an appreciable supply of water.

BEST MANAGEMENT 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 (Cpv) — The volume used to design structural management practices designed to control stream channel erosion. Methods for calculating the channel protection storage volume are specified in the 2000 Maryland Stormwater Design Manuals, Volumes I and II.

CITY — The City of Taneytown, Maryland.

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, Volumes I and II, 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 ridge line.

DRAINAGE AREA PLAN — A plan developed to treat stormwater runoff off site at the natural low point of an area including one or more individual lots.

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 (Qf) — The storage volume required to control those infrequent but large storm events in which overbank flows reach or exceed the boundaries of the one-hundred-year floodplain.

FINAL 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.

LOD — Limits of disturbance represent the boundaries of the area that is disturbed during development or redevelopment projects.

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 ESD or BMP facilities necessary to control stormwater from more than one building lot or 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.

PERMEABLE PAVING — Paving material that will provide a firm surface but allow stormwater to infiltrate into the ground.

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.

PERVIOUS AREA — Any surface that allows stormwater to infiltrate into the ground.

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.

PRELIMINARY PLAN — The second of three required plan approvals that includes the information necessary to allow a detailed evaluation of a proposed project.

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 exceeding 5,000 square feet of land disturbance performed on sites where existing land use is commercial, industrial, institutional or multifamily residential and existing site impervious area exceeds 40% of the site.

REGIONAL STORMWATER MANAGEMENT — The design and construction of systems necessary to control stormwater from more than one existing or future development, not necessarily on a property being developed.

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 means of erosion.

SITE — Any tract, lot, or parcel of land, or combination of tracts, lots, 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.

STABILIZATION — The prevention of soil movement by any of various vegetative and/or structural means.

STORMWATER — Water that originates from a precipitation event.

STORMWATER CAPITAL IMPROVEMENT FUND — A fund established to pay for retrofitting existing stormwater facilities, building new facilities and replacing deteriorating portions of the City's stormwater management system.

STORMWATER MANAGEMENT FEE — A fee paid to a stormwater utility capital improvement fund managed by the City of Taneytown in place of stormwater management pursuant to provisions of this chapter. This fee may be allowed when the property will not support enough ESD features to meet the requirements for a particular site without reducing the density below the maximum allowable in the applicable zone. There may be separate rates established for residential, commercial and industrial projects. This fee shall be set from time to time by resolution of the City Council.

STORMWATER MANAGEMENT MAINTAINENCE AGREEMENT — An agreement as defined by § 173-10B of this chapter outlining inspection and maintenance obligations of the owner and subsequent owners of land served by a private stormwater management facility.

STORMWATER MANAGEMENT PLAN — A set of drawings or other documents submitted by a person as a prerequisite to obtaining a stormwater management approval, which contain all of the information and specifications pertaining to stormwater management.

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 which 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 the chapter.

WAIVER — The reduction of stormwater management requirements by the City of Taneytown for a specific development on a case-by-case 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 the runoff from 90% of the average annual rainfall 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.

WATERSHED MANAGEMENT PLAN — A plan developed to limit the stormwater runoff and nonpoint pollution.

## § 173-4. Applicability.

A. Scope. No person shall develop any land for residential, commercial, industrial or institutional uses without having provided stormwater management measures that control or manage runoff from such developments, except as provided within this section. The 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 § 173-4D for redevelopment.

B. Exemptions. The following development activities are exempt from the provisions of this chapter and the requirements of providing stormwater management:

(1) Agricultural land management practices;

(2) Additions or modifications to existing single-family detached residential structures if they comply with § 173-4B(3) of this section;

(3) Developments that do not disturb over 5,000 square feet of land area;

(4) Land development activities that the administration determines will be regulated under specific state laws, which provide for managing stormwater runoff.

C. Waivers/watershed management plans.

(1) Stormwater management quantitative control waivers shall be granted to those projects within areas where watershed management plans have been developed consistent with Subsection C(6) 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.

(2) If watershed management plans consistent with Subsection C(6) have not been developed, then stormwater management quantitative control waivers may be granted to projects that:

(a) Have demonstrated that ESD has been implemented to the MEP; and

(b) The City of Taneytown determines that circumstances exist that prevent the reasonable implementation of quantity control practices.

(3) Stormwater management qualitative control waivers apply only to:

(a) In-fill development projects where ESD has been implemented to the MEP and it has been demonstrated that other BMPs are not feasible;

(b) Redevelopment projects if the requirements of § 173-4D of this chapter are satisfied; or

(c) Sites where the City of Taneytown determines that circumstances exist that prevent the reasonable implementation of ESD to the MEP.

(4) Waivers shall only be granted:

(a) When it has been demonstrated that ESD has been implemented to the MEP;

(b) Be on a case-by-case basis;

(c) Consider the cumulative effects of the City of Taneytown waiver policy; and

(d) Reasonably ensure the development will not adversely impact stream quality.

(5) If the City of Taneytown has established an overall watershed management plan for a specific watershed, then the City of Taneytown may develop quantitative waiver and redevelopment provisions that differ from § 173-4C(2) and D.

(6) A watershed management plan developed for the purpose of implementing different stormwater management policies for waivers and redevelopment shall:

(a) Include detailed hydrologic and hydraulic analyses to determine hydrograph timing;

(b) Evaluate both quantity and quality management and opportunities for ESD implementation;

(c) Include cumulative impact assessment of current and proposed watershed development;

(d) Identify existing flooding and receiving stream channel conditions;

(e) Be conducted at a reasonable scale;

(f) Specify where on-site quantitative and qualitative stormwater management practices are to be implemented;

(g) Be consistent with the general performance standards for stormwater management in Maryland found in Section 1.2 of the Design Manual; and

(h) Be approved by the administration.

(7) The City of Taneytown may grant a waiver of quantitative stormwater management requirements for individual developments in areas where watershed management plans have been developed, provided that a written request is submitted by the applicant containing descriptions, drawings and any other information that is necessary to evaluate the proposed development. 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.

(8) In the case where the City grants a waiver for stormwater management, the City shall assess a stormwater management fee on that property. The amount of the stormwater management fee shall be assessed based on lot size in square feet. There may be separate rates for residential, commercial and industrial waivers. The assessed amount shall be based upon a portion of the total estimated stormwater management costs of the impacted area. All such fees shall be held and used pursuant to the provisions pertaining to the Stormwater Capital Improvement Fund.

D. Redevelopment.

(1) Stormwater management plans are required by the City of Taneytown for all redevelopment projects unless otherwise exempted, unless otherwise specified by watershed management plans developed according to § 173-4C(6) of this chapter. Stormwater management measures must be consistent with the Design Manual.

(2) All redevelopment designs shall meet one or more of the following:

(a) Reduce impervious area within the limit of disturbance (LOD) by at least 50% according to the Design Manual;

(b) Implement ESD to the MEP to provide water quality treatment for at least 50% of the existing impervious area within the LOD.

(c) Use a combination of § 173-4D(2)(a) and (b) of this chapter for at least 50% of the existing site impervious area.

(d) Alternative stormwater management measures may be used to meet the requirements in § 173-4D(2)(a), (b) and (c) of this chapter if the owner/developer satisfactorily demonstrates to the City of Taneytown 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 or ESD features 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 or ESD features for an area equal to or greater than 50% of the existing site impervious area within the site.

(e) The City of Taneytown may develop separate policies for providing water quality treatment for redevelopment projects if the requirements of § 173-4D(2)(a) through (d) of this chapter cannot be met. Any separate redevelopment policy shall be reviewed and approved by the administration and may include, but not be limited to:

[1] Restoration of streams or existing stormwater facilities;

[2] Design criteria based on watershed management plans developed according to § 173-4C(6) of this chapter; or

[3] A stormwater Management Fee paid in lieu of on-site ESD measures that would reduce the density below the allowed maximum for developments where stormwater management is provided off site. The Stormwater Management Fee paid in lieu of stormwater management will be based on the square foot area of the portion of the site within the LOD of the development, less the actual cost of any ESD features installed on the site. There may be separate rates for residential, commercial and industrial projects. The fee will be set and adjusted from time to time by resolution.

(3) Stormwater management shall be addressed according to the new development requirements in the Design Manual for any net increase in impervious area except in the Downtown Business

Zoning District where a stormwater management fee in lieu of stormwater management pursuant to provisions of this chapter may be acceptable to the City.

E. Variance. The City of Taneytown may grant a written variance from any requirement of § 173-5 of this chapter if there are exceptional circumstances applicable to the site such that strict adherence will result in unnecessary hardship and not fulfill the intent of the chapter. A written request for a variance shall be provided to the City of Taneytown and shall state the specific variances sought and reasons for their granting. The City of Taneytown 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.

## § 173-5. Stormwater management criteria.

A. Minimum control requirements.

(1) The minimum control requirements established in this section and the Design Manual are as follows:

(a) The City of Taneytown 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.

(b) Control of the two-year and ten-year frequency storm event is required according to the Design Manual and all subsequent revisions if the City of Taneytown determines that additional stormwater management is necessary because historical flooding problems exist and downstream floodplain development and conveyance system design cannot be controlled.

(c) The City of Taneytown 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.

(2) In residential developments with Community Village zoning, stormwater ESD features or BMPs may be clustered to treat runoff from multiple lots or parcels within the development to keep from reducing the overall density below the maximum allowed. Required green space, parks, forest conservation areas and other communal open spaces may be utilized to implement ESD features to meet the overall stormwater control requirements for specific multiple lot drainage areas.

(a) Stormwater management requirements shall be met for each drainage area within the development.

(b) ESD shall be used to the MEP to meet the stormwater requirement in each drainage area.

(c) Alternative measures or BMP facilities will only be used when ESD is not able to meet stormwater management requirements.

(3) Alternate minimum control requirements may be adopted subject to administration approval. The administration shall require a demonstration that alternate 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.

(4) 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.

B. 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.

(1) ESD planning techniques and practices.

(a) The following planning techniques shall be applied according to the Design Manual to satisfy the applicable minimum control requirements established in § 173-5A of this chapter:

[1] Preserving and protecting natural resources;

[2] Conserving natural drainage patterns;

[3] Minimizing impervious area;

[4] Reducing runoff volume;

[5] Using ESD practices to maintain 100% of the annual predevelopment groundwater recharge volume;

[6] Using permeable pavement, reinforced turf, and other alternative surfaces;

[7] Limiting soil disturbance, mass grading, and compaction;

[8] Clustering development and ESD features; and

[9] Any practices approved by the administration.

(b) The following ESD treatment practices shall be designed according to the Design Manual to satisfy the applicable minimum control requirements established in § 173-5 of this chapter:

[1] Disconnection of rooftop runoff;

[2] Disconnection of non-rooftop runoff;

[3] Sheetflow to conservation areas;

[4] Rainwater harvesting;

[5] Submerged gravel wetlands;

[6] Landscape infiltration;

[7] Infiltration berms;

[8] Dry wells;

[9] Micro-bioretention;

[10] Rain gardens;

[11] Swales;

[12] Enhanced filters; and

[13] Any practices approved by the administration.

(c) 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.

(2) Structural stormwater management measures.

(a) The following structural stormwater management practices shall be designed according to the Design Manual to satisfy the applicable minimum control requirements established in § 173-5 of this chapter.

[1] Stormwater management ponds;

[2] Stormwater management wetlands;

[3] Stormwater management infiltration;

[4] Stormwater management filtering systems; and

[5] Stormwater management open channel systems.

(b) 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.

(c) Structural stormwater management practices shall be selected to accommodate the unique hydrologic or geologic regions of the City of Taneytown.

(3) An easement and/or protective covenant, for the land used for ESD planning techniques and treatment practices and structural stormwater management measures used to satisfy the minimum requirements in § 173-5 of this chapter shall be recorded in the land records of Carroll County so that these areas remain unaltered by subsequent property owners. Prior approval from the City of Taneytown shall be obtained before any stormwater management practice is altered.

(4) 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 City of Taneytown.

(5) For the purposes of modifying the minimum control requirements or design criteria, the owner/developer shall submit to the City of Taneytown 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 City of Taneytown downstream of the first downstream tributary whose drainage area equals or exceeds the contributing area to the project or stormwater management facility.

C. Specific design criteria. The basic design criteria, methodologies and construction specifications subject to the approval of the City of Taneytown and the administration, shall be those of the Design Manual. In addition thereto, the following specific criteria shall apply:

(1) Structural stormwater management facilities shall be located a minimum of 25 feet horizontally from any residential, commercial or industrial building.

(2) Structural stormwater management facilities for residential areas shall be located a minimum of 100 feet horizontally from any public water supply well.

(3) Structural stormwater management facilities for industrial and commercial areas, including the associated impervious parking areas, shall be located a minimum of 500 feet horizontally from any public water supply well.

(4) Fencing around stormwater management facilities shall be required where deemed necessary by the City.

## § 173-6. Stormwater management plans.

A. Review and approval of stormwater management plans.

(1) For any proposed development, the developer shall submit a stormwater management plan or waiver application to the City of Taneytown for review and approval, unless otherwise exempted. Whenever practical, stormwater management plans shall include the entire drainage area in order to have enough land to incorporate ESD to the MEP.

(2) The City of Taneytown shall perform a comprehensive review of the stormwater management plans for each phase of site design. Comments will be provided for each plan phase. All comments from appropriate agencies shall be addressed and approval received at each phase of project design before subsequent submissions.

(3) Issuance of stormwater management plan approval is conditioned on the applicant securing all other local, state and federal permit approvals applicable to the site necessary prior to the commencement of construction.

(4) Approval of stormwater management plans may be denied if the facility in question is not in compliance with all federal and state laws or local ordinances.

B. Contents of the stormwater management plan.

(1) Concept plan. 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 § 173-5A of this chapter and the Design Manual. Plans submitted for concept approval shall include, but are not limited to:

(a) A map at a scale specified by the City of Taneytown showing site location, existing natural features, water and other

sensitive resources, topography, and natural drainage patterns;

(b) The anticipated location of all proposed impervious areas, buildings, roadways, parking, sidewalks, utilities, and other site improvements;

(c) The location of the proposed limit of disturbance, erodible soils, steep slopes, and areas to be protected during construction;

(d) 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;

(e) A narrative that supports the concept design and describes how ESD will be implemented to the MEP; and any other information required by the approving agency.

(2) Preliminary plan. Following concept plan approval by the City of Taneytown, the owner/developer shall submit preliminary design plans that reflect comments received during the previous review phase. Plans submitted for preliminary approval shall be of sufficient detail to allow site development to be reviewed and include but not be limited to:

(a) All information provided during the concept plan review phase;

(b) 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;

(c) 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;

(d) A narrative that supports the preliminary design, describes how ESD will be used to meet the minimum control requirements, and justifies any proposed structural stormwater management measure; and

(e) Any other information required by the City of Taneytown and other appropriate agencies.

(3) Final plan. Following preliminary plan approval by the City of Taneytown, 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:

(a) Final erosion and sediment control plans shall be submitted according to COMAR 26.17.01.05; and

(b) 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.

(c) Any ESD features or BMPs included on a final stormwater plan must be readily available for inspection by the City of Taneytown and accessible for maintenance.

(4) Reports submitted for final stormwater management plan approval shall include, but are not limited to:

(a) Geotechnical investigations including soil maps, borings, site specific recommendations, and any additional information necessary for the final stormwater management design;

(b) Drainage area maps depicting predevelopment and post-development runoff flow path segmentation and land use;

(c) Hydrologic computations of the applicable ESD and unified sizing criteria according to the Design Manual for all points of discharge from the site;

(d) Hydraulic and structural computations for all ESD practices and structural stormwater management measures to be used;

(e) A narrative that supports the final stormwater management design; and

(f) Any other information required by the City of Taneytown.

(5) Construction drawings submitted for final stormwater management plan approval shall include, but are not limited to:

(a) A vicinity map;

(b) Existing and proposed topography and proposed drainage areas, including areas necessary to determine downstream analysis for proposed stormwater management facilities;

(c) Any proposed improvements including location of buildings or other structures, impervious surfaces, storm drainage facilities, and all grading;

(d) The location of existing and proposed structures and utilities;

(e) Any easements and rights-of-way;

(f) Proof that all required easements and rights-of-way have been obtained or contracted for;

(g) The delineation, if applicable, of the one-hundred-year floodplain and any on-site wetlands;

(h) Structural and construction details including representative cross sections for all components of the proposed drainage system or systems, and stormwater management facilities;

(i) All necessary construction specifications;

(j) A sequence of construction;

(k) Data for total site area, disturbed area, new impervious area, and total impervious area;

(l) A table showing the ESD and unified sizing criteria volumes required in the Design Manual;

(m) A table of materials to be used for stormwater management facility planting;

(n) All soil-boring logs and locations;

(o) An inspection and maintenance schedule;

(p) Certification by the owner/developer that all stormwater management construction will be done according to this plan;

(q) An as-built certification signature block to be executed after project completion;

(r) Estimate of stormwater management construction cost as certified by a registered professional engineer, professional landscape architect, professional land surveyor or as contained in a certified contractor's bid proposal; and

(s) Any other information required by the City of Taneytown.

(6) If a stormwater management plan involves direction of some or all runoff from the site, it is the responsibility of the developer to obtain from adjacent property owners any easements or other necessary property interests concerning the flow 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.

C. Preparation of the stormwater management plan.

(1) The design of stormwater management plans shall be prepared by any individual whose qualifications are acceptable to the City of Taneytown. The City of Taneytown may require that the design be prepared by either a professional engineer, professional land surveyor or landscape architect in the state, as necessary to protect the public or the environment.

(2) If a stormwater BMP requires either a dam safety permit from MDE or small pond approval from the Carroll County Soil Conservation District (SCD), the City of Taneytown shall require that the design be prepared by a professional engineer licensed in the state.

## § 173-7. Permits.

A. Permit requirement. A grading or building permit may not be issued for any parcel or lot unless a stormwater management plan has been approved or waived by the City of Taneytown as meeting all the requirements of the Design Manual and this chapter. Where appropriate, a building permit may not be issued without:

(1) Recorded easements for the stormwater management facility and easements to provide adequate access for inspection and maintenance from a public right-of-way;

(2) A recorded stormwater management maintenance agreement;

(3) A performance bond;

(4) A public works agreement;

(5) Permission from adjacent property owners as necessary.

(6) Proof that the developer has obtained all other required permits.

B. Permit fee. A nonrefundable permit fee will be collected at each phase of stormwater management plan submittal. The permit fee 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 City of Taneytown based upon the relative complexity of the project and may be amended from time to time by resolution.

C. Permit suspension and revocation. Any grading or building permit issued may be suspended or revoked after written notice is given to the permittee for any of the following reasons:

(1) Any violation(s) of the conditions of the stormwater management approval.

(2) Changes in site runoff characteristics upon which an approval or waiver is granted.

(3) Construction is not in accordance with the approved plan.

(4) Noncompliance with correction notice or stop-work order issued for the construction of the stormwater management facility.

(5) An immediate danger exists in a downstream area in the opinion of the City of Taneytown.

D. Permit conditions. In granting the plan approval, the City of Taneytown may impose such conditions that may be deemed necessary to ensure compliance with the provisions of this chapter and the preservation of the public health and safety.

## § 173-8. Performance bond.

The City of Taneytown shall require from the developer a surety or cash bond, irrevocable letter of credit, or other means of security acceptable to the City of Taneytown prior to the issuance of any building and/or grading permit for the construction of a development requiring a stormwater management facility. The amount of the security shall not be less than 110% of the total estimated construction cost (including survey work, blasting, as-built drawings, etc.) of the stormwater management facility. 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 City of Taneytown, submission of "as-built" plans, and certification of completion by the design engineer that the 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 City of Taneytown after the stormwater management facilities comply with the approved plan and certification of completion by the City of Taneytown after various stages of construction have been completed and accepted by the City of Taneytown. The procedures used for partially releasing performance bonds must be specified by the City of Taneytown in writing prior to stormwater management plan approval.

## § 173-9. Inspection.

A. Inspection schedule and reports.

(1) The developer shall retain the services of a professional engineer who is registered in the State of Maryland and is proficient in stormwater management and who shall, in cooperation with the City or its authorized representatives, conduct periodic inspections and produce written reports of the periodic inspections necessary during construction of all stormwater management systems to ensure compliance with the approved plans.

(2) The developer shall notify the City of Taneytown and the professional engineer who will inspect the construction activities at least 10 days before commencing any work in conjunction with the stormwater management plan.

(3) 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 City of Taneytown, 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:

(a) Final grading;

(b) The establishment of permanent stabilization; and

(c) Before issuance of use and occupancy approval.

(4) Written inspection reports shall include:

(a) The date and location of the inspection;

(b) Whether construction was in compliance with the approved stormwater management plan;

(c) Any variations from the approved construction specifications; and

(d) Any violations that exist.

(5) 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.

(6) No work shall proceed until the City of Taneytown 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.

B. Inspection requirements during construction.

(1) At a minimum, inspections shall be made and documented at the following specified stages of construction:

(a) For ponds:

[1] Upon completion of excavation to subfoundation and, when required, installation of structural supports or reinforcements for structures, including but not limited to:

[a] Core trenches for structural embankments;

[b] Inlet and outlet structures, anti-seep collars or diaphragms and watertight connectors on pipes; and

[c] Trenches for enclosed storm drainage facilities.

[2] During placement of structural fill, concrete and installation of piping and catch basins;

[3] During backfill of foundations and trenches;

[4] During embankment construction; and

[5] Upon completion of final grading and establishment of permanent stabilization.

(b) Wetlands: at the stages specified for pond construction in § 173-9B(1)(a) 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%.

(c) For infiltration trenches:

[1] During excavation to subgrade;

[2] During placement and backfill of underdrain systems and observation wells;

[3] During placement of geotextiles and all filter media;

[4] During construction of appurtenant conveyance systems such as diversion structures, prefilters and filters, inlets, outlets and flow distribution structures; and

[5] Upon completion of final grading and establishment of permanent stabilization.

(d) For infiltration basins: at the stages specified for pond construction in § 173-9B(1)(a) of this section and during placement and backfill of underdrain systems.

(e) For filtering systems:

[1] During excavation to subgrade;

[2] During placement and backfill of underdrain systems;

[3] During placement of geotextiles and all filter media;

[4] During construction of appurtenant conveyance systems such as flow diversion structures, pre-filters and filters, inlets, outlets, orifices and flow distribution structures; and

[5] Upon completion of final grading and establishment of permanent stabilization.

(f) For open channel systems:

[1] During excavation to subgrade;

[2] During placement and backfill of underdrain systems for dry swales;

[3] During installation of diaphragms, check dams or weirs; and

[4] Upon completion of final grading and establishment of permanent stabilization.

(2) The City of Taneytown may, for enforcement purposes, use any one or a combination of the following actions:

(a) A notice of violation shall be issued specifying the need for a violation to be corrected if stormwater management plan noncompliance is identified;

(b) A stop-work order shall be issued for the site by the City of Taneytown if a violation persists;

(c) Bonds or securities may be withheld or the case may be referred for legal action if reasonable efforts to correct the violation have not been undertaken; or

(d) 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 of this chapter.

(3) Any step in the enforcement process may be taken at any time, depending on the severity of the violation.

(4) Within 45 days after construction is complete, as-built plan certification shall be submitted by either a professional engineer or professional land surveyor licensed in the state to ensure that constructed stormwater management practices 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 City of Taneytown may require additional information.

(5) The City of Taneytown shall submit notice of construction to the Administration on a form supplied by the Administration for each stormwater management practice within 45 days of construction completion. If BMPs requiring SCD approval are constructed, notice of construction completion shall also be submitted to the appropriate SCD.

## § 173-10. Maintenance.

A. Maintenance inspection.

(1) The City of Taneytown shall ensure that preventative maintenance is performed by inspecting all stormwater management systems and structural stormwater management measures. Inspection shall occur during the first year of operation and at least once every three years thereafter. In addition, a maintenance agreement between the owner and the City of Taneytown shall be executed for

privately owned stormwater management systems as described in § 173-10B of this section.

(2) Inspection reports shall be maintained by the City of Taneytown for all stormwater management systems and structural stormwater management measures.

(3) Inspection reports for stormwater management systems and structural stormwater management measures shall include the following:

(a) The date of inspection;

(b) Name of inspector;

(c) The condition of:

[1] Vegetation or filter media;

[2] Fences or other safety devices;

[3] Spillways, valves or other control structures;

[4] Embankments, slopes and safety benches;

[5] Reservoir or treatment areas;

[6] Inlet and outlet channels or structures;

[7] Underground drainage;

[8] Sediment and debris accumulation in storage and forebay areas;

[9] Any nonstructural practices to the extent practicable; and

[10] Any other item that could affect the proper function of the stormwater management system.

(d) Description of needed maintenance.

(4) After notification is provided to the owner of any deficiencies discovered from an inspection of a stormwater management system, the owner shall have 30 days or other time frame mutually agreed to between the City of Taneytown and the owner to correct the deficiencies. The City of Taneytown shall then conduct a subsequent inspection to ensure completion of the repairs.

(5) If repairs are not undertaken or are not found to be done properly, then enforcement procedures following § 173-10B(3) of this chapter shall be followed by the City of Taneytown.

(6) If, after an inspection by the City of Taneytown, the condition of a stormwater management facility presents an immediate danger to the public health or safety, because of an unsafe condition or

improper maintenance, the City of Taneytown shall take such action as may be necessary to protect the public and make the facility safe. Any cost incurred by the City of Taneytown shall be assessed against the owner(s), as provided in § 173-10B(3).

B. Maintenance agreement.

(1) Prior to the issuance of any building permit for which stormwater management is required, the City of Taneytown 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 City of Taneytown or its authorized representative to ensure that the facility is maintained in proper working condition to meet design standards. The agreement shall also provide for regular or special assessments of property owners to ensure the facility is maintained in proper working condition.

(2) The agreement shall be recorded by the City in the land records of Carroll County, Maryland.

(3) The agreement shall also provide that if, after notice by the City of Taneytown to correct a violation requiring maintenance work, satisfactory corrections are not made by the owner(s) within 30 days, the City of Taneytown 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 Taneytown, or other remedies available to the City.

C. Maintenance responsibility.

(1) The owner of the property on which work has been done pursuant to this chapter for private stormwater management facilities, or any other person or agent in control of such property, shall maintain in good condition and promptly repair and restore all grade surfaces, walls, drains, dams and structures, vegetation, erosion and sediment control measures and other protective devices. Such repairs or restoration and maintenance shall be in accordance with approved plans.

(2) A maintenance schedule shall be developed for the life of any stormwater management facility and shall state the maintenance to be completed, the time period for completion and who shall perform the maintenance. This maintenance schedule shall be printed on the approved stormwater management plan.

(3) Stormwater management facilities in residential subdivision where individual lots or parcels are divided and sold shall be accepted

for maintenance by the City in accordance with the following requirements:

(a) Facilities may be accepted one year after all of the dwelling units in the development are completed, but no sooner than two years after initial completion of the stormwater management facilities, provided that all other provisions of this chapter have been met. At the end of this interim period and prior to acceptance, the City shall determine that the facilities remain in proper operating condition and meet all applicable governmental requirements in effect at the time of construction.

(b) A deed to the City, its successors and assigns shall be executed and delivered to the City which shall convey the stormwater management facilities to the City in fee simple (or by such easement acceptable to the City) and shall include a perpetual easement or right-of-way for sufficient access to and from the facilities and a state, county, or City street or road. The deed shall include sufficient maintenance and access area surrounding the structures and facilities of the owner of the property as determined by the City.

(c) The developer shall be responsible for all maintenance of the stormwater management facilities as required by the City prior to acceptance by the City. A maintenance bond shall be required to assure proper maintenance. The maintenance bond shall be in an amount and form prescribed by the City and shall be posted at the time of completion of the stormwater management facility. In the event that the City incurs any cost or expense with regard to maintenance of such stormwater management facility as a result of the failure of the developer to so maintain such facility, all such costs and expenses shall be repaid to the City prior to the City accepting such stormwater management facility as herein provided. In addition, the City may deny the issuing of any building permits and/or use and occupancy permits in the subdivision upon default of the developer under this subsection.

(d) Prior to the acceptance of the stormwater management facility by the City and in addition to the performance bond and maintenance bond requirement set forth above, as to the stormwater management facility and appurtenant easements, the developer shall pay to the City a sum of money (hereinafter referred to as the "stormwater maintenance amount") in regard to the given stormwater management facility. The stormwater maintenance amount for each facility shall be an amount estimated to be sufficient to cover maintenance of such facility over the following 10 years.

[1] This amount shall be placed in the Stormwater Capital Improvement Fund and shall be used to maintain stormwater management facilities. Any portion of the amount and interest thereon not used during the ten-year period shall remain in the Stormwater Capital Improvement Fund and shall be retained by the City. The City shall prescribe the procedures and assumptions for calculation of the Stormwater Maintenance Amount.

[2] In addition, prior to the issuance of any building permits, the developer shall submit to the City for review and approval the covenants and restrictions applicable to the subdivision. Said restrictions shall include provisions and covenants for pro rata assessment by the City of the buildable lots located in the subdivision for perpetual maintenance, repair and replacement of the stormwater management facilities, enforceable and collectable by the City. After approval of said restrictions, the developer shall cause the recordation of the restrictions among the land records of Carroll County prior to the sale and conveyance of any lots in the subdivision. The developer shall also cause a copy of said restrictions to be delivered to any subsequent purchaser of any lot in the subdivisions prior to or at the time of the closing or any other conveyance of said lot.

[3] As used herein, "developer" shall mean the original applicant or owner, his or her successors and assigns and the owner or owners of any interest in the subdivisions served by the stormwater management facility and any agent of any of them, including realtors.

## § 173-11. Appeals.

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 the chapter in regard to a specific application, shall have the right to appeal the action to the Board of Zoning Appeals of the City of Taneytown. 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, shall state clearly the grounds on which the appeal is based, and shall be processed in the manner prescribed for hearing administrative appeals under the Code of the City of Taneytown.

## § 173-12. Severability.

If any portion of this chapter is held invalid or unconstitutional by a court of competent jurisdiction, such portion shall not affect the validity of the remaining portions of this chapter. It is the intent of the City of Taneytown

that this chapter shall stand, even if a section, subsection, sentence, clause, phrase or portion may be found invalid.

### § 173-13. Violations and penalties.

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, costs and penalties as provided in § 4-215 of the Environment Article of the Annotated Code of Maryland. Each day that a violation continues shall be a separate offense. In addition, the City of Taneytown 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.

### § 173-14. Transition provisions.

A. This chapter applies to all new development and redevelopment projects that do not have preliminary approval pursuant to the provisions of Chapter 180 or Chapter 181 of the Code of the City of Taneytown, by May 4, 2010.

B. For all development projects that have received preliminary approval prior to May 4, 2010, or are subject to an approved development rights and responsibilities agreement, such project shall be granted an administrative waiver under the provisions of the Maryland Department of the Environment Regulations on this subject.

C. Said administrative waiver shall expire:

   (1) On May 4, 2013, if the development project does not receive final approval pursuant to Chapter 180 or Chapter 181 of the Code of the City of Taneytown, prior to that date; or

   (2) On May 4, 2017, if the development project receives final approval prior to May 4, 2013, but fails to complete construction by May 4, 2017; or

   (3) At the time of expiration of the development rights and responsibilities agreement.

D. The requirements established in this chapter shall not apply to any construction proposed pursuant to an approval of erosion and sediment control and stormwater management plan issued prior to May 4, 2010, provided construction is completed by May 4, 2017.

E. Any portion of an approved development granted an administrative waiver under this section, which shall fail to meet the deadlines established herein, shall comply with all provisions of this chapter.

## Chapter 176

# STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

**GENERAL REFERENCES**

**Health and sanitation — See Ch. 124.**

**Parks and recreation — See Ch. 153.**

**Peddlers, solicitors and vendors — See Ch. 157.**

**Vehicles and traffic — See Ch. 193.**

**Vending machines — See Ch. 198.**

ARTICLE I
**General Provisions**
**[Adopted 7-11-1983 by Ord. No. 9-83 (Title 12, Ch. 1 of the 1980 Code)]**

## § 176-1. Obstructions. [Amended 2-14-2005 by Ord. No. 3-2005]

A. No person shall encumber, block or obstruct or in any manner interfere with the free and uninterrupted use of the public streets and sidewalks of the City.

B. No person shall deposit filth, dirt, snow, ice, grass or any other substance, matter or material in such a manner that results in the obstruction or impediment of the drainage flow through any gutter or to discharge or place such materials on any portion of a public way.

## § 176-1.1. Prohibition on playing sports or games and/or placement of sports equipment. [Added 8-11-2003 by Ord. No. 9-2003]

A. No person shall engage in or play any sports or games and/or erect, construct or place any sports equipment on or about or in such a manner so as to obstruct any street, road, alley, cul-de-sac, sidewalk or public way of the City.

B. No person shall erect, construct or place any permanently affixed or temporary movable sports equipment within 20 feet of any street, road, alley or cul-de-sac of the City or within 15 feet of any sidewalk or public way of the City.

C. For purposes of this section, "sports" or "games" shall include but not be limited to basketball, hockey, soccer, baseball, football, handball, volleyball, badminton, tennis, and other sports, recreational activities or games of any kind or nature.

D. For purposes of this section, "sports equipment" shall include but not be limited to permanent or temporary movable basketball hoops or nets, hockey or soccer goals or nets, ramps, nets and any other sports or recreational equipment of any kind or nature.

E. Violations of this section shall be subject to the penalties as set forth in § 176-7. In addition to the fines and penalties set forth in § 176-7, for any third or subsequent violation of this section involving the use of sports equipment, such sports equipment shall be subject to immediate impoundment. The fee to have such sports equipment released from impoundment shall be the sum of $100, which impoundment fee shall be in addition to the other fines and penalties as set forth in § 176-7.

F. In any case in which the violator is a minor, payment of any penalties, impoundment fees, and fines shall be the responsibility of the parent or legal guardian of the minor.

### § 176-2. Snow and ice removal.

A. Within 10 hours after the cessation of a snowfall, the owners and/or occupants of all properties shall remove, or cause to be removed, such snow from the sidewalks abutting upon those properties to permit free and unencumbered passage of pedestrians upon the sidewalks and prevent an accumulation of ice or the creation of hazardous walking conditions.

B. In the event that the responsible person or persons shall fail to remove such snow upon the sidewalks or shall permit an accumulation of ice thereon or shall permit the sidewalks to remain in a hazardous condition for more than 10 hours after the cessation of any snowfall, then the City may, at the cost and expense of the responsible person or persons, cause the removal of that snow or ice or may make safe any hazardous condition resulting from an accumulation of snow or ice, which charge or expense shall be a lien upon the property affected and shall be collectible in the same manner as taxes levied upon such property. Any lien provided herein should be in addition to the penalty set forth for violation thereof and not in substitution therefor.

### § 176-3. Deposits from excavation and construction work; debris from vehicles; duty of property owners.

A. No person engaged in excavation, repairs to structures or grounds or construction or having charge or control of excavation, repairs to structures or grounds or construction or who may be engaged in or have charge or control of conveying material to or from excavations, repairs to structures or grounds or construction shall deposit or permit to be deposited, in any manner, upon the surface of any street, alley, avenue, highway, footway, sidewalk, parking or other public space within the corporate limits of the city, either by placing, spilling, dropping or tracking from wheels of vehicles or from the feet of animals or otherwise, any earth, clay, mud, sand, gravel or other material. If any deposit occurs, every person whose duty it is under this section to prevent the deposit shall promptly remove the same. All macadamized or broken stone roadways adjacent to excavations or traversed by vehicles either in the process of conveying material from an excavation or in returning from the place of deposit to the place of excavation shall be covered with planking so far as may be required to prevent any mud, earth, clay or other material from the excavation or from the place of deposit from reaching the surface of the roadway.

B. No owner, driver, manager or conductor of any cart or other vehicle shall carry or convey or cause to be carried or conveyed in the vehicle any coal, earth, sand, gravel, broken stone, dirt, ashes, paper and other rubbish or any loose fluid or offensive articles or matter or any articles whatsoever within the corporate limits of the City so that the same shall or may be scattered, dropped, let fall, blown or spilled therefrom, and all vehicles conveying combustible refuse or foul, dusty or offensive matter of any sort shall have tight bodies and be closely and securely

covered. All vehicles conveying wastepaper and wastepaper products, baled, sacked or otherwise, shall be closely and securely covered.

C. Owners of lots abutting upon streets, avenues or alleys, or upon public parking or other public space, in the City and which are above grade shall protect those lots so as to prevent dirt, sand or gravel or any bushes, trees or like thing from falling or being washed upon the sidewalks, streets, alleyways or other public space adjacent to the same.

### § 176-4. Deposit of refuse.[24]

No person shall cast or throw into any street, alley, avenue or highway within the jurisdiction of the City authorities any glass, bottles, glassware, crockery, porcelain or other similar substances, or pieces thereof, or any pieces of iron, hardware or sharp metal, nails, tacks, dead animals or other articles or any wastepaper, trash, rubbish, garbage or refuse of any kind.

### § 176-5. Damaging streets and sidewalks.

It shall be unlawful for any person, firm or corporation to drag or run or cause to be dragged or run any harrow or other implement, engine, machine or tool upon any asphalt, bithulitic, warrenite or other type of permanently paved street or sidewalk of the city. It shall also be unlawful to injure any dirt street in the same manner.

### § 176-6. Planting of trees, shrubs and bushes. [Added 8-9-1999 by Ord. No. 8-99; 12-13-1999 by Ord. No. 9-99]

It shall be unlawful to plant any tree, shrub or bush on any land owned by the City or on any land in or over which the City has an easement or a right-of-way without the approval, in writing, of the City and subject to any conditions which the City may deem appropriate.

### § 176-7. Violations and penalties. [Amended 8-9-1999 by Ord. No. 8-99; 12-13-1999 by Ord. No. 9-99]

The violation of any of the provisions of this article is declared to be a municipal infraction. The penalty for violation shall be $50 for each initial offense and $100 for each repeat offense, in addition to the cost and expense to the City of the removal of the snow, ice, dirt, trash, refuse, glass or dead animal found to be in violation or the repairs to any street or sidewalk.

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**24. Editor's Note: See also Ch. 124, Health and Sanitation, Art. II, Refuse, and Art. IV, Littering.**

ARTICLE II
**Streets and Curbing**
**[Adopted 1-14-1985 by Ord. No. 8-84 (Title 4, Ch. 1 of the 1980 Code)]**

### § 176-8. Construction standards. [Amended 6-8-1992 by Ord. No. 7-92]

All work for the construction or repair of any street, curb, sidewalk or related facilities, including streetlighting, in the City shall be in accordance with the standards as adopted by the Council from time to time by resolution.

### § 176-9. New streets, curbing and sidewalks.

New streets, curbing, sidewalks and related facilities which are required to be constructed or installed as a result of the proposed development by a developer or lot owner shall be constructed or installed at the expense of that developer or lot owner. Curbing that is to be installed adjacent to the property of developers or lot owners as a result of new streets created by the City shall be installed at the developer's or lot owner's expense.

### § 176-10. Curbing on existing streets. [Amended 3-12-2001 by Ord. No. 2-2001]

Curbing, sidewalks and driveway aprons must be installed at the expense of the developer or owner along any new street created by the City and along any existing street whenever such street is widened or reconstructed. Whenever a house or other building is erected upon a previously unimproved lot bordered by an existing street or streets, or when improvements are made to an existing house or building, curbing, sidewalks and driveway aprons must be installed at the expense of the owner of that lot along any entire property line bordering upon an existing street. The Council may require the curbing, sidewalks and driveway aprons to be installed before the actual widening, construction or reconstruction work begins. Construction methods and materials shall comply with all City specifications.

### § 176-10.1. Maintenance of existing sidewalk, curbing and driveway apron. [Amended 3-12-2001 by Ord. No. 2-2001; 7-12-2004 by Ord. No. 15-2004]

It shall be unlawful for any owner or occupant of property with frontage on or proximate to a sidewalk in a public right-of-way to fail to maintain the sidewalk, curbing and driveway apron in a condition so as to be safe for public use. Upon receiving notification from the City of a violation, the owner or occupant of said property shall have 90 days in which to comply with the notice and to make appropriate repairs. If such repairs or maintenance are not completed to the satisfaction of the City and in a good and workmanlike manner and in conformance with all City codes

and requirements within said 90 days, then the City shall have the right to have the work performed and shall assess the cost of such work against the property. Failure to pay such costs or charges to the City shall constitute a lien upon the property for which the work was performed to the extent that such costs or charges remain unpaid.

### § 176-11. Notice; work performed by city; collection of charges.

Whenever streets, curbing, sidewalks or other related work must be done pursuant to the provisions of this article, the Council shall notify, in writing, the developer or lot owner responsible pursuant to the provisions of this article for its installation. This notice shall set forth a date, not less than 90 days hence, by which such construction is to be installed. Upon the failure of the developer or lot owner to complete such work by the date set forth in said notice, the City may complete the same and charge the developer or owner of the property for which the work was done an amount equal to the actual cost of its installation. Failure to pay this charge to the City shall constitute a lien upon the property for which the work was performed to the extent that such charge remains unpaid.

### § 176-12. Violations and penalties.

Any violation of this article is declared to be a municipal infraction. The penalty for such violation shall be $50 for each initial offense and $100 for each day the violation continues.

ARTICLE III

## Construction, Excavation and Repair [Adopted 1-14-1985 by Ord. No. 8-84 (Title 4, Ch. 2 of the 1980 Code)]

### § 176-13. Permit required.

No person, firm or corporation shall cause or make any construction or alteration of streets, sidewalks or curbing or excavations or dig any ditch, trench, tunnel or hole in, along, across or under any street, sidewalk, curbing or other public place unless a written permit therefor has been issued by the City Manager.

### § 176-14. Application for permit.

All persons, firms or corporations desiring a permit in order to perform or do any construction or alterations as set forth in § 176-13 shall make written application to the City Manager. The application shall show the name and address of the applicant, the location, description and purpose of the proposed construction and such other information as required by the City Manager.

### § 176-15. Fees.

Fees for permits shall be as fixed from time to time by the Council.

### § 176-16. Applicant to be qualified; work to comply with specifications.

The City Manager shall satisfy himself or herself that the applicant, or other person designated by the applicant to perform the work, is qualified to execute the proposed work prior to the issuance of a permit and that the proposed construction is properly located and in compliance with City standards and specifications and correctly located with reference to rights-of-way.

### § 176-17. Indemnification.

Any person, firm or corporation obtaining a permit as provided in §§ 176-13 and 176-14 agrees, as a condition of the issuance of the permit, to indemnify and hold harmless the City against any claims and expenses, including attorney's fees and court costs, for any claim for bodily injury or property damage for accidents or occurrences arising out of the person's operations.

### § 176-18. Bond.

The City Manager is authorized to require any applicant to furnish a surety bond to indemnify the City from all claims set forth in § 176-17.

### § 176-19. Restoration of damaged streets, sidewalks and curbs.

When in the course of the construction or repair work of any building, street or other fixture in the city, streets and/or sidewalks and/or curbs become destroyed or otherwise broken, cracked or moved, the person, persons, firm or corporation responsible for the work shall also be responsible for the replacement or restoration of any streets, sidewalks and curbs so damaged and shall replace or restore the same according to the city's standard specifications.

### § 176-20. Safeguards around dangerous conditions.

It shall be unlawful for any person, firm or corporation who or which obtains a permit under § 176-13 of this article to do any excavation of any kind which may create or cause a dangerous condition in or near any street, alley, sidewalk or public place of the City without placing and maintaining proper guardrails and sufficient signal lights or other warnings at, in or around the work to warn the public of the excavation or work and to protect all persons using reasonable care from injuries on account of the same.

### § 176-21. Supervision and inspections.

All excavations and work in the streets, sidewalks, alleys or public places and curbing of the City shall be under the supervision and control of the City Manager, whose duty it shall be to cause the same to be inspected from time to time during the progress thereof. Upon the completion thereof, the City Manager shall make a final inspection and see that the street, sidewalk, curbing or public place is restored to a condition as good in all respects as before the excavation or work was made or done and that all debris, materials, tools and equipment are removed therefrom.

### § 176-21.1. Right of entry for construction and repair purposes. [Added 5-9-2005 by Ord. No. 5-2005]

A. The City, its agents and assigns, shall have the authority to construct or repair the streets and sidewalks, drainage systems, various utility systems, including the location or relocation of water, sewer, electric, telephone and cable transmission lines, street and sidewalk lights, landscaping, entrances from public and private property to the streets and sidewalks, and to do all things necessary to accomplish these acts.

B. To carry out the construction and repairs outlined in this section, the City, its employees, agents and assigns, shall have the right of entry, for the purpose of accomplishing said work, at all reasonable hours, upon any premises in the City which abuts a City street or sidewalk, and, unless the City intends for the improvements to permanently alter the premises, shall restore the affected property to substantially the same condition it was in prior to the construction of the improvements.

### § 176-22. Violations and penalties. [Amended 8-9-1999 by Ord. No. 8-99]

Any violation of this article is declared to be an infraction. The penalty for violation shall be $50 for each initial offense and $100 for each day the violation continues.

ARTICLE IV
**Street Closures for Neighborhood Block Parties**
**[Adopted 5-8-2006 by Ord. No. 3-2006]**

## § 176-23. Purpose.

The purpose of this article is to provide for the temporary blocking of City streets in a safe manner to allow neighborhoods, or portions thereof, to have neighborhood block parties that will use portions of the public street and temporarily close the street to vehicular traffic.

## § 176-24. Definitions.

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

PARTY — A get-together, celebration or other similar event intended to be attended by a neighborhood or section of the City, but shall not include a garage sale, yard sale, bazaar, rummage sale or other similar activity having the principal purpose of fund-raising for an individual or organization, nor shall it include a political meeting or rally, carnival, theatrical, or musical performances, such as concerts or similar events.

STREET — A City street, highway or road.

## § 176-25. Permit required; application.

A. Any person, before blocking or barricading a street in the City of Taneytown for purposes of holding a block party, shall obtain a permit from the City Manager.

B. The City Manager shall be authorized to issue a permit for the temporary blocking of a street for the purpose of holding a block party. Such permit shall allow the temporary blocking of a street on one particular date only, and during a specified time period, which shall be of a single duration.

C. An application for such permit shall be filed with the City at least seven days before the commencement of such party. In conjunction with the application, the applicant must provide written confirmation to the City, in the form of a petition or on the application itself, that at least 51% of the property owners fronting on said street to be closed have approved the submission of the application and street closure. Such application shall contain the following minimum information:

   (1) The name, address, and phone number of the applicant.

   (2) The name of the street or streets and the description of the portions thereof to be blocked.

   (3) A description of the specific party to be held.

   (4) The date and the hours thereof.

D. The specific nature of the form of the application and permit shall be determined by the City Manager.

E. The application fee for this permit shall be set from time to time by resolution of the Mayor and City Council.

### § 176-26. Determination of approval of permit application.

The permit shall be approved by the City Manager if it is determined that the block party meets the criteria of this article and that blocking the street or portion thereof on the date requested in the application will not unduly interfere with the flow of vehicular traffic or the safety of the residents of the City. The City Manager shall advise the applicant, in writing, of the reason for denial of the application.

### § 176-27. Additional requirements.

A. Duration of permit; time limitations. A permit issued pursuant to this article shall be valid only on state and/or federal holidays and weekends for the date and hours specified thereon, which shall not be before 8:00 a.m. or after 10:00 p.m.

B. Cleanup required. The applicant shall be responsible for the removal of litter, debris and other materials from the street or portion thereof used for the party which is attributable to or caused by the party.

C. Blocking of streets.

(1) Prior to the commencement of the time for which the road is to be blocked, the City Public Works Director shall cause the street or portion thereof to be blocked, by devices of his choice, to motor vehicles except authorized emergency or hazard vehicles, and to provide detour signs for vehicular traffic. No other person shall in any manner block or place barricades in the road.

(2) A street or portion thereof blocked off for a party shall not be obstructed by picnic tables and shall not be obstructed by other obstacles which cannot be readily moved to allow emergency or hazard vehicles to enter in response to an emergency.

(3) The City Manager shall notify the Police Department and the appropriate Fire Department of the date and time of the street blocking at the time the permit is issued.

D. Alcoholic beverages. Open containers with alcohol are prohibited on City streets.

E. Disclaimer and hold harmless. The applicant must submit with the application a signed disclaimer on a form provided by the City. Further, any person obtaining a permit as provided by this article agrees, as a condition of the issuance of the permit, to indemnify and hold harmless the City against any claims and expenses, including attorney's fees

and court costs, for any claim for bodily injury or property damage for accidents or occurrences arising out of the use of the public street for the block party.

### § 176-28. Limitation on number of permits issued.

No more than two permits shall be granted by the City in any calendar year for the same neighborhood.

# Chapter 178

# DEVELOPMENT RIGHTS AND RESPONSIBILITIES AGREEMENTS

**GENERAL REFERENCES**

**Building construction and fire prevention — See Ch. 82.**

**Site plans — See Ch. 181.**

**Subdivision of land — See Ch. 180.**

**Zoning — See Ch. 205.**

## § 178-1. Definitions.

The words or phrases used in this chapter shall have the meaning prescribed in the current Code except as otherwise indicated herein:

AGREEMENT — A development rights and responsibilities agreement.

APPLICANT — Any individual, firm, corporation, partnership, association, society, syndication, trust, or other legal entity that files a petition to enter into an agreement.

COMPREHENSIVE PLAN — The current City of Taneytown Comprehensive Plan as adopted by Mayor and Council of the City of Taneytown under the provisions of Md. Ann. Code, Art. 66B.

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, dumping, extraction, dredging, grading, paving, storage of materials or equipment, land excavation, land clearing, land improvement, landfill operation, or any combination thereof; and any change in the use of a building for which a building permit/zoning certificate is required by law.

MAYOR AND COUNCIL — Mayor and Council of the City of Taneytown, Maryland.

PLANNING COMMISSION — The City of Taneytown Planning Commission.

PROPERTY — The parcel or parcels of real property to be developed which are the subject of an agreement.

PUBLIC PRINCIPAL — The governmental entity of the City of Taneytown that has been granted the authority to enter into agreements under this chapter.

## § 178-2. Authority; public principal.

The Mayor and Council may exercise the authority granted by Maryland Annotated Code, Art. 66B, § 13.01 to enter into development rights and responsibility agreements and shall act as the public principal.

## § 178-3. Petition.

A. Any applicant having a legal or equitable interest in real property in the City of Taneytown may petition the Mayor and Council to enter into an agreement.

B. The petition shall be filed with the City Manager.

C. The petition shall include a copy of the proposed agreement.

D. All persons with a lien interest in the property must authorize the petition.

E. The Mayor and Council shall first review the petition and determine whether to accept the petition and initiate this process.

F. If the Mayor and Council accept the petition, a filing fee for each petition shall be paid in accordance with a fee schedule adopted by resolution of the Mayor and Council.

**§ 178-4. Contents of agreement.**

A. At a minimum, a development rights and responsibilities agreement shall contain the following:

(1) An attorney's certification that the applicant has either a legal or equitable interest in the property;

(2) The names of all persons having an equitable or legal interest in the property, including lien holders;

(3) A legal description of the property subject to the agreement;

(4) The duration of the agreement;

(5) The permissible uses of the property;

(6) The density or intensity of use of the property;

(7) The maximum height and size of structures to be located on the property;

(8) A description of permits required or already approved for the development of the property;

(9) A statement that the proposed development plan is consistent with the Comprehensive Plan and all applicable City regulations;

(10) A description of the conditions, terms, restrictions or other requirements determined by the Mayor and Council to be necessary to ensure the public health, safety or welfare; and

(11) To the extent applicable, provisions for the:

(a) Dedication of a portion of the property for public use;

(b) Protection of sensitive areas;

(c) Preservation and restoration of historic structures;

(d) Construction or financing of public facilities; and

(e) Responsibility for attorney's fees, costs, and expenses incurred by the Mayor and Council in the event an agreement is abandoned or breached by the applicant.

B. An agreement may contain other terms, provisions, requirements and agreements concerning the property that may be agreed upon by the Mayor and Council and the applicant.

C. An agreement may fix the time frame and terms for development and construction on the property.

D. An agreement may provide for other matters consistent with this chapter, the Code of the City of Taneytown and Article 66B of the Maryland Annotated Code.

E. All persons with a lien interest in the property must execute the agreement.

F. Any superior interest with a power of sale must be subordinated to the position of the Mayor and Council or acceptable financial guarantees must be provided.

### § 178-5. Referral to Planning Commission.

If the Mayor and Council accept the petition as provided in § 178-3E, the City Manager shall refer the petition to the Planning Commission for determination of whether the proposed agreement is consistent with the Comprehensive Plan. The Mayor and Council may not enter an agreement unless the Planning Commission determines whether the proposed agreement is consistent with the Comprehensive Plan.

### § 178-6. Public hearing.

Before entering an agreement, the Mayor and Council shall conduct a public hearing on the agreement. Notice of the hearing shall be published in a newspaper of general circulation in the City once each week for two consecutive weeks, with the first such publication of notice appearing at least fourteen days prior to the hearing.

### § 178-7. Amendment of agreement.

A. Subject to Subsection B of this section and after a public hearing, the parties to an agreement may amend the agreement by mutual consent.

B. Unless the Planning Commission determines that the proposed amendment is consistent with the Comprehensive Plan, the parties may not amend the agreement.

### § 178-8. Termination of agreement; suspension.

A. The parties to an agreement may terminate the agreement by mutual consent; or

B. If the Mayor and Council determine that suspension or termination is essential to ensure the public health, safety, or welfare, the Mayor and Council may suspend or terminate an agreement after a public hearing.

### § 178-9. Applicable laws, regulations and policies.

A. Except as provided in Subsection B of this section, the laws, rules, regulations, and policies governing the use, density, or intensity of the property subject to the agreement shall be the laws, rules, regulations and policies in force at the time the Mayor and Council and the applicant execute the agreement.

B. An agreement may not prevent compliance with the laws, rules, regulations, and policies enacted after the date of the agreement, if the Mayor and Council determine that compliance with laws, rules, regulations and policies is essential to ensure the health, safety, or welfare of residents of all or part of the City of Taneytown.

### § 178-10. Recording.

A. An agreement not recorded in the Land Records of Carroll County within 20 days after the day on which the Mayor and Council and the applicant execute the agreement is void. Either the applicant or the Mayor and Council may record the agreement.

B. The Mayor and Council and the applicant, and their successors in interest, are bound to the agreement after the agreement is recorded.

### § 178-11. Enforcement by interested parties.

Unless the agreement is terminated under § 178-8 of this chapter, the Mayor and Council and the applicant, or their successors in interest, may enforce the agreement.

### § 178-12. Time limits.

An agreement shall be void five years after the day on which the parties execute the agreement unless the agreement specifies a shorter or longer duration or unless extended by an amendment under § 178-7 above.

### § 178-13. Open sessions.

Any negotiations between a Mayor and Council and the applicant or the applicant's agents concerning an agreement shall be conducted in open session.

## Chapter 180

# SUBDIVISION OF LAND

**GENERAL REFERENCES**

**Planning Commission — See Ch. 42.**

**Building construction — See Ch. 82.**

**Erosion and sediment control — See Ch. 106.**

**Forest conservation — See Ch. 116.**

**Landscaping — See Ch. 136.**

**Parks and recreation — See Ch. 153.**

**Sewers — See Ch. 167.**

**Stormwater management — See Ch. 173.**

**Streets, sidewalks and other public places — See Ch. 176.**

**Water — See Ch. 201.**

**Zoning — See Ch. 205.**

ARTICLE I
**General Provisions**[25]

## § 180-1. Definitions.

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

ADEQUATE — Sufficient resources exist to safely serve existing and proposed development, specifically for:

A. Carroll County public schools: up to 100% of capacity.

B. Roads: minimum service rating of A or B (C for roads not maintained by the City).

C. Sewer: meet minimum conveyance and treatment capacity requirements of Maryland Department of the Environment (MDE) and U.S. EPA permits based on review by the City Engineer.

D. Water: meet minimum source quantity, quality, storage and transmission requirements as established by the City Engineer and Hydrogeologist.

E. Stormwater facilities: meet minimum conveyance, treatment and attenuation requirements of City stormwater management standards for stormwater that will be conveyed through and from the property as well as upstream contributory areas.

APPROACHING INADAQUACY —

A. Elementary schools: 101% to 105%.

B. Secondary schools: 101% to 110%.

ARTERIAL — A major street for carrying a large volume of through traffic in the area, normally controlled by traffic signs and/or signals.

BUILDING SITE — The portion of a lot on which a principal building could be erected in compliance with the yard requirements of the Zoning Ordinance.

CITY — The City of Taneytown, Maryland.

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**25. Editor's Note: An unnumbered paragraph, entitled "Purpose," immediately followed and stated: "The purpose of this Ordinance is to control the division of land within the City of Taneytown in order to promote the public health, safety, and general welfare of the citizens by regulating the division and redivision of land in order to further the orderly development and appropriate use of land; to establish accurate records of land subdivisions; to protect land title; to implement the Taneytown and Environs Comprehensive Plan; to secure safety from fire, and other dangers; to facilitate adequate and coordinated provision for transportation, water, sewerage, schools, parks, playgrounds, and other public requirements; to facilitate the further division of larger tracts into smaller parcels of land; to preserve natural features such as stands of trees, streams, and other significant environmental features; and, in general, to facilitate the orderly coordinated, efficient and economic development of the City of Taneytown."**

COLLECTOR — A street designed to carry moderate volumes of traffic from local streets to arterial streets or from arterial to arterial.

COMAR — The Code of Maryland Regulations.

COMMISSION — The City of Taneytown Planning and Zoning Commission.

COMPREHENSIVE PLAN — The Comprehensive Plan of the City of Taneytown and Environs as adopted by the Mayor and City Council of Taneytown and modified from time to time.

COUNCIL — The Council of the City of Taneytown.

COUNTY — Carroll County, Maryland.

CUL-DE-SAC — A local public street with only one outlet that terminates in a vehicular turnaround and having an appropriate turnaround for the safe and convenient reversal of traffic movement.

DEVELOPER or SUBDIVIDER — An individual, partnership, firm, corporation, company, or agent thereof that undertakes or participates in the activities covered by these regulations: specifically, the development of a subdivision.

DEVELOPMENT RIGHTS AND RESPONSIBILITIES AGREEMENT — An agreement made pursuant to Chapter 178 of the City Code of the City of Taneytown as authorized by § 13.01 of Article 66B of the Maryland Annotated Code.**[Added 1-12-2009 by Ord. No. 12-2008]**

DRIVEWAY — The space specifically designated and reserved on the site for the movement of vehicles from a lot to a public street.

EASEMENT — A grant by the property owner of an interest in land for use by the public, a corporation, or person(s) for specified purposes.

ENVIRONMENTAL RESOURCE AREAS — Streams, stream buffers, one-hundred-year floodplains, habitats of threatened and endangered species, steep slopes, carbonate rock areas, reservoir watersheds, Use III waters, wellhead buffers and wetlands, all as defined herein.

EPA — United States Environmental Protection Agency.

FINAL APPROVAL — Approval of the final plat by the Commission, as evidenced by certification on the plat by the Mayor and Chairman of the Commission, constitutes authorization to record a plat.

FLAG OR PANHANDLE LOT — A lot with the appearance of a frying pan or flag and staff where access to a public road is created and maintained through the handle as the point of ingress and egress to the street or road.

FRONTAGE/FRONT LOT LINE — The side of a lot adjacent or parallel to a public road.

FRONT SET BACK/BUILDING RESTRICTION LINE — The line parallel to the front lot line fronting on the public road behind which building may occur on the lot.

HABITAT OF THREATENED AND ENDANGERED SPECIES — An area which, because of its physical, topographical or biological features, provides important elements for the maintenance, expansion and long-term survival of threatened and endangered species listed in COMAR 08.03.08, as amended or modified from time to time. This area may include breeding, feeding, nesting, resting, and migratory or over-wintering areas. Physical or biological features include, but are not limited to, structure and composition of the vegetation, faunal community soils, water chemistry and quality and geologic, hydrologic and microclimatic factors.

INADAQUATE — Sufficient resources are not available to safely serve existing and proposed development, specifically for:

A. Schools.

   (1) Elementary schools: greater than 105% of capacity.

   (2) Secondary schools: greater than 110% of capacity.

B. Roads: service rating of less than B (less than C for roads not maintained by the City).

C. Sewer: demand exceeds minimum conveyance and treatment capacity requirements of MDE and U.S. EPA permits based on review by the City Engineer.

D. Water: demand exceeds minimum source quantity, quality, storage and transmission requirements as established by the City Engineer and Hydrogeologist.

E. Stormwater facilities: insufficient facilities to meet minimum conveyance, treatment and attenuation requirements of City stormwater management standards for stormwater that will be conveyed through and from the property as well as upstream contributory areas.

LOT — A portion of a subdivision or parcel of land intended for building development, whether immediate or future. A parcel of land occupied or intended for occupancy by a use permitted in the Zoning Ordinance.

LOT LINE — The property lines bounding the lot.

LOT WIDTH — The horizontal distance between side lot lines measured at the front setback.

MAJOR SUBDIVISION — A subdivision of four or more lots, which is contiguous to a planned road or street and which involves the construction of public improvements.

MDE — State of Maryland, Department of the Environment.

MINOR SUBDIVISION — A subdivision of no more than three lots which is not contiguous to or in the path of a planned road and does not involve the construction of any public improvements.

ONE-HUNDRED-YEAR FLOODPLAIN — The meaning given in the Carroll County Floodplain Management Ordinance, as amended or modified from time to time.

RESERVOIR WATERSHEDS — Areas which drain into an existing or proposed water supply reservoir.

SHA — Maryland Department of Transportation, State Highway Administration.

SIDEWALK — A public way which provides or is proposed to provide access for pedestrian traffic to abutting properties.

STATE — The State of Maryland.

STEEP SLOPES — Areas with slopes greater than a grade of 25%.

STREAM — Part of a watercourse, either naturally or artificially created, that contains intermittent or perennial base flow of groundwater origin. Ditches that convey surface runoff exclusively from storing events are not included in this definition.

STREAM BUFFERS — Areas which extend a minimum of 100 feet from the top of each perennial stream bank along both sides of a stream.

STREET or ROAD — A public way which provides or is proposed to provide primary access for vehicular traffic to abutting properties.

SUBDIVISION — The division of any tract or parcel of land into two or more lots or parcels for immediate or future sale, lease or building development. Subdivision shall not mean:

A. Conveyance of property to a state, federal, or local government or a public utility if for utility right-of-way purposes.

B. Conveyance to an adjoining property owner if the transfer is made with the following statement in the deed: “The land conveyed herein is being transferred to an adjoining landowner to enlarge the grantee's existing property and shall be considered merged under the Subdivision Ordinance of the City of Taneytown with the existing property of the grantee.” Such conveyance requires the approval of the Commission and is permitted only where the land conveyed is not intended for development. Any subsequent development of the land shall be subject to all the requirements of the City Code.

SUBDIVISION PLAN OR PLAT — A drawing of the subdivision showing lots, streets and such other information required by these regulations.

A. SKETCH SUBDIVISION PLAN — A rough drawing of a proposed subdivision prepared to allow review and comment by the Commission.

B. CONCEPT SUBDIVISION PLAN — A master drawing of a subdivision prepared for the overall planning of a property desired to be subdivided.

C. PRELIMINARY SUBDIVISION PLAN — A master drawing of a subdivision based on a concept plan prepared for the overall planning of a property desired to be subdivided, and which is in accordance with these regulations.

D. FINAL SUBDIVISION PLAN — A master drawing of a subdivision based on an approved preliminary plan prepared for the overall planning of a property desired to be subdivided, and which is in accordance with these regulations.

E. FINAL SUBDIVISION PLAT — A drawing of any portion of the subdivision which is desired to be made and recorded as an official record in the office of the Clerk of the Circuit Court, and which may be all or a portion of a preliminary subdivision plan.

USE III WATERS — The meaning given by COMAR, Title 26.08.02, as amended or modified from time to time.

WAY — A passage, sidewalk, street or road.

WELLHEAD BUFFERS — Areas which extend a minimum of 100 feet around any existing or proposed community water supply well or well site, unless modified by the Commission, as may be designated on the adopted Water and Sewer Master Plan or the City of Taneytown Comprehensive Plan, or identified during the development process.

WETLAND — The meaning given for “nontidal wetland” in COMAR, Title 26.23.01.01 (62), as amended or modified from time to time.

ZONING ORDINANCE — Chapter 205 of the Code of the City of Taneytown.

## § 180-2. Plat required; approval and recording.

From and after the effective date of these regulations, any developer contemplating the subdivision of land shall, previous thereto, cause a plat of such subdivision to be made in accordance with provisions set forth in these regulations, and a copy of such plat shall be recorded in the office of the Clerk of the Circuit Court of Carroll County after final approval by the Commission. No lot in a subdivision or any section thereof created after the effective date of these regulations shall be transferred nor shall a building permit be issued by the City Clerk for a structure thereon until such approval and recording shall be completed as specified herein.

## § 180-3. Fees.

Fees for review of subdivision plans and plats may be established and amended by resolution of the Council.

ARTICLE II
**Miscellaneous Requirements**

### § 180-4. Compliance with local and state requirements.

A. All subdivisions shall conform to the City of Taneytown and Environs Comprehensive Plan, Zoning Ordinance, Subdivision Regulations, and to all other applicable federal, state or local laws, regulations and ordinances, resolutions, and plans, including, but not limited to, the Carroll County Water and Sewer Master Plan. The Commission may require more stringent design provisions if it is demonstrated that they are necessary in the opinion of the Commission to promote the public health, safety, or welfare or to promote good subdivision design and land use.

B. In designing and laying out a subdivision, the developer shall comply with all requirements of Maryland law, the Maryland Department of the Environment and Carroll County Health Department governing subdivision of land.

C. The proposed subdivision shall not violate the provisions of any enforceable and recorded deed restrictions or restrictive covenants attached to the property.

### § 180-5. Right-of-way widths.

Proposed streets shall be shown by providing a minimum right-of-way width of 52 feet. Where it is determined by the Commission that a street should be designed in a subdivision to carry traffic from other areas or adjacent subdivisions, whether existing or potential, a minimum of 60 feet shall be shown.

### § 180-6. Streets; street names.

A. Streets, roads and public ways shall be located in such a manner as to provide for the safe and orderly movement of vehicular traffic to, from and through the subdivision. The course and terminus of any streets, roads and public ways shall be located in such manner as to allow the reasonable, planned development of adjacent undeveloped parcels.

B. Street names shall be approved by the Commission prior to submitting a final plat to ensure no duplications.

### § 180-7. Easements; buffer zones.

A. Easements shall be shown on the final plat where a natural watercourse (stream) exists or where natural or street drainage is located or may be provided, such easement to be a minimum of 20 feet, except in the case of a natural watercourse, which shall contain adequate easement area to provide for a one-hundred-year storm.

B. Whenever a residential subdivision abuts a nonresidential subdivision, use or undeveloped land not located in a residential district, a permanently landscaped buffer strip of at least 20 feet in width shall be provided.

C. The legal form of all easements shall be provided upon submission of the preliminary plan.

**§ 180-8. Street and sidewalk construction standards; guaranty.**

A. Streets, curbs, gutters, sidewalks and driveway aprons shall be constructed in accordance with those standards, specifications, and regulations as set forth in City of Taneytown Specification for Construction of Streets and Stormwater Management Facilities August 1995, the Design Manual, Roads and Storm Drains, Carroll County, Maryland, Department of Public Works, as adopted on April 14, 1994, by the County Commissioners of Carroll County, and the Maryland Department of Transportation State Highway Administration Standard Specification for Construction and Materials as published in October 1993 and as may hereinafter be amended. Where standards vary, local regulations and design specifications shall take precedence. All new road construction shall use the Superpave materials and paving system as defined by the Maryland State Highway Administration.

B. All construction shall be done under the immediate supervision of an inspector appointed by the City Manager. No improvement will be accepted until the City Manager and appointed inspector are satisfied that the work has been performed according to the plans, profiles and specifications furnished and to the lines and grades established.

C. A suitable guaranty shall be provided to the City by the developer and a public works agreement executed by the developer after final approval of the final subdivision plat by the Commission, but prior to final approval of the Mylar plans, in order to ensure construction by the developer of the streets as shown.

D. Curbs and gutters are required in all subdivisions as set forth in Chapter 176 of the Code of the City of Taneytown.

E. Driveway access to the street shall not be located within 10 feet of a storm drain. All driveway access to the street shall be by a concrete driveway apron in conformance with City standards.

F. Unless an exception is granted by the Commission, any cul-de-sac shall be not more than 500 feet in length measured along the center line from the center line of the street of origin to the center of the turnaround, and each shall have a terminus generally circular in shape, with a right-of-way diameter of 100 feet and a center on, or within 30 feet of, the cul-de-sac center line.

G. Signs, sign posts, and pavement markings as required, shall meet the minimum requirements for similar signs and posts as shown and set

forth in the Manual for Uniform Traffic Control Devices for Streets and Highways.

H. Sidewalks are required in all subdivisions as set forth in Chapter 176 of the Code of the City of Taneytown.

### § 180-9. Utilities and stormwater management facilities.

A. All electric, telephone distribution lines and other utilities shall be installed underground, except those overhead distribution feeder lines necessary to serve that subdivision and in locations as approved by the Commission. Cable switching enclosures, pad-mounted transformers, and service pedestals may also be installed above ground and may be installed as a part of the streetlighting standards where approved by the Commission.

B. Water mains shall be not less than eight inches in diameter in residential areas and not less than 10 inches in diameter in business and employment center areas unless otherwise approved by the City and shall be arranged so as to avoid dead ends. Shut-off valves shall be provided at each branch main connection and elsewhere as required to permit adequate sectionalizing for maintenance purposes. Fire hydrants shall be installed as specified by the City of Taneytown. A house service connection shall be provided at the center line of each lot or as specified by the Taneytown Public Works Department, extending to the right-of-way line, before roadway pavement is constructed. Materials, system arrangement, and details of design shall be subject to the approval of the City.

C. Stormwater management facilities shall be designed in accordance with Chapter 173 of the City Code. All such facilities shall be located in such a manner as to facilitate municipal ownership and maintenance of such facilities and shall not be located on lots intended for residential occupancy. The City will accept ownership and maintenance responsibility only for stormwater management facilities located in and serving residential subdivisions. Stormwater management facilities in nonresidential subdivisions shall remain the property and responsibility of the owner.

### § 180-10. Lot size; width; frontage; lines.

A. Every lot shall contain a suitable building site with the exception of lots dedicated to stormwater management facilities.

B. Lot size. Lot dimensions and area shall be not less than the requirements of the Zoning Ordinance or as determined by the Maryland Department of the Environment, whichever is greater.

C. Lot width. All lots shall conform to the requirements of Chapter 205 of the Code of the City of Taneytown.

D. Lot frontage. Except as allowed by § 180-11, each proposed lot containing an area of less than three acres shall front upon a street accepted by the City of Taneytown as a public street. The front of any lot shall not face the rear yard of any other lot.

E. Lot lines. Side lot lines shall be at right angles or radial to the street line or substantially so.

### § 180-11. Access to lots.

A. Every lot shall have access to it that is sufficient to afford a reasonable means of ingress and egress for vehicles and emergency vehicles as well as for all those likely to need or desire access to the property in its intended use. Use-in-common driveways are prohibited.

B. The creation of flag or panhandle lots may be permissible by the Commission only under the following circumstances:

(1) To avoid providing direct access onto an arterial; or

(2) When a property owner demonstrates that, because of the irregular shape of a tract or its difficult topography or for some other substantial reason related to the property condition, the creation of a panhandle lot is reasonably necessary to avoid extreme hardship to the property owner and can be accomplished without creating substantially adverse effects on neighboring properties or the public health or safety.

### § 180-12. Nonresidential subdivisions.

A. In nonresidential subdivisions, including industrial and commercial tracts, the subdivider shall demonstrate to the satisfaction of the Commission that the street, parcel and block pattern is specifically adapted to the uses anticipated and takes into account other uses in the vicinity.

B. Whenever a nonresidential subdivision abuts a residential subdivision, use or undeveloped land located in a residential district, a permanently landscaped buffer strip of at least 20 feet in width shall be provided.

### § 180-13. Higher standards to prevail.

Where there is a discrepancy between minimum standards or dimensions noted herein and other official regulations, the highest or most strict standards shall apply.

### § 180-14. Design guidelines.

Subdivisions shall be designed to protect environmental resource areas in accordance with the Environmental Resource Areas Guidelines as published in Appendix A to the Environmental Resources Element of the City of Taneytown Comprehensive Plan and as modified from time to time.

## § 180-15. Wellhead buffer.

The developer shall provide a wellhead buffer easement for any portion of the subdivision within the wellhead buffer. This area shall be preserved with an ownership arrangement acceptable to the City. The total wellhead buffer for a community wellhead shall be a circular area having a minimum one-hundred-foot radius which extends around any existing or proposed community water supply well or well site, as may be designated on the adopted Water and Sewer Master Plan or the City of Taneytown Comprehensive Plan, or identified during the development process, unless this configuration and/or size is specifically modified by the Commission in its approval of the preliminary subdivision plan. The wellhead buffer shall be shown on the preliminary plan and included on the final plat.

ARTICLE III
**Minor Subdivisions**

## § 180-16. Specific requirements.

A. The Commission may consider the division of a single parcel of land into no more than three lots in a minor subdivision where such subdivision does not occur in the path of a planned road or involve construction of a public improvement like a public road, or water or sewer main. The Commission may waive procedural requirements of this chapter except as follows:

(1) No minor subdivision shall be exempt from the adequate public facilities provisions contained herein except from school capacity requirements.

(2) The Commission shall allow for public notification and comment before approval.

B. Any lot created by the minor subdivision process shall not be further subdivided except in full compliance of this chapter.

ARTICLE IV
**Sketch Subdivision Plan**

## § 180-17. Specific requirements.

A. A developer may, prior to preparing and submitting a concept plan, present to City staff for review a sketch of the proposed subdivision for any guidance or comments the City staff may provide.

B. The sketch plan shall include:

(1) A vicinity map showing the location of the property in relation to the surrounding area.

(2) The approximate location of all existing structures within the tract proposed to be retained and wooded areas within the tract and within 100 feet thereof.

(3) The names of the owners of all property adjoining the tract.

(4) All existing streets, roads, and approximate location of wet and dry weather watercourses, floodplain areas, sink holes, and other significant physical features within the tract and within 150 feet thereof.

(5) Approximate location of proposed streets and property lines.

(6) A rough sketch of the proposed subdivision plan.

(7) A North arrow and scale.

(8) Direction of and approximate distance to the nearest existing major street intersection.

C. The City staff shall review and evaluate the sketch plan as soon as practicable and shall report to the developer its opinion as to the merits and feasibility of the improvements contemplated by the sketch plan.

ARTICLE V
**Concept Subdivision Plan**

## § 180-18. Submission.

The developer, in order to ensure review of the Commission at its regular meetings, shall file with the staff of the Commission six black-line prints of the concept plan at least two weeks prior to such regularly scheduled Commission meeting. If a sketch plan has been previously submitted and evaluated by the City staff, the developer is encouraged to incorporate the results of the prior evaluation into the concept plan.

## § 180-19. Review.

A concept plan for a subdivision of land in any zoning district may be reviewed by the Commission to ensure compliance with the following conditions:

A. The property which is proposed to be subdivided shall be posted by the developer with a sign notifying the public of the public hearing within 14 days of submittal of the concept plan and shall remain posted for a period of 30 days so that the public is made aware of the possible use of the property. The sign shall be no less than 22 inches by 28 inches in size.

B. The developer will submit the plan for the proposed subdivision at a Commission meeting. If the plan is accepted by the Commission, the developer will provide the City with plans to transmit to the appropriate state, county and City review agencies. Prior to the plans being transmitted, the developer will provide the City with a sum to be established by the City to be held in escrow to cover the cost of review fees. Escrow funds are to be replenished on a monthly basis. The Zoning Administrator will complete a study of the plan for the Commission. The study will be an overview of how the proposed plan relates to the surrounding area and if it is zoned properly and may include any information the Zoning Administrator is able to provide so that the Commission may reach an informed decision.

C. The Commission shall consider whether the proposed subdivision is in conformance with the City of Taneytown and Environs Comprehensive Plan.

D. The Commission shall consider whether the proposed subdivision is in conformance with the Carroll County Water and Sewer Master Plan.

E. The Commission shall consider whether the proposed subdivision will add to or create an inadequacy to any street, street section, or intersection.

F. The Commission shall consider whether the proposed subdivision will add to or create an inadequacy of any public school expected to service the proposed subdivision.

G. The Commission shall consider whether the proposed subdivision will add to or create an inadequacy in fire protection, police protection, emergency services, recreation facilities, water facilities and/or sewerage facilities.

H. The Commission shall require that public comments be heard on a proposed subdivision and that all persons present at the meeting be allowed to address the Commission on a proposed concept plan. Any consensus, decision, or approval of the Commission of a proposed concept plan shall not be considered a final approval of the proposed subdivision plan.

ARTICLE VI
**Preliminary Subdivision Plan**

## § 180-20. Submission.

The proposed preliminary subdivision plan shall be based on the approved concept subdivision plan. The proposed preliminary subdivision plan shall be submitted to the City for review within 12 months of concept plan approval or approval of the concept plan will automatically expire and the proposed subdivision must then be resubmitted for concept plan approval. The Commission, at its discretion, may grant a request for an extension of time to submit the preliminary subdivision plan if the developer proves there are extenuating circumstances preventing a presentation within that twelve-month period.

## § 180-21. Required information.

A. Information to be shown on the preliminary subdivision plan shall include:

(1) The subdivision name.

(2) The owner's and developer's names and addresses.

(3) The surveyor's and engineer's names and addresses.

(4) Certificate of registered professional engineer or registered land surveyor as to the source and accuracy of boundary lines, topographic data and other engineering or surveying data.

(5) A legend defining all marks, notations and symbols used in the plan.

(6) The election district, county and state.

(7) The names and liber and folio references of adjacent property owners.

(8) References to adjoining subdivisions by liber and folio number.

(9) A vicinity sketch at a scale of one inch equals 2,000 feet.

(10) Metes and bounds description and survey of the boundary of the land proposed for subdivision.

(11) Scale.

(12) North point and date.

(13) Contours with intervals no greater than two feet.

(14) Zoning districts.

(15) School districts for elementary, middle and high school.

(16) Fire and emergency services district.

(17) Building restriction lines.

(18) Locations, names, dedicated widths and construction details for all existing or planned roads, sidewalks or other public ways and all dedicated rights-of-way or easements, their location, width and purpose.

(19) Other existing and proposed rights-of-way or easements, their location, width and purpose.

(20) Location of existing and proposed utilities.

(21) Location of existing and proposed stormwater management facilities to include plans for collecting, detaining, retaining or depositing stormwater in accordance with Chapter 173 of the Code of the City of Taneytown. Plans shall include both pre- and post-development calculations along with calculations for sizing piping, storage areas or impoundments, flumes, spillways and other devices.

(22) Street names.

(23) Lots identified by unduplicated lot numbers and to include lot lines and width.

(24) All minimum building setback lines.

(25) Area, zoning and density calculations.

(26) Proposed method or treatment of sewage disposal.

(27) Bearings and dimensions.

(28) Any one-hundred-year floodplain.

(29) Existing structures and features.

(30) Location of all specimen trees.

(31) Location of all forest conservation easements.

(32) Historic or scenic areas.

(33) Streams, intermittent or continuous.

(34) Wetlands.

(35) Outstanding topographic features.

(36) Covenants, restrictions and/or statements proposed to be shown on the final subdivision plat.

(37) Areas, if any, to be reserved for parks, playgrounds or other public uses.

(38) Areas reserved for stormwater management.

(39) Proposed method of conserving any area not included in lots to be developed or dedicated for public use.

(40) Cross sections, details and specifications as required by the reviewing agencies.

(41) Buildings and structures, to include:

(a) Dimensions, size and height.

(b) Distances between buildings.

(c) Number of stories.

(d) Area in square feet of each floor.

(e) Number of dwelling units.

(f) Elevations.

(42) Construction details and specifications of all utilities.

(43) Driveways, entrances, exits, parking areas and loading spaces, to include:

(a) Number of parking spaces.

(b) Number of loading spaces.

(44) Slopes, terraces, retaining walls, fencing and screening.

(45) Landscaping, including details and number of planting units.

(46) Location, height, design and square footage of any proposed signage.

(47) Location, height, design, direction and lumens of any proposed exterior lighting.

(48) Engineering estimates of water and sewerage demand.

(49) Location and design of storage facilities for any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, toxicity, or temperature that may run off, seep, percolate, or wash into surface or ground water so as to contaminate, pollute, or harm such waters.

(50) Location and design of storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials.

(51) Location, design and screening of storage facilities for solid waste.

(52) Other information as determined necessary by the Commission or the reviewing agencies, including such requirements for site plans as promulgated by Carroll County.

(53) Any other information as determined appropriate by the Commission.

**§ 180-22. Adequacy of facilities.**

A. With the exception of those facilities for which the developer's rights and obligations are to be established in a Development Rights and Responsibilities Agreement with the Mayor and City Council pursuant to Chapter 178 of the Code, before a preliminary subdivision plan may be approved, the Commission shall receive written certification or comment, as specified in the following provisions, to verify that the proposed subdivision meets all applicable state, county and City codes. Certifications shall automatically expire 120 days from the date of certification or comment whenever a lesser time limit is not specified. The Commission shall deny or defer approval of the plan if any one or more of these conditions cannot be provided or received by the City. **[Amended 1-12-2009 by Ord. No. 12-2008]**

(1) The proposed subdivision shall be posted by the developer conspicuously by a notice no less in size than 22 inches by 28 inches at least 14 days before the date of the first Commission meeting at which preliminary approval of the proposed subdivision is to be considered.

(2) The proposed subdivision shall comply with all applicable provisions of the Code of the City of Taneytown and all other applicable state and county codes and provisions. More stringent design provisions may be required by the Commission if it is demonstrated that they are necessary to promote the public health, safety or welfare or to promote good subdivision design.

(3) The proposed subdivision shall be in conformance with the City of Taneytown and Environs Comprehensive Plan.

(4) The proposed subdivision shall be in conformance with the Carroll County Water and Sewer Master Plan.

(5) The proposed subdivision shall not violate the provisions of any enforceable deed restrictions or covenants attached to the property.

(6) The proposed plan shall be consistent with the concept plan except where the Commission approves changes to the concept plan.

(7) Water. The proposed development's water demand, including source, storage and transmission, shall not exceed the capacity of the City's existing water system with improvements proposed as part of the subdivision plan (as applicable). If the water system

is determined to be inadequate, the developer shall be required to provide the necessary minimum additional capacity to serve the proposed development. This includes, but is not limited to, development of new supply source(s), necessary land for well and wellhead buffer, treatment, storage and transmission. The Commission shall require that all wells which the developer is required to supply to the City, that are to provide the City with the additional water necessary for the proposed subdivision, are developed in accordance with the requirements of and tested by a licensed state certified firm hired by the City, to certify the adequacy of both the quantity and quality of the water and to ensure no adverse impact to existing wells (private or public). An escrow account shall be maintained by the City and funded by the developer prior to the hiring of the firm for the cost of the certification. The developer will have operational control of the development of the well(s). If the findings of this certification show that the developer is unable to supply water for the proposed subdivision the Commission may grant preliminary plan approval only if the Taneytown City Manager, through an engineering study, hired by the City and funded by the developer, certifies that the existing water system of the City has the excess capacity to service the proposed subdivision. Under such a circumstance, the developer shall be required to pay the water replacement fee to be created and amended by resolution of the Council.

(8) Sewer. The proposed development's sewage requirements, including conveyance and treatment, shall not exceed the capacity of the City's existing sewer system with improvements proposed as part of the subdivision plan (as applicable). If the sewer system is determined to be inadequate, the developer shall be required to provide the necessary minimum additional capacity to serve the proposed development. This may include, but is not limited to, share in the cost of replacement of inadequate facilities, including gravity sewers, pumping stations, force mains, and wastewater treatment processes. Certification of the City sewer system shall be based on its ability to provide the sewerage capacity necessary for the site, considering:

(a) Existing conditions;

(b) Future connections from buildings under construction or recorded lots from previously approved preliminary plans for which a permit could be issued at any time in the future; and

(c) Future connections from the proposed project or development.

(9) Schools. If according to enrollment figures certified by the Carroll County Board of Education, each elementary school proposed to serve the projected school population may exceed capacity of 100% but not greater than capacity of 105%, and each middle and high school may exceed capacity of 100% but not 110%, considering:

(a) Existing population from existing homes;

(b) Projected population from future building from residences under construction or recorded lots from previously approved preliminary plans for which a permit could be issued at any time in the future; and

(c) Ratings and projections from residences in the proposed development.

(10) Roads.

(a) If the Commission determines that all streets and intersections which are designated by the Commission as serving the proposed area of development will have ratings of A or B, for roads maintained exclusively by the City, or ratings of C for roads which are not maintained by the City, considering:

[1] Effects of existing traffic;

[2] Traffic projected to be generated from residential, commercial or industrial projects under construction or recorded lots from previously approved preliminary plans for which a permit could be issued at any time in the future; and

[3] Traffic projected to be generated from the proposed project or development.

(b) The Commission shall require that all streets and intersections, which are designated by the Commission as serving the proposed area of development be certified as to their adequacy by a licensed traffic engineering firm, hired by the City at the expense of the developer. The developer shall be billed for any expenses incurred by the City for right-of-way acquisition. The Commission may also require county certification or state certification whenever a county or state road is within the designated area and serving the proposed development. The firm preparing the certification shall use the methodology in the current edition of the Highway Capacity Manual for the rating of all streets. The firm shall use the methodology of Critical Lane Analysis in the rating of all intersections.

(c) If the existing level of service of the affected street is less than the ratings, A, B or C as applicable, then the transportation facility will be considered inadequate if the proposed development degrades the facility by more than a factor of .02 based on the volume of capacity ratio.

(11) Police protection.

(a) If the Commission determines that the ratio of police officers to citizens is not more than two officers per every 1,000 residents

considering City and any significant county and/or state coverage, and if the City certifies that police protection would be adequate, considering:

[1] Existing population from existing homes;

[2] Projected population from future building from residences under construction or recorded lots from previously approved preliminary plans for which a permit could be issued at any time in the future; and

[3] Projected population from the new development.

(b) The Commission shall ensure that the Police Chief or his designee certifies whether the Police Department can provide adequate police protection, addressing specifically the ratio of officers per citizen.

(12) Fire and rescue services.

(a) If the Commission determines that the Taneytown Volunteer Fire Department can adequately access and provide the site with fire protection and emergency services, such that an emergency call can be served within 10 minutes and, in addition, meeting the minimum standard of late or no response of not more than 15%, or no response of not more than 4%, considering:

[1] Existing population from existing homes and businesses;

[2] Projected population from future building from residences, commercial or industrial projects under construction or recorded lots from previously approved preliminary plans for which a permit could be issued at any time in the future; and

[3] Projected population from the new project or development.

(b) The Commission shall ensure that the Chief of the Taneytown Volunteer Fire Company or his designee comments on whether the Fire Company can provide adequate fire protection and emergency services, addressing specifically the time needed to respond to an emergency call as well as adequate water flow from fire hydrants, adequate staffing and adequate equipment necessary to serve the proposed development.

(13) Park facilities.

(a) If the Commission determines that all City and regional park facilities are adequate to provide recreational opportunities for the new development, considering:

[1] Existing population from existing homes;

[2] Projected population from future building from residences under construction or recorded lots from previously approved preliminary plans for which a permit could be issued at any time in the future;

[3] Projected population from the new development; and

[4] Open space and recreational facilities to be provided, on- or off-site, by the developer.

(b) In reaching its conclusion as to adequacy of park facilities, the Commission shall consult with the Department Head of Parks and Recreation, designated staff and/or the Parks and Recreation Advisory Board, as appropriate.

(14) Storm drains. If the City certifies that the proposed development will be served by an adequate storm drainage system, considering:

(a) Whether the on-site drainage system to be installed by the developer will be capable of conveying through and from the property the design flow of stormwater runoff originating in the development, as determined in accordance with criteria applied within the applicable City stormwater management standards, in addition to any flow from upstream developments in existence and under construction, and recorded lots from previously approved preliminary plans for which a permit could be issued at any time in the future.

(b) Whether the off-site draining systems are capable of conveying to an acceptable outfall the design flow of stormwater runoff originating in the new development, as determined in accordance with criteria applied within the applicable City stormwater management standards, in addition to any flows from upstream developments in existence and under construction, and recorded lots from previously approved preliminary plans for which a permit could be issued at any time in the future.

(15) Solid waste disposal. If the Commission determines that the City has adequate ability to provide the site with solid waste removal under the current contract, considering:

(a) Existing trash pickups required for regular trash pickup and any other supplemental services;

(b) Projected trash pickups required for regular trash pickup and any other supplemental services for future building under construction or recorded lots from previously approved preliminary plans for which a permit could be issued at any time in the future;

(c) Projected trash pickups required for regular trash pickup and any other supplemental services necessary to provide service for the new project or to the population from the new development; and

(d) The contract's ability to be amended to permit increased coverage of services.

(16) The developer shall provide written approval from the Maryland State Secretary of Transportation or its successors for any railroad crossings that are to be built. As long as the scope of the proposed plan does not change and the State Secretary of Transportation revokes their approval, the railroad crossing approvals will not expire and may be used at future approvals.

(17) The proposed subdivision shall be reviewed by the county as to its conformance with all applicable state, county and City codes with regard to development proximity to one-hundred-year floodplains.

(18) The proposed subdivision shall be reviewed by the county as to its conformance with all applicable state, county and City codes, with written reviews from all applicable county departments.

(19) The Commission shall require that public comments be heard prior to a Commission vote on a proposed subdivision and that all persons present at the public meeting be allowed to address the Commission.

B. The Planning and Zoning Commission may approve a preliminary or other plan but allow building only after final subdivision approval is granted, on a phased-in schedule that may permit building to begin no less than 24 months from the date of final plan approval, but which after building is permitted to begin, may allow no more than 15 dwelling units the first year, 20 dwelling units the second year, 25 dwelling units the third year and 30 dwelling units the fourth year, if any of the following facilities are approaching inadequate according to the standards below for each facility:

(1) Schools. If new schools are planned under the Board of Education's capital improvement plans to be open for students within five years from the date building begins, then if according to enrollment figures certified by the Board of Education for the county in which the development will occur, each elementary school proposed to serve the projected school population will exceed capacity of 100% but not greater than capacity of 105%, and each middle and high school will exceed capacity of 100% but not greater than 110%, once the development is fully built, considering:

(a) Existing population from existing homes;

(b) Projected population from future building from residences under construction or recorded lots from previously approved

preliminary plans for which a permit could be issued at any time in the future; and

(c) Ratings and population projections from residences in the proposed development.

(2) Roads.

(a) If the Commission determines that all streets and intersections which are designated by the Commission as serving the proposed area of development will have ratings that reach or exceed Level C, for roads maintained exclusively by the City, or ratings of D for roads which are not maintained by the City considering:

[1] Effects of existing traffic;

[2] Traffic projected to be generated from residential, commercial or industrial projects under construction or recorded lots from previously approved preliminary plans for which a permit could be issued at any time in the future; and

[3] Traffic projected to be generated from the proposed project or development.

(b) The Commission shall require that all streets and intersections which are designated by the Commission as serving the proposed area of development be certified by a licensed traffic engineering firm hired by the City at the expense of the developer. The developer shall be billed for any expenses incurred by the City for right-of-way acquisition. The Commission may also require county certification or state certification whenever a county or state road is within the designated area and serving the proposed development. The firm preparing the certification shall use the methodology in the current edition of the Highway Capacity Manual for the rating of all streets. The firm shall use the methodology of Critical Lane Analysis in the rating of all intersections.

(3) Police protection.

(a) If the Commission determines that the ratio of police officers to citizens is greater than two officers per 1,000 residents, but the City has plans to add police protection within three years that would reduce the ratio to a minimum of two officers per 1,000, considering:

[1] Existing population from existing homes;

[2] Projected population from future building from residences under construction or recorded lots from previously

approved preliminary plans for which a permit could be issued at any time in the future; and

[3] Projected population from the new development.

(b) The Commission shall ensure that the Police Chief or designee provides certifications regarding police coverage, addressing specifically the ratio of officers per citizens.

(4) Park facilities.

(a) If the Commission determines that all City and regional park facilities are not adequate to provide recreational opportunities for the new development, but new facilities are planned to be opened within the City, or are planned by the developer, on- or off-site, which will result in facilities which are adequate within three years from the date development begins, considering:

[1] Existing population from existing homes;

[2] Projected population from future building from residences under construction or recorded lots from previously approved preliminary plans for which a permit could be issued at any time in the future; and

[3] Projected population from the new development.

(b) In reaching its conclusion as to adequacy of park facilities, the Commission shall consult with the Department Head of Parks and Recreation, designated staff and/or the City Parks and Recreation Committee, as appropriate.

(5) Solid waste disposal.

(a) If the Commission determines that the City does not have adequate ability to provide the site with solid waste removal under the current contract, but a secondary or new contract is planned to be in place to serve homes as they are occupied, considering:

[1] Existing trash pickups required for regular trash pickup and any other supplemental services;

[2] Projected trash pickups required for regular trash pickup and any other supplemental services for future building under construction or recorded lots from previously approved preliminary plans for which a permit could be issued at any time in the future;

[3] Projected trash pickups required for regular trash pickup and any other supplemental services necessary to provide

service for the project or to the population from the new development; and

[4] The contract's ability to be amended to permit increased coverage of services.

(b) The Commission shall ensure that the Mayor, Council, City Manager, Department Head, or designee provides certification regarding solid waste removal under the current contract, considering the factors outlined above.

**§ 180-23. Inadequate facilities.**

A. The Planning and Zoning Commission shall deny approval of a preliminary plan if any of the facilities listed in § 180-22 are not adequate according to the standards therein, or if any of the facilities listed in § 180-22 are of a lower service level than the standard of approaching inadequate, unless the facility is scheduled to be improved to provide a higher service level within six years from the date of submission of the plan. A preliminary plan denied under this section may be resubmitted after six months from the date of denial.

B. If a facility is scheduled to be improved to provide a higher service level under any relevant capital improvement program of the City, state, county or any relevant agency thereto within six years from the date of submission of the plan, the Planning and Zoning Commission may conditionally approve the preliminary plan in part, but defer a final decision of the adequacy of facilities for up to three years pending reconsideration of the adequacy of facilities.

C. If a financial analysis by the City Council demonstrates that revenue, including but not limited to tax revenues and impact fees, considering existing sources as well as that to be generated from the new development, would be available for a specific capital improvement and would be in sufficient amount to allow improvement to a higher service level within six years, the preliminary plan shall not be denied but may be conditionally approved in part, deferring a final decision of the adequacy of facilities for up to three years pending reconsideration of the adequacy of facilities. Regardless of the outcome of such financial analysis, necessary capital improvements to raise existing water, sewer and stormwater facilities to adequate levels, at a minimum, must be completed prior to release of any building permits for the development in question.

**§ 180-24. Mitigation.**

A. Mitigation through capital improvement plan. The developer or applicant whose plan is subject to denial or delay under this article shall have the opportunity to provide infrastructure funds, improve facilities directly with City approval, or donate necessary public facilities in

order to improve the adequacy of public facilities and permit consideration for approval or delayed approval, as appropriate.

B. Adequate public facilities test shall apply. Even if the developer or applicant seeks to mitigate inadequate public facilities, no exception shall be granted under this article. Each preliminary plan shall be subject to level of services tests provided under this article.

### § 180-25. Deferral of approval.

Whenever any one or a combination of the requirements of § 180-22 are not met or any such facility or facilities are deemed inadequate by the state, county, City or their hired agent, the Commission shall deny or defer the approval of the preliminary subdivision plan until such a time as those inadequacies are provided for or assured. The Commission may, in its discretion, recommend to the Council that an exception for approval be made. If a recommendation for an exception is made by the Commission, the approval or disapproval of the proposed plan will be deferred until the Council makes a determination. The Council shall hold a hearing promptly after the recommendation and render a decision at the first Council meeting following the hearing. The Council may either grant the exception recommended by the Commission, grant the recommended exception subject to certain conditions, which it may impose, or deny the exception. If the Council denies the exception, the Commission shall disapprove the plan. If the Council grants the exception subject to conditions, the Commission has the discretion to approve the plan with the conditions as set by the Council or disapprove the plan. If the Council grants the exception with no conditions, the Commission shall approve the plan.

### § 180-26. Approval or disapproval.

The staff of the Commission shall submit its findings and recommendations, together with those of other agencies concerned with subdivisions of land, to the Commission at such time as the preliminary subdivision plan is submitted for review. In accordance with these regulations, the Commission shall approve or disapprove the preliminary subdivision plan or may approve it with modifications or conditions. In the event that disapproval or approval with modifications or conditions is the action of the Commission, a statement in writing shall be furnished by the Commission to the developer indicating the provisions with which the developer must comply.

ARTICLE VII
**Final Subdivision Plan and Record Plats**

### § 180-27. Submission. [Amended 1-12-2009 by Ord. No. 12-2008]

The proposed final subdivision plan shall be based on the approved preliminary subdivision plan. Unless otherwise provided by a Development Rights and Responsibilities Agreement regarding the subdivision project with the Mayor and City Council pursuant to Chapter 178 of the Code, the proposed final subdivision plan shall be submitted to the City for review within 12 months of preliminary plan approval or the approval will automatically expire and the proposed subdivision must then be resubmitted for preliminary plan approval. The Commission, at its discretion, may grant a request for an extension of time to submit the final subdivision plan if the developer proves there are extenuating circumstances preventing a presentation within that twelve-month period; however, any such extension, if granted, shall be for no longer than six months.

### § 180-28. Required information.

The final subdivision plan shall include all the information required in § 180-21 and a written description of all changes from the preliminary plan.

### § 180-29. Adequacy of facilities. [Amended 1-12-2009 by Ord. No. 12-2008]

With the exception of those facilities for which the developer's rights and obligations are to be established in a Development Rights and Responsibilities Agreement with the Mayor and City Council pursuant to Chapter 178 of the Code, before a preliminary subdivision plan may be approved, the Commission shall receive written certification or comment, as specified in the following provisions, to verify that the proposed subdivision meets all applicable state, county and City codes. Certifications shall automatically expire 120 days from the date of certification or comment whenever a lesser time limit is not specified. The Commission shall deny or defer approval of the plan if any one or more of these conditions cannot be provided or received by the City.

A. The proposed subdivision shall be posted by the developer conspicuously by a notice no less in size than 22 inches by 28 inches at least 14 days before the date of the first Commission meeting at which final approval of the proposed subdivision is to be considered.

B. The proposed subdivision shall comply with all applicable provisions of the Code of the City of Taneytown zoning regulations and all other applicable state and county codes and provisions.

C. The proposed subdivision shall be in conformance with the City of Taneytown and Environs Comprehensive Plan.

D. The proposed subdivision shall be in conformance with the Carroll County Water and Sewer Master Plan.

E. The proposed subdivision shall not violate the provisions of any enforceable deed restrictions or covenants attached to the property.

F. The proposed plan shall be consistent with the preliminary plan except where the Commission approves changes to the preliminary plan.

G. Water. The proposed development's water demand, including source, storage and transmission, shall not exceed the capacity of the City's existing water system with improvements proposed as part of the subdivision plan (as applicable). If the water system is determined to be inadequate, the developer shall be required to provide the necessary minimum additional capacity to serve the proposed development. This includes, but is not limited to, development of new supply source(s), necessary land for well and wellhead buffer, treatment, storage and transmission. The Commission shall require that all wells which the developer is required to supply to the City, that are to provide the City with the additional water necessary for the proposed subdivision, are developed in accordance with the requirements of and tested by a licensed state certified firm hired by the City, to certify the adequacy of both the quantity and quality of the water and to ensure no adverse impact to existing wells (private or public). An escrow account shall be maintained by the City and funded by the developer prior to the hiring of the firm, for the cost of the certification. The developer will have operational control of the development of the well(s). If the findings of this certification show that the developer is unable to supply water for the proposed subdivision, the Commission may grant final plan approval only if the Taneytown City Manager, through an engineering study, hired by the City and funded by the developer, certifies that the existing water system of the City has the excess capacity to service the proposed subdivision. Under such a circumstance, the developer shall be required to pay the water replacement fee to be created and amended by resolution of the Council.

H. Sewer. The proposed development's sewage requirements, including conveyance and treatment, shall not exceed the capacity of the City's existing sewer system with improvements proposed as part of the subdivision plan (as applicable). If the sewer system is determined to be inadequate, the developer shall be required to provide the necessary minimum additional capacity to serve the proposed development. This may include, but is not limited to, share in the cost of replacement of inadequate facilities, including gravity sewers, pumping stations, force mains, and wastewater treatment processes. Certification of the City sewer system shall be based on its ability to provide the sewerage capacity necessary for the site, considering:

(1) Existing conditions;

(2) Future connections from buildings under construction or recorded lots from previously approved preliminary plans for which a permit could be issued at any time in the future; and

(3) Future connections from the proposed project or development.

I. Schools. If according to enrollment figures certified by the Board of Education for the county in which the development will occur, each elementary school proposed to serve the projected school population may exceed capacity of 100% but not greater than capacity of 105%, and each middle and high school may exceed capacity of 100% but not greater than 110%, considering:

(1) Existing population from existing homes;

(2) Projected population from future building from residences under construction or recorded lots from previously approved preliminary plans for which a permit could be issued at any time in the future; and

(3) Ratings and population projections from residences in the proposed development.

J. Roads.

(1) If the Commission determines that all streets and intersections which are designated by the Commission as serving the proposed area of development will have ratings of A or B, for roads maintained exclusively by the City, or ratings of C for roads which are not maintained by the City, considering:

(a) Effects of existing traffic;

(b) Traffic projected to be generated from residential, commercial or industrial projects under construction or recorded lots from previously approved preliminary plans for which a permit could be issued at any time in the future; and

(c) Traffic projected to be generated from the proposed project or development.

(2) The Commission shall require that all streets and intersections which are designated by the Commission as serving the proposed area of development be certified as to their adequacy by a licensed firm, hired by the City at the expense of the developer. The developer shall be billed for any expenses incurred by the City for right-of-way acquisition. The Commission may also require county certification or state certification whenever a county or state road is within the designated area and serving the proposed development.

(3) The firm preparing the certification shall use the methodology in the current edition of the Highway Capacity Manual for the rating

of all streets. The firm shall use the methodology of Critical Lane Analysis in the rating of all intersections.

(4) If the existing level of service of the affected street is less than the ratings, A, B or C as applicable, then the transportation facility will be considered inadequate if the proposed development degrades the facility by more than a factor of .02 based on the volume of capacity ratio.

K. Police protection.

(1) If the Commission determines that the ratio of police officers, to citizens is not more than two officers per 1,000 residents considering City and any significant county and/or state coverage, and if the City certifies that police protection would be adequate, considering:

(a) Existing population from existing homes;

(b) Projected population from future building from residences under construction or recorded lots from previously approved preliminary plans for which a permit could be issued at any time in the future; and

(c) Projected population from the new development.

(2) The Commission shall ensure that the Police Chief, supervisor, or designee certifies whether the Police Department can provide adequate police protection, addressing specifically the ratio of officers per citizen.

L. Fire and rescue services.

(1) If the Commission determines that the Taneytown Volunteer Fire Department can adequately access and provide the site with fire protection and emergency services, such that an emergency call can be served within 10 minutes and in addition, meeting the minimum standard of late or no response of not more than 15%, or no response of not more than 4%, considering:

(a) Existing population from existing homes and businesses;

(b) Projected population from future building from residences, commercial or industrial projects under construction or recorded lots from previously approved preliminary plans for which a permit could be issued at any time in the future; and

(c) Projected population from the new project or development.

(2) The Commission shall ensure that Chief of the Taneytown Volunteer Fire Company, or his designee comments on whether the Fire Company can provide adequate fire protection and emergency services, addressing specifically the time needed to response to

an emergency call as well as adequate water flow from hydrants, adequate staffing and adequate equipment necessary to serve the proposed development.

M. Park facilities.

(1) If the Commission determines that all City and regional park facilities are adequate to provide recreational opportunities for the new development, considering:

(a) Existing population from existing homes;

(b) Projected population from future building from residences under construction or recorded lots from previously approved preliminary plans for which a permit could be issued at any time in the future;

(c) Projected population from the new development; and

(d) Open space and recreational facilities to be provided, on- or off-site, by the developer.

(2) In reaching its conclusion as to adequacy of park facilities, the Commission shall consult with the Department Head of Parks and Recreation, designated staff and/or the Parks and Recreation Advisory Board, as appropriate.

N. Storm drains. If the City certifies that the proposed development will be served by an adequate storm drainage system, considering:

(1) Whether the on-site drainage system to be installed by the developer will be capable of conveying through and from the property the design flow of stormwater runoff originating in the development, as determined in accordance with criteria applied within the applicable City stormwater management standards, in addition to any flow from upstream developments in existence and under construction, and recorded lots from previously approved preliminary plans for which a permit could be issued at any time in the future.

(2) Whether the off-site draining systems are capable of conveying to an acceptable outfall the design flow of stormwater runoff originating in the new development, as determined in accordance with criteria applied within the applicable City stormwater management standards, in addition to any flows from upstream developments in existence and under construction, and recorded lots from previously approved preliminary plans for which a permit could be issued at any time in the future.

O. Solid waste disposal. If the Commission determines that the City has adequate ability to provide the site with solid waste removal under the current contract, considering:

(1) Existing trash pickups required for regular trash pickup and any other supplemental services;

(2) Projected trash pickups required for regular trash pickup and any other supplemental services for future building under construction or recorded lots from previously approved preliminary plans for which a permit could be issued at any time in the future;

(3) Projected trash pickups required for regular trash pickup and any other supplemental services necessary to provide service for the new project or to the population from the new development; and

(4) The contract's ability to be amended to permit increased coverage of services.

P. The developer shall provide a written approval from the State Secretary of Transportation or its successors for any railroad crossings that are to be built. As long as the scope of the proposed plan does not change and the State Secretary of Transportation revokes their approval, the railroad crossing approvals will not expire and may be used at future approvals.

Q. The proposed subdivision shall be reviewed by the county as to its conformance with all applicable state, county and City codes with regard to development proximity to one-hundred-year floodplains.

R. The proposed subdivision shall be reviewed by the county as to its conformance with all applicable state, county and City codes, with written reviews from all applicable county departments.

S. The Commission shall require that public comments be heard prior to a Commission vote on a proposed subdivision and that all persons present at the meeting be allowed to address the Commission.

## § 180-30. Inadequacy of facilities; deferral of approval.

Whenever any one or a combination of the requirements of § 180-29 are not met or any such facility or facilities are deemed inadequate by the state, county, City or their hired agent, the Commission shall deny or defer the approval of the final subdivision plan until such a time as those inadequacies are provided for or assured. The Commission may, in its discretion, recommend to the City Council that an exception for approval be made. If a recommendation for an exception is made by the Commission, the approval or disapproval of the proposed plan will be deferred until the Council makes a determination. The Council shall hold a hearing promptly after the recommendation and render a decision at the first Council meeting following the hearing. The Council may either grant the exception recommended by the Commission, grant the recommended exception subject to certain conditions, which it may impose, or deny the exception. If the Council denies the exception, the Commission shall disapprove the plan. If the Council grants the exception subject to conditions, the Commission has the discretion to approve the plan with the conditions as set by the

Council or disapprove the plan. If the Council grants the exception with no conditions, the Commission may approve the plan.

### § 180-31. Drawing intended for record.

A. The final subdivision plan shall include a subdivision plat or plats intended for recordation, incorporating those changes or additions lawfully ordered by the Commission in its approval of the final subdivision plan. The final subdivision plat or plats may include all or any portion of the area covered by the final subdivision plan.

B. When the final record plat or plats are submitted for approval, the subdivider shall file with the Commission a title report, certificate of title or comparable evidence showing the names and addresses of the holders of all legal and equitable interests in and to said land.

### § 180-32. Title and graphic information.

The title and graphic information to be shown on the final subdivision plat shall be as required on the final subdivision plan, except contour lines.

### § 180-33. Required signatures and dates.

Space shall be provided on the final plat for the following signatures and dates:

A. Certificate of land surveyor.

B. Approval of the County Health Officer or representative of the Maryland Department of the Environment.

C. Approval of the Mayor of the City of Taneytown.

D. Approval of the City Manager/Zoning Administrator.

E. Approval of the Chairman of the Commission.

### § 180-34. Size and scale; number of copies.

The final subdivision plat shall be legibly and accurately prepared or printed on sheets 18 inches by 24 inches (to include a two-inch left margin on the long side) and to a scale of one inch equals 50 feet. The developer shall file with the Commission seven black- or blue-line prints of the final plat, two of which shall be on Mylar. One copy shall be returned properly signed to the developer.

### § 180-35. Property owner's statement; resubdivision of lots.

A. The following property owner's statement, along with the owner's signature, shall be provided on the final plat: “The streets, roads, open spaces, and public sites shown hereon, and the mention thereof in deeds, are for the purpose of description only and the same are not

intended to be dedicated to public use; the fee simple title to the land so shown is expressly reserved in the present owners shown on this plat, their successors, heirs and assigns."

B. No more than one principal building shall be permitted on any residential lot, and no such lot may ever be resubdivided so as to produce a building site of less area or width than the minimum required by applicable health, zoning or other regulation.

### § 180-36. Expiration and recordation of lots. [Amended 1-12-2009 by Ord. No. 12-2008]

A. Unless otherwise provided by a Development Rights and Responsibilities Agreement regarding the subdivision project with the Mayor and Council pursuant to Chapter 178 of the Code, the final subdivision plan shall expire 12 months after the date of approval unless all lots are recorded or unless an extension of the expiration date is recommended by the Commission and approved by the Council. Any such extension granted shall be for no longer than 12 months.

B. An approved final subdivision plan does not confer, guarantee or assure a right to record a plat or plats. The Commission shall have the power to limit recordation of lots in such a manner as to ensure the orderly construction and development of any subdivision and its improvements.

ARTICLE VIII
**Violations; Exceptions; Appeals; Remedies; Penalties; Open Space; Improvements; Fees**

### § 180-37. Violations.

It shall be a violation of this chapter for any person, persons, firm, company, corporation or other legal entity to:

A. Violate any provision of this chapter, or permit such violation, or fail to comply with any of the requirements of this chapter.

B. Submit false information on any plan or document.

C. Submit for approval a proposed final subdivision plat after having the property shown thereon retitled in such a manner as to make it appear that it was not part of a larger tract or parcel.

D. Sell, transfer or convey any land of a subdivision before the final subdivision plan has been approved and the final plats recorded.

E. Construct any improvements, erect any building or use any land in violation of the approved subdivision plan and record plats.

### § 180-38. Exceptions.

Except as specified elsewhere in this chapter, no exceptions shall be made to any part or provision of this chapter unless recommended by the Commission and approved by the Council. Exceptions shall be limited to such circumstances where full conformance with this chapter would cause extraordinary hardship and where such hardship has not been created by the applicant. Any such exceptions shall be consistent with the City of Taneytown and Environs Comprehensive Plan and the Zoning Ordinance and not adverse to the public interest as determined by the Council.

### § 180-39. Appeals.

Any party aggrieved by a final decision of the Commission under this chapter may file an appeal of such decision to the Council within 30 days of issuance of such final decisions. Any party aggrieved by a decision of the Council may file an appeal of such decision with the Circuit Court for Carroll County, Maryland.

### § 180-40. Remedies; penalties.

A. The Commission, Council, or any owner or occupant of neighboring property may institute injunction, mandamus or other appropriate action or proceeding to prevent or terminate any violation of this chapter, and the Circuit Court for Carroll County, Maryland, is hereby granted jurisdiction to issue restraining orders, temporary or permanent injunctions, mandamus or other appropriate forms of remedy or relief.

B. Any violation of this chapter may also be prosecuted as a municipal infraction subject to a fine not to exceed $1,000. Each lot that constitutes a violation and each day that a violation continues shall be deemed a separate offense subject to cumulative fines and other penalties.

C. The remedies provided for in this section are cumulative and not exclusive and shall be in addition to any other remedies provided by the law.

**§ 180-41. Maximum lots recorded; time period; violations and penalties.**

A. As to any tract or parcel of land submitted for subdivision approval, final subdivision plats for all or parts thereof shall contain no more than a total of 50 lots within a subdivision to be recorded for said tract or parcel within a twelve-month period, unless specifically authorized by the Commission. The lots recorded in any twelve-month period shall not allow for the construction of more than 50 dwelling units. The limitations imposed herein shall apply prospectively from the date of the enactment of this section. Any lots recorded from said tract or parcel prior to the date of enactment shall not count against the total of 50 lots permitted per twelve-month period hereunder.

B. Violations. No lot in a subdivision shall be sold, no permit to erect, alter or repair any building upon land in a subdivision shall be issued and no building shall be erected in a subdivision until a record plat of any subdivision shall have been approved and properly recorded among the Land Records of Carroll County, Maryland, and until public works improvements have been either constructed or guaranteed. Any person, partnership or corporation who or which shall subdivide any lot, tract or parcel of land; lay out, construct, open or dedicate any street, sanitary sewer, storm sewer or water main for public use or travel or for the common use of occupants of buildings abutting thereon; or sell any lot or erect any building in a subdivision without first having complied with all the provisions of this chapter shall be guilty of a misdemeanor, and shall, upon conviction, be found guilty of a misdemeanor and subject to a fine in an amount not to exceed $1,000 or imprisonment for six months, or both.

C. Action for relief by the City. The City may initiate and maintain any civil action to obtain any relief against the owner or agent who attempts the improper sale or conveyance of land, including but not limited to an appropriate action to set aside and invalidate any conveyances of land made prior to record plat approval of any subdivision. Nothing herein shall prevent the City from taking any other action necessary to prevent or remedy any violation, including any action for damages, attorney's fees, suit fees and court costs.

## § 180-42. Open space.

All subdivisions shall dedicate and convey to the City without charge for use as common open space 10% of the net project area and/or pay a fee in lieu thereof, as set forth in Chapter 82, Building Construction and Fire Prevention, § 82-8, Open space impact fee.[26] For purposes of this section, "net project area" shall include the total acreage of the property, less the amount of acreage required for the construction of roads, rights-of-way, public utilities, and stormwater management facilities. The determination between dedication of common areas and/or payment of assessment shall be made by the City for each subdivision on a case-by-case basis. To the extent that the City shall determine to charge fees, the same shall satisfy the requirements of § 82-8. In determining whether to require open space or payment of the fee, the City shall determine the need for parks and recreational sites. All open space shall have access to a street in fee simple and be reasonably located to be accessible to the neighborhood. In all instances, a minimum of 85% of the open space shall be suitable for dry ground active recreational uses. The City may require the developer to make adequate provisions for maintenance of the open space. No open space so dedicated may be used for purposes of afforestation or reforestation without the prior approval of the Commission.

## § 180-43. Improvements; dedications and reservations.

A. Improvements. The ultimate responsibility for the installation of the improvements required shall lie with the subdivider. Upon installation of these improvements in accordance with the specifications of the City, the subdivider shall take the final steps to dedicate the improvements.

B. Effect of recording. Recording the record plat after approval has the effect of an irrevocable offer to dedicate and convey all streets and other public ways to public use in fee simple, free and clear of any encumbrances, and dedicate and convey all neighborhood parks and other public areas to public use in fee simple, free and clear of any encumbrances, and reserve for possible future public acquisition any additional areas as may be required by the City.

C. Effect of offers of dedication. The offer to dedicate streets, parks or other areas or portions of them does not impose any duty upon the City concerning maintenance or improvement until the proper authorities of the City have accepted the same. If land is dedicated for a public site and its use for this purpose is not imminent, the subdivider may be permitted to dedicate the land with the privilege of using the surface rights until the City is ready to use the land. This dedication with the temporary privilege of use must be noted on the record plat.

D. Effect of land reservation. On sites reserved for eventual public acquisition, no building development is permitted during the period

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**26. Editor's Note: See now Ch. 153, Parks and Recreation, Art. V, Park Acquisition and Improvement, § 153-18, Open space impact fee.**

of reservation. The City may require the reservation of the sites in addition to or in lieu of land to be dedicated for public use. The reservation period must not be longer than 18 months unless with the consent of the subdivider. Land so reserved must be indicated on the record plat.

E. Dedication of specific sites. The dedication of specific sites for park, playground, school, open space or other purposes shall be as agreed upon between the City and the subdivider.

### § 180-44. Fees and escrow funds.

The City shall establish a schedule of fees and an escrow policy which shall be in writing and available to the public.

# Chapter 181

# SITE PLANS

**GENERAL REFERENCES**

**Planning Commission — See Ch. 42.**

**Building construction — See Ch. 82.**

**Landscaping — See Ch. 136.**

**Sewers — See Ch. 167.**

**Streets, sidewalks and other places — See Ch. 176.**

**Subdivision of land — See Ch. 180.**

**Zoning — See Ch. 205.**

ARTICLE I
**General Provisions**

## § 181-1. Purpose.

The purpose of this chapter is to assure that construction within the City of Taneytown is designed and developed in order to promote the public health, safety, and general welfare of the citizens by regulating the development of land in order to further the appropriate use of land; to protect land title; to implement the Taneytown and Environs Comprehensive Plan; to secure safety from fire and other dangers; to facilitate adequate and coordinated provision for transportation, water, sewerage, schools, parks, playgrounds, and other public requirements; to minimize the adverse impacts on adjacent properties; to preserve natural features such as stands of trees, streams, and other significant environmental features; and, in general, to facilitate the orderly, coordinated, efficient and economic development of the City of Taneytown.

## § 181-2. Definitions.

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

ADEQUATE — Sufficient resources exist to safely serve existing and proposed development, specifically for:

A. Carroll County Public Schools: up to 110% of capacity.

B. Roads: minimum service rating of A or B (C for roads not maintained by the City).

C. Sewers: meet minimum conveyance and treatment capacity requirements of Maryland Department of the Environment (MDE) and U.S. Environmental Protection Agency (EPA) permits based on review by the City Engineer.

D. Water: meet minimum source quantity, quality, storage and transmission requirements as established by the City Engineer and City Hydrogeologist.

E. Stormwater facilities: meet minimum conveyance, treatment and attenuation requirements of City stormwater management standards for stormwater that will be conveyed through and from the property as well as upstream contributory areas.

ARTERIAL — A major street for carrying a large volume of through traffic in the area, normally controlled by traffic signs and/or signals.

BUILDING SITE — The portion of a lot on which a principal building could be erected in compliance with the requirements of the Zoning Ordinance.[27]

CITY — The City of Taneytown, Maryland.

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**27. Editor's Note: See Ch. 205, Zoning.**

COLLECTOR — A street designed to carry moderate volumes of traffic from local streets to arterial streets or from arterial to arterial.

COMAR — The Code of Maryland Regulations.

COMMISSION — The City of Taneytown Planning and Zoning Commission.

COMPREHENSIVE PLAN — The Comprehensive Plan of the City of Taneytown and Environs as adopted by the Mayor and City Council of Taneytown and modified from time to time.

COUNCIL — The Council of the City of Taneytown.

COUNTY — Carroll County, Maryland.

CUL-DE-SAC — A local public street with only one outlet that terminates in a vehicular turnaround and having an appropriate turnaround for the safe and convenient reversal of traffic movement.

DEVELOPER or SUBDIVIDER — An individual, partnership, firm, corporation, company, or agent thereof that undertakes or participates in the activities covered by these regulations, specifically, the development of a subdivision.

DEVELOPMENT RIGHTS AND RESPONSIBILITIES AGREEMENT — An agreement made pursuant to Chapter 178 of the City Code of the City of Taneytown as authorized by § 13.01 of Article 66B of the Maryland Annotated Code.**[Added 1-12-2009 by Ord. No. 13-2008]**

DRIVEWAY — The space specifically designated and reserved on the site for the movement of vehicles from a lot to a public street.

EASEMENT — A grant by the property owner of an interest in land for use by the public, a corporation, or person(s) for specified purposes.

ENVIRONMENTAL RESOURCE AREAS — Streams, stream buffers, one-hundred-year floodplains, habitats of threatened and endangered species, steep slopes, carbonate rock areas, reservoir watersheds, Use III waters, wellhead buffers and wetlands, all as defined herein.

FINAL APPROVAL — Approval of the final plat by the Commission, as evidenced by certification on the plat by the Mayor and Chairman of the Commission; constitutes authorization to record a plat.

FLAG OR PANHANDLE LOT — A lot with the appearance of a "frying pan" or "flag and staff" where access to a public road is created and maintained through the "handle" as the point of ingress and egress to the street or road.

FRONTAGE/FRONT LOT LINE — The side of a lot adjacent or parallel to a public road.

FRONT SETBACK/BUILDING RESTRICTION LINE — The line parallel to the front lot line fronting on the public road behind which building may occur on the lot.

HABITAT OF THREATENED AND ENDANGERED SPECIES — An area which, because of its physical, topographical or biological features, provides important elements for the maintenance, expansion and long-term survival

of threatened and endangered species listed in COMAR, as amended or modified from time to time. This area may include breeding, feeding, nesting, resting, and migratory or over-wintering areas. Physical or biological features include, but are not limited to, structure and composition of the vegetation, faunal community soils, water chemistry and quality and geologic, hydrologic and microclimatic factors.

INADEQUATE — Sufficient resources are not available to safely serve existing and proposed development, specifically for:

A. Carroll County Public Schools: greater than 120% of capacity.

B. Roads: service rating of less than B (less than C for roads not maintained by the City).

C. Sewers: demand exceeds minimum conveyance and treatment capacity requirements of MDE and U.S. EPA permits based on review by the City Engineer.

D. Water: demand exceeds minimum source quantity, quality, storage and transmission requirements as established by the City Engineer and City Hydrogeologist.

E. Stormwater facilities: insufficient facilities to meet minimum conveyance, treatment and attenuation requirements of City stormwater management standards for stormwater that will be conveyed through and from the property as well as upstream contributory areas.

LOT — A portion of a subdivision or parcel of land intended for building development, whether immediate or future; a parcel of land occupied or intended for occupancy by a use permitted in the Zoning Ordinance.[28]

LOT LINE — The property lines bounding the lot.

LOT WIDTH — The horizontal distance between side lot lines measured at the front setback.

MAJOR SUBDIVISION — A subdivision of four or more lots, which is contiguous to a planning road or street and which involves the construction of public improvements.

MINOR SUBDIVISION — A subdivision of no more than three lots, which is not contiguous to or in the path of a planned road and does not involve the construction of any public improvements.

ONE-HUNDRED-YEAR FLOODPLAIN — The meaning given in the Carroll County Floodplain Management Ordinance, as amended or modified from time to time.

RESERVOIR WATERSHEDS — Areas which drain into an existing or proposed water supply reservoir.

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**28. Editor's Note: See Ch. 205, Zoning.**

SIDEWALK — A public way, which provides or is proposed to provide access for pedestrian traffic to abutting properties.

SITE PLAN OR PLAT — A drawing of the site showing the lot, streets and such other information required by these regulations:

A. Sketch site plan — A rough drawing of a proposed site prepared to allow review and comment by the Commission.

B. Concept site plan — A master drawing of a site prepared for the overall planning of a property desired to be developed.

C. Preliminary site plan — A master drawing of a site based on an approved concept plan prepared for the overall planning of a property desired to be developed, and which is in accordance with these regulations.

D. Final site plan — A master drawing of a site based on an approved preliminary plan prepared for the overall planning of the property, and which is in accordance with these regulations.

E. Final site plat — A drawing of any portion of the site which is desired to be made an official record in the office of the Clerk of the Circuit Court, and which may be all or a portion of a preliminary site plan.

STATE — The State of Maryland.

STEEP SLOPES — Areas with slopes greater than twenty-five-percent grade.

STREAM — Part of a watercourse, either naturally or artificially created, that contains intermittent or perennial base flow of groundwater origin. Ditches that convey surface runoff exclusively from storm events are not included in this definition.

STREAM BUFFERS — Areas which extend a minimum of 100 feet from the top of each perennial stream bank along both sides of a stream.

STREET or ROAD — A public way, which provides or is proposed to provide primary access for vehicular traffic to abutting properties.

SUBDIVISION — The division of any tract or parcel of land into two or more lots or parcels for immediate or future sale, lease or building development. Subdivision shall not mean:

A. Conveyance of property to a state, federal, or local government or a public utility if for utility right-of-way purposes.

B. Conveyance to an adjoining property owner if the transfer is made with the following statement in the deed: "The land conveyed herein is being transferred to an adjoining landowner to enlarge the grantee's existing property and shall be considered merged under the Subdivision Ordinance of the City of Taneytown with the existing property of the grantee." Such conveyance requires the approval of the Commission and is permitted only where the land conveyed is not intended for

development. Any subsequent development of the land shall be subject to all the requirements of the City Code.

USE III WATERS — The meaning given by COMAR, Title 26.08.02, as amended or modified from time to time.

WAY — A passage, sidewalk, street or road.

WELLHEAD BUFFERS — Areas which extend a minimum of 100 feet around any existing or proposed community water supply well or well site, unless modified by the Commission, as may be designated on the adopted Water and Sewer Master Plan or the City of Taneytown Comprehensive Plan, or identified during the development process.

WETLAND — The meaning given for "nontidal wetland" in COMAR, Title 26.23.01.01 (62), as amended or modified from time to time.

ZONING ORDINANCE — Chapter 205 of the Code of the City of Taneytown.

### § 181-3. Site plan required; approval and recording.

From and after the effective date of these regulations, any developer contemplating the activities herein contained in this chapter shall cause a site plan to be made in accordance with the provisions set forth in these regulations, and a copy of such site plan shall be recorded in the office of the Circuit Court of Carroll County after final approval by the Commission.

### § 181-4. Fees.

Fees for review of site plans may be established and amended by resolution of the Council.

ARTICLE II
**Applicability and Requirements**

## § 181-5. Applicability; waivers.

A. Except as otherwise permitted in this chapter, a person who has right, title, or interest in a parcel of land must obtain site plan approval prior to commencing any of the following activities on the parcel, obtaining a building permit for the activities, or undertaking any alteration or improvement of the site:

(1) The construction or placement of any new building or structure for a nonresidential use, including accessory buildings and structures.

(2) The expansion of an existing nonresidential building or structure, including accessory buildings that increase the total floor area.

(3) The conversion of an existing building, in whole or in part, from a residential use to a nonresidential use.

(4) The establishment of a new nonresidential use even if no buildings or structures are proposed, including uses such as gravel pits, cemeteries, golf courses, and other nonstructural nonresidential uses.

(5) The conversion of an existing nonresidential use, in whole or in part, to another nonresidential use if the new use changes the basic nature of the existing use such that it increases the intensity of on-site or off-site impacts of the use, subject to the standards and criteria of site plan review described in this chapter.

(6) The construction of a residential building containing three or more dwelling units.

(7) The modification or expansion of an existing residential structure that increases the number of dwelling units in the structure to contain three or more dwelling units.

(8) The conversion of an existing nonresidential building or structure, in whole or in part, into three or more dwelling units.

(9) The construction or expansion of paved areas or other impervious surfaces, including walkways and access drives, where such expansion is subject to the requirements of Chapter 176 and Chapter 106 of the Code of the City of Taneytown.

B. The Planning Commission, with the concurrence of the Zoning Administrator, may waive the requirement for site plan approval where no extensive construction or improvements are sought. Before acting upon any application for a waiver, the Planning Commission and Zoning Administrator shall consider whether the use will affect existing drainage, traffic, relationships of buildings to each other, landscaping, buffering, lighting and other considerations of site plan approval, and

that the existing facilities do not require upgraded or additional site improvements.

(1) Notice. Prior to the consideration of an application for waiver by the Planning Commission, the subject property shall be posted by the owner or developer with a notice not less than 22 inches by 28 inches at least 14 days prior to the consideration of the application for waiver. The posting shall include the name and address of the owner and/or developer, the surveyor and/or engineer, and the date for the meeting at which the Planning Commission shall consider the application for waiver. **[Added 12-9-2013 by Ord. No. 8-2013]**

C. The Planning Commission may waive the concept and/or preliminary site plan approvals where such waiver is in the public interest and complies with the intent of this chapter. The Commission may not waive any portion of the final site plan approval process.

## § 181-6. Compliance with local and state requirements.

A. All site plans shall conform to the City of Taneytown and Environs Comprehensive Plan, Zoning Ordinance, Subdivision Regulations,[29] and to all other applicable federal, state or local laws, regulations and ordinances, resolutions, and plans, including but not limited to the Carroll County Water and Sewer Master Plan. The Commission may require more stringent design provisions if it is demonstrated that they are necessary to promote the public health, safety, or welfare or to promote good subdivision design and land use.

B. In designing and laying out a site plan, the developer shall comply with all requirements of the Maryland Department of the Environment and Carroll County Health Department governing subdivision of land.

C. The proposed site plan shall not violate the provisions of any enforceable deed restrictions or covenants attached to the property.

## § 181-7. Concurrency with subdivision.

Where the subdivision of land is proposed, the submission of the concept, preliminary and final site plans shall occur concurrently with the submission of the concept, preliminary and final subdivision plans as required by Chapter 180 of the Code of the City of Taneytown.

## § 181-8. Conformance to site plan.

A. It shall be unlawful for any person to construct, erect or alter any building or structure, or develop, change or improve land for which a site plan is required, except in accordance with the approved or amended site plan.

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**29. Editor's Note: See Chs. 180, Subdivision of Land, and 205, Zoning.**

B. No building permit shall be issued to construct, erect or alter any building or structure, or develop or improve any land that is subject to the provisions of this chapter, until a site plan has been submitted and received approval as determined by the Commission unless such site plan shall have been waived pursuant to the provisions of this chapter.

C. No certificate of use and occupancy shall be issued until the site plan shall have received approval and all provisions of the site plan and all other regulations governing the building or development have been complied with.

D. Nonconformance with an approved site plan shall be grounds for an order stopping all work, cessation of building permit issuance, cessation of use and occupancy permit issuance and any other such measures as authorized by this chapter or the Code of the City of Taneytown.

ARTICLE III
**Concept Site Plan**

## § 181-9. Conditions and approval.

The Commission, subject to the following conditions, may approve a concept site plan in any district.

A. The property, which is proposed to be developed, shall be posted by the owner or developer with a notice not less than 22 inches by 28 inches at least 14 days prior to the presentation of the concept plan and shall remain posted for a period of 30 days so that the public is made aware of the possible use of the property. The posting shall include the name of the project, the owner and developer names and addresses, surveyor and engineer names and addresses and the date for the proposed presentation to the Planning Commission. Notice shall be given to each adjoining property owner in accordance with regulations established by the City.

B. The developer will present the concept site plan at a Commission meeting. If the Commission accepts the plan, the developer will submit to the Zoning Administrator the appropriate number of plans to be transmitted to the review agencies. The Zoning Administrator will complete a study for the Commission to be submitted at the next Commission meeting, or a time specified by the Commission. This study will be an overview of the relation of the proposed concept plan to the surrounding area, certification that the proposed concept would comply with the current zoning, and may include any information the Zoning Administrator believes should be provided to enable the Commission to make an informed decision. The Commission shall review the study and may vote on the approval of the proposed concept plan at its next meeting.

C. The concept site plan shall comply with all applicable provisions of the Code of the City of Taneytown and all other applicable state and county codes and provisions. The Commission may require more stringent design provisions if it is demonstrated that they are necessary to promote the public health, safety or welfare or to promote good site plan design. In addition, the Commission shall review and approve a concept site plan based on the following criteria:

   (1) The Commission shall consider whether the proposed use will add to or create an inadequacy to any street, street section, or intersection.

   (2) The Commission shall consider whether the proposed use will add to or create an inadequacy of any public school expected to service the proposed development.

   (3) The Commission shall consider whether the proposed use will add to or create an inadequacy in fire protection, police protection,

emergency services, recreation facilities, water facilities and/or sewerage facilities.

(4) The Commission shall consider whether the proposed use conforms to the City of Taneytown and Environs Comprehensive Plan and the Carroll County Water and Sewer Master Plan.

(5) The Commission shall consider whether the proposed use violates the provisions of any enforceable deed restrictions or covenants attached to the property.

D. The Commission shall require that public comments be heard prior to a Commission vote on approval of a concept site plan and that all persons present at the meeting be allowed to address the Commission.

ARTICLE IV
**Preliminary Site Plan**

## § 181-10. Preparation, review and submittal of preliminary site plans.

A. Where there is no subdivision of land, the Commission may waive the preliminary site plan requirements and move directly from concept site plan approval to final site plan consideration.

B. All proposed preliminary site plans shall be based upon the concept site plan approved by the Commission. Unless otherwise provided by a Development Rights and Responsibilities Agreement regarding the site plan project with the Mayor and City Council pursuant to Chapter 178 of the Code, the proposed preliminary site plan shall be submitted to the City for review within 12 months of concept site plan approval or the approval will automatically expire and the proposed development must then be resubmitted for concept plan approval. The Commission, at its discretion, may grant a request for an extension of time to submit the preliminary site plan if the developer proves there are extenuating circumstances preventing a presentation within that twelve-month period. The Commission may only grant up to two extensions of six months each. **[Amended 1-12-2009 by Ord. No. 13-2008]**

C. Preliminary site plans shall be submitted and reviewed under the following criteria:

(1) Site plans for construction or any portion thereof involving engineering, architecture or land surveying shall be prepared and certified respectively by an engineer, architect or land surveyor duly registered by the state to practice as such.

(2) A site plan may be prepared on one or more sheets to show clearly the information required by this chapter to facilitate review and approval of the plan. If prepared on more than one sheet, match lines shall clearly indicate where the sheets join.

(3) The sheet or sheets to be used for a site plan for construction shall not be less than 18 inches by 24 inches.

(4) An appropriate number of clearly legible blue- or black-line copies of a preliminary site plan for construction, as determined by the number of reviewing agencies, prepared in accordance with the requirements of this article, are required to be submitted for review as hereinafter provided.

(5) Information to be shown on the preliminary site plan shall include:

(a) The project name.

(b) The owner and developer names and addresses.

(c) The surveyor and engineer names and addresses.

(d) Certificate of registered professional engineer or registered land surveyor as to the source and accuracy of boundary lines, topographic data and other engineering or surveying data.

(e) A legend defining all marks, notations and symbols used on the plan.

(f) The election district, county and state.

(g) The names and addresses of adjacent property owners.

(h) References to adjoining subdivisions by fiber and folio number.

(i) A vicinity sketch at a scale of one inch equals 2,000 feet.

(j) A metes and bounds description and survey of the boundary of the land proposed for the project.

(k) Scale.

(l) North point and date.

(m) Contours with intervals no greater than two feet within 100 feet of all buildings and a minimum of five-foot contour intervals on the remainder of the site or spot elevations if the site grading is minor and no part of the developed area of the site involves a flood-prone area.

(n) The zoning district.

(o) School districts for elementary, middle and high school.

(p) The fire and emergency services district.

(q) Building lines.

(r) Locations, names, dedicated widths and construction details for all existing or planned roads, sidewalks or other public ways and all dedicated rights-of-way or easements, their location, width and purpose.

(s) Other existing and proposed rights-of-way or easements, their location, width and purpose.

(t) The location of existing and proposed utilities.

(u) The location of existing and proposed stormwater management facilities to include plans for collecting, detaining, retaining or depositing stormwater in accordance with Chapter 173 of the Code of the City of Taneytown and any county or state code that may apply. Plans shall include both pre-development and post-development calculations along with calculations for sizing piping, storage areas or impoundments, flumes, spillways and other devices.

(v) Street names.

(w) Lots identified by unduplicated lot numbers and to include lot lines and lot widths.

(x) All minimum building setback lines.

(y) Area, zoning, and density calculations.

(z) The proposed method of treatment of sewage.

(aa) Bearings and dimensions.

(bb) Any one-hundred-year floodplain.

(cc) Existing structures and features.

(dd) The location of all specimen trees.

(ee) The location of all forest conservation easements.

(ff) Historic or scenic areas.

(gg) Streams, intermittent or perennial.

(hh) Wetlands.

(ii) Outstanding topographic features.

(jj) Covenants, restrictions and/or statements proposed to be shown on the final subdivision plat.

(kk) Areas, if any, to be reserved for parks, playgrounds or other public uses.

(ll) The proposed method of conserving any area not included in lots to be developed or dedicated for public use.

(mm) Cross-sections, details and specifications as required by the reviewing agencies.

(nn) Buildings and structures, to include:

[1] Dimensions, size and height.

[2] Distances between buildings.

[3] Number of stories.

[4] Area, in square feet, of each floor.

[5] Number of dwelling units.

[6] Elevations.

(oo) Construction details and specifications of all utilities.

(pp) Driveways, entrances, exits, parking areas and loading spaces, to include:

[1] Number of parking spaces.

[2] Number of loading spaces.

(qq) Slopes, terraces, retaining walls, fencing and screening.

(rr) Landscaping, including details and number of planting units.

(ss) Location, height, designs and square footage of any proposed signage.

(tt) Location, height, design, direction and lumens of any proposed exterior lighting.

(uu) Engineering estimates of water and sewerage demand.

(vv) Location and design of storage facilities for any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, toxicity, or temperature that may run off, seep, percolate, or wash into surface or groundwater so as to contaminate, pollute, or harm such waters.

(ww) Location and design of storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials.

(xx) Location, design and screening of storage facilities for solid waste.

(yy) Other information as determined necessary by the Commission or the reviewing agencies, including such requirements for site plans as promulgated by Carroll County.

D. The developer will present the preliminary site plan at a Commission meeting. If the Commission accepts the plan, the developer will submit to the Zoning Administrator the appropriate number of plans to be transmitted to the review agencies. The Zoning Administrator will complete a study for the Commission to be submitted at the next Commission meeting, or a time specified by the Commission. This study will be an overview of the relation of the proposed preliminary plan to the surrounding area, certification that the proposed concept would comply with the current zoning, and may include any information the Zoning Administrator believes should be provided to enable the Commission to make an informed decision. The Commission shall review the study and may vote on the approval of the proposed preliminary plan at its next meeting.

E. The Commission or the agencies so empowered by the Commission for review are responsible for checking the preliminary site plans for

general completeness and compliance. The City Manager and Zoning Administrator shall see that all reviewing and approving authorities complete all examination and review of the site plans. Upon completion of review, the site plans shall be submitted to the Commission with any recommendations and comments from each reviewing agency. The Commission shall consider such recommendations and comments in its consideration of the site plans.

ARTICLE V
**Final Site Plan**

## § 181-11. Preparation, review and submittal of final site plans.

A final site plan shall be based on the preliminary site plan approved by the Commission with only such changes as mandated by the Commission as a condition of approval. The final site plan shall contain all of the information required in the preliminary site plan and such additional information as deemed necessary by the Commission.

ARTICLE VI
**Adequacy of Facilities**

## § 181-12. Approval; preliminary and final site plans; adequacy of facilities.

Consideration and approval or rejection of preliminary and final site plans shall be made under the following criteria:

A. The site shall be conspicuously posted by the developer with a notice no less than 22 inches by 28 inches at least 14 days prior to presentation of the preliminary and final site plan to the Planning Commission. The posting shall include the name of the project, the owner and developer names and addresses, surveyor and engineer names and addresses and the date for the proposed presentation of the site plan to the Commission.

B. The Commission shall require that public comments be heard prior to a Commission vote on any preliminary or final site plan and that all persons present at the meeting be allowed to address the Commission.

C. In approving preliminary and final site plans, the Commission shall have the authority to:

(1) Approve the location and design of all site improvements.

(2) Limit the number and approve the location and design of entrances and exits.

(3) Require a plan, which shows how signs are to be located and designed, and may approve, reject or modify the plan to promote an attractive and pleasing appearance.

(4) Require a plan which shows the location, design and effect of any outside lights to be used on the property and the effect of any inside lights to be used if their use would affect adjacent, neighboring or contiguous properties and may approve, reject or modify the plan, where appropriate, to prevent visual interference to the traveling public on adjacent roadways, or glare or reflections on adjacent buildings or neighboring properties.

(5) Require that a binding agreement backed by letter of credit or other surety be provided to the City when an occupancy permit is required prior to the completion of the site plan, or the fulfillment of any conditions attached thereto.

(6) Require architectural elevations and details as the Commission may desire. Such elements shall include, but not be limited to, exact color schemes of siding and roofing. The Commission may approve, reject or require modifications to any architectural element.

(7) Require that all parcels greater than one acre in size or expansion of an existing use which disturbs more than 5,000 square feet be designed in accord with Environmental Resource Area Design Guidelines as published in Appendix A to the Environmental Resources Element of the Taneytown Comprehensive Plan, adopted May 14, 1997, and as may from time to time be amended.

D. With the exception of those facilities for which the developer's rights and obligations are to be established in a Development Rights and Responsibilities Agreement with the Mayor and City Council pursuant to Chapter 178 of the Code, before a preliminary or final site plan approval may be given, the Commission shall receive written certification, as specified in the following provisions, to verify the adequacy of facilities and that the proposed development meets all applicable state, county and City codes. Certifications shall automatically expire 120 days from the date certification is issued. **[Amended 1-12-2009 by Ord. No. 13-2008]**

(1) The site plan shall comply with all applicable provisions of the Code of the City of Taneytown and all other applicable state and county codes and provisions. The Commission may require more stringent design provisions if it is demonstrated that they are necessary to promote the public health, safety or welfare or to promote good site design.

(2) The site plan shall be in conformance with the City of Taneytown and Environs Comprehensive Plan.

(3) The site plan shall be in conformance with the Carroll County Water and Sewer Master Plan.

(4) The site plan shall not violate the provisions of any enforceable deed restrictions or covenants attached to the property.

(5) The proposed plan shall be consistent with the concept plan except where the Commission approves changes to the concept plan.

(6) The proposed development's water demand, including source, storage and transmission, shall not exceed the capacity of the City's existing water system with improvements proposed as part of the site plan (as applicable). If the water system is determined to be inadequate, the developer shall be required to provide the necessary minimum additional capacity to serve the proposed development. This includes, but is not limited to, development of new supply source(s), necessary land for well and wellhead buffer, treatment, storage and transmission. The Commission shall require that all wells which the developer is required to supply to the City to provide the City with the additional water necessary for the proposed development are developed in accordance with the requirements of and tested by a licensed state-certified firm hired by the City, to certify the adequacy of both the quantity and

quality of the water and to ensure no adverse impact to existing wells (private or public). An escrow account shall be maintained by the City and funded by the developer prior to the hiring of the firm, for the cost of the certification. The developer will have operational control of the development of the well(s). If the findings of this certification show that the developer is unable to supply water for the proposed development the Commission may grant preliminary plan approval only if the Taneytown City Manager, through an engineering study performed by an engineer working for the City and funded by the developer, certifies that the existing water system of the City has the excess capacity to service the proposed development. Under such a circumstance, the developer shall be required to pay the water replacement fee to be created and amended by resolution of the Council.

(7) The proposed development's sewage requirements, including conveyance and treatment, shall not exceed the capacity of the City's existing sewer system with improvements proposed as part of the site plan (as applicable). If the sewer system is determined to be inadequate, the developer shall be required to provide the necessary minimum additional capacity to serve the proposed development. This may include but is not limited to share in the cost of replacement of inadequate facilities, including gravity sewers, pumping stations, force mains, and wastewater treatment processes. Certification of the City sewer system shall be based on its ability to provide the sewerage capacity necessary for the site, considering:

(a) Existing conditions;

(b) Future connections from buildings under construction or recorded lots from previously approved plans for which a permit could be issued at any time in the future; and

(c) Future connections from the proposed project or development.

(8) If, according to enrollment figures certified by the Carroll County Board of Education, each school proposed to serve the projected school population may exceed 100% capacity but not greater than 110% capacity considering:

(a) Existing population from existing homes;

(b) Projected population from future building from residences under construction or recorded lots from previously approved plans for which a permit could be issued at any time in the future; and

(c) Ratings and projections from residences in the proposed development.

(9) Adequacy of streets and intersections.

(a) If the Commission determines that all streets and intersections which are designated by the Commission as serving the proposed area of development will have ratings of A or B, for roads maintained exclusively by the City, or ratings of C for roads which are not maintained by the City, considering:

[1] Effects of existing traffic;

[2] Traffic projected to be generated from residential, commercial or industrial projects under construction or recorded lots from previously approved plans for which a permit could be issued at any time in the future; and

[3] Traffic projected to be generated from the proposed project or development.

(b) The Commission shall require that all streets and intersections, which are designated by the Commission as serving the proposed area of development, be certified as to their adequacy by a licensed traffic engineering firm, hired by the City at the expense of the developer. The developer shall be billed for any expenses incurred by the City for right-of-way acquisition. The Commission may also require county certification or state certification whenever a county or state road is within the designated area and serving the proposed development. The firm preparing the certification shall use the methodology in the current edition of the Highway Capacity Manual for the rating of all streets. The firm shall use the methodology of "Critical Lane Analysis" in the rating of all intersections.

(c) If the existing level of service of the affected street is less than the ratings, A, B or C as applicable, then the transportation facility will be considered inadequate if the proposed development degrades the facility by more than a factor of .02 based on the volume of capacity ratio.

(10) Adequate police protection.

(a) If the Commission determines that the ratio of police officers to citizens is not more than two officers per every 1,000 residents considering City and any significant county and/or state coverage, and if the City certifies that police protection would be adequate, considering:

[1] Existing population from existing homes;

[2] Projected population from future building from residences under construction or recorded lots from previously approved plans for which a permit could be issued at any time in the future; and

[3] Projected population from the new development.

(b) The Commission shall ensure that the Police Chief, or his designee, certifies whether the Police Department can provide adequate police protection, addressing specifically the ratio of officers per citizen.

(11) Adequate fire and rescue services.

(a) If the Commission determines that fire and rescue services can adequately access and provide the site with fire protection and emergency services, such that an emergency call can be served within 10 minutes and, in addition, meeting the minimum standard of not more than fifteen-percent late or no response, or not more than four-percent no response, considering:

[1] Existing population from existing homes and businesses;

[2] Projected population from future building from residences, commercial or industrial projects under construction or recorded lots from previously approved plans for which a permit could be issued at any time in the future; and

[3] Projected population from the new project or development.

(b) The Commission shall ensure that the Chief of the Taneytown Volunteer Fire Company, or his designee, certifies whether the Fire Company can provide adequate fire protection and emergency services, addressing specifically the time needed to respond to an emergency call as well as adequate water flow from fire hydrants, adequate staffing and adequate equipment necessary to serve the proposed development.

(12) Adequate regional park facilities.

(a) If the Commission determines that all City and regional park facilities are adequate to provide recreational opportunities for the new development, considering:

[1] Existing population from existing homes;

[2] Projected population from future building from residences under construction or recorded lots from previously approved plans for which a permit could be issued at any time in the future;

[3] Projected population from the new development; and

[4] Open space and recreational facilities to be provided, on- or off-site, by the developer.

(b) In reaching its conclusion as to adequacy of park facilities, the Commission shall consult with the department head of Parks and Recreation, designated staff and/or the City Parks and Recreation Advisory Board, as appropriate.

(13) If the City certifies that the proposed development will be served by an adequate storm drainage system, considering:

(a) Whether the on-site drainage system to be installed by the developer will be capable of conveying through and from the property the design flow of stormwater runoff originating in the development, as determined in accordance with criteria applied within the applicable City stormwater management standards, in addition to any flow from upstream developments in existence and under construction, and recorded lots from previously approved plans for which a permit could be issued at any time in the future.

(b) Whether the off-site draining systems are capable of conveying to an acceptable outfall the design flow of stormwater runoff originating in the new development, as determined in accordance with criteria applied within the applicable City stormwater management standards, in addition to any flows from upstream developments in existence and under construction, and recorded lots from previously approved plans for which a permit could be issued at any time in the future.

(14) If the Commission determines that the City has adequate ability to provide the site with solid waste removal under the current contract, considering:

(a) Existing trash pickups required for regular trash pickup and any other supplemental services;

(b) Projected trash pickups required for regular trash pickup and any other supplemental services for future building under construction or recorded lots from previously approved plans for which a permit could be issued at any time in the future;

(c) Projected trash pickups required for regular trash pickup and any other supplemental services necessary to provide service for the new project or to the population from the new development; and

(d) The contract's ability to be amended to permit increased coverage of services.

(15) The developer shall provide written approval from the Maryland State Secretary of Transportation or its successors for any railroad crossings that are to be built. As long as the scope of the proposed plan does not change and the State Secretary of Transportation

revokes their approval, the railroad crossing approvals will not expire and may be used at future approvals.

(16) The proposed development shall be reviewed by the county as to its conformance with all applicable state, county and City codes with regard to development proximity to one-hundred-year floodplains.

(17) The proposed development shall be reviewed by the county as to its conformance with all applicable state, county and City codes, with written reviews from all applicable county departments.

E. The Planning and Zoning Commission shall deny approval of a site plan if any of the facilities listed in this section are not adequate according to the standards therein, or if any of the facilities listed in this section are of a lower service level than the standard of approaching inadequate, unless the facility is scheduled to be improved to provide a higher service level within six years from the date of submission of the plan. A plan denied under this section may be resubmitted after six months from the date of denial.

F. If a facility is scheduled to be improved to provide a higher service level under any relevant capital improvement program of the City, state, county or any relevant agency thereto within six years from the date of submission of the plan, the Planning and Zoning Commission may conditionally approve the preliminary plan in part, but defer a final decision of the adequacy of facilities for up to three years pending reconsideration of the adequacy of facilities.

G. If a financial analysis by the Mayor and City Council demonstrates that revenue, including but not limited to tax revenues and impact fees, considering existing sources as well as that to be generated from the new development, would be available for a specific capital improvement and would be in sufficient amount to allow improvement to be a higher service level within six years, the plan may not be denied but may be conditionally approved in part, deferring a final decision of the adequacy of facilities for up to three years pending reconsideration of the adequacy of facilities. Regardless of the outcome of such financial analysis, necessary capital improvements to raise existing water, sewer and stormwater facilities to adequate levels, at a minimum, must be completed prior to release of any building permits for the development in question.

H. The Planning and Zoning Commission may approve a final plan but allow building only on a phased-in schedule that may permit building to begin no sooner than up to 24 months from the date of approval. The Commission may limit the amount of dwelling units or equivalent dwelling units to be built, by limiting the number of units to be constructed during the first four years of construction, if any of the following facilities are approaching inadequate according to the standards below for each facility:

(1) If new school construction is planned under the Board of Education's capital improvement plans to be open for students within five years from the date of building begins, and if, according to enrollment figures certified by the Board of Education of Carroll County, each school serving the proposed project will have a projected school population that exceeds one-hundred-ten-percent capacity but is not greater than one-hundred-twenty-percent capacity, once the development is fully built, considering:

(a) Existing population from existing homes;

(b) Projected population from future building from residences under construction or recorded lots from previously approved plans for which a permit could be issued at any time in the future; and

(c) Ratings and population projections from residences in the proposed development.

(2) Adequacy of streets and intersections.

(a) If the Commission determines that all streets and intersections which are designated by the Commission as serving the proposed area of development will have ratings that reach or exceed level C, for roads maintained exclusively by the City, or ratings of D for roads which are not maintained by the City considering:

[1] Effects of existing traffic;

[2] Traffic projected to be generated from residential, commercial or industrial projects under construction or recorded lots from previously approved plans for which a permit could be issued at any time in the future; and

[3] Traffic projected to be generated from the proposed project or development.

(b) The Commission shall require that all streets and intersections, which are designated by the Commission as serving the proposed area of development, be certified by a licensed traffic-engineering firm hired by the City at the expense of the developer. The developer shall be billed for any expenses incurred by the City for right-of-way acquisition. The Commission may also require county certification or state certification whenever a county or state road is within the designated area and serving the proposed development. The firm preparing the certification shall use the methodology in the current edition of the Highway Capacity Manual for the rating of all streets. The firm shall use the methodology of "Critical Lane Analysis" in the rating of all intersections.

(3) Adequate police protection.

(a) If the Commission determines that the ratio of police officers to citizens is greater than two officers per 1,000 residents, but the City has plans to add police protection within three years that would reduce the ratio to a minimum of two officers per 1,000, considering:

[1] Existing population from existing homes;

[2] Projected population from future building from residences under construction or recorded lots from previously approved plans for which a permit could be issued at any time in the future; and

[3] Projected population from the new development.

(b) The Commission shall ensure that the Police Chief, or designee, provides certifications regarding police coverage, addressing specifically the ratio of officers per citizens.

(4) Adequate regional park facilities.

(a) If the Commission determines that all City and regional park facilities are not adequate to provide recreational opportunities for the new development, but new facilities are planned to be opened within the City, or is planned by the developer, on- or off-site, which will result in facilities which are adequate within three years from the date development begins, considering:

[1] Existing population from existing homes;

[2] Projected population from future building from residences under construction or recorded lots from previously approved plans for which a permit could be issued at any time in the future; and

[3] Projected population from the new development.

(b) In reaching its conclusion as to adequacy of park facilities, the Commission shall consult with the department head of Parks and Recreation, designated staff and/or the City Parks and Recreation Advisory Board, as appropriate.

(5) Adequate ability to provide solid waste removal.

(a) If the Commission determines that the City does not have adequate ability to provide the site with solid waste removal under the current contract, but a secondary or new contract is planned to be in place to serve homes as they are occupied, considering:

[1] Existing trash pickups required for regular trash pickup and any other supplemental services;

[2] Projected trash pickups required for regular trash pickup and any other supplemental services for future building under construction or recorded lots from previously approved plans for which a permit could be issued at any time in the future;

[3] Projected trash pickups required for regular trash pickup and any other supplemental services necessary to provide service for the project or to the population from the new development; and

[4] The contract's ability to be amended to permit increased coverage of services.

(b) The Commission shall ensure that the City Manager or department head, or designee, provides certification regarding solid waste removal under the current contract, considering the factors outlined above.

I. The Planning Commission, with the concurrence of the Zoning Administrator, may approve a site plan, that would otherwise be denied under the terms of this section, if:

(1) The site plan contains solely commercial and/or industrial uses; and

(2) The sole reason for denial of approval is the inadequacy of facilities listed in § 181-12D(8) and/or § 181-12D(12).

**§ 181-13. Mitigation.**

The developer or applicant whose plan is subject to denial or delay under this article shall have the opportunity to provide infrastructure funds, improve facilities directly with City approval, or donate necessary facilities in order to improve the adequacy of facilities and allow consideration for approval or delayed approval, as appropriate.

ARTICLE VII
**Expiration; Changes; Appeals; Violations; Remedies; Penalties**

## § 181-14. Expiration.

A. Unless otherwise provided by a Development Rights and Responsibilities Agreement regarding the development project with the Mayor and Council pursuant to Chapter 178 of the Code, the final plan shall have an executed public works agreement and grading permits issued within one year of the date of final approval. Additionally, final approval shall be deemed revoked if construction has not commenced within one year from the date of final approval. The Commission may grant a request for extension from the developer if there existed extenuating circumstances preventing construction within the twelve-month period; the Planning Commission may grant up to two extensions of six months each. If the Commission requires a site plan to be resubmitted, the plan will be subject to the regulations in force at the time of resubmission. **[Amended 1-12-2009 by Ord. No. 13-2008]**

B. The Commission may establish a specific expiration date for an approved site plan which is later than when the approved site plan would otherwise expire, but only if the:

(1) Commission approves the later expiration date at the same time it approves the site plan;

(2) Approved site plan is part of a larger development with an approved phasing plan or extended build-out period; and

(3) Later expiration date is consistent with the approved phasing plan or extended build-out period of the larger development.

## § 181-15. Progress of work and construction standards.

A. Inspection during the installation of the off-site improvements and required on-site improvements shall be made by the agency responsible for such improvements, as required, to certify compliance with the approved site plan and applicable standards.

B. The owner or developer shall notify the agency responsible for inspections three days prior to the beginning of all street or storm sewer work shown to be constructed on the site plan.

C. The owner or developer shall provide adequate supervision on the site during the installation of all required improvements and have a responsible superintendent or foreman together with one set of approved plans, profiles and specifications available at the site at all times when work is being performed.

D. Upon satisfactory completion of the installation of the improvements the owner or developer shall receive a final inspection from the agency responsible upon a request for such inspection. A final inspection which

evidences no defects or noncompliance with the requirements set forth above shall authorize the release of any bond which may have been furnished to guarantee the satisfactory installation of such improvements or parts thereof. This inspection shall release only the letter of credit required pursuant to the provisions of this chapter and shall not affect the terms or validity of any letter(s) of credit required by the public works agreement or any other ordinance or regulation.

E. The construction standards for all off-site improvements and on-site improvements required by this chapter shall conform to the design and construction standards of the City of Taneytown, Carroll County, Maryland or the State of Maryland. Where such standards conflict, the higher standard shall prevail.

F. More stringent construction standards may be required by the City if it is demonstrated that they are necessary to promote the public health, safety, or welfare or to promote good development design.

G. The City Manager or the City's appointed agent or the Carroll County Department of Permits and Inspections shall approve the plans and specifications for all required improvements, and shall inspect the installation of such improvements to assure conformity thereto.

## § 181-16. Changes to approved site plans.

After a site plan has received final approval, minor ("red line") adjustments of the site plan, which comply with the spirit and intent of this article and that of the Zoning Ordinance,[30] with the intent of the approving agencies in their review of site plans and with the general purpose of the comprehensive plan for development of the area, may be approved by the Zoning Administrator with the concurrence of the Commission Chair. Substantial deviation from an approved site plan shall require the submittal of a revised site plan prior to any request for final inspection, occupancy or use of the premises.

## § 181-17. Appeals.

Any party aggrieved by a final decision of the Commission in approving or disapproving a concept, preliminary or final site plan shall file an appeal of such decision to the Taneytown Board of Zoning Appeals within 30 days of issuance of such final decision. Any party aggrieved by a decision of the Board may seek judicial relief in the Circuit Court for Carroll County. The Board may overturn a decision of the Commission; however, the power to approve a site plan is reserved to the Commission.

## § 181-18. Violations; notice.

30. Editor's Note: See Ch. 205, Zoning.

A. It shall be unlawful for any person, firm or corporation to use or develop any site regulated by this chapter or cause same to be done contrary to or in conflict with or in violation of any of the provisions of this article.

B. The City Manager shall serve a notice of violation or order on the person responsible for the use or development of any site in violation of the provisions of this article or in violation of a detailed statement or a plan approved hereunder; and such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

### § 181-19. Remedies and penalties.

A. The Commission, Council, or any resident of the City may institute injunction, mandamus or other appropriate action or proceeding to prevent or terminate any violation of this chapter, and the Circuit Court of Carroll County is hereby granted jurisdiction to issue restraining orders, temporary or permanent injunctions, mandamus or other appropriate forms of remedy or relief.

B. Any violation of this chapter may also be prosecuted as a municipal infraction. Any person who shall violate a provision of this chapter or shall fail to comply with any of the requirements thereof shall be guilty of a misdemeanor punishable by a fine of not more than $1,000 where each violation constitutes a separate offense. Each day of work without an approved site plan shall constitute a separate offense.

ARTICLE VIII
**Design Guidelines**

## § 181-20. Guidelines to be considered.

In reviewing a site plan, the Commission shall consider the following design guidelines:

A. Exterior lighting.

(1) Lighting may be used which serves security, safety and operational needs but which does not directly or indirectly produce deleterious effects on abutting properties or which would impair the vision of a vehicle operator on adjacent roadways. Lighting fixtures must be shielded or hooded so that the lighting elements are not exposed to normal view by motorists, pedestrians, or from adjacent dwellings and so that they do not unnecessarily light the night sky.

(2) All exterior lighting, except security lighting, must be turned off between 11:00 p.m. and 6:00 a.m. unless located on the site of a commercial or industrial use which is open for business during that period.

(3) Wiring to light poles and standards must be underground.

(4) Building facades may be illuminated with soft lighting of low intensity that does not draw inordinate attention to the building. The light source for the building facade illumination must be concealed.

(5) Building entrances may be illuminated using recessed lighting in overhangs and soffits, or by use of spotlighting focused on the building entrances with the light source concealed. Direct lighting of limited exterior building areas is permitted when necessary for security purposes.

B. Buffering of adjacent uses.

(1) The development must provide for the buffering of adjacent uses where there is a transition from one type of use to another use and for the screening of mechanical equipment and service and storage areas. The buffer may be provided by distance, landscaping, fencing, changes in grade, and/or a combination of these or other techniques.

(2) Buffering must be designed to provide a year-round visual screen in order to minimize adverse impacts. It may consist of fencing, evergreens, berms, rocks, boulders, mounds, or a combination thereof.

(3) A development must provide sufficient buffering when topographical or other barriers do not provide reasonable

screening and where there is a need to buffer the activities of the planned use from adjoining properties.

(4) The width of the buffer may vary depending on the character of the area.

C. Noise. The development must control noise levels such that it will not create a nuisance for neighboring properties.

D. Storage of materials.

(1) Exposed nonresidential storage areas, and exposed machinery, must have sufficient setbacks and screening to provide a visual buffer sufficient to minimize their impact on abutting residential uses and users of public streets.

(2) All dumpsters or similar large collection receptacles for trash or other wastes must be located on level surfaces, which are paved, or a durable and dust-free surface as approved by the Commission. Where the dumpster or receptacle is located in a yard which abuts a residential or institutional use or a public street, it must be screened by fencing or landscaping.

(3) Where a potential safety hazard to children is likely to arise, physical screening sufficient to deter small children from entering the premises must be provided and maintained in good condition.

E. Landscaping. Landscaping shall be provided in accordance with the terms of the City Code of Taneytown.

F. Building placement. The site design should avoid creating a building surrounded by a parking lot. Where two or more buildings are proposed, the buildings should be grouped and linked with sidewalks; tree planting should be used to provide shade and break up the scale of the site. Plantings should be provided along the building edge, particularly where building facades consist of long or unbroken walls.

G. Building entrances.

(1) The main entrance to the building should be oriented to the street unless the parking layout or the grouping of the buildings justifies another approach, and should be clearly identified as such through building and site design, landscaping, and/or signage.

(2) At building entrance areas and drop-off areas, site furnishings such as benches and sitting walls and, if appropriate, bicycle racks shall be encouraged. Additional plantings may be desirable at these points to identify the building entrance and to complement the pedestrian activity at this point.

H. Sidewalks. Where an existing or planned public sidewalk is interrupted by a proposed project driveway, the sidewalk material must continue to be maintained across the driveway, or the driveway must be painted to

distinguish it as a sidewalk. Further, if street trees exist on an adjacent property, street trees must be planted, in a like manner, on the new site.

I. Parking.

(1) Within developed areas, parking lots should be located to the side or rear of the building. The use of shared parking, shared driveways and the cross-connection of parking lots is encouraged.

(2) Parking areas should be designed and landscaped to create a pedestrian-friendly environment. A landscaped border must be created around parking lots. Any parking lot containing 10 or more parking spaces should include one or more landscaped islands within the interior of the tot. There should be at least one island for every 20 spaces. Landscaping must screen the parking area from adjacent residential uses and from the street.

J. Landscaped roadside buffers. Whenever the area between the street and the front of the building is used for parking or vehicle movement, a vegetated buffer strip must be established along the edge of the road right-of-way. This buffer strip must soften the appearance of the site from the road and must create defined points of access to and egress from the site.

K. Building orientation. New buildings within a developed area should be compatible with the neighborhood such that they reflect the overall building bulk, square footage, dimensions, and placement of the building on the lot. The visual impact of a building shall be measured by its relationship to other buildings on the lot, and design of the front of the building.

L. Building scale. For new buildings that are proposed in developed areas where their scale and other features may be significantly different from that which already exists in the immediate neighborhood, care must be taken to design the new building or structure so that it is compatible with its neighbors. This may include making the building appear small, using traditional materials, styles and/or proportions.

M. Design of drive-through facilities. Any use that provides drive-through service must be located and designed to minimize the impact on neighboring properties and traffic circulation. Communication systems must not be audible on adjacent properties in residential use. Vehicular access to the drive-through shall be through a separate lane that prevents vehicle queuing within normal parking areas. Adequate queuing space must be provided to prevent any vehicles from having to wait on a public street, within the entry from the street, or within designated parking areas. The drive-through must not interfere with any sidewalk or bicycle path.

N. The design standards contained in Chapter 206 of the City Code of Taneytown. **[Added 12-8-2008 by Ord. No. 10-2008]**

# Chapter 185

# TAXATION

ARTICLE I

# Overdue Taxes

**[Adopted 4-10-1995 by Ord. No. 10-95 (Title 2, Ch. 3, Art. A, Sec. 2-3-3 of the 1980 Code)]**

## § 185-1. Penalties.

A. In addition to interest provided pursuant to the Charter of the city, a penalty for overdue taxes not paid by October 1 or, in the case of half-year assessments, by March 1 in the amount of 1 1/3% for each month or fraction thereof shall be imposed and collected.

B. In addition to the penalty provided in this section, for all taxes overdue and in arrears, including any interest and penalties as hereinabove set forth, on or after March 1 of each year following the year in which taxes are levied, or September 1 in the case of half-year assessments, there shall be charged an additional 25% of the entire outstanding amount overdue, both taxes, interest and penalties, which is imposed as a collection penalty.

ARTICLE II

## Brownfields Property Tax Credit [Adopted 12-8-1997 by Ord. No. 4-97 (Title 2, Ch. 3, Art. A, Sec. 2-3-4 of the 1980 Code)]

### § 185-2. Statutory authority; election to participate.

Pursuant to the authorization contained in § 9-229 of the Tax Property Article of the Annotated Code of Maryland, the City of Taneytown, Maryland, elects to participate in the Brownfields Revitalization Incentive Program established under Title 3, Subtitle 9 of Article 83A of the Annotated Code of Maryland and to provide a brownfields property tax credit for the taxable year July 1, 1998.

### § 185-3. Amount of credit.

There is a City of Taneytown brownfields property tax credit against the tax on real property of a qualified brownfields site, as defined in § 3-901(d) of Article 83A of the Annotated Code of Maryland, in an amount equal to 70% of the property tax attributable to the increase in the assessment of the qualified brownfields site, including improvements added to the site before the voluntary cleanup or corrective action plan.

### § 185-4. Term of credit; limitations.

A. The credit shall apply in each of the five taxable years immediately following the first revaluation of the property after completion of a voluntary cleanup or corrective action plan of a qualified brownfields site.

B. The credit is subject to the requirements and limitations set forth in § 9-229 of the Tax-Property Article of the Annotated Code of Maryland.

### § 185-5. Contributions to incentive fund.

Pursuant to the requirement contained in § 9-229(e) of the Tax-Property Article of the Annotated Code of Maryland, for each year of the credit period, the City of Taneytown shall contribute to the Brownfields Revitalization Incentive Fund under § 3-904 of Article 83A of the Annotated Code of Maryland an amount equal to 30% of the property tax attributable to the increase in the assessment of the qualified brownfields site during the credit period over the assessment of the qualified brownfields site before the voluntary cleanup or corrective action plan.

# Chapter 193

# VEHICLES AND TRAFFIC

**GENERAL REFERENCES**

**Refuse collection vehicles — See Ch. 124, § 124-10.**

**Litter from vehicles — See Ch. 124, § 124-24.**

**Handbills on vehicles — See Ch. 124, § 124-27.**

**Abandoned vehicles — See Ch. 124, Art. V.**

**Peddlers, solicitors and vendors — See Ch. 157.**

**Streets, sidewalks and other public places — See Ch. 176.**

ARTICLE I
**General Traffic Regulations**
**[Amended 7-18-1983 by Ord. No. 7-83]**

## § 193-1. Weight limits. [31] [Amended 6-11-2001 by Ord. No. 7-2001]

No person shall drive or operate a vehicle which, loaded or unloaded, exceeds the limits specified in and/or over or upon any of the streets identified in a schedule entitled "Official Schedule of Vehicle Weight Limits of the City of Taneytown" which is incorporated herein and made a part of this Code by reference and is on file in the office of the Clerk.

## § 193-2. Snowmobiles, trail bikes and minibikes.

No person shall drive or otherwise operate any snowmobile, trail bike, minibike or any other type of motorized off-street bicycle upon any street, alley or public way within the city.

## § 193-3. Removal of obstructions causing traffic hazards. [Amended 8-9-1999 by Ord. No. 8-99; 12-13-1999 by Ord. No. 9-99]

A. Whenever the City finds that there exist on any private property within the City any trees, bushes, vines, weeds, undergrowth, loose earth or other obstructions, except buildings and similar structures affixed to the ground, and if it further finds that the same do obstruct the vision of operators of vehicles traveling upon any public street, road or highway so as to constitute a traffic hazard, it shall immediately, upon finding such condition, serve upon the owner, agent, lessee or any other person having supervision over such property a written notice describing the premises whereon such obstruction exists, a statement of the particulars in which the vision of operators of vehicles is obstructed, including the steps necessary to correct such conditions, and an order directing that such corrective steps be taken within a stated period of time.

B. Any person who considers himself or herself aggrieved by an order issued pursuant to the authority of this section may, within 10 days of the receipt of such order, petition the city, in writing, for a hearing thereon. Within 30 days from the receipt of such petition, the City Council shall hold such a hearing, after which it may either affirm, modify or rescind the order. No official of the City government shall remove any obstruction or enforce any order issued hereunder until after such hearing by the City Council has been held or until after the time to petition for such hearing has expired without such a petition having been filed.

C. Upon the failure of any person to comply with the provisions of any order issued hereunder within the time specified therein, the City shall

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**31. Editor's Note: Original Sec. 11-1-1, Traffic-control devices, which immediately preceded this section, was deleted 8-9-1999 by Ord. No. 8-99; 12-13-1999 by Ord. No. 9-99.**

direct work forces to enter upon the property whereon the obstruction is located and remove all or such part of the obstruction as may be necessary to eliminate the traffic hazard.

D. All orders and notices issued by any City official pursuant to the authority of this section shall be served on the person to whom they are directed either by registered mail or by personal delivery to such person. If such person is not known to reside and cannot be found in the city, such service shall be made by publication of such order or notice once in a newspaper of general circulation in the City and by posting the same on the premises in a conspicuous manner. Service by publication and posting shall be deemed to be made on the day of publication and posting.

E. Whenever it is necessary for the City to provide for the removal or elimination of any type of obstruction referred to herein pursuant to the procedures prescribed above, it shall file with the Treasurer a certified statement of the cost to the City of such removal or elimination, together with proof of service of the notice above described. The cost of such removal, together with the cost of publication, shall therefrom and thereafter constitute a charge against the owner of said property and may be recovered by the City by appropriate legal action.

### § 193-4. Violations and penalties. [Amended 8-9-1999 by Ord. No. 8-99; 12-13-1999 by Ord. No. 9-99]

The violation of any of the provisions of this article is declared to be a municipal infraction. The penalty for violation shall be $50 for each initial offense and $100 for each repeat offense.

### § 193-5. Skateboards and scooters. [Added 12-14-1987 by Ord. No. 12-87; amended 8-9-1999 by Ord. No. 8-99; 12-13-1999 by Ord. No. 9-99; 10-9-2006 by Ord. No. 5-2006]

A. No person shall ride, operate, or cause to be operated a skateboard or scooter, whether human-powered or otherwise, on West Baltimore Street, East Baltimore Street, York Street, Frederick Street, Trevanion Road, Middle Street, Record Lane and Antrim Boulevard or on any related sidewalk.

B. Any person riding or operating a skateboard or scooter, whether human-powered or otherwise, on any other street, sidewalk, or public property, including the Taneytown Skateboard Park, without a helmet if the individual is under 18 years of age, and/or in a reckless or unsafe manner, as determined by law enforcement personnel, shall be in violation of this section.

C. The penalty for violation of this section shall be $100 and the immediate impoundment of the skateboard or scooter until such fine is paid.

D. All skateboards and scooters shall be impounded pursuant to the procedures adopted by the Police Department of the City of Taneytown.

E. Release of impounded skateboards and scooters. Skateboards and scooters impounded pursuant to this section will be released to their owner, or the parent/guardian of the owner if the owner is a minor, upon payment of all accrued fines due to the City of Taneytown.

F. Disposal of impounded skateboards and scooters. Whenever a skateboard or scooter is in the custody of the City pursuant to the provisions of this section and the owner fails to claim the same within a period of 15 days after the date of the violation, such skateboard and/or scooter shall be disposed of by the City in any reasonable manner.

### § 193-5.1. Bicycles. [Added 12-11-2006 by Ord. No. 12-2006]

A. Any person riding or operating a bicycle, whether human powered or otherwise, on any sidewalk, street, or public property, including the Taneytown Skateboard Park, without a helmet if the individual is under 18 years of age, and/or in a reckless or unsafe manner, as determined by law enforcement personnel, shall be in violation of this section.

B. The penalty for violation of this section shall be $100 and the immediate impoundment of the bicycle until such fine is paid.

C. All bicycles shall be impounded pursuant to the procedures adopted by the Police Department of the City of Taneytown.

D. Release of impounded bicycles. Bicycles impounded pursuant to this section will be released to their owner, or the parent guardian of the owner if the owner is a minor, upon payment of all accrued fines due to the City of Taneytown.

E. Disposal of impounded bicycles. Whenever a bicycle is in the custody of the City pursuant to the provisions of this section and the owner fails to claim the same within a period of 15 days after the date of the violation, such bicycle shall be disposed of by the City in any reasonable manner.

ARTICLE II
**Stopping, Standing and Parking**

### § 193-6. General restrictions. [Amended 7-11-1983 by Ord. No. 8-83; 9-14-1987 by Ord. No. 10-87; 9-11-1989 by Ord. No. 9-89; 12-12-1994 by Ord. No. 5-94]

A. No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic-control device, at any place where an official sign or painted curb prohibits stopping, parking or standing, and it is hereby specifically provided that wherever a curb is painted red or yellow that there shall be no parking, standing or stopping parallel to that painted curb.

B. Fire hydrants and fire lanes. It shall be unlawful to park a vehicle on the side of a public or private street or way that is posted with signs designating the same as a fire lane or within 10 feet of a fire hydrant.

C. It shall be unlawful to park a vehicle more than 12 inches from the curb, curbline or side of a street or alley where the curbline should normally be, the parked vehicle facing to the right of all traffic. All parking shall be parallel to the curb. Exception will be made to this subsection in cases of loading or unloading a vehicle or vehicles, and the exception shall be given for a reasonable time necessary in loading and/or unloading a vehicle or vehicles.

D. The City may make regulations regarding the parking of motor vehicles, trucks of any type, truck trailers or any vehicles on the streets of the City from 5:00 a.m. to 10:00 a.m. on the third Monday of each month so that the streets can be swept. **[Amended 8-9-1999 by Ord. No. 8-99; 12-13-1999 by Ord. No. 9-99]**

### § 193-7. Notice of violation; payment of penalty; issuance of summons. [Amended 7-11-1983 by Ord. No. 8-83; 8-9-1999 by Ord. No. 8-99; 12-13-1999 by Ord. No. 9-99]

A. Every duly authorized police officer of the City shall attach to any vehicle found to be in violation of this chapter a notice to the owner thereof that such vehicle has been in violation of the provisions of this chapter and instructing such owner to report to the office of the City Treasurer during regular office hours thereof in regard to such violation. Each such owner may, within 48 hours of the time when such notice was attached to such vehicle, exclusive of Sundays and legal holidays, pay at the office of the Treasurer as a penalty and in full satisfaction of such violation the sum of $5. The failure of such owner to make such payment upon such conditions shall render the owner subject to the penalty hereinafter imposed.

B. Any duly authorized police officer of the City shall take said notice to a duly authorized and appointed District Court of Maryland for Carroll

County for the purpose of having a warrant for the arrest of such owner issued and for the setting of an amount of collateral to be posted. In the event that such owner does not pay said collateral, he or she shall be subject to the penalties of fine or imprisonment, or both, as provided in this chapter with respect to the provision which has been violated.

### § 193-8. Parking without property owner's consent. [Amended 4-13-1981 by Ord. No. 2-81]

It shall be unlawful to park, store or leave any vehicle of any kind, whether attended or not, or for the owner of any vehicle of any kind to allow, permit or suffer the same to be parked, stored or left, whether attended or not, upon any public or private property in the city, other than public highways, without the consent of the owner of such public or private property, and the Police Department and its designated agent or agents are authorized to remove and impound any vehicle parked, stored or left in violation of this section and to keep the same impounded until the owner thereof, or other duly authorized person, shall have paid to the City Clerk an amount equal to all towage and storage and such administrative charges or fees prescribed by the Mayor and City Council or incurred by the Police Department or City in impounding said vehicle. In any prosecution under this section, proof that a vehicle was parked, stored or left on public or private property shall be prima facie evidence that the vehicle was so parked, stored or left without the consent of the owner of such public or private property.

### § 193-9. Unregistered vehicles. [Amended 4-13-1981 by Ord. No. 2-81; 11-14-1988 by Ord. No. 15-88]

It shall be unlawful to park, store or leave any vehicle, the certificate of title, registration card or registration plate of which has expired, been revoked, canceled or suspended, or for the owner of such vehicle to allow, permit or suffer the same to be parked, stored or left, whether attended or not, upon any public street, highway, alley or parking lot within the corporate limits of the City for a period longer than 24 hours. The provisions of this section shall apply not only to property owned or maintained by the public but also to private property to which the public in general has access, including but not limited to parking lots, driveways and streets. The police are authorized to remove and impound any such vehicle parked, stored or left in violation of this section and to keep the same impounded until the owner thereof, or other duly authorized person, shall pay the City Clerk an amount equal to all towage and storage and such administrative charges or fees prescribed by the Mayor and Council or incurred by the Police Department or City in impounding said vehicle.

### § 193-10. Disposition of impounded vehicles. [Amended 9-12-2005 by Ord. No. 10-2005]

A. Notice. Whenever a vehicle has been impounded by the City, a notice of removal and storage of said vehicle shall be mailed by registered or certified mail to the last registered owner of the vehicle and each

secured party as shown on the records of the Motor Vehicle Administration. If such addresses cannot be ascertained, then such notice shall not be required.

B. Contents of notice. The notice shall contain at least the following information:

(1) A complete description of the vehicle, including the year, make, model, and vehicle identification number;

(2) A statement that the vehicle has been impounded by the City and the exact location of the facility where the vehicle is held;

(3) A statement that indicates the owner or secured party may recover the vehicle within 15 days from the date of the notice, upon payment of all fines, penalties and charges of towing, preservation and storage resulting from the impoundment of the vehicle;

(4) A statement that indicates that failure of the owner or secured party to exercise this right to recover the vehicle in the time provided shall be considered a waiver of all right, title and interest in the vehicle, and be considered a consent to the disposal of the vehicle.

C. Release of impounded vehicles. Vehicles impounded pursuant to this chapter will be released to their lawful owner, or the person entitled to possession, upon a showing of adequate evidence of a right to its possession and upon payment of all accrued fines and costs for each outstanding unsatisfied summons, citation, or any other legal process outstanding against said vehicle, as well as all the impoundment and storage fees. The impoundment and storage fees shall be set from time to time by resolution of the Mayor and City Council.

D. Disposal of impounded vehicle. Whenever any vehicle or part thereof is in the custody of the City and whenever the owner or person entitled to the possession thereof cannot be located and/or fails to claim such vehicle or part thereof for a period of 15 days after the notice of impoundment under this section has been given, such vehicle or part thereof may be disposed of by the City in any reasonable manner.

### § 193-11. Proceeds from sale of impounded vehicle. [Amended 4-31-1981 by Ord. No. 6-81; 9-12-2005 by Ord. No. 10-2005]

After payment of the expenses, fees, fines, or other charges for vehicles disposed of pursuant to § 193-10 of this article and after payment of all liens filed against the vehicle or part thereof, the balance, if any, received by the City from such disposal shall be held by the Clerk for a period of 30 days from the date of said disposal. The Clerk shall pay such balance to any person who shall file his/her verified claim prior to the expiration of said time period establishing that he/she is the owner or person entitled to the possession of such vehicle. If no such claim is filed within such period, the balance shall be transferred to the general funds of the City.

### § 193-12. Maximum time for continuous parking. [Amended 10-12-1987 by Ord. No. 9-87]

A. No vehicle shall be permitted to remain parked continuously upon any street for more than 48 hours, except where that vehicle is parked in front of a property owned, leased or occupied by the driver of the vehicle or where that parking is permitted with the permission of the owner, lessee or occupant of the property.

B. No vehicle having a combined gross weight in excess of 13,000 pounds, including but not limited to any commercial truck, bus, truck tractor, trailer or semi trailer, and no house trailer, or towed vehicle, regardless of its weight, shall be permitted to park or stand longer than one continuous hour on any street within the City, provided that the provisions of this section shall not apply to commercial trucks which are parked for the purpose of performing any public or private work for or on behalf of any person, institution or governmental entity, provided such work is occurring within 300 feet of such parked commercial truck. **[Amended 7-9-2001 by Ord. No. 8-2001**

C. No motor home or camper shall be permitted to park or stand longer than 24 continuous hours on any street within the City. **[Added 7-9-2001 by Ord. No. 9-2001]**

### § 193-13. Obstruction of traffic.

No person shall park a vehicle on any street in such a manner that the vehicle shall constitute an obstruction to the free flow of traffic upon the street.

### § 193-14. Vehicle repairs. [Amended 9-13-1982 by Ord. No. 8-82]

No vehicle shall be repaired in any street, except in case of emergency, and then only so as not to block or obstruct any street or sidewalk, nor shall the motor of any such vehicle be tested while it is parked or standing on any street, except when unavoidable. For purposes of this section, "repair" shall be defined as including but not limited to the replacement of any part thereof, any change or work done to any part of the vehicle, changing tires, draining or changing oil, inserting or draining any form of lubricant, coolant, fluid or other such item into the vehicle or any other such item in any manner related to vehicle repairs.[32]

### § 193-15. Impoundment for unsatisfied citations. [Amended 4-9-1990 by Ord. No. 6-90; 9-12-2005 by Ord. No. 10-2005]

When any unattended motor vehicle is found parked at any time upon any street of the City against which there are three or more unsatisfied citations for parking violations and when a period of 30 days or more has elapsed

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**32. Editor's Note: Original Sec. 11-2-12, Parking in front of private driveways, which immediately followed this section, as amended 9-11-1989 by Ord. No. 8-89, was deleted 8-9-1999 by Ord. No. 8-99; 12-13-1999 by Ord. No. 9-99.**

since the third unsatisfied citation, the Police Department is authorized to cause such vehicle, either by towing or otherwise, to be removed or conveyed to and impounded in any place designated by the Chief of Police.

ARTICLE III
**Metered Parking**

### § 193-16. Installation authorized. [Amended 10-11-2011 by Ord. No. 3-2011]

The City Council may from time to time authorize by resolution the installation of parking meters in those places in the City as the Council may deem necessary.

### § 193-17. Meter hours. [Amended 4-12-1982 by Ord. No. 3-82; 8-9-1999 by Ord. No. 8-99; 10-11-2011 by Ord. No. 3-2011

It shall be unlawful for the owner or operator of any motor or other vehicle to park that vehicle in violation of meter time regulations stated on the meter, except on Sundays and City-observed holidays, in the areas designated as parking meter zones.

### § 193-18. Meter operation. [Amended 6-8-1981 by Ord. No. 11-81]

On streets designated as meter zones, the proper officers shall designate parking spaces on the curb or pavements or by other appropriate means and in each space so marked shall erect or cause to be erected a parking meter which, upon the deposit of a coin or combination of coins of the United States indicated on the parking meter, will entitle the party to park his or her car for a limited time as is indicated on the parking meter, but in any event no longer than the period of time provided in § 193-22 of this article.

### § 193-19. Meter rates. [Amended 6-8-1981 by Ord. No. 12-81]

A person parking a vehicle in a metered parking space during the time of limited parking shall deposit a coin or coins sufficient to pay for the amount of time he or she intends to use the parking space. Parking rates and maximum parking time limits shall be set from time to time by the Council. If the vehicle shall remain parked in any parking space for any length of time so that the meter shall indicate by a proper signal that the lawful parking period has expired, the vehicle and its operator shall be considered as parking overtime, and the parking of a vehicle overtime shall be a violation of this article.

### § 193-20. Parking within designated space.

It shall be unlawful to park any vehicle across any line or marking designating a parking space or to park the vehicle in any way that the same shall not be wholly within a parking space as designated by those lines or markings.

### § 193-21. Coin substitutes; tampering prohibited.

A. It shall be unlawful to deposit or cause to be deposited in any parking meter a slug, device or metallic substitute for a coin of the United States.

B. It shall be unlawful for any person to deface, tamper with, damage, open or willfully break, destroy or impair the usefulness of any parking meter installed under the terms of this article.

C. Violation of this section shall be a municipal infraction. The penalty for violation shall be $50 for each initial offense and $100 for each repeat offense. **[Added 8-9-1999 by Ord. No. 8-99]**

### § 193-22. Restricted parking time. [Amended 6-8-1981 by Ord. No. 13-81; 8-9-1999 by Ord. No. 8-99; 10-11-2011 by Ord. No. 3-2011

It shall be unlawful for any person to cause, allow, permit or suffer any vehicle registered in the name of or operated by such person to remain at a parking meter in violation and in any event longer than two consecutive hours. Following the offense, the Police Department may cause the offending vehicle to be towed and stored at the owner's expense. The owner of the vehicle shall also be subject to the penalties of this aticle.

### § 193-23. Violations and penalties. [Amended 5-12-1980 by Ord. No. 4-80; 1-14-1985 by Ord. No. 14-84; 3-13-1989 by Ord. No. 2-89; 9-11-1989 by Ord. No. 7-89; 8-10-1992 by Ord. No. 8-92; 8-9-1999 by Ord. No. 8-99; 10-11-2011 by Ord. No. 3-2011

A violation of any provision of this Article III and Article II of this chapter is declared to be a municipal infraction. Penalties for violation of these articles shall be set from time to time by resolution of the City Council.

ARTICLE IV
**Snow Emergency Procedures**

### § 193-24. Designation of snow emergency.

The accumulation of snow and/or ice on the streets and roads of the City in a depth of two or more inches constitutes a snow emergency.

### § 193-25. Parking prohibited.

Parking of vehicles in all metered areas is prohibited when such accumulation of snow and/or ice occurs, and parking of vehicles on such metered streets and roads of the City shall continue to be prohibited until the accumulation has been cleared.

### § 193-26. Removal of vehicles.

The Chief of Police is authorized and empowered to take possession of and to remove any parked vehicle or abandoned vehicles that obstruct traffic or interfere with the clearance of snow and/or ice on any designated street or road within the corporate limits of the City.

### § 193-27. (Reserved)[33]

### § 193-28. Hours for towing.

If the accumulation of snow and/or ice takes place after 10:00 p.m., no vehicle will be towed away until after 8:00 a.m. of the following day.[34]

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**33. Editor's Note :Former § 193-27, Cost of removal, as amended, was repealed 9-12-2005 by Ord. No. 10-2005.**

**34. Editor's Note: Original Chapter 4, which immediately followed this section and dealt with payment of fines and election to stand trial, was repealed 4-10-1995 by Ord. No. 12-95.**

ARTICLE V
**Helmet Safety**
**[Added 12-9-2002 by Ord. No. 5-2002]**

## § 193-29. Scope. [Amended 4-14-2003 by Ord. No. 2-2003]

A. The provisions of this article shall be applicable throughout the City limits of the City of Taneytown on public rights-of-way and publicly owned facilities under the jurisdiction of the City, including but not limited to City parks, linear parkways, streets, sidewalks, and alleyways.

B. The provisions of this article shall apply to any person under the age of 18 operating a bicycle, skateboard, roller skates, roller blades, scooters, or any other human-propelled vehicle within the City limits of the City of Taneytown.

## § 193-30. Definitions.

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

HUMAN-PROPELLED VEHICLE — Any vehicle designed to be propelled by human physical exertion, upon which any person or persons may ride, which shall include, by way of example, but not be limited to, bicycles, tricycles, skateboards, scooters, mopeds, roller blades, and roller skates.

SAFETY HELMET — A protective helmet to be worn on an individual's head, which has been specifically designed for use by an individual using or operating a bicycle, skateboard, roller skates, roller blades, or other human-propelled vehicle, and which has been approved by the American National Standards Institute or similar governmental or regulatory agencies for use by individuals using or operating that specific type of human-propelled vehicle.

## § 193-31. Safety equipment required. [Amended 4-14-2003 by Ord. No. 2-2003]

Any person under the age of 18, while operating or riding any human-propelled vehicle on any public roadway, bicycle path, linear parkway, street, alleyway, sidewalk, City park, or any right-of-way within the City limits of the City of Taneytown, and under the jurisdiction and control of the City, shall wear a safety helmet. Such safety helmet shall meet or exceed the standards set by the American National Standards Institute or similar governmental or regulatory agency.

## § 193-32. Violations and penalties.

A. Violation of the provisions of this article shall be a municipal infraction subject to a fine as follows:

(1) First offense: fine of $25. (This violation may be waived by the Chief of Police or his or her designee, provided that the violator provides the Taneytown Police Department with written verification, within 30 days of the violation, that the person purchased a safety helmet which meets the requirements of this article).

(2) Second offense: fine of $50.

(3) Third offense and any subsequent offenses: fine of $75 per offense, and impoundment of the human-propelled vehicle until such fine is paid. In addition to said fine, an impoundment fee of $10 and written proof of purchase of a safety helmet shall be required before such human-propelled vehicle shall be returned to the violator or owner.

B. Payment of any fines levied as a result of a violation of this article by any juvenile or minor child shall be the responsibility of the parent or legal guardian of the juvenile or minor child.

**§ 193-33. Enforcement.**

The Taneytown Police Department shall have the responsibility and jurisdiction for enforcement of the Helmet Safety Law and its provisions.

# Chapter 198

# VENDING MACHINES

**GENERAL REFERENCES**

**Business licenses — See Ch. 88.**

**Streets, sidewalks and other public places — See Ch. 176.**

## § 198-1. Machines on streets and sidewalks.

No person, persons, firm or corporation shall keep or maintain any vending machine of any nature or type upon any of the streets or sidewalks of the city.

## § 198-2. Violations and penalties. [Amended 8-9-1999 by Ord. No. 8-99]

A violation of this chapter is declared to be a municipal infraction. The penalty for violation shall be $50 for each initial offense and $100 for each repeat offense.

# Chapter 201

# WATER

**GENERAL REFERENCES**

**Sewers — See Ch. 167.**

**Stormwater management — See Ch. 173.**

ARTICLE I
**General Provisions**
**[Adopted 1-14-1980 by Ord. No. 5-79 as Title 5, Ch. 1, Art. A of the 1980 Code]**

## § 201-1. Definitions.

The following definitions and terms shall apply in the interpretation and enforcement of this article:

AUXILIARY INTAKE — Any piping connection or other device whereby water may be secured from a source other than that normally used.

BYPASS — Any system of piping or other arrangement whereby the water may be diverted around any part or portion of a water purification plant.

CROSS-CONNECTION — Any physical connection whereby the public water supply is connected with any other water supply system, whether public or private, either inside or outside of any building or buildings, in a manner that a flow of water into the public water supply is possible either through the manipulation of valves or because of any other arrangement.

INTERCONNECTION — Any system of piping or other arrangement whereby the public water supply is connected directly with a sewer, drain, conduit, poll, storage reservoir or other device which normally contains sewage or other waste or liquid which would be capable of importing contamination to the public water supply.

PUBLIC WATER SUPPLY — The water works system furnishing water to the City for general use.

## § 201-2. Cross-connections, auxiliary intakes, bypasses or interconnections.

It shall be unlawful for any person to cause a cross-connection, auxiliary intake, bypass or interconnection to be made unless specifically approved by the Superintendent of the Water Works, and the operation of any existing cross-connection, auxiliary intake, bypass or interconnection is at all times under the direct supervision of the Superintendent of Utilities.

## § 201-3. Premises with more than one water supply.

Any person whose premises are supplied with water from the public water supply and who also has on the same premises a separate source of water supply, or who stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the Superintendent of Utilities a statement of the nonexistence of unapproved or unauthorized cross-connections, auxiliary intakes, bypasses or interconnections. The statement shall also contain an agreement that no cross-connection, auxiliary intake, bypass or interconnection will be permitted upon the premises until the construction

and operation and maintenance of the same have been placed under the direct supervision of the Superintendent of Utilities.

### § 201-4. Private wells. [Added 6-12-1995 by Ord. No. 14-95]

No private well or other water supply system shall be constructed or operated within the corporate limits of the City of Taneytown. This section expressly does not apply to wells drilled by the City or to any well drilled for purposes of monitoring, sampling or other purposes as may be required from time to time by any appropriate governmental authority.

### § 201-5. Violations and penalties.

A. Any person who now has cross-connections, auxiliary intakes, bypasses or interconnections in violation of the provisions of this article shall be allowed a reasonable time within which to comply with these provisions. After a thorough investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time to be allowed shall be designated by the Superintendent of Utilities. In addition to, or in lieu of, any fines and penalties that may be judicially assessed for violations of this article, the Superintendent of Utilities shall discontinue the public water supply service at any premises upon which there is found to be a cross-connection, auxiliary intake, bypass or interconnection, and service shall not be restored until such cross-connection, auxiliary intake, bypass or interconnection has been discontinued.

B. Any violation of this article is declared to be a municipal infraction. The penalty for violation shall be $50 for each initial offense and $100 for each day any violation of the provisions of this article continues. **[Amended 8-9-1999 by Ord. No. 8-99]**

ARTICLE II

## Water Service Rules

**[Adopted 1-14-1980 by Ord. No. 5-79 as Title 5, Ch. 1, Art. B of the 1980 Code]**

### § 201-6. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

CITY — The Council of the City of Taneytown or its duly authorized officers or agents.**[Amended 8-9-1999 by Ord. No. 8-99[35]]**

CUSTOMER — The user of service receiving water at one household, apartment, house trailer or place of business.

MAIN — The City-owned piping and fixtures in or along public highways and streets, or along privately owned rights-of-way, used for the transmission or distribution of water to customers.

### § 201-7. Applications for service.

A. All applications for water service must be made in writing.

B. No application for service will be accepted by the City until the applicant has paid, or made satisfactory arrangements to pay, all arrears and charges due by the applicant for water service used at any premises now or heretofore occupied by the applicant in the area served by the City.

C. The accepted application shall constitute a contract between the City and the applicant obligating the applicant to pay to the City its rates as established from time to time and to comply with the rules of the City.

D. Applicants for service installations will be accepted subject to there being an existing main in a right-of-way abutting on the premises to be served.

E. When a prospective customer has made application for a new service or has applied for the reinstatement of an existing service, it is assumed that the piping and fixtures on the applicant's premises are in good condition, and the City will not be liable in any case for any accidental breaks or leakage arising in any way in connection with the supply of water or failure to supply the same, or the freezing of water pipes or fixtures of the customer, nor for any damage to the property which may result from the usage or nonusage of water supplied to the premises.

### § 201-8. Connections. [Amended 7-10-1989 by Ord. No. 5-89]

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**35. Editor's Note: This ordinance also amended all references to "corporation" in this article to "City."**

A. The owner will furnish and install, at the lot owner's sole expense, the following equipment: City stop, service pipe to the property line, curb stop and box. All such equipment shall be approved by the City prior to installation and by a licensed plumber who shall be approved by the City prior to any such work being performed.

B. Title to all services from main to property line is vested in and the same shall at all times remain the sole property of the City and shall not be trespassed upon or interfered with in any respect. This property shall be maintained by the City after completion of the work.

C. The service pipe from the property line to the building shall be installed at the expense of the owner of the premises. For this installation the owner or applicant shall employ a competent plumber to do the work. The minimum size and cover shall be the same as that used from the main to the property line. Materials and methods of construction shall be approved by the City, and if the service pipe has not been installed in accordance with the City's requirements, water will not be turned on until any defects have been remedied. The service pipes between the property line and the building and all piping and fixtures on or in the building of the owner or applicant shall be maintained by him or her and the work performed by a competent plumber in a manner satisfactory to the City.

D. All service pipes to the building shall have a minimum cover of three feet. Service pipe shall be "K" type copper tubing. All service pipes shall be at least three-fourths-inch inside diameter.

E. No service pipe shall be laid in the same trench with gas pipe, sewer pipe or any other facility of a public service company nor within three feet of any other excavation or fault.

F. Every service pipe must be provided with a stop and waste cock on the inside of the cellar or foundation wall adjacent to the location where the pipe passes through it, easily accessible and fully protected from freezing, and all pipes in the building must be laid in such a way that they can be fully drained by that waste cock.

## § 201-9. Meters.

All meters will be furnished by and remain the property of the City and shall be installed on the property at a location designated by the City on the delivery side of the curb cock. In the event that the customer desires any change in the location or position of the meter, meter box or vault, such change in location shall be made by the City at the expense of the customer.

## § 201-9.1. Water supply in developments of five units or more; definitions. [Added 2-9-2004 by Ord. No. 4-2004]

A. Prior to approving a development, the City shall require the developer to furnish a water supply to deliver 250 gallons of water per day for

each equivalent dwelling unit and/or commercial unit. The developer shall drill and test the well under the supervision of the City or its agent. This testing is to develop data as to the dependable yield and quality of the source. The City will not accept a well for this requirement that produces fewer than 100 gallons per minute. The developer shall provide three-phase electric service to the site with sufficient amperage to supply the pump house. The City will not accept a well for this requirement unless the well's quality has been tested by a certified laboratory and no contaminant exceeds current Safe Drinking Water Act maximum contaminant levels for inorganic chemicals, volatile organic compounds and turbidity. The well shall be tested within 180 days prior to preliminary development approval and 180 days prior to final development approval by the City of Taneytown.

B. When a well meeting the above requirements cannot be located, the developer shall be assessed a water replacement fee in the amount of $1,000 for each equivalent dwelling unit and/or commercial unit; provided, however, that the City has the needed capacity in the existing water system, as determined by the City. This fee shall be payable prior to issuance of a building permit.

C. Definitions. For the purposes of this section, the following terms shall have meanings indicated:

COMMERCIAL UNIT — Based on a per capita employed over a period of not more than eight hours. Ten employees consist of one unit, each multiple or part thereof consists of units or parts of units. The minimum unit for commercial is one unit.

EQUIVALENT DWELLING UNIT (EDU) — Applies to dwellings as follows:

(1) Multifamily:

(a) Each efficiency apartment is equivalent to one EDU.

(b) Each one-bedroom apartment is equivalent to one EDU.

(c) Each two-or-more-bedroom apartments is equivalent to one EDU.

(d) Each single-family dwelling is equivalent to one EDU.

(2) All others are equal to one unit.

## § 201-10. Rates and charges. [Amended 8-9-1999 by Ord. No. 8-99]

The schedule of rates and charges for water service furnished by the City shall be established by the Mayor and Council from time to time by resolution.

## § 201-11. Payment of bills.

A. If payment in full is not made within 30 days after the date of the bill, the City reserves the privilege, after five days' written notice, to discontinue rendering service. Any unpaid bills shall be and remain a lien upon the premises served until paid and may be collected in the same manner as taxes levied upon real estate by the City, and bills for any service shall be directed to the owners of the premises served.

B. Whenever a customer desires to have his or her service contract terminated or his or her water service discontinued, he or she shall so notify the City in writing. Until that notice is received by the City, the customer shall be responsible for the payment of all service rendered by the City. A reasonable time after the receipt of the notice shall be allowed the City to take a final reading of the meter or meters and to discontinue service.

### § 201-12. Discontinuing service.

A. Service may be discontinued for any one of the following reasons:

(1) Misrepresentation in application.

(2) Willful waste of water.

(3) Failure to comply with restrictions imposed under § 201-13C.

(4) Molesting City property or seals on meter or piping.

(5) Vacancy.

(6) Nonpayment of bills when due.

(7) Cross-connecting the City's service with any other supply source.

(8) Refusal of reasonable access to property.

B. When water has been turned off from any premises for any of the above reasons or for any other violation of the City's rules, a charge will be made for restoring service. This charge for restoring service shall be established and amended by resolution of the Council. **[Amended 10-11-2004 by Ord. No. 18-2004]**

### § 201-13. General restrictions.

A. Curb stops shall not be used by the customer or his or her agent for turning on or shutting off the water supply. The control of the water supply by the customer shall be by means of a separate stop located just inside the building wall. Curb stops are for the exclusive use of the City.

B. No water will be furnished to any premises where any possibility exists of the mingling of the water furnished by the City with water from any other source, nor will the City permit its mains or service pipes to be

connected to any piping or apparatus containing any substance which may flow back into the City's service pipes or mains.

C. The customer shall not permit anyone, except an agent of the City or someone otherwise lawfully authorized to do so, to remove, inspect or tamper with the meter or other property of the City on his or her premises. The customer shall notify the City, as soon as it comes to his or her knowledge, of any injury to the City's property.

D. The authorized agents of the City shall have the right of access to the premises supplied with water at all reasonable hours for the purpose of reading meters, examining fixtures and pipes, observing the manner of rising water and for any other purpose which is proper and necessary in the conduct of the City's business.

E. The City reserves the right to impose reasonable restrictions on the use of water during periods of shortage of supply, excessive demand or other difficulty which results in the impairment of normal service to any group of customers.

F. The City reserves the right to place restrictions on customers who consume large quantities of water (swimming pools, etc.) and thereby create conditions which prevent the City from supplying satisfactory service to that customer or to other customers.

G. Nothing in these rules contained shall be construed as a guaranty or covenant or agreement of the City to give continuous and uninterrupted service.

### § 201-14. Main extensions. [Amended 8-9-1982 by Ord. No. 6-82; 8-9-1999 by Ord. No. 8-99]

Any extension of the City's water distribution system shall be made at the expense of the developer or property owner unless and until it is deemed to be in the best interests of the health, safety, economics or community development of the City that the Mayor and Council, by affirmative vote, allow other means of financing such extension of the City's water distribution system, including but not limited to City participation in bearing any portion of the cost of the same.

### § 201-15. Shutting off water supply.

A. In case of accidents, breakdowns, shortage of water supply or any causes beyond its control or because of any act or omission on the part of the public authorities or their agents, or any of them, or in case of the making of repairs, renewals or replacements, the City reserves the right to shut off the water supply from any one or any number of premises, without notice, and shall in no manner be held responsible for any consequences of such shutoff.

B. The City will give notice, in the manner deemed in its discretion to be most effective, of any shutoff of the water supply whenever and

wherever the giving of such notice is practicable, but nothing in these rules contained shall be construed to require the giving of such notice under any circumstances.

### § 201-16. Fire protection and use of fire hydrants.

A. The City in no manner guarantees to furnish a proper quantity of water for fire protection, nor does it undertake to guarantee anything relative to any service, but it will make every effort to maintain the efficiency of its service under all conditions. The City will not be responsible in any manner for failure of its water supply during a fire or at any other time.

B. All fire hydrants or plugs, whether installed by the City or otherwise, are to be used for fire protection purposes exclusively. All use of fire hydrants or plugs for sprinkling, sewer flushing, filling, sprinkling water or other carts or receptacles, for fire drills or fire company testing, other than strictly for fire protection, is prohibited unless any other use is permitted by the City as evidenced by a written permit signed by the City Manager, which permit shall be exhibited to any and all employees of the City at their request. **[Amended 8-9-1999 by Ord. No. 8-99; 12-13-1999 by Ord. No. 9-99]**

C. Permits for use of water from fire hydrants or plugs for any purposes other than for fire protection will not be granted by the City except in cases where such use is deemed by the City to be urgent and other means of obtaining water are not available, but all permits so granted shall be revocable at the pleasure of the City in every instance and without regard or reference to any terms or provisions in any permits to the contrary.

### § 201-17. Water services outside of City.

The City shall not provide water services outside the corporate limits of the City.

### § 201-17.1. Violations and penalties. [Added 8-14-2000 by Ord. No. 4-2000]

Any violation of this article is declared to be a municipal infraction. The penalty for violation shall be $50 for each initial offense and $100 for each repeat offense.

### § 201-17.2. Adoption of additional rules and regulations. [Added 11-8-2010 by Ord. No. 6-2010]

The City reserves the right to adopt, from time to time, by resolution, such additional rules, regulations, fees and penalties as it shall deem necessary and proper in connection with the use and operation of the water system. Said rules, regulations, fees and penalties shall be considered and construed as a part of this chapter.

ARTICLE III

## Water Conservation

**[Adopted 12-11-1995 by Ord. No. 16-95 (Title 5, Ch. 4 of the 1980 Code)]**

### § 201-18. Definitions.

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

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 70 pounds per square inch under no-flow conditions.

APPROVED LAVATORY SINK FAUCET FOR PRIVATE USE — Any faucet using no more than two 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 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 70 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 0.5 gallon of water has flowed through the fixture.

APPROVED URINAL — Any single-flush-type urinal using not more than one gallon of water per flush.

APPROVED WATER CLOSET — Any water closet using not more than 1.6 gallons of water per flush.

BUILDING — Includes any building or structure the initial construction of which commenced on or after the effective date of this article (December 11, 1995).

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

EXCESSIVE PRESSURE — When street main pressure exceeds 70 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 70 pounds per square inch or lower. Pressure at any fixture shall be limited to no more than 70 pounds per square inch under no-flow conditions.

LOCAL PLUMBING INSPECTION — 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.

### § 201-19. Required water-conserving fixtures and devices.

The following fixtures or devices shall be installed as necessary in buildings constructed or remodeled after the effective date of this article (December 11, 1995):

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 intended for public use.

### § 201-20. Enforcement. [Amended 8-9-1999 by Ord. No. 8-99; 12-13-1999 by Ord. No. 9-99]

Enforcement of this article may be delayed by the Superintendent of Utilities for a specified period of time if it is determined 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 § 201-18;

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 an historic restoration.

### § 201-21. Violations and penalties. [Amended 8-9-1999 by Ord. No. 8-99; 12-13-1999 by Ord. No. 9-99]

Any person violating any of the provisions of this article shall be guilty of a municipal infraction and shall pay a fine of $50 for each violation. Each day that the violation continues constitutes a separate offense.

# Chapter 205

# ZONING

**GENERAL REFERENCES**

**Planning Commission — See Ch. 42.**

**Building construction — See Ch. 82.**

**Forest conservation — See Ch. 116.**

**Subdivision of land — See Ch. 180.**

ARTICLE I
**General Provisions**

## § 205-1. Word usage and definitions. [Amended 10-11-1982 by Ord. No. 11-82; 11-10-1986 by Ord. No. 11-86; 1-12-1987 by Ord. No. 14-86; 7-11-1988 by Ord. No. 12-88]

A. Language interpretation. For the purpose of this chapter, certain words shall have the meaning assigned to them as follows:

(1) Words used in the present tense include the future. The singular number includes the plural and the plural the singular.

(2) The word "building" includes "structure" and any part thereof.

(3) The phrase "used for" includes "arranged for," "intended for," "maintained for" or "occupied for."

(4) The word "person" includes an individual, corporation, partnership, incorporated association or any other similar entity.

(5) The word "includes" or "including" shall not limit the term to the specified example but is intended to extend its meaning to all instances of like kind and character.

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

ACCESSORY USE, STRUCTURE or BUILDING — A use, structure or building on the same lot with, and of a nature customarily incidental and subordinate to, the principal use, structure or building.

AGRICULTURE — The tilling of soil, raising of crops, forestry, horticulture, gardening and animal husbandry, and including the sale of crops and dairy and horticultural products incidental to the operation of a farm.

ALLEY — A minor right-of-way, privately or publicly owned, primarily for service access to the back or sides of properties.

ALTERATION —

(1) A change or rearrangement in the structural parts of a building or in its facilities or its extension either horizontally or vertically.

(2) Any renovation to a building which would change its use classification.

ALTERNATIVE LIVING UNIT (ALU) — A residence that provides residential services for individuals who, because of developmental disability, require specialized living arrangements; admits not more than three individuals; and provides 10 or more hours of supervision per unit, per week or as may hereinafter be defined by the state. (preemptive; state)**[Added 9-13-1999 by Ord. No. 7-99]**

ASSISTED LIVING — A residential or family-based program that provides housing and supportive services, supervision, personalized assistance, health-related services or a combination of these services to meet the needs of residents who are unable to perform or who need assistance in performing the activities of daily living or instrumental activities of daily living in a way that promotes optimum dignity and independence for residents or as may hereinafter be defined by the state.**[Added 9-13-1999 by Ord. No. 7-99]**

AUTOMOBILE SERVICE STATION — A building or lot or part thereof supplying and selling gasoline or other equivalent fuel for motor vehicles at retail direct from pumps and storage tanks and which may include accessory facilities for rendering services, such as lubrication, washing and repairs.

BOARDINGHOUSE — An establishment where meals and/or lodging is provided for compensation by prearrangement, but without limitation on time periods involved, with lodging for compensation other than in dwelling units, and for a total of five to 19 roomers and/or boarders.

BUILDING — A structure with a roof intended for the shelter or enclosure of persons or property. Where roofed structures are separated from each other by party walls having no openings for passage, each portion so separated shall be considered a separate building.

BUILDING SETBACK LINE — A line parallel to and the distance from the curbline of a public or private street as specified in this chapter which determines the location of a future building or structure.

CANNABIS DISPENSARY — A person or entity licensed by the state that acquires, possesses, transfers, sells, dispenses, or distributes products containing cannabis or relating to cannabis, both natural and synthetic, in any and all forms, and related supplies and products, at a state-licensed dispensary pursuant to state law and regulation.**[Added 4-11-2016 by Ord. No. 21-2016]**

CLUB, PRIVATE — An establishment operated for the social, educational or recreational benefit of the members thereof in which no enterprise is conducted except for the convenience of the members thereof and their guests.

COMMERCIAL SPORTS FACILITY — A privately owned and operated establishment providing indoor and/or outdoor facilities for team and individual sports, fitness and recreation opportunities to the general public.**[Added 3-8-2010 by Ord. No. 2-2010]**

COMMUNITY VILLAGE — **[Added 9-13-1999 by Ord. No. 7-99]**

(1) A planned neighborhood containing strategically located civic and common open space (i.e., squares, playfields and natural spaces as visual and physical focal points) and which may include a variety of dwelling types enabled by this Code, subject to Mayor and Council and Planning Commission approval, attractively designed

with high-quality architectural detail and continuity and where particular attention is given to the arrangement, placement and access to off-street parking and the location of detached or attached garages for the storage of vehicles.

(2) Upon a finding that the tract size and location are appropriate, a community village may also include a very limited core area for a village center, which contains sites for such uses as a church, day care, school, shops and minor neighborhood business establishments.

(3) Appropriately located deciduous street trees, grass strips between curb and sidewalk and scaled lighting fixtures along streets are amenities to be included in the community village designation. The community village designation embraces traditional neighborhood design, including the use of alleys, variations of traditional neighborhood design and such other creative land planning design that, in the discretion of the Planning Commission, is determined to be appropriate for the location.

COVERAGE — The percentage of the lot area covered by buildings and structures.

DESIGN STANDARDS — Standards established to protect and enhance the character of the City by regulating various aspects of improvements to existing buildings as well as ensuring that new construction is compatible with its surroundings.**[Added 12-8-2008 by Ord. No. 9-2008]**

DWELLING — Any building arranged, designed or used, in whole or in part, to provide living quarters for one or more families, but not including a tent, mobile home, trailer or recreational vehicle or a room in a hospital, institutional home, hotel, motel, tourist court, boardinghouse or rooming or lodging house.

DWELLING TYPES —

(1) SINGLE-FAMILY DETACHED — A dwelling designed to accommodate one dwelling unit and not joined to any other dwelling units.

(2) SEMIDETACHED — A dwelling containing two dwelling units which are joined side by side by the use of a party wall along a lot line.

(3) ATTACHED — A dwelling containing at least three dwelling units, but not more than six dwelling units, joined side by side by a party wall along a lot line.

(4) APARTMENT — A dwelling containing two or more dwelling units which are joined together but do not have lot lines between the dwelling units.

(a) DUPLEX — An apartment dwelling containing two dwelling units one of which is located above the other.

(b) GARDEN APARTMENT — An apartment structure containing at least three dwelling units but not more than 12 dwelling units and which is not less than two nor more than three stories in height.

(c) RETIREMENT HOME — An apartment structure containing at least three dwelling units but not more than eight dwelling units. Retirement homes may be two stories in height, provided that at-grade access can be accomplished for both levels. Occupancy shall be restricted to those meeting the federal definition of "elderly."

(5) QUADRUPLEX — A dwelling containing four dwelling units which are joined to one another by at least two common party walls and/or attached permanent structures, such as a garage. **[Added 9-13-1999 by Ord. No. 7-99]**

DWELLING UNIT — One or more living and/or sleeping rooms arranged for the use of one or more individuals living as a family, with cooking, living and sanitary facilities, and which is physically separated from any other dwelling units.

FAMILY — One or more persons living together and occupying a dwelling unit.

FAMILY DAY CARE — Care provided for not more than eight children in the provider's home on a daily basis rather than on an overnight basis. (Note: This term is referenced in the definition of "home occupation, special.")**[Added 9-13-1999 by Ord. No. 7-99]**

GROUP HOME — A residence that provides residential services for individuals who, because of developmental disability, require specialized living arrangements; admits at least four but not more than eight individuals; and provides 10 or more hours of supervision per home, per week, or as may hereinafter be defined by the state. (preemptive; state)**[Added 9-13-1999 by Ord. No. 7-99]**

HOME OCCUPATION, CUSTOMARY AND INCIDENTAL — An occupation, profession, activity or use that is clearly a customary, incidental and subordinate accessory use of a residential dwelling unit by a person residing in such dwelling and which does not alter the exterior of the property or affect the residential character of the dwelling or the neighborhood by reason of the activity conducted in the dwelling and for which a zoning certificate can be issued without Board of Appeals approval as a special exception.**[Added 9-13-1999 by Ord. No. 7-99]**

HOME OCCUPATION, SPECIAL — An occupation, profession, activity or use that by the nature of the enterprise or activity is more intense than a customary and incidental home occupation, or where additional

off-street parking is or may be required for the activity by reason of employment of persons who do not reside in the dwelling, or where deliveries and pickup of materials or products may be expected to occur and where Board of Appeals review is determined necessary by the Zoning Administrator to determine whether the particular activity is appropriate and can be approved at the particular location and what conditions, if any, are to be imposed in granting home occupation use as a special exception. "Special home occupation" may include, by way of example, a beauty parlor or barbershop, provided that there is one chair and one resident providing all services associated therewith; family day care provided by a licensed resident; and the professional office of a resident realtor, attorney, accountant, architect, insurance agent or other similar office involving one but not more than two nonresident employees. "Special home occupation" does not include automotive repair and similar-type uses.**[Added 9-13-1999 by Ord. No. 7-99]**

HOTEL — An establishment where lodging is provided for compensation other than in dwelling units and for 20 or more persons. Unless otherwise specified, hotels may serve meals to both occupants and others. For purposes of these regulations, the term "hotel" shall be construed to include a motel, motor court, auto court, tourist court, motor lodge and similar facilities if for 20 or more occupants.

INTERIOR DISTANCE — The minimum distance between two principal buildings located on the same lot.

LOT — A piece or parcel of land occupied or intended to be occupied by a principal building and its accessory buildings and uses, including all open spaces required by this chapter, which has frontage on a street.

LOT AREA — The area contained within the property lines of a lot, excluding space within the street right-of-way.

LOT DEPTH — The average distance between the street right-of-way line and the rear lot line, measured perpendicularly or radially to the street right-of-way line.

LOT OF RECORD — A lot shown upon a subdivision plan recorded in the office of the Clerk of the Circuit Court of Carroll County or a lot or parcel described by metes and bounds, the description of which has been so recorded.

LOT WIDTH AT SETBACK LINE — The distance between the side lot lines of a lot, measured along the building setback line.

LOT WIDTH AT STREET LINE — The distance between the side lot lines of a lot, measured along the adjacent street right-of-way line.

MOBILE HOME PARK — Any site, lot, parcel or tract of land which is designed, used or intended to be a rental location for accommodation of two or more mobile homes for living purposes.

NURSING HOME — A full-time, full-care, residential nursing facility that provides to its residents medical, nursing and health-care services,

along with housing, meals, and assistance with daily personal needs and activities, and is staffed on a full-time basis with such medical, nursing and administrative staff necessary to provide such services to its residents.**[Added 5-12-2003 by Ord. No. 4-2003]**

OLD TOWN — The area of the City of Taneytown known and designated as the Taneytown Historic District, inventory number Carr-1196, by action of the City Council on October 9, 1986.**[Added 12-8-2008 by Ord. No. 9-2008]**

OPEN SPACE — Any parcel or tract of land or area of water essentially unimproved and set aside, dedicated, designed or reserved for public use or for private use in common for owners and occupants of land adjoining or neighboring such open space in a subdivision development or community village. "Open space" does not include streets, alleys, reservations for roads, off-street parking areas (unless exclusively serving the open space), areas set aside for planned public facilities, stormwater management facilities, public utility structures or yards on individual lots.**[Added 9-13-1999 by Ord. No. 7-99]**

OUTDOOR ADVERTISING BUSINESS — Provisions of outdoor displays or display space on a lease or rental basis only.

PARKING SPACE — A storage area for a motor vehicle, said storage area being provided with access to a public street or an approved private street. Each parking space shall have a minimum width of nine feet and a minimum depth of 20 feet, exclusive of access drives, entrances, exits or driving lanes.

PLANNED RESIDENTIAL DEVELOPMENT — An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, the development plan for which does not correspond in lot size, bulk or type of dwelling density, lot coverage and required open space to the regulations established in any one residential district by this chapter.

PRINCIPAL USE, STRUCTURE or BUILDING — The primary use, structure or building located on a lot.

RETIREMENT COMMUNITY AND/OR DWELLING — Residential housing, whether detached or attached, consisting primarily of dwelling units designed for persons 55 years in age or older where occupancy is restricted to persons 55 years or older or to couples where one is 55 years of age or older. The term "retirement dwelling" may include independent housing, semi-independent housing and/or dependent housing, including life care facilities for transitional residency which culminate in full health and continuing care nursing, and may include special support services, such as central dining, limited medical care, laundry services and common recreation and social services for the primary use of the residents.**[Added 9-13-1999 by Ord. No. 7-99]**

SETBACK — The minimum distance by which any portion of a building or structure must be separated from a street right-of-way or property line.**[Added 8-9-1999 by Ord. No. 8-99]**

SHOPPING CENTER — A group of two or more stores planned and designed as an integrated unit with off-street parking and loading provided on the property as an integral part of the unit. Stores shall primarily be for retailing and maintaining of goods but may also include banks, personal service shops, eating and drinking establishments, health clubs, theaters, auditoriums, bowling alleys and skating rinks.

SIGN, ON-SITE — A sign relating in its subject matter to the premises on which it is located or to products, accommodations, services or activities on the premises. On-site signs do not include signs erected by the outdoor advertising industry in the conduct of that business.

STREET — Includes a street, avenue, boulevard, road, highway, freeway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians, whether public or private.

STRUCTURE — Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. This does not include fences; power, gas, water, sewage or communication lines or poles; towers or pole structures; or sidewalks, driveways, curbs, streets or parking areas.

YARD — A required open space unoccupied and unobstructed by any portion of a building or structure from the ground upward and in addition defined as follows:

(1) FRONT YARD — The required open space lying between the principal building and the front property or street right-of-way line, whichever is closer to the principal building, and extending the full width of the lot.

(2) REAR YARD — The required open space lying between the principal building and the rear property or street right-of-way line, whichever is closer to the principal building, and extending the full width of the lot.

(3) SIDE YARD — The required open space between the principal building and the side property line and extending the full depth of the lot. **[Amended 8-9-1999 by Ord. No. 8-99]**

## § 205-2. Schedule of fees, charges and expenses.

The Council shall establish a schedule of fees, charges and expenses and a collection procedure for zoning certificates, appeals and other matters pertaining to this chapter. The schedule of fees shall be posted in the office of the Zoning Administrator and may be altered or amended only by the Council. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

ARTICLE II
**Establishment of Districts**

## § 205-3. Official Zoning Map.

A. The City is hereby divided into zones, or districts, as shown on the Official Zoning Map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this chapter.[36]

B. The Official Zoning Map shall be identified by the signature of the Mayor of the City of Taneytown attested by the City Clerk and bearing the Seal of the City under the following words: "This is to certify that this is the Official Zoning Map referred to in § 205-3 of the Code of Ordinances of the City of Taneytown, Carroll County, Maryland," together with the date of the adoption of this chapter.

C. If, in accordance with the provisions of this chapter and Article 66B of the Annotated Code of Maryland, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, those changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Council, with an entry on the Official Zoning Map as follows: "On (date), by official action of the Council, the following (change) changes were made in the Official Zoning Map: (brief description of nature of change)," which entry shall be signed by the Mayor of the City of Taneytown and attested by the City Clerk. No amendment to this chapter which involves matter portrayed on the Official Zoning Map shall become effective until after that change and entry have been made on the map. **[Amended 8-9-1999 by Ord. No. 8-99]**

D. No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this chapter. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this chapter and punishable as provided under § 205-90.

E. Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the office of the Zoning Administrator shall be the final authority as to the current zoning status of land, water areas, buildings and other structures in the City.[37]

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**36. Editor's Note: Ordinance No. 12-86, adopted February 9, 1987, provided for the repeal of the Official Zoning Map adopted November 9, 1981, and adopted a new Official Zoning Map, the original of which map and appropriate designations and language remain in the same form as set forth in this article. Such Official Zoning Map is on file in the office of the Zoning Administrator.**

**37. Editor's Note: Original Sec. 8-3-12, Replacement of the Official Zoning Map, which immediately followed this section, was deleted 8-9-1999 by Ord. No. 8-99.**

### § 205-4. Interpretation of district boundaries.

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

A. Boundaries indicated as approximately following the center lines of streets, highways or alleys shall be construed to follow those center lines.

B. Boundaries indicated as approximately following platted lot lines shall be construed as following those lot lines.

C. Boundaries indicated as approximately following City limits shall be construed as following those City limits.

D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

E. Boundaries indicated as parallel to, or extensions of, features indicated in Subsections B through D above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

F. Where a district boundary line divides a lot which was in single ownership at the time of passage of this chapter, the Board of Appeals may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot.

G. Should any uncertainty exist, the Board of Appeals shall interpret the intent of the Official Zoning Map as to the exact location of district boundaries.

### § 205-5. Applicability; effect on other regulations; annexations.

A. No building, structure or land shall hereafter be used, occupied, created, erected, constructed, reconstructed or altered except in conformity with the regulations of this chapter.

B. This chapter shall not be deemed to interfere with or abrogate or annul or otherwise affect in any manner whatsoever any ordinances, rules, regulations, permits, easements, covenants or any agreements between parties; provided, however, that where this chapter imposes a greater restriction on the use, occupancy, creation, erection, construction, reconstruction or alteration of any building, structure or land, the provisions of this chapter shall prevail, except to the extent such matter is addressed by Chapter 206 of this Code. **[Amended 12-8-2008 by Ord. No. 9-2008]**

C. The regulations set by this chapter shall be minimum regulations and shall apply uniformly to all buildings, structures and lands within the territorial limits of the City of Taneytown, except no permit shall be issued for any property in “Old Town” without compliance with the

provisions of Section 206 of this Code. **[Amended 12-8-2008 by Ord. No. 9-2008]**

D. All territory which may hereafter be annexed to the City shall remain under the jurisdiction of the Zoning Ordinance of Carroll County for a period of five years from the date of annexation or until such time as a zoning classification change is approved by the Carroll County Commissioners, whichever comes first. After the required five years or approval of the County Commissioners, all such annexed territory shall be considered to be in the R-10,000 District, unless specifically zoned otherwise, and shall be considered to be under the jurisdiction of this chapter.

ARTICLE III
**Nonconforming Lots, Uses, Structures and Premises**

### § 205-6. Intent.

A. If within the districts established by this chapter or subsequent amendment there exist certain nonconformities which were lawful before this chapter was adopted or amended but which would be prohibited, regulated or restricted under the terms of this chapter, it is the intent of this chapter to permit these nonconformities to continue until they are removed but not to encourage their survival.

B. To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this chapter and upon which actual building construction has been carried on diligently.

C. All dwellings which were existing at the time this chapter was adopted or amended, no matter in what zoning district they are located, shall be considered a permitted use in that district.

### § 205-7. Nonconforming lots of record. [Amended 3-8-1993 by Ord. No. 2-93]

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this chapter, notwithstanding limitations imposed by other provisions of this chapter. This provision shall apply even though the lot fails to meet the requirements for lot area or lot width that are generally applicable in the district, provided that yard, height and all other requirements shall conform to the regulations for the district in which the lot is located. No portion of said parcel shall be used or transferred in any manner which diminishes compliance with lot width and area requirements established by this chapter, nor shall any division of any parcel be made which creates a lot width or area below the requirements stated in this chapter.

### § 205-8. Nonconforming use of land.

If at the time of adoption of this chapter a lawful use of land exists which would not be permitted by the regulations imposed by this chapter, and where the use involves no individual structure with a replacement cost exceeding $1,000, the use may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No such nonconforming use shall be enlarged in either area of land occupied or scope of use provided on the effective date of adoption or amendment of this chapter.

B. No such nonconforming use shall be moved in whole or in part to any portion of the lot other than that area occupied by the use on the effective date of adoption or amendment of this chapter.

C. If any such nonconforming use of land ceases for any reason for a period of more than 12 consecutive months, any subsequent use of the land shall conform to the regulations of the district in which the land is located. The Board of Appeals may, by granting a special exception, extend this time period to 24 consecutive months where a specific case warrants such action.

D. No additional structure not conforming to the requirements of this chapter shall be erected in connection with any nonconforming use of land.

### § 205-9. Nonconforming structures.

Where a lawful structure exists at the effective date of adoption or amendment of this chapter that could not be built under the terms of this chapter by reason of restrictions on area, lot coverage, height, yards, its location on the lot or other requirements concerning the structure, the structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity.

B. Should any nonconforming structure be moved for any distance whatever, it shall thereafter conform to the regulations for the district in which it is moved.

C. Any nonconforming structure which has been involuntarily damaged or destroyed may be rebuilt at the same location and occupied for the same use as before the damage, provided that the reconstructed structure shall not be larger than the damaged structure, and the reconstruction shall start within one year from the time of damage to the structure.

### § 205-10. Nonconforming use of a structure or structure and premises in combination. [Amended 12-12-1983 by Ord. No. 13-83]

If lawful use involving individual structures with a replacement cost of $1,000 or more, or of structures and premises in combination, exists at the effective date of adoption or amendment of this chapter that would not be allowed in the district under the terms of this chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. The Board of Appeals may permit a nonconforming structure or use to expand on its lot subject to the setback regulations of the zoning district, provided that the expansion of a nonconforming structure or use shall be limited to the lot limits which existed on the property

in question at the time of adoption of this chapter. In permitting any expansion, the Board may require appropriate conditions and safeguards in accordance with the provisions of this chapter. Any expansion to existing attached dwellings, where considered a nonconforming use or structure:

(1) Shall not extend to a depth of 14 feet from the original dwelling;

(2) Shall not exceed one story in height;

(3) Shall have two side yards with a minimum width of three feet each, except that one side of said expansion may be built along the adjoining attached dwelling unit or the property line of the adjoining attached dwelling unit, provided that a fire wall is constructed along said property line or adjacent dwelling unit;

(4) Shall be within the boundary of the existing lot; and

(5) Shall be attached to the rear of the original building only.

B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this chapter.

C. If no structural alterations are made, any nonconforming use of a structure or structure and premises may be changed to any other nonconforming use if the Board of Appeals shall, in granting a special exception, find that the proposed nonconforming use is not more detrimental to the district than the existing nonconforming use. In permitting this change, the board may require appropriate conditions and safeguards in accord with the provisions of this chapter.

D. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.

E. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for 12 consecutive months (except when government action impedes access to the premises), the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located. The Board of Appeals may, by granting a special exception, extend this time period to 24 consecutive months where a specific case warrants such action.

### § 205-11. Repairs and maintenance.

Nothing in this chapter shall prohibit any repairs, maintenance or remodeling of any nonconforming building or structure, provided that such does not make the building or structure more nonconforming in terms of the regulations of this chapter. Further, nothing in this chapter shall be deemed

to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of the official.

### § 205-12. Special exception uses.

Any use which is permitted as a special exception in a district under the terms of this chapter (other than a change through the Board of Appeals action from a nonconforming use to another use not generally permitted in the district) shall not be deemed a nonconforming use in that district but shall without further action be considered a conforming use.

### § 205-13. Registration of nonconforming uses and structures.

A. All nonconforming uses and nonconforming structures in existence on the effective date of this chapter shall be registered by the Zoning Administrator within one year from the effective date. If, by amendment, a use or structure which was lawfully in existence prior to the effective date of said amendment becomes by operation of that amendment a nonconforming use or structure, that nonconforming use or structure shall be registered by the Zoning Administrator within one year from the effective date of the amendment. Any nonconforming use or nonconforming structure not registered within the one-year period shall be deemed to be discontinued at the expiration of the one-year period for the purposes of this chapter.

B. Registration shall be accomplished by completing a registration statement in such form as the Zoning Administrator may prescribe. It shall contain a description of the existing use and existing structure, a designation of the zoning district and any additional information as may be required by the Zoning Administrator.

C. Before permitting registration of any nonconforming use or nonconforming structure, the Zoning Administrator may, at his or her discretion, examine or cause to be examined all buildings, structures, signs or land and portions thereof for which the proposed registration statement has been filed.

ARTICLE IV
**District Regulations**

## § 205-14. R-6,000 District. [Amended 4-11-1988 by Ord. No. 1-88]

A. Intent. The purpose of this district is to provide for a downtown residential area adjacent to the Central Business District of the City.

B. Permitted uses: **[Amended 9-13-1999 by Ord. No. 7-99]**

(1) Single-family detached dwellings.

(2) Semidetached dwellings.

(3) Attached dwellings.

(4) Apartment dwellings.

(5) Churches, schools and colleges.

(6) Buildings and properties of a cultural, civic, educational, social or community-service type, such as libraries, playgrounds or community centers.

(7) Cemeteries, hospitals, clinics and convalescent homes.

(8) Customary accessory uses and buildings incidental to any of the above permitted uses, including home occupations, customary and incidental.

C. The following uses are permitted as special exceptions upon approval by the Board of Appeals as outlined in Article XI of this chapter: **[Amended 9-13-1999 by Ord. No. 7-99]**

(1) Private clubs of a nonprofit nature and similar recreational uses privately owned and/or operated.

(2) Conversion of a single-family detached dwelling.

D. Lot and yard requirements. The following dimensions shall be provided for every dwelling unit and principal nonresidential building hereafter erected or altered for any use permitted in this district. Where these minimum requirements differ from minimum state regulations, the more restrictive requirements shall apply.

(1) Lot area per dwelling unit or per nonresidential use, lot width, lot depth and yard depths shall be as shown in the following table:

| Use | Lot Area Per Dwelling Unit or Use | Lot Width at Street Line (feet) | Setback Line (feet) | Front Yard Depth (feet) | Side Yard Width, Each Side Yard (feet) | Rear Yard Depth (feet) |
|---|---|---|---|---|---|---|
| Single-family detached dwelling unit | 6,000 square feet | 40 | 60 | -- | 10 | 25 |
| Semi-detached dwelling unit | 4,000 square feet | 24 | 35 | -- | 10 | 25 |
| Attached dwelling unit | 2,000 square feet | 12 | 18 | -- | 10 | 25 |
| Apartment | | | | | | |
| Duplex dwelling unit | 4,000 square feet | 50 | 70 | -- | 10 | 25 |
| Garden apartment dwelling unit | 2,500 square feet | 100 | 100 | 15 | 10 | 25 |
| Church | 10,000 square feet | 60 | 60 | -- | 10 | 25 |
| School, college and hospital | 5 acres | 200 | 200 | 30 | 10 | 25 |
| Convales-cent home | 1 acre | 150 | 150 | 30 | 10 | 25 |
| Other permitted uses | 10,000 square feet | 60 | 60 | 30 | 10 | 25 |

(2) Although no front yard is required, for the purposes of this district, the lot width at setback line shall be measured at 25 feet from the public or private street.

(3) Lot depth shall be 100 feet.

(4) Interior distance shall be 35 feet.

(5) On every corner lot, there shall be provided along one of the adjacent streets a front yard equal in depth to the required side yard of similar structures within the district.

E. Building height. The maximum building height for all principal buildings shall be 35 feet.

F. Parking and loading requirements. Off-street parking and loading requirements shall be subject to Article VI of this chapter.

G. Signs. All signs shall be subject to Article VII of this chapter.

**§ 205-15. R-7,500 District. [Amended 12-9-1985 by Ord. No. 8-85; 9-22-1986 by Ord. No. 8-86; 4-11-1988 by Ord. No. 2-88; 7-11-1988 by Ord. No. 10-88; 10-9-1989 by Ord. No. 10-89; 1-22-1990 by Ord. No. 2-90; 8-13-1990 by Ord. No. 11-90]**

A. Intent. The purpose of this district is to provide for a low-density residential district in harmony with existing conditions where municipal services, commercial facilities and other urban amenities are most readily available.

B. Permitted uses: **[Amended 9-13-1999 by Ord. No. 7-99]**

(1) Single-family detached dwellings.

(2) Community villages subject to the provisions of § 205-35.1.

(3) Churches, schools and colleges.

(4) Buildings and properties of a cultural, civic, educational, social or community-service type, such as libraries, playgrounds or community centers.

(5) Agriculture, except animal husbandry.

(6) Cemeteries, hospitals, clinics and convalescent homes.

(7) Customary accessory uses and buildings incidental to any of the above permitted uses, including home occupations, customary and incidental.

C. The following uses are permitted as special exceptions upon approval by the Board of Appeals, as outlined in Article XI of this chapter: **[Amended 9-13-1999 by Ord. No. 7-99]**

(1) Private clubs of a nonprofit nature and similar recreational uses privately owned and/or operated.

(2) Home occupations, special.

(3) Conversion of a single-family detached dwelling.

(4) Apartment dwellings and retirement homes.

(5) Semidetached dwellings.

D. Lot and area requirements. The following dimensions shall be provided for every dwelling unit and principal nonresidential building hereafter erected or altered for any use permitted in this district. Where these minimum requirements differ from the minimum state regulations, the more restrictive requirements shall apply.

(1) Lot area per dwelling unit or per nonresidential use, lot width, lot depth and yard depths shall be as shown in the following table:

| Use | Lot Area Per Dwelling Unit or Use | Lot Width at Street Line (feet) | Setback Line (feet) | Front Yard Depth (feet) | Side Yard Width, Each Side Yard (feet) | Rear Yard Depth (feet) |
|---|---|---|---|---|---|---|
| Single-family detached dwelling unit | 7,500 square feet | 40 | 60 | 35 | 10 | 25 |
| Semi-detached dwelling unit | 5,000 square feet | 30 | 40 | 35 | 10 | 25 |
| Garden apartment dwelling unit | 4,000 square feet | 150 | 100 | 105 | 25 | 25 |
| Retirement home | 4,000 square feet | 250 | 250 | 50 | 50 | 50 |
| Church | 2 acres | 200 | 200 | 35 | 25 | 25 |
| School, elementary | 5 acres | 400 | 400 | 35 | 25 | 25 |
| School, high | 10 acres | 500 | 500 | 35 | 25 | 25 |
| College | 15 acres | 500 | 500 | 35 | 25 | 25 |
| Hospital | 5 acres | 400 | 400 | 35 | 25 | 25 |

| Use | Lot Area Per Dwelling Unit or Use | Lot Width at Street Line (feet) | Setback Line (feet) | Front Yard Depth (feet) | Side Yard Width, Each Side Yard (feet) | Rear Yard Depth (feet) |
|---|---|---|---|---|---|---|
| Convales-cent home | 1 acre | 100 | 100 | 35 | 25 | 25 |
| Other permitted uses | 1 acre | 100 | 100 | 35 | 25 | 25 |

(2) Lot depth shall be 100 feet.

(3) Interior distance shall be 50 feet.

(4) On every corner lot there shall be provided, along one of the adjacent streets, a front yard equal in depth to the required front yard of similar structures within the district.

E. Building height. The maximum building height for all principal buildings shall be 35 feet.

F. Parking and loading requirements. Off-street parking and loading requirements shall be subject to Article VI of this chapter.

G. Signs. All signs shall be subject to Article VII of this chapter.

### § 205-16. R-10,000 District. [Amended 4-11-1988 by Ord. No. 3-88; 8-13-1990 by Ord. No. 15-90]

A. Intent. The purpose of this district is to provide for a low-density residential district in harmony with existing conditions where municipal services and other amenities are available but commercial services are mostly associated with automobile shopping.

B. Permitted uses: **[Amended 9-13-1999 by Ord. No. 7-99]**

(1) Single-family detached dwellings.

(2) Community villages subject to the provisions of § 205-35.1.

(3) Churches, schools and colleges.

(4) Buildings and properties of a cultural, civic, educational, social or community-service type, such as libraries, playgrounds or community centers.

(5) Agriculture, except animal husbandry.

(6) Cemeteries, hospitals, clinics and convalescent homes.

(7) Customary accessory uses and buildings incidental to any of the above permitted uses, including home occupations, customary and incidental.

C. The following uses are permitted as a special exception upon approval by the Board of Appeals as outlined in Article XI of this chapter:

(1) Golf courses, country clubs, private clubs of a nonprofit nature and similar recreational uses privately owned and/or operated.

(2) Home occupations. **[Added 8-9-1999 by Ord. No. 8-99]**

D. Lot and yard requirements. The following dimensions shall be provided for every dwelling unit and principal nonresidential building hereafter erected or altered for any use permitted in this district. Where these minimum requirements differ from minimum state regulations, the more restrictive requirements shall apply.

(1) Lot area per dwelling unit or per nonresidential use, lot width, lot depth and yard depths shall be as shown in the following table:

| Use | Lot Area Per Dwelling Unit or Use | Lot Width at Street Line (feet) | Setback Line (feet) | Front Yard Depth (feet) | Side Yard Width, Each Side Yard (feet) | Rear Yard Depth (feet) |
|---|---|---|---|---|---|---|
| Single-family detached dwelling unit | 10,000 square feet | 50 | 75 | 35 | 10 | 25 |
| Church | 2 acres | 200 | 200 | 55 | 50 | 50 |
| School, elementary | 5 acres | 400 | 400 | 55 | 50 | 50 |
| School, high | 10 acres | 500 | 500 | 55 | 50 | 50 |
| College | 15 acres | 500 | 500 | 55 | 50 | 50 |
| Hospital | 5 acres | 400 | 400 | 55 | 50 | 50 |
| Convalescent home | 1 acre | 150 | 150 | 55 | 30 | 50 |
| Other permitted uses | 1 acre | 100 | 100 | 55 | 25 | 50 |

(2) Lot depth shall be 100 feet.

(3) Interior distance shall be 50 feet.

(4) On every corner lot, there shall be provided along each of the adjacent streets a front yard equal in depth to the required front yard of similar structures within the district.

E. Building height. The maximum building height for all principal buildings shall be 35 feet.

F. Parking and loading requirements. Off-street parking and loading requirements shall be subject to Article VI of this chapter.

G. Signs. All signs shall be subject to Article VII of this chapter.

### § 205-17. R-20,000 District. [Amended 8-13-1990 by Ord. No. 13-90]

A. Intent. The purpose of this district is to provide for a low-density residential district in harmony with existing conditions where municipal services and other amenities are available but no commercial services are available.

B. Permitted uses: **[Amended 9-13-1999 by Ord. No. 7-99]**

(1) Single-family detached dwellings.

(2) Community villages subject to the provisions of § 205-35.1.

(3) Churches, schools and colleges.

(4) Buildings and properties of a cultural, civic, educational, social or community-service type, such as libraries, playgrounds or community centers.

(5) Agriculture, except animal husbandry.

(6) Cemeteries, hospitals, clinics and convalescent homes.

(7) Customary accessory uses and buildings incidental to any of the above permitted uses, including home occupations, customary and incidental.

C. The following uses are permitted as a special exception upon approval by the Board of Appeals as outlined in Article XI of this chapter:

(1) Golf courses, country clubs, private clubs of a nonprofit nature and similar recreational uses privately owned and/or operated.

D. Lot and yard requirements. The following dimensions shall be provided for every dwelling unit and principal nonresidential building hereafter erected or altered for any use permitted in this district. Where these minimum requirements differ from minimum state regulations, the more restrictive requirements shall apply.

(1) Lot area per dwelling unit or per nonresidential use, lot width, lot depth and yard depths shall be as shown in the following table:

| Use | Lot Area Per Dwelling Unit or Use | Lot Width at Street Line (feet) | Setback Line (feet) | Front Yard Depth (feet) | Side Yard Width, Each Side Yard (feet) | Rear Yard Depth (feet) |
|---|---|---|---|---|---|---|
| Single-family detached dwelling unit | 20,000 square feet | 75 | 100 | 40 | 12 | 50 |
| Church | 2 acres | 200 | 200 | 100 | 50 | 50 |
| School, elementary | 5 acres | 400 | 400 | 150 | 100 | 50 |
| School, high | 10 acres | 500 | 500 | 150 | 100 | 50 |
| College | 15 acres | 500 | 500 | 150 | 100 | 50 |
| Other permitted uses | 1 acre | 200 | 200 | 100 | 50 | 50 |

(2) Lot depth shall be 150 feet.

(3) Interior distance shall be 75 feet.

(4) On every corner lot there shall be provided along each of the adjacent streets a front yard equal in depth to the required front yard of similar structures within the district.

E. Building height. The maximum building height for all principal buildings shall be 35 feet.

F. Parking and loading requirements. Off-street parking and loading requirements shall be subject to Article VI of this chapter.

G. Signs. All signs shall be subject to Article VII of this chapter.

## § 205-18. R-40,000 District. [Amended 8-13-1990 by Ord. No. 14-90]

A. Intent. The purpose of this district is to provide for a low-density residential district in harmony with existing conditions where municipal services and other amenities are available but other uses or activities are permitted.

B. Permitted uses:

(1) Single-family detached dwellings.

(2) Customary accessory uses and buildings incidental to single-family detached dwellings.

(3) Agriculture, except animal husbandry.

C. The following uses are permitted as a special exception upon approval by the Board of Appeals as outlined in Article XI of this chapter:

(1) Golf courses, country clubs, private clubs of a nonprofit nature and similar recreational uses privately owned and/or operated.

D. Lot and yard requirements. The following dimensions shall be provided for every dwelling unit and principal nonresidential building hereafter erected or altered for any use permitted in this district. Where these minimum requirements differ from minimum state regulations, the more restrictive requirements shall apply.

(1) Lot area per dwelling unit or per nonresidential use, lot width, lot depth and yard depths shall be as shown in the following table:

| Use | Lot Area Per Dwelling Unit or Use | Lot Width at Street Line (feet) | Setback Line (feet) | Front Yard Depth (feet) | Side Yard Width, Each Side Yard (feet) | Rear Yard Depth (feet) |
|---|---|---|---|---|---|---|
| Single-family detached dwelling unit | 40,000 square feet | 125 | 150 | 60 | 20 | 50 |
| Other permitted uses | 3 acres | 400 | 400 | 200 | 150 | 100 |

(2) Lot depth shall be 200 feet.

(3) Interior distance shall be 100 feet.

(4) On every corner lot there shall be provided along each of the adjacent streets a front yard equal in depth to the required front yard of similar structures within the district.

E. Building height. The maximum building height for all principal buildings shall be 35 feet.

F. Parking and loading requirements. Off-street parking and loading requirements shall be subject to Article VI of this chapter.

G. Signs. All signs shall be subject to Article VII of this chapter.

### § 205-19. Downtown Business District. [Amended 2-8-1999 by Ord. No. 1-99; 2-14-2000 by Ord. No. 1-2000; 3-10-2003 by Ord. No. 1-2003; 1-12-2004 by Ord. No. 11-2003]

A. Intent. The purpose and intent of this district is to provide logical locations for retail services needed by neighborhood populations. The permitted use should generate low vehicular traffic with minimum vehicular parking needs and create few objectionable influences for nearby neighbors. It is intended that such services shall not include any manufacturing and production by powered machine or wholesale distribution facilities or services or storage areas.

B. Permitted uses:

(1) Retail businesses involving the sale of merchandise and/or services located entirely within a building as follows:

(a) Home furnishings and accessories:

[1] Furniture.

[2] Dishes, china, cookware, glassware.

[3] Home accessories.

[4] Drapes and curtains.

[5] Kitchen stores.

[6] Bed, bath and linen.

[7] Floor coverings.

[8] Lamps and lighting.

[9] Closet and storage/container stores.

[10] Wallpaper/wall coverings and/or removing and hanging of wallpaper.

[11] Other similar uses.

(b) Special interests:

[1] Art and craft, hobby stores.

[2] Sports goods.

[3] Toys and games.

[4] Art gallery.

[5] Collectibles.

[6] Science; nature, wild bird supply sales.

[7] Camera sales; photographic and camera supply stores and studios.

[8] Bridal shop and/or wedding supplies.

[9] Hobby stores.

[10] Antique shops.

[11] Pottery creations and sales.

[12] Builder/remodeling sales showroom.

[13] Tack and equestrian shops.

[14] Other similar businesses.

(c) Consignment and other shops for the sale of used items of a similar nature as otherwise permitted in this section.

(d) Gifts/specialty.

[1] Books.

[2] Newspapers and magazines.

[3] Decorative accessories.

[4] Christmas decorations.

[5] Baby supply.

[6] Candles and/or aromatherapy.

[7] Luggage and leather goods.

[8] Stationery.

[9] Imports.

[10] Florist.

[11] Jewelry.

[12] Medical health and wellness supply.

[13] Office supply.

[14] Other similar businesses.

(e) Food sales:

[1] Candy stores.

[2] Delicatessens and carry-out foods.

[3] Bakery.

[4] Coffee and/or tea.

[5] Health foods and food supplements.

[6] Grocery.

[7] Seafood sales establishments.

[8] Butcher shops.

[9] Yogurt, ice cream and/or dessert parlors.

[10] Health foods and food supplements.

[11] Other similar businesses.

(f) Food service:

[1] Restaurants with/without liquor.

[2] Pubs/bars that also serve food and provide entertainment.

[3] Fast food with no parking or drive-through windows.

[4] Other similar businesses.

(g) Home appliances/music/video:

[1] Music/record/tape/cd/DVD shops.

[2] Video rental shops.

[3] Musical instrument dealers.

[4] Piano and organ repair, sales and/or moving.

[5] Other similar businesses.

(h) Clothing and accessories:

[1] Clothing stores.

[2] Shoe stores.

[3] Hats.

[4] Children and infants wear.

[5] Other similar businesses.

(i) Personal service.

[1] Hair and beauty establishments.

[2] Shoe repair.

[3] Tailor.

[4] Mailing packaging.

[5] Weight loss center.

[6] Dry-cleaning, self service and/or laundry self service.

[7] Tax preparation.

[8] Bicycle repair and sales shops.

[9] Locksmith shops.

[10] Medical/dental/chiropractic offices.

[11] Government/professional/general offices.

[12] Secretarial and/or telephone answering services.

[13] Other similar businesses.

(j) Other retail:

[1] Custom printing and reproduction shops.

[2] Pet grooming establishments, nonboarding.

[3] Funeral homes and mortuaries.

[4] Physical fitness facilities.

[5] Public buildings, structures and properties of the recreational, cultural, institutional, educational, administrative or public service type, including fire, ambulance or rescue squad.

[6] Radio and television studios.

[7] Electronic sales and service shops.

[8] Schools: nursery schools, business, dancing, music, art, trade or others of a commercial nature.

[9] Sign-painting shops.

[10] Social clubs, fraternal organizations and community meeting halls.

[11] Tailor shops.

[12] Theaters and private assembly halls.

[13] Telephone central offices or service centers.

[14] Upholstery shops.

[15] Customary accessory uses and buildings incidental to any of the above permitted uses.

[16] Hardware stores.

[17] Other similar businesses.

(k) Financial and employment:

[1] Banks, ATM, and savings and loans with no drive-through service.

[2] Brokerages.

[3] Mortgage services.

[4] Real estate agencies.

[5] Consultants.

[6] Employment agencies.

[7] Employment training services.

[8] Computer dealers and/or service repair.

[9] Computer graphics.

[10] Computer supplies and parts.

[11] Computer training.

[12] Website creations.

[13] Other similar businesses.

(2) Residential:

(a) Single-family detached dwellings.

C. The following uses are permitted as a special exception upon approval by the Board of Appeals as outlined in Article XI of this chapter.

(1) Conversion of a single-family detached dwelling into an apartment.

(2) Apartments.

(3) Child-care and adult-care centers.

(4) Banks and savings and loans with drive-through windows.

(5) Churches, synagogues, and other places of worship.

(6) Alcoholic beverage package stores.

(7) Video/arcade or amusement centers.

(8) Appliance stores.

(9) Carpenter shops.

(10) Department stores.

(11) Microbreweries and pub-breweries licensed under Article 2B of the Annotated Code of Maryland.

(12) Newspaper publishing establishments.

(13) Pet shops.

(14) Public utility buildings, structures or uses, including radio, television and other communications facilities.

(15) Bed-and-breakfast inns.

(16) Hand-carved furniture fabrication and/or repair and restoration.

(17) Blood bank centers and testing.

(18) Appliances, major dealers and service repair.

(19) Veterinarian, nonboarding.

D. Lot and yard requirements.

(1) No minimum lot area, lot width or lot depth is required.

(2) No minimum lot coverage is required.

(3) No minimum front yard is required.

(4) A side yard is not required except when adjacent to a residential district, in which case eight feet are required.

(5) A rear yard is not required except when adjacent to a residential district, in which case 25 feet are required.

(6) The maximum height of a building shall be 35 feet.

E. Parking and loading requirements. Parking and loading requirements shall be subject to Article VI of this chapter. No drive-through access to any establishment allowing service directly to anyone in a vehicle shall be permitted.

F. Signs. All signs shall be subject to Article VII of this chapter.

### § 205-20. General Business District. [Amended 6-14-1982 by Ord. No. 4-82; 8-9-1999 by Ord. No. 8-99; 12-13-1999 by Ord. No. 9-99; 5-12-2003 by Ord. No. 5-2003; 1-12-2004 by Ord. No. 12-2003]

A. Intent. The purpose of this district is to facilitate commercial enterprises which are definitely enhanced by proximity to major roads,

are associated with automobile shopping and are not particularly compatible with retail business within a neighborhood.

B. Permitted uses:

(1) All commercial activities permitted in the Downtown Business District.

(2) Hotel and motels.

(3) Drive-in restaurants and movie theaters.

(4) Automobile, trailer or implement sales and service.

(5) Bowling alleys, skating rinks or swimming pools.

(6) Shopping centers.

(7) Retail farming and building supply stores.

(8) Car washes.

(9) Agriculture, except animal husbandry.

(10) Automobile service stations.

(11) Nursing homes.

(12) Assisted-living facilities.

(13) Light industrial uses, such as high-tech machine shops; research and development uses; bio-tech research; warehousing; service businesses; manufacture and assembly of heating and cooling equipment, electronic appliances, electronics, communication equipment, professional, scientific, and controlling instruments; and photographic and optical products, provided that: **[Added 5-8-2006 by Ord. No. 12-2005[38]; amended 1-9-2017 by Ord. No. 30-2016]**

(a) The subject property is located adjacent to a Restricted Industrial District or has an existing structure which lacks frontage on a major street;

(b) The manufacture or assembly use shall be conducted entirely within the enclosed structure;

(c) Storage of materials outside the enclosed structure must be screened from streets and adjacent properties;

(d) The use does not inflict upon surrounding property offensive odor, dust, gas, fumes, smoke, soot, heat, glare, explosions,

**38. Editor's Note: This ordinance also renumbered former Subsection B(13) as B(14), which follows.**

liquids, waste, noise, vibrations, radiation, cinders, lighting and disturbances; or environmental hazards;

(e) A layout plan detailing the specific use of the property be submitted to the Zoning Administrator.

(14) Customary accessory uses and buildings incidental to any of the above permitted uses.

C. The following uses are permitted as special exceptions upon approval by the Board of Appeals as outlined in Article XI of this chapter.

(1) One dwelling unit located in a building containing a permitted commercial use.

(2) Conversion of a single-family detached dwelling.

(3) Game rooms, arcades or other establishments housing amusement devices, whether coin-operated or otherwise. "Amusement devices," for purposes of this subsection, shall be defined as any device requiring a license as defined under Chapter 72, Amusement Devices, of this Code.

(4) Any use of any premises in this district wherein there are more than three amusement devices, as defined under Chapter 72, Amusement Devices, of this Code, which require an amusement device license physically present on the premises, whether or not said amusement devices constitute the principal use of the premises or an accessory use thereof.

(5) Commercial sports facilities. **[Added 3-8-2010 by Ord. No. 2-2010]**

D. Lot and yard requirements.

(1) No minimum lot area, lot width or lot depth is required.

(2) Maximum lot coverage is 60%.

(3) The front yard will be a minimum of 40 feet.

(4) A side yard is not required except when adjacent to a residential district, in which case 50 feet is required.

(5) A rear yard is not required except when adjacent to a residential district, in which case 50 feet is required.

(6) Except when special exception is granted, the maximum height of a building shall be 35 feet.

(7) On every corner lot there shall be provided along each of the adjacent streets a front yard equal in depth to the front yard of similar structures within the district.

E. Parking and loading requirements. Off street parking and loading requirements shall be subject to Article VI of this chapter.

F. Signs. All signs shall be subject to Article VII of this chapter.

### § 205-21. Restricted General Business District. [Added 2-8-1999 by Ord. No. 2-99]

A. Intent. The purpose of this district is to provide logical locations for retail services needed by the City's population. The permitted use should generate low pedestrian and vehicular traffic and create no objectionable impact on nearby residential areas.

B. Permitted uses:

(1) Retail businesses involving the sale of merchandise and/or services within a building as follows:

(a) Antique shops.

(b) Candy stores.

(c) Ice cream parlors.

(d) Florist shops.

(e) Gift or curio shops.

(f) Grocery stores.

(g) Hobby and/or toy stores.

(h) Music/record shops.

(i) Video rental stores.

(j) Photographic and camera supply stores and studios.

(k) Coffee/tea/sandwich shops.

(l) Jewelry stores.

(2) Businesses involving the rendering of a personal service or the repair and service of small equipment, specifically including:

(a) Banks.

(b) Hair and beauty establishments.

(c) Bicycle repair and sales shops.

(d) Medical/dental/chiropractic offices/clinics.

(e) Government/professional/general offices.

(f) Secretarial and/or telephone answering service.

C. The following is permitted as a special exception by the Board of Appeals: child and adult care centers.

D. Lot and yard requirements.

(1) No minimum lot area, lot width or depth is required.

(2) Maximum lot coverage is 60%.

(3) No addition to the front of existing buildings shall be permitted. When a new building is erected, the front yard setback will be 35 feet.

(4) A rear yard is not required.

(5) Building height shall not exceed 35 feet.

E. Limitations.

(1) Not more than 5,000 square feet of area within any building shall be used in any manner for any business purpose, including retail sales areas, office and storage areas or any other part of any building in any way related to business operations.

(2) No sales or other business shall be conducted outside of the building on the premises.

(3) No drive-through access to any establishment allowing service directly to anyone in a vehicle shall be permitted.

F. Parking and loading. Parking and loading requirements shall be subject to Article VI of this chapter.

G. Signs. All signs shall be subject to Article VII of this chapter.

### § 205-22. Restricted Industrial District. [Amended 8-13-1984 by Ord. No. 7-84; 8-9-1999 by Ord. No. 8-99;12-13-1999 by Ord. No. 9-99; 1-12-2004 by Ord. No. 13-2003]

A. Intent. The purpose of this district is to provide locations for light manufacturing processes. For the most part, these industrial activities include the processing or assembly of previously processed materials.

B. Permitted uses:

(1) Manufacture and assembly of electrical appliances, electronics and communication equipment, professional scientific and controlling instruments and photographic or optical products.

(2) Manufacturing, compounding, assembling or treatment of articles or merchandise from previously prepared materials, such as bone, cloth, fur, cork, fiber, canvas, leather, cellophane, paper, glass, plastics, horn, stone, shells, tobacco, wax, textiles, yarns, wood and

metals, including light steel or other light metal, light metal mesh, pipe, rods, shapes, strips, wire or similar component parts.

(3) Manufacturing, compounding, processing, packaging or treatment of cosmetics, pharmaceuticals, milling feeds and food products, except fish and meat products, sauerkraut, vinegar, yeast and the rendering or refining of fats and oils.

(4) Manufacture, sales and service of agricultural machinery.

(5) Manufacture of musical instruments, novelties and molded rubber products.

(6) Manufacture of pottery or other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas.

(7) Research, development and testing laboratories, chemical, physical and biological.

(8) Lumber and fuel distribution yards.

(9) Truck or motor freight terminals.

(10) Warehouses.

(11) Agriculture, except animal husbandry.

(12) Construction and maintenance office and site.

(13) Customary accessory uses and buildings incidental to any of the above permitted uses.

C. The following uses are permitted as a special exception upon approval by the Board of Appeals as outlined in Article XI of this chapter:

(1) One dwelling unit located in a building containing a permitted use.

(2) Conversion of an existing single-family detached dwelling to industrial or industrial-related use.

(3) Commercial sports facilities. **[Added 3-8-2010 by Ord. No. 2-2010]**

D. Lot and yard requirements.

(1) No minimum lot area, lot width or lot depth is required.

(2) Maximum lot coverage is 60%.

(3) The front yard will be a minimum of 50 feet.

(4) A side yard is not required except when adjacent to a residential district, in which case 50 feet is required.

(5) A rear yard is not required except when adjacent to a residential district, in which case 50 feet is required.

(6) Except when special exception is granted, the maximum height of a building shall be 50 feet.

(7) On every corner lot there shall be provided along each of the adjacent streets a front yard equal in depth to the front yard of similar structures within the district.

E. Parking and loading requirements. Off-street parking and loading requirements shall be subject to Article VI of this chapter.

F. Signs. All signs shall be subject to Article VII of this chapter.

G. Industrial performance standards. If, in the opinion of the Zoning Administrator, any proposed industrial use could create a fire hazard or emit smoke, noise, odor or dust or could produce other results which could be obnoxious or detrimental to other properties either because of the productive process or the suitability of the site, the Zoning Administrator shall refer the proposed use to the Board of Appeals. The Board shall determine if any of these conditions would or would not be created by the proposed use. If the Board determines that any of these conditions would be created, it shall require assurances, by means of special design of the structure or processing procedures or equipment, that the detrimental conditions will not be created. The Board may require the posting of sufficient bond, with corporate surety, or such other assurances that it may deem satisfactory to guarantee that those conditions will not be created or, if created, will be eliminated.

## § 205-23. Open Space Zone. [Amended 9-9-1996 by Ord. No. 9-96]

A. Purpose. The purpose of this zone is to provide for areas where open space is preserved with all development or improvements in the zone toward the goal of providing parks, recreation areas, forests and other natural areas.

B. Permitted uses. No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained except for one or more of the following uses:

(1) Accessory uses and buildings customarily incidental to any permitted use in this section.

(2) Agriculture, to the extent of lawful cultivation of crops only.

(3) Forests, forestation and wildlife preserves.

(4) Publicly owned or government-operated buildings and uses.

(5) Publicly owned or private parks of a nonprofit nature, including campgrounds, golf courses, riding trials, country clubs, game

preserves and similar uses for the purpose of preserving and enjoying the natural resources of the property.

(6) Water supply works, wells, flood control or watershed protection works and fish and game hatcheries.

C. Special exceptions. The following uses may be permitted by special exception in accordance with the provisions of this chapter:

(1) Tree farms and cultivation of timber or shrubbery intended for harvest, sale, removal or clearing.

(2) Summer or winter resort areas, hunting, fishing or country clubs.

(3) Greenhouses and related structures.

(4) Public utility buildings or structures.

D. Lot and yard requirements. The following dimensions shall be provided for every dwelling unit and principal nonresidential building hereafter erected or altered for any use permitted in this district. Where these minimum requirements differ from minimum state regulations, the more restrictive requirements shall apply.

(1) Lot area per dwelling unit or per nonresidential use, lot width, lot depth and yard depths shall be as shown in the following table:

| Use | Lot Area Per Use | Lot Width at Street Line (feet) | Setback Line (feet) | Front Yard Depth (feet) | Side Yard Width, Each Side Yard (feet) | Rear Yard Depth (feet) |
|---|---|---|---|---|---|---|
| Other permitted uses | 3 acres | 400 | 400 | 200 | 150 | 100 |

(2) Lot depth shall be 200 feet.

(3) Interior distance shall be 100 feet.

(4) On every corner lot there shall be provided along each of the adjacent streets a front yard equal in depth to the required front yard of similar structures within the district.

E. Building height. The maximum building height for all principal buildings shall be 35 feet.

F. Parking and loading requirements. Off-street parking and loading requirements shall be subject to Article VI of this chapter.

G. Signs. All signs shall be subject to Article VII of this chapter.

ARTICLE V
**Supplementary District Regulations**

### § 205-24. Accessory buildings or structures. [Amended 10-11-1982 by Ord. No. 9-82]

An accessory structure shall not be erected within 10 feet of a street line or five feet of any other property line or within a front yard of any property and shall not exceed 15 feet in height or occupy more than 30% of a required rear yard. The setback requirements of this section shall not apply to attached dwelling units as defined in this chapter. No more than two accessory buildings or structures shall be allowed on any lot on which there is located an attached dwelling as defined in this chapter.

### § 205-25. More than one principal building per lot.

In any district, more than one principal building housing a permitted principal use may be erected on a single lot; however, each principal building should be located in such a manner so that the lot could be subdivided in the future, if that is the intent, without being in conflict with the requirements of this chapter. If more than one principal building is constructed on a lot after the effective date of this chapter and the lot cannot be subdivided without at least one of the subdivided lots being in conflict with the requirements of the applicable district, then the original lot shall not be permitted to be subdivided.

### § 205-26. Access to lots and structures. [Amended 8-9-1999 by Ord. No. 8-99]

Every building hereafter erected or placed shall be on a lot adjacent to a paved public street or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection and required off-street parking.

### § 205-27. Building height exceptions.

The height limitations contained in the district regulations do not apply to spires, belfries, cupolas, windmills, water tanks, silos, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

### § 205-28. Yard exceptions. [Amended 7-8-1991 by Ord. No. 7-91; 1-15-1996 by Ord. No. 17-95]

A. When an unimproved lot is situated between two improved lots with front yard dimensions less than those required for the district, the minimum front yard required shall be decreased to a depth equal to the average of the two front yards of the adjoining lots.

B. An attached dwelling unit may reduce the required front yard under this chapter by no more than eight feet for the sole purpose of constructing a covered or uncovered, but not enclosed, porch.

C. If attached to the structure, a single-family detached dwelling unit may have a carport or one-story open porch or deck, with or without a roof, but not enclosed, that extends into any required front, side or rear yard not more than 25% of the minimum required depth of a front or rear yard or 25% of the minimum required width of a side yard. Whenever any extension into any required front, side or rear yard is sought, the City shall give notice of the same to all contiguous property owners advising them that any required permit for such extension will be granted after 15 days from the date of the notice unless a written objection to the same is filed with the City within 15 days. In the event that such written objection is received, the applicant shall be promptly notified that he or she must file for an appropriate variance to the Board of Appeals. In the event that no such written objection is received, the City may grant the appropriate permit sought.

D. An equivalent front yard, as required in some districts for corner lots, may be reduced by not more than 30% of the required amount, if in the opinion of the Zoning Administrator such a reduction does not present a danger to public health and safety. Whenever such a reduction is requested, the City shall give notice to all contiguous property owners advising that such reduction will be granted after 15 days from the date of the notice unless a written objection is filed with the City within the 15 days. In the event that such written objection is received, the applicant shall be promptly notified that he or she must file for an appropriate variance to the Board of Appeals. In the event that no such written objection is received, the City may grant the reduction. **[Added 5-12-2008 by Ord. No. 1-2008]**

## § 205-29. Screening. [Amended 1-9-1990 by Ord. No. 15-89]

A. A landscape screen shall be provided between any commercial or industrial district and contiguous properties in residentially zoned districts, except where natural or physical man-made barriers exist, upon any set of circumstances deemed by either the Board of Appeals or the Planning Commission to be appropriate. **[Amended 8-9-1999 by Ord. No. 8-99]**

B. Any existing commercial or industrial use shall not be required to comply with the screening requirements except in case of enlargement or major alteration of the same.

C. Where, owing to existing conditions, the provision of screening could create a hardship or is deemed unnecessary, the Board of Appeals may reduce and/or waive the requirements for screening.

D. Where a proposed use may create an adverse effect on an existing contiguous use, the Board of Appeals reserves the right to require a

landscape screen to be planted on the lot of the proposed use in order to protect the existing use.

E. Landscape screens shall be permanently maintained by the owner of the lot.

F. Landscape screens shall be composed of plants and trees arranged to form both a low-level and a high-level screen within a strip of land with a minimum width of 20 feet. The high-level screen shall consist of trees planted with specimens no younger than three years in age and planted at intervals of not more than 10 feet. The low-level screen shall consist of shrubs or hedges planted at an initial height of not less than two feet and spaced at intervals of not more than five feet. The low-level screen shall be placed in alternating rows to produce a more effective barrier. All plants not surviving three years after planting must be replaced.

### § 205-30. Fences and walls. [Amended 11-8-1982 by Ord. No. 7-82; 8-9-1999 by Ord. No. 8-99; 11-11-2002 by Ord. No. 6-2002]

Notwithstanding other provisions of this Code, fences and walls shall be permitted in any required yard subject to the following provisions:

A. No fence or wall in or along the sides of any required front yard shall exceed four feet in height.

B. Except for a retaining wall, no fence or wall, which exceeds six feet in height, shall be permitted in any required side or rear yards in any residential district.

C. Except for a retaining wall, no fence or wall, which exceeds 10 feet in height, shall be permitted in any required side or rear yards in any commercial or industrial district.

D. All fences and walls will be restricted to a maximum height of four feet, except for those fences and walls located within the rear yards and those portions of the side yards to the rear of the front corner of the dwelling structure, which will be restricted to a maximum height of six feet, except as herein set forth.

E. All fences or walls must have a minimum clearance to allow for stormwater management.

F. All applications for permits in accordance with this article must be accompanied by a sketch plan of the proposed fence or wall and a location plat of the property, together with such application fee as established by the Council.

G. No fence or wall shall be erected, replaced, altered or relocated without a permit issued by the Zoning Administrator. The permit application shall be signed by the applicant, and when the applicant is any person other than the owner of the property, the permit application shall also be signed by the owner of the property, and shall contain the location

of the fence or wall, a drawing showing the design and location of the fence or wall and such other pertinent information as the Zoning Administrator may require to ensure compliance with the laws of the City.

H. All fences and walls lawfully existing on the date of the passage of this section may remain on the premises until such time as any ownership of the premises is sold or otherwise transferred, at which time there shall be complete compliance with the provisions of this section.

I. The fence or wall permit shall become null and void if the fence or wall has not been completed within a period of six months after the date of the permit.

J. No fence or wall shall be erected or located so as to obstruct a public right-of-way. The property owner shall be responsible to maintain the fence or wall in good repair so that no portion thereof shall impede or obstruct any public right-of-way.

K. Any person who violates this article shall be subject to the provisions of § 205-90 of the Code of the City of Taneytown, Maryland.

### § 205-31. Privately owned swimming pools. [Added 8-9-1999 by Ord. No. 8-99; 12-13-1999 by Ord. No. 9-99; amended 6-9-2003 by Ord. No. 7-2003]

Permanent and portable privately owned swimming pools located within the City shall comply with the following regulations:

A. A swimming pool may be erected only on the same zone lot as the principal structure.

B. A swimming pool may be erected only in the rear yard of that structure and shall be at a distance of not less than 10 feet from the rear lot line nor less than eight feet from any side lot line, and not less than 10 feet from any principal structure or accessory structure attached thereto. However, with regard to townhouse dwellings, the side yard requirement herein is reduced from 10 feet to three feet.

C. All swimming pools erected in the ground and all swimming pools erected above ground with sides less than four feet high shall be fully enclosed by a minimum four-foot-high chain-link or other solid-type fence.

### § 205-32. Minimum floor area of dwellings. [Amended 8-24-1983 by Ord. No. 11-83; 5-12-1986 by Ord. No. 5-86; 7-11-1988 by Ord. No. 11-88]

All dwellings within the limits of the City of Taneytown shall have the minimum residential floor area, exclusive of garage, basement, common and storage areas, set forth herein.

A. R-6,000 District.

(1) Single-family detached: 750 square feet of floor area.

(2) Semidetached: 700 square feet of floor area.

(3) Attached: 700 square feet of floor area.

(4) Duplex apartment: 600 square feet of floor area.

(5) Garden apartment.

(a) Efficiency units, single-room living areas consisting of a kitchen, bathroom and combination living room, dining area and bedroom: 400 square feet of floor area.

(b) One-bedroom unit: 500 square feet of floor area.

(c) Two-bedroom unit: 600 square feet of floor area.

(d) Three-bedroom unit: 700 square feet of floor area.

(6) Conversion apartment: 600 square feet of floor area. By special exception the Board of Appeals may allow a reduction to not less than 540 square feet of floor area.

B. R-7,500 District.

(1) Single-family detached: 1,000 square feet of floor area.

(2) Semidetached: 1,000 square feet of floor area.

(3) Garden apartment and retirement home.

(a) Efficiency units, single-room living areas consisting of a kitchen, bathroom and combination living room, dining area and bedroom: 400 square feet of floor area.

(b) One-bedroom unit: 500 square feet of floor area.

(c) Two-bedroom unit: 600 square feet of floor area.

(d) Three-bedroom unit: 700 square feet of floor area.

(4) Conversion apartment: 600 square feet of floor area. By special exception the Board of Appeals may allow a reduction to not less than 540 square feet of floor area.

C. R-10,000 District. Single-family detached: 1,200 square feet of floor area.

D. R-20,000 District. Single-family detached: 1,600 square feet of floor area. **[Added 8-9-1999 by Ord. No. 8-99]**

E. R-40,000 District. Single-family detached: 1,800 square feet of floor area. **[Added 8-9-1999 by Ord. No. 8-99]**

### § 205-33. Off-street parking and loading areas; driveways. [Amended 11-10-1986 by Ord. No. 10-86; 8-9-1999 by Ord. No. 8-99]

All off-street parking and loading areas and driveways shall be so graded, drained, paved and surfaced with bituminous material or other material determined by the City to be of comparable quality and of a hard service construction and shall be designed to prevent damage to abutting properties or public streets. All driveway aprons shall be constructed of concrete.

### § 205-34. Junkyards. [Added 3-9-1987 by Ord. No. 2-87; amended 9-14-1987 by Ord. No. 11-87]

A. Definition. A "junkyard" is defined as any area where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, stored, disassembled, handled or abandoned, including the salvaging, storing and wrecking of automobiles and other vehicles, machinery or parts thereof, house wrecking yards, used lumber yards and places for storage of salvaged building or structural steel materials and equipment.

B. Vehicles.

(1) Any property zoned R-6,000, R-7,500, R-10,000, R-20,000 and R-40,000 which is occupied by an unlicensed vehicle shall constitute a junkyard unless the vehicle is stored within a building. **[Amended 8-9-1999 by Ord. No. 8-99]**

(2) Any property zoned Local Business, General Business or Restricted Industrial which is occupied by an unlicensed vehicle shall constitute a junkyard unless the vehicle is stored within a building or within 50 feet of a dwelling on the property and falls into one of the following categories:

(a) Genuine antique or classic vehicles (but not to be used for parts) which are actively being restored.

(b) Vehicles which must be held pending settlement of insurance and similar claims.

(c) No more than two stock cars which are in current use for racing.

(d) A vehicle recently purchased, pending inspection, for a period not to exceed 60 days.

(e) A vehicle being advertised for sale, for a period not exceeding 60 consecutive days.

(f) A vehicle, in running condition, which must be relicensed within 60 days.

C. Location. Junkyards, as herein defined, shall not be permitted within the corporate limits of the City. None of the provisions of this chapter relative to nonconforming uses shall in any manner be construed to allow what in this section is set forth as unlawful to be otherwise lawful.

### § 205-35. Employment activities. [Amended 5-9-1988 by Ord. No. 8-88; 1-9-1990 by Ord. No. 13-89; 2-8-1999 by Ord. No. 4-99; 8-9-1999 by Ord. No. 8-99]

Unless permitted to be authorized by special exception pursuant to the terms and provisions of the various sections of this Code, and unless such special exception has been granted, no dwelling unit situate in any of the residential zones of the City of Taneytown may be used for any employment-related activities, whether by an individual who is self-employed, an independent contractor or an employee, or in any other manner related to business- or employment-related activities which may be done, carried on or effectuated in any such dwelling unit or in any outbuilding or accessory building, including but not limited to the maintenance of an office, the storage of an inventory or supplies used in a trade or business, meeting with customers or employees or the parking of commercial vehicles or equipment, whether or not there is painted thereon any sign or other indication of commercial use. This section shall not prohibit the receipt of telephone calls by an individual at his or her home which may be business related or the parking of one and only one commercial vehicle with a combined gross weight not to exceed 10,000 pounds on which there may be painted any commercial sign or other indication of commercial use.

### § 205-35.1. Community village. [Added 9-13-1999 by Ord. No. 7-99]

A. Purpose and intent. It is the purpose of this section to enable the Planning Commission to consider the approval of a proposed community village on a tract of land after the Mayor and Council has designated it as suitable for such development. It is the further purpose of this section to encourage the integrated and creative design of a variety of land uses and housing types; to maximize and plan for open space and preserve natural features; to minimize street and utility installation where possible while providing adequately for the needs of the community; and to allow land to be developed with concentrated land uses on the basis of overall density as opposed to conventional minimum lot and yard requirements with strict separation of land uses and housing types.

B. Applications. An application for a community village shall be accompanied by such plans and documents as may hereinafter be required and shall be prepared by licensed registered architects, landscape architects, civil engineers or other professionally qualified land planners. Such plans and other documents to be submitted shall be subject to compliance with such procedural steps and guidelines as the City may promulgate from time to time for the purpose of processing applications and facilitating approval.

C. Intended designation for community village. The Mayor and Council may consider and approve an application to designate a tract of land in the R-7,500, R-10,000 and R-20,000 Districts as suitable for a community village use, subject to the following:

(1) General. No land shall be designated for community village use unless it meets the basic requirements and standards established herein and such other criteria as the Mayor and Council may in its sole discretion determine necessary to carry out the purpose and intent of this section.

(2) Area. The tract under consideration for the community village designation shall contain at least 10 contiguous acres owned under unity of title as a single tract reasonably configured and capable of being able to accommodate the proposed use.

(3) Location. An initial evaluation of the tract proposed for the community village in relation to:

(a) Its immediate surroundings, whether developed or undeveloped;

(b) The existing street network;

(c) Any elements of the adopted Comprehensive Plan for Taneytown and environs;

(d) Any public works, utility or community facility considerations (including but not limited to existing and planned water and sewerage facilities and capabilities, street and stormwater management improvements and school capacities); and

(e) Any sensitive environmental resource areas on site.

(4) Concept plan.

(a) A concept plan submitted for review and presentation shall be to scale and in color clearly showing the following:

[1] Owner's name and address.

[2] Scale and North arrow.

[3] Dimensions of the tract and the acreage within.

[4] Location and name of existing streets traversing or adjoining.

[5] Location of any existing easements.

[6] Areas proposed for screening, afforestation and reforestation.

[7] Location of special site amenities and environmental resources (e.g., streams, springs, wetlands, forest cover or woodlands).

[8] Location of proposed common and civic open space focal points.

[9] Proposed streets, alleys and other access arrangements.

[10] Proposed building sites and building sizes with type of dwellings and other structures, including garages, and a clear representation of the architecture and building integration proposed.

[11] Proposed design standards and how the integrity of design standards will be maintained during all construction phases of the project for:

[a] Buildings, including arrangements for handling storage needs in lieu of individual sheds or similar outbuildings, which will be prohibited; and

[b] Fencing, as part of a uniform fencing plan.

[12] Such additional information as the Zoning Administrator may require at the pre-concept plan conference.

(b) Developing the required concept plan. An applicant for the community village designation shall first:

[1] Prepare a site analysis map which distinguishes the undevelopable areas and the buildable areas that merit conservation (e.g., woodlands, hedgerows, greenways, scenic views, etc.);

[2] Submit the site analysis map to the Zoning Administrator and arrange a joint field visit to walk the site and receive any suggestions from City representatives concerning areas that should be conserved and amend or adjust the site analysis map accordingly;

[3] Prepare an overlay or tracing which clearly delineates areas for conservation and the areas for development; and

[4] Develop the concept plan using the overlay to guide the location of the dwelling sites or other development, seeking to maximize (not block) the best views and locations, and thereafter align streets, alleys, trails, etc., and draw in lot lines (where applicable) and add other items required to be shown as part of the concept plan.

(5) Density.

(a) Determination. To determine the total number of dwelling units allowable, the gross area within the tract shall be multiplied by the applicable units-per-acre multiplier in the table below. If the site is located in more than one district, the total number of lots and dwelling units will be the sum of units allowed for all of the districts within the community village.

[1] As part of the concept plan review, the Planning Commission will consider the gross residential density proposed in relation to the following:

[a] The allowable density (total number of dwelling units) generated by the units-per-acre multiplier for the tract within the district(s);

[b] Essential or high-priority on-site and/or off-site municipal, county or state public works and facilities;

[c] Capital improvements necessary to accommodate the proposed development as well as implement the Comprehensive Plan for Taneytown and environs; and

[d] The type and mix of dwellings and other uses proposed for the particular site in relation to the neighborhood.

[2] After evaluating the concept plan in relation to the above criteria, the Planning Commission may approve a gross density limit for the particular site that is within the limits of the applicable number of units per acre for the particular zoning district as set forth in the table below.

(b) Conditional density adjustment. Where the Planning Commission determines that the nature of the amenities, improvements, reservations or facilities contained in the concept plan will be of such added benefit to the City of Taneytown, the Commission may conditionally raise the gross density limit not to exceed the conditional maximum multiplier for the zoning district(s) as indicated in the table below on tracts of land containing 20 acres or more. Any concept plan so approved by the Commission shall be expressly conditioned on the developer's being financially responsible for the specified improvements that shall be required and/or provided and deemed beneficial not only to the project but to the general public welfare of the City of Taneytown. For tracts of land of at least 10 acres but less than 20 acres, no increase above the units-per-acre multiplier shall be considered, unless the applicant submits a bona fide preliminary subdivision plan containing conventional minimum lot sizes for the district and demonstrating a greater lot yield than generated by the units-per-acre multiplier for the district(s).

**Density Standard Table***

| District | Units Per Acre Multiplier | Conditional Maximum |
|---|---|---|
| R-7,500 | 4.2 | 5.5 |
| R-10,000 | 2.8 | 4.0 |
| R-20,000 | 1.4 | 2.5 |

NOTES:

*The Density Standard Table does not apply to community villages composed entirely of retirement dwellings, assisted living or nursing home units, either individually or in combination. The Planning Commission may approve such density as it considers acceptable and compatible with both the neighborhood and the district in which it is located.

(6) Types and use of buildings. Except as may be otherwise prohibited, dwellings and nonresidential buildings, uses and structures in a community village may include:

(a) Single-family detached.

(b) Semidetached.

(c) Attached multifamily: quadruplex, townhouse, condominium and apartment.

(d) Retirement dwellings.

(e) Assisted living, alternate living units and nursing or domiciliary care homes.

(f) Nonresidential buildings and uses permitted in a community village and such other nonresidential buildings and uses as permitted in the district.

(g) Customary subordinate accessory uses, buildings and structures.

(h) Customary and incidental home occupations as defined under § 205-1B, Definitions, and as regulated in the district.

(7) Uses.

(a) Prohibited uses, buildings and structures: special home occupations, as defined under § 205-1B, aboveground swimming pools, individual storage sheds and other similar outbuildings.

(b) Selecting and/or mixing uses.

[1] A community village may be a mix of all or some of the above-listed residential uses or be designed exclusively for any one of the following types of residential uses:

[a] Single-family detached.

[b] Retirement dwellings.

[c] Assisted living units.

[d] Alternate living units.

[e] Nursing or domiciliary care home(s).

[2] In no case shall a community village be designed exclusively or in combinations limited to the following residential types:

[a] Semidetached.

[b] Attached multifamily: quadruplex, townhouse, condominium and apartment.

(c) Mix limits where attached multifamily units are included. Not including retirement dwellings, assisted living or nursing home units, where attached multifamily structures are to be part of the mix, the sum of the number of dwelling units in attached multifamily structures shall not constitute more than 50% of all dwelling units in the community village.

(d) Community village lot and building requirements. Lot area per dwelling unit, lot width and depth, yards and build-to lines, maximum building coverage, building height, dwelling units per building and other standards shall be applicable in the community village, as indicated in the table below.[39] At the request of a developer, these standards may be modified with the approval of the Planning Commission upon the developer's demonstration that the proposed modifications are consistent with the provisions of § 205-35.1A herein. **[Amended 1-12-2009 by Ord. No. 11-2008]**

(e) Commission approval. All uses within a proposed community village are subject to Planning Commission approval as to location, intensity, mix, density requirements, where applicable, compensating features of the development plan, compatibility with adjacent neighborhoods, phasing and such other factors as the Commission determines appropriate. In reviewing a development plan, the Commission shall ensure that uses in the community village are so arranged, distributed

**39. Editor's Note: The Table of Community Village Area, Yard and Bulk Requirements is included at the end of this chapter.**

and appropriately related to open space and not excessively concentrated.

(f) Phasing plan. A phasing plan for a community village shall accompany the required concept plan and shall indicate the location and sequence of proposed sections and any housing mix proposed to be constructed therein. The phasing plan shall be subject to review and approval by the Commission and presented to the Mayor and Council for its approval along with the concept plan.

(g) Initial phasing and mix. Where attached multifamily units and/or semidetached units are to be included in the community village, the initial phase or sections of the phasing plan to be submitted shall include construction of each type of residential unit in order to establish at the outset the mix that will occur in the community village as additional phases are constructed; provided, however, that the Planning Commission may modify this requirement if it can be clearly demonstrated that, owing to strategic site or design constraints, location and the extension of infrastructure and the integrity of the community village plan, such modification is warranted and can be made without compromising the purpose and intent of establishing the housing mix in the early development phases.

(h) Community village construction sign. As part of any approved phasing plan, an outdoor (all-weather) sign containing a current schematic rendering of the community village development plan in color and appropriately sized shall be posted and maintained on the property near the entrance to the property or in a conspicuous and appropriate location so that an interested person could obtain a visual overview of the housing types, locations and elevations of buildings and other important features to be constructed in the community village.

(8) Open space and parkland.

(a) Permanent open space required. Not less than 25% of the gross land area of the community village shall be allocated to and shall remain in permanent open space, provided that this minimum shall in no way limit the ability to require a greater percentage of the gross land area to remain in permanent open space in the approval of a community village. The required open space shall be exclusive of any reservations required by the Official Comprehensive Plan (e.g., public school sites, primary and secondary highways, regional stormwater management facilities or public utility structures and the like).

(b) Open space restriction and design. Permanent open space which is not to be dedicated as public open space shall be referenced in the applicable resolution covenants to prohibit

subdivision, except for the purpose of minor boundary adjustments, and development, except for agricultural, recreational, golf course and equestrian uses subject to Planning Commission approval. Such private common open space shall be used for recreational, social, cultural or natural environmental preservation purposes as may be determined only after careful evaluation and design in consideration of the topography, the needs of the inhabitants of the community village, the type(s) of housing to be provided and the relationship to adjoining properties and uses. The provision of permanent internal and peripheral open space shall be a critical element in granting approval of a community village subject to compliance with such procedural steps and guidance as the City may herewith or hereinafter promulgate for the purpose of facilitating such approval. Peripheral open space may be provided along the perimeter of the tract lines and generally surround development in the community village. The depth of the peripheral open space may vary and is considered a design feature that shall be subject to approval of the Planning Commission.

(c) Determining public and/or private open space. Depending on the type(s) of residential housing in the community village and its location within the City, the Mayor and Council, with recommendations from the Planning Commission, shall determine what areas of the permanent open space, if any, will be dedicated to the City as public parkland and what areas shall be private parkland with maintenance responsibility to be used in common by the residents of the community village. The Planning Commission shall carefully review and consider all area set aside for permanent open space in approving and recommending any area(s) to be dedicated to the Mayor and Council as public open space and to be included in the City park system. Area devoted to (external) streets and reservations, alleys, stormwater management ponds, utility areas or private yards shall not be counted towards meeting public or private open space requirements.

(d) Property owners' association. Perpetual maintenance of common open space or other common use facilities or property shall be the responsibility of a duly constituted property owners' association as provided under § 205-35.2.

(e) Public parkland standards/requirements.

[1] Tract size. There shall be no minimum or maximum, and the Planning Commission and Mayor and Council will determine the size of any dedications on a case-by-case basis.

[2] Floodplain limitation for dedicated parkland. No more than 25% of the area required to be dedicated to the City shall be within floodplains or wetland areas, unless this limitation is recommended to be waived by the Planning Commission and approved by the Mayor and Council.

[3] Suitability of proposed park dedication. The Planning Commission shall review and consider any proposed park dedication for its suitability for active public recreation as a priority of the City. Accessibility for use and maintenance, topography, shape, size, relationship to surrounding properties (especially any adjacent park areas), elements of the Comprehensive Plan and other applicable factors shall be considered. Following its review, the Commission may concur with, amend or otherwise modify or reject the proposed public open space before recommending to the Mayor and Council the area(s) for public open space dedication. In the alternative, the Commission may recommend to the Mayor and Council that all required permanent open space be private open space with use in common.

[4] Areas in forest or proposed afforestation. Areas in an established or natural forest may be found by the Planning Commission to be suitable to be dedicated public parkland and so recommended to the Mayor and Council for its approval. Afforestation and reforestation as may be required by the County Forest Conservation Ordinance, as amended, and detailed on a forest conservation plan may be considered for inclusion in proposed dedicated public parkland, subject to the recommendation of the Planning Commission and approval of the Mayor and Council, provided that such adequate guaranties are furnished as the City may require for continued maintenance of afforested or reforested areas until such areas are fully established.

[5] Acceptance of dedicated land. Before any proposed land dedication shall be accepted by the City, the site shall be free of weeds, debris, hazardous waste and any other material determined by the City to be undesirable. The City may require, at the expense of the owner, grading and surface stabilization or other acceptable land treatment measures as it determines appropriate for the property and set forth such terms as it may require within a public works agreement, which shall be guaranteed by a letter of credit or other surety prior to acceptance of the property by the City. No building permit/zoning certificate shall be approved by the City for the community village development until the payment of a fee or satisfactory

guaranty by the owner of the site improvements required by this section is accepted by the Mayor and Council.

(9) Landscaping; the community village landscaping plan. Landscaping is a distinguishing feature of the community village in Taneytown. A landscaping plan shall be prepared by a registered landscape architect and submitted for review and approval of the Commission as part of the site development plan. At a minimum the landscaping plan shall detail:

(a) Type, location and caliper of proposed large- and medium-sized street trees.

(b) Type, location and caliper of shade trees, evergreen trees and flowering trees for open spaces.

(c) A suggested plant list for:

[1] Deciduous shrubs six feet or less.

[2] Deciduous shrubs six feet or more.

[3] Low evergreen shrubs.

[4] Midsize and large evergreen shrubs.

[5] Ornamental trees.

(d) A recommendation for the number of deciduous, evergreen and ornamental plantings on each lot, as applicable.

(e) Stone, brick, masonry or other type walls, patios and the like and their locations.

(f) Screening (where necessary or appropriate) with landscaping, walls, fencing, earth berms or by other means.

(g) Fencing and fence structures. Specifications and restrictions on fencing and fence structures that may be erected on individual lots or common areas shall be detailed as to construction type, location, height or other detail as part of a uniform fencing plan for the community village, and the approved plan, or any subsequent amendments thereto, shall be made a part of and referenced in the private covenants and restrictions.

(10) Parking, driveways, garages and storage.

(a) Layout and design objectives. Locating required parking spaces for motor vehicles shall be considered a very important element in the review of a community village development plan. Since allowable densities in community villages are inherently more concentrated than in conventional development, greater attention must be placed on the location

of and arrangements for the functional necessity of parking motor vehicles. The dwelling unit and the surrounding open space are foremost and are the primary assets in a community village. Convenient parking is needed for each residential unit; however, it is of great importance that the required amount of parking spaces be carefully located and distributed so as not to overwhelm or inundate the residential dwellings. To do otherwise would be detrimental to the community by adversely affecting the value of the dwellings and the appearance of the community village. The City will expect professionals engaged in land planning a community village in Taneytown to meet this objective in designing and locating required parking as part of the development plan.

(b) Off-street parking shall be provided in the community village according to the minimum requirements as set forth in § 205-36 et seq., unless specified to the contrary below:

| Dwelling Type | On-Site Parking Spaces Required* | Off-Site Parking Spaces Required* |
|---|---|---|
| Single-family detached | | |
| On lots 10,000 square feet or greater | 3 | 0 |
| On lots less than 10,000 square feet | 2 | 1 |
| Semidetached (each unit) | 2 | 1 |
| Multifamily | | |
| Quadruplex (each unit) | 2 | 1 |
| Townhouse (each unit) | 2 | 1 |
| Condominium (each unit) | 3 | 0 |
| Apartment (each unit) | 3 | 0 |
| Retirement dwellings (each unit) | 2 | |
| Assisted living (each unit) | 5 plus one for each employee on largest shift | |

| Dwelling Type | On-Site Parking Spaces Required* | Off-Site Parking Spaces Required* |
|---|---|---|
| Alternative living unit (ALU)** | 3 | |
| Nursing/domiciliary care | 1 for every 3 beds, plus 1 for each employee on largest shift | |

NOTES:

*Required off-lot parking spaces shall be arranged and assigned in common parking areas located in proximity to the dwelling units to be served.

**(State preemptive)

(c) Off-street parking for commercial or nonresidential uses in the community village shall be sufficient to provide for employees as well as for customers. Employee parking spaces shall be marked and signed as such, as shall handicapped parking spaces. Such off-street parking lots shall be prohibited in any front yard setback area and shall be located to the rear of buildings on the interior lots, accessed by means of common driveways, preferably from side streets or alleys and, where applicable, interconnected with commercial lots on adjacent properties. Cross-access easements for interconnecting parking lots shall be required in language acceptable to the City.

(d) Off-street parking for all dwelling units. Unless specifically modified by the Commission in conjunction with driveways as set forth below, off-street parking for all dwelling units in the community village shall be prohibited in front yard setback areas.

(e) Driveways. Except as hereinafter provided, driveways shall be prohibited in any front yard setback area of a single-family detached dwelling, semidetached townhouse, condominium or apartment building, and any driveway access shall be provided from use-in-common alleys or lanes only and not streets. The Commission may modify this requirement in specific instances on specific lots and permit a driveway in the front yard where practical difficulty can be clearly demonstrated and/or where adherence to the requirement for any lot(s) in question has the effect of preempting other desired design considerations determined by the Commission to be of equal or greater

importance to the specific lot(s) in question and/or to the plan as a whole.

(f) Attached garages. Where the Commission permits a driveway in the front yard as provided above and an attached garage is to be accessed from the front, the front of the garage facing the street shall either be set back further than the front wall of the dwelling or, in the alternative, set forward of the front wall of the dwelling. If the attached garage is set forward of the front wall of the dwelling, the front face of the garage shall be set at the minimum build-to line so as to ensure parking of motor vehicles in the garage by limiting the distance between the front lot line and the face of the garage, unless specifically modified otherwise by the Commission.

(g) Detached garages. Detached garages shall be located in rear yards and shall be set back a minimum of five feet from alley or lane right-of-way lines and five feet from side and/or rear property lines, except in the case of a shared driveway on two adjacent lots, in which case the garages may be joined.

(h) Off-street parking for townhouses, condominiums and apartments shall be provided in off-street parking spaces with access to a rear alley or use-in-common driveway, in garages having access to a rear alley or use-in-common driveway or in a common off-street parking lot(s) under the building or in proximity to the building.

(i) Streets, alleys and other infrastructure shall be constructed pursuant to specifications approved and adopted by the City of Taneytown.

(j) Parking lot buffering, landscaping and screening shall satisfy the objectives of preventing and/or mitigating direct views of parked vehicles from streets and sidewalks, avoid spillover light, glare, noise or exhaust fumes onto adjacent properties, particularly residential properties, and provide the parking area with shade when the trees mature.

[1] Parking lots shall be surrounded by a year-round visually impervious screen (fence or berm), hedge or wall at least four feet in height, except where driveway or sidewalk ingress and egress dictates adequate visibility and lines of sight for pedestrian and vehicular safety. The interior (as well as the perimeter of parking lots) shall be landscaped to provide shade and visual relief, with at least one deciduous shade tree for every 10 spaces; provided, however, that if there are no more than 10 spaces in the parking lot, no interior landscaping is required where the perimeter landscaping is determined adequate.

[2] Protected planting islands or peninsulas shall be provided, and the choice of plant materials, buffer width, type of screening, location and frequency of tree planting shall be flexible, provided that the stated objectives are essentially satisfied. Parking lots shall provide for pedestrian crosswalks where necessary and appropriate, and such crosswalks shall be distinguished by textured paving and, where applicable, integrated into any wider network of pedestrian walkways.

(k) Central storage yard facilities. Major recreational equipment, including boats, boat trailers, travel trailers, pickup campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, converted school buses, tent trailers and the like, and cases or boxes used for transporting recreational equipment, whether occupied by that equipment or not, shall not be stored on individual dwelling lots within the community village. Major recreational equipment and other items not permitted to be stored on individual lots, including other bulk items if stored within the community village, shall be located on a parcel of land and within such facilities as may be specifically approved for central storage purposes for residents of the community village. The location, design and landscaping of the same shall be part of the development plan to be approved and specifically controlled by the property owners' association.

## § 205-35.2. Property owners' associations. [Added 9-13-1999 by Ord. No. 7-99]

A. Purpose. Where permanent common open space or other common use facilities (e.g., alleys, sidewalks, utilities, etc.) are planned and/or required, provision for the perpetual maintenance of common property and facilities shall be the responsibility of a duly constituted property owners' association, the purpose of which is to enhance and protect the property values of owners and protect the general public from assuming any maintenance responsibility for private common property and facilities.

B. Document review required. Before any plan or plat containing common property and facilities is approved for recording, the Planning Commission shall review and approve the proposed articles of incorporation, association bylaws, covenants and restrictions and any other documents which in any manner related to the property owners' association. Following Planning Commission review, the documents shall be referred to the Mayor and Council for its review and approval prior to the recordation of the same in the land records of Carroll County.

C. Minimum provisions. At a minimum, property owners' association documents shall include provisions requiring the following:

(1) Membership shall be mandatory for all property owners, and all assessments shall constitute a lien on each lot from and after the date assessed.

(2) Nonpayment of any annual, special or other assessment for a property. A procedure shall be established to allow the collection by the association of unpaid assessments, including late fees and appropriate interest.

(3) Common areas and other use in common facilities shall be assured of preservation and maintenance. In the event that the association fails to carry out its responsibilities and financial obligations and it becomes necessary for the City to take appropriate action, such action by the City may include the imposition of a special assessment taxing district; provision for liens for any failure of property owners to pay such special taxes; entering on the common open space property for the purpose of maintaining the same; contracting of services by the City to perform appropriate and necessary maintenance and upkeep of common property and facilities; and ensuring that such costs, including any City administrative costs, are not at the expense of the general public.

(4) Maintenance by the City shall not constitute a taking of said private common open space or facilities nor vest in the public any rights to use the same. At such time as the Mayor and Council determine that the property owners' association is ready and able to adequately maintain the private common open space or other applicable common facilities, the Mayor and Council shall cease to maintain the same and cease the collection of any special tax for that particular purpose.

(5) Whenever intervention by the Mayor and Council becomes necessary, it shall provide reasonable notice to the property owners' association and to the residents having an interest in the common open space or other common facilities in question of the date and time of any hearings to be held for the purpose of ensuring enforcement of the covenants and the perpetual maintenance of the same.

(6) The association's board of directors shall be required to prepare an annual operating budget.

(a) The budget shall be based on estimated expenses for the operation of the association or, if available, actual expenses for the previous budget adjusted for inflation and any surplus based on a professional registered engineer's report on the operations, maintenance and replacement plan.

(b) The budget shall include an allowance for a contingency fund equal to at least 10% of estimated or actual expenses.

(c) The board of directors shall be required to set an annual assessment for each property owner in an amount sufficient to satisfy the approved budget requirements.

(d) It shall be required that the budget proposed by the board of directors be reviewed for adequacy by an independent certified public accountant prior to approval; that a copy of the accountant's annual report contain an unqualified audited statement; and that a copy of this annual report be filed with the City Manager.

(7) A capital asset replacement fund shall be created by the developer and maintained and continued by the association with annual appropriations required of the property owners to the fund from the date of transfer of common properties and facilities and their expected useful life. Such fund shall not be used to finance operating and maintenance costs.

(8) The documents shall provide for mandatory special assessments to meet unforeseen or special expenditures as well as any budget deficit.

(9) The name and address of the office of the association shall be provided to the City at all times.

D. Plat required. All areas to be owned by the association shall be shown and/or detailed on a record plat for the development. In addition to any other requirements for record plats, the plat shall contain the recording references for the property owners' association documents. All deeds subsequently drawn for individual lots within the development shall reference therein the recording reference of the record plat, the recording reference(s) of the property owners' association documents and any subsequent recorded amendments thereto.

E. Forest Conservation Ordinance protective agreements. Any property owners' association which will own or maintain areas shown on an approved forest conservation plan for forest retention, afforestation or reforestation shall provide to the City evidence that a legally binding protective agreement is in existence providing for protection of land forested, afforested or reforrested and which places limitations on the use of forest to those consistent with forest conservation.

### § 205-35.3. Cannabis Dispensary Overlay Zone. [Added 4-11-2016 by Ord. No. 21-2016]

A. Purpose.

(1) The purpose of the Cannabis Dispensary Overlay District is to implement the provisions of Maryland law with respect to the location of a cannabis dispensary within the City, in order to ensure that such uses are located in zones and subject to conditions that

serve the public interests by minimizing the potential for adverse impacts on adjacent properties and neighborhoods.

(2) This section imposes requirements on cannabis dispensaries in addition to those imposed by this chapter upon other uses in the underlying zone upon which the Cannabis Dispensary Overlay Zone is imposed.

(3) The overlay district is designed to achieve the following goals:

(a) To promote development in the district.

(b) To protect the health, safety and welfare of the citizens of Taneytown.

(c) To promote compliance with state law in regard to dispensing cannabis.

B. Overlay district designated. The Cannabis Dispensary Overlay District shall apply to all properties located within the district as designated on the City of Taneytown Zoning Map as "Industrial" and that meet the criteria contained in this section.

C. Relationship to underlying zone.

(1) Facilities for dispensing cannabis may only be permitted on property located in the Cannabis Dispensary Overlay District upon the successful application and adoption by the Mayor and City Council of an ordinance designating a Cannabis Dispensary Overlay District for the subject property.

(2) Such a designation is only related to the principal permitted use on the property and shall be considered a special exception pursuant to and subject to the provisions of the Code of the City of Taneytown, requiring Board of Appeals approval.

(3) Such a designation shall expire one year after it is granted unless a site plan is submitted pursuant to the requirements of the Code of the City of Taneytown.

(4) All other requirements of underlying zoning districts remain applicable to the subject property.

D. Procedure for designation.

(1) An owner of property located in an area eligible to be designated as a Cannabis Dispensary Overlay District may make application for the subject property to the Mayor and City Council.

(2) An application for a Cannabis Dispensary Overlay District must be accompanied by a site plan and other such plans and documents as may hereinafter be required, subject to procedural steps and guidelines as the City may promulgate from time to time for the purpose of processing applications and facilitating approval.

(3) An application for a cannabis dispensary must include written and graphic documentation showing the proposed facility will meet state standards, including but not limited to secure premises, secure room, secure entry, security lighting, security alarm systems, and video surveillance, as detailed in the Annotated Code of Maryland, Health-General Article, Title 13, Subtitle 33, and the Code of Maryland Regulations (COMAR) 10.62.27. Further, an application must contain all other required submittals, licenses and approvals required by Maryland law.

E. Compatibility with adjacent uses.

(1) Any building or portion of a building that is subject to compliance with this section shall be located at least 500 feet from any other lot or parcel of land which has a residential use, residential zoning classification, school use or park use.

(2) In addition to all other standards and criteria, when considering an application for the designation of a Cannabis Dispensary Overlay District, the Mayor and City Council shall consider the adequacy of streets and highways, the availability of public water and wastewater systems, and the adequacy of all other public facilities and public services that would be needed to serve the proposed use.

F. Requirements after designation.

(1) If a designation of Cannabis Dispensary Overlay Zone is granted by the Mayor and City Council pursuant to the provisions of this section, the applicant must then obtain approval for the special exception use, subject to the provisions of the Code of the City of Taneytown, by the Board of Appeals, and subject to any conditions which may be established by the Board during the special exception process.

(2) If such special exception use is granted, the applicant must then submit a site plan, consistent with the approvals granted by the Mayor and City Council and the Board of Appeals, to the City of Taneytown Planning and Zoning Commission for approval pursuant to the provisions of the Code of the City of Taneytown.

ARTICLE VI
**Off-Street Parking and Loading**

## § 205-36. General requirements. [Amended 8-13-1990 by Ord. No. 12-90]

A. Off-street parking shall be required in accordance with the provisions of this section as a condition precedent to the occupancy of any building or use so as to alleviate traffic congestion on streets. Parking facilities shall be provided whenever:

(1) A building is constructed or a new use is established.

(2) The use of an existing building is changed to a use requiring more parking facilities.

(3) An existing building or use is altered or enlarged so as to increase the amount of parking space required.

B. Adequate off-street loading and unloading space shall be provided on the same premises with every building erected or occupied for any use which involves the receipt or distribution of materials or merchandise by motor vehicle. This space shall be so placed and arranged as not to interfere with the free movement of vehicles and pedestrians over a public road. The Board of Appeals may grant a special exception where hardship would result when an existing use is expanded and the off-street loading and unloading requirements of this chapter would otherwise have to be met.

C. Existing buildings located in the Downtown Business District[40] are exempt from parking requirements. **[Added 8-9-1999 by Ord. No. 8-99]**

D. No major recreational equipment shall be parked or stored on any lot in a residential district in such a way that it will impair the sight distance along any street or access to any street, or within any front yard, beyond the limits of a driveway, of a residential lot. No such equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot or in any location not approved for that use. For purposes of these regulations, "major recreational equipment" is defined as including boat trailers, enclosed or open trailers, cases or boxes which may be used for transporting recreational equipment whether occupied by that equipment or not, and recreational vehicles such as but not limited to travel trailers, fifth-wheel trailers, pop-up or hi-low campers, coaches or other motorized dwellings. **[Amended 5-9-2011 by Ord. No. 2-2011]**

E. All parking facilities designed for more than five vehicles shall not be closer than five feet to any property line or right-of-way line.

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**40. Editor's Note: The Local Business District was changed to the Downtown Business District 3-10-2003 by Ord. No. 1-2003. See § 205-19.**

F. All parking spaces for dwellings in the R-7,500 and R-10,000 Districts shall be designed so that no parking space greater than one vehicle width shall be positioned in the area between the front of the dwelling and the sidewalk and/or street. **[Amended 8-9-1999 by Ord. No. 8-99]**

### § 205-37. Schedule of required off-street parking spaces. [Amended 9-23-1985 by Ord. No. 7-85; 10-9-1989 by Ord. No. 11-89]

A. Residential: three spaces for each dwelling unit.

B. Institutional.

(1) Church: one space for each four seats of permanent seating.

(2) School: one space for each two teachers, employees or administrators and, in high schools, one space for each 10 students.

(3) College: one space for each two teachers, employees or administrators and one space for each five students.

(4) Municipal building and offices: one space for each 200 square feet of office floor area plus one space for each employee on the largest shift.

(5) Hospital: one space for each three beds plus one space for each employee on the largest shift.

(6) Convalescent home: one space for each four guest rooms or apartment unit plus one space for each employee.

(7) Medical or dental clinic: three spaces for each professional or paraprofessional using the premises.

(8) Cultural, civic, educational, social or community service buildings, theaters, auditoriums and skating rinks: one space for each three seats or one space for each 100 square feet of gross floor area, whichever requires the greater number of spaces.

(9) Public libraries and senior citizens centers: one space for each 200 square feet of floor area.

C. Commercial.

(1) Stores for the retailing or maintaining of goods: one space for each 400 square feet of usable floor area.

(2) Personal service shops and offices: one space for each 200 square feet of usable floor area.

(3) Motel and hotel: one space for each rental unit plus one additional space for every two full-time employees.

(4) Banks and financial institutions: one space for each 100 square feet of gross floor area.

(5) Shopping center: one space shall be provided for each 200 square feet of floor area comprising the shopping center.

(6) Eating and drinking establishments: one space for each 100 square feet of gross floor area or one space per three seats, whichever requires the greater number of spaces.

(7) Automobile, trailer or implement sales and service, auto service station and car washes: one space for each 300 square feet of gross floor area.

(8) Club: one space for each four seats in the building or one space for each 60 square feet of floor area devoted to patron use, whichever is greater.

(9) Bowling alley: four spaces per bowling lane.

(10) Swimming club: one space for each 30 square feet of water surface.

(11) Golf course: one space for each acre of land.

(12) Professional offices and buildings: one space for each 300 square feet of gross floor area.

(13) Commercial sports facility: one space per three persons maximum occupancy. **[Added 3-8-2010 by Ord. No. 2-2010]**

D. Industrial: one space for each two employees in the largest working shift. Additional parking to be provided for visitors shall be determined by the industry.

### § 205-38. Additional regulations. [Amended 5-8-1989 by Ord. No. 3-89]

A. Parking spaces shall be on the same lot as the principal building or open area, except when authorized as a special exception by the Board of Appeals.

B. The Board of Appeals may authorize as a special exception a reduction in the number and size of off-street parking spaces in cases where the applicant can justify the reduction and still provide adequate facilities.

C. For any specific building or use which is not described in § 205-37, the Zoning Administrator shall apply the unit of measurement deemed to be the most similar to the proposed building or use.

D. One or more parking lots may be designed to serve a multiple number of commercial, industrial or institutional uses so long as the total requirements shall be equal to the sum of the requirements of the component uses computed separately.

E. All parking facilities and all loading areas and access drives shall have an asphalt, concrete or similar all-weather surface in accordance with City specifications. Appropriate bumper guards or curbs shall be provided in order to define such parking spaces or limits of paved areas and to prevent vehicles from projecting into required yards. All curbs and bumper guards shall be constructed in accordance with standards established by the City through the office of the City Engineer.

F. Parking and loading areas shall be illuminated whenever necessary to protect the public safety. This illumination shall be designed and located so that the light sources are shielded from adjoining residences and residential streets and shall not be of excessive brightness or cause a glare hazardous to pedestrians or drivers.

G. The treatment of surface water shall be handled by accepted engineering practices in accordance with City specifications.

ARTICLE VII
**Signs**
**[Amended 5-9-1983 by Ord. No. 4-83; 11-9-1998 by Ord. No. 4-98]**

## § 205-39. Purpose and intent.

A. The purpose of these regulations is to regulate the size, location, height and construction of all signs placed for public observance. The regulations are intended to protect the public safety, to protect property values and to preserve and strengthen the ambience and character of the City.

B. An important feature of these regulations is the restriction of advertising to the business or use of the premises on which the sign is located and the restriction of the total sign area permissible per site. Any sign placed on land or on a building for the purposes of identification or for advertising a use conducted therein or thereon shall be deemed to be accessory and incidental to such land, building or use. It is intended that the display of signs will be appropriate to the land, building or use to which they are appurtenant and will be compatible with the character of existing architecture and the fabric of development. The display of signs should be adequate, but not excessive, for the intended purpose of identification or advertisement. With respect to signs advertising business uses, it is specifically intended, among other things, to avoid excessive competition and clutter among sign displays in their demand for public attention. It is further intended in commercial areas now in existence, and more so in proposed commercial and industrial areas, that all signs within one complex shall be coordinated with the architecture in such a manner that the overall appearance is harmonious in color, form and proportion.

C. It is also intended by this article that all temporary signs erected for directional purposes for public information or to call attention to special events shall be confined to those that are of general public interest and that such signs shall be limited to the giving of information.

D. Large signs, including outdoor advertising structures, billboards or poster panels advertising projects or businesses not related to the site or building on which they are located, are not permitted.

## § 205-40. Definitions.

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

BANNER — A sign intended to be hung with or without a frame, possessing characters, letters, illustrations or ornamentations applied to paper, plastic or fabric of any kind.

BILLBOARD —

A. An off-premises outdoor advertisement.

B. A nonaccessory sign which is commercially maintained principally for calling attention to a place, profession, activity, commodity, service or entertainment not conducted, sold or offered upon the premises where such sign is located or within the building to which such sign is affixed.

BULLETIN BOARD — A sign with changeable lettering, totally enclosed, illuminated or nonilluminated, wall mounted or freestanding.

BUSINESS SIGN — A sign which directs attention to a business, profession, activity, commodity, service or entertainment conducted, sold or offered upon the premises where such sign is located or within the building to which such sign is affixed.

CANOPY/AWNING — A structure made of cloth, metal or other material with frames affixed to a building and carried by a frame which may be supported by the ground.

COMMUNITY ASSOCIATION — An association organized for purposes other than generating profit, which primary purpose is for the benefit of the Taneytown community and its citizens.**[Added 12-10-2007 by Ord. No. 9-2007]**

CONSTRUCTION SIGN — A sign identifying individuals or companies involved in design, construction, wrecking, financing or development when placed upon the premises where work is under construction, but only for the duration of construction or wrecking.

DELIVERY SIGN — A sign directing a person to a location where materials and goods, etc., are received or shipped.

DIRECTIONAL SIGN — A sign, providing no advertising of any kind, which provides direction or instruction to guide persons to facilities intended to serve the public, including but not specifically limited to those signs identifying rest rooms, public telephones, public walkways, parking areas and other similar facilities.

DIRECTORY SIGN — A sign which indicates the name and/or address of the occupants, the address of the premises and/or identification of any legal business or occupation which may exist at the premises.

ELECTRONIC MESSAGE DISPLAY BOARD — A sign capable of displaying words, symbols, figures or images that can be electronically controlled by remote or automatic means.**[Added 12-10-2007 by Ord. No. 9-2007]**

EXISTING PERMANENT SIGN — A fixed, nonportable sign displayed in the City on the effective date of this article.

EXTERNAL ILLUMINATION — Illumination of a sign which is effected by an artificial source of light which is not contained within the sign itself.

FLASHING SIGN — An illuminated sign on which the artificial source of light is not maintained stationary or constant in intensity and color at all

times when such sign is illuminated. For the purpose of this article, any moving illuminated sign effected by intermittent lighting shall be deemed to be a flashing sign.

GRADE — The average level of the finished surface of the ground adjacent to a sign or the exterior wall of the building to which a sign is affixed.

GROSS SURFACE AREA (GSA) — The entire area within a single continuous perimeter enclosing the extreme limits of characters, lettering, illustrations, ornamentation or other figures, together with any material or color forming an integral part of the display or used to differentiate the sign from the background on which it is placed. Structural supports bearing no sign copy shall not be included in gross surface area.

ILLUMINATED SIGN — A sign in which an artificial source of light is used in connection with the display of such sign.

INTERNAL ILLUMINATION — Illumination of a sign which is effected by an artificial source of light which is contained within the sign itself.

MARQUEE — A permanent, roof-like structure extending from part of the wall of a building but not supported by the ground and constructed of durable material, such as metal, wood or glass.

MOVING SIGN — A sign which revolves, rotates, swings, undulates or otherwise attracts attention through movement of parts or through the impression of movement, including automatic electronically controlled copy change, but not including flags, banners, pennants or barber poles.

NEON OR OTHER GAS TUBE ILLUMINATION — Illumination effected by a light source consisting of a neon or other gas tube which is bent to form letters, symbols or other shapes.

NONCONFORMING SIGN — A sign which does not conform to one or more of the provisions contained in this article.

OFF-PREMISES SIGN — A sign which directs attention to a business, professional activity, commodity, service or entertainment other than one conducted, sold or offered upon the premises where such sign is located or within the building to which such sign is affixed.

PARAPET LINE — A low protective wall or railing along the edge of a raised structure, such as a roof or balcony.

PENNANT — A long, narrow, relatively small flag, often triangular, used for identification or as an emblem.

PLANNING COMMISSION — The Planning and Zoning Commission of the City of Taneytown.**[Amended 12-10-2007 by Ord. No. 9-2007]**

POLITICAL SIGN — A temporary sign identifying a political candidate, issue or party.

PORTABLE SIGN — A sign not permanently affixed to the ground, a building or other structure which may be moved from place to place.

PRINCIPAL BUILDING —

A. The main or principal building located upon a single zoned lot.

B. The building in which the principal use of the premises is conducted.

PROJECTING SIGN — A sign which is affixed to a building or wall and extends beyond the line of such building or wall or beyond the surface of that portion of the building or wall to which it is affixed.

REAL ESTATE SIGN — A sign which is used to offer for sale, lease or rent the premises upon which such sign is placed.

ROOF SIGN — A sign erected or maintained in whole or in part on, against or directly above the roof or parapet line of a building.

SANDWICH BOARD — A sign erected on an "A" frame which is not permanently attached to a foundation in the ground and which is not attached to a wheeled framework.

SHOPPING CENTER — A commercial development under unified control consisting of three or more separate commercial establishments sharing a common building, entranceway or parking area.

SIGN — Any identification, description, illustration or device, illuminated or nonilluminated, which is visible to the general public and directs attention to a product, service or place or a placard designed to advertise, identify or convey information.

TEMPORARY SIGN — A nonpermanent sign erected, affixed or maintained on a premises for a short, usually fixed, period of time.

WALL SIGN — A sign attached directly to an exterior wall of a building or dependent upon a building for support, with the exposed face of the sign located in a place substantially parallel to such exterior building wall to which the sign is attached or by which the sign is supported.

WARNING SIGN — A sign, containing no advertising material, warning the public of the existence of danger.

WINDOW SIGN — A sign attached to, placed upon or painted on the interior or exterior of a window or door of a building which is intended for viewing from the exterior of such building.

## § 205-41. One-family and multifamily dwelling units.

Home occupation signs are permitted, subject to Board of Appeals approval and the following standards:

A. A maximum of one sign per dwelling unit with a maximum of two square feet per sign is permitted.

B. A minimum setback of 10 feet from the nearest property line is required.

C. The maximum height shall be five feet above the ground.

D. The sign shall be nonilluminated.

### § 205-42. Downtown Business Zone. [Amended 10-10-2005 by Ord. No. 8-2005]

A. Awning/canopy signs. One awning/canopy is permitted per storefront. Maximum height of lettering is five inches. Awnings/canopies are allowed on the ground floor only. Fixed canopies only may be illuminated above the sidewalk. See § 205-55, Illumination.

B. Flat wall signs. One flat wall sign is permitted per storefront, except where a building fronts two streets, then two signs may be permitted. Where a building has multiple tenants, all tenants will utilize the same sign. Flat wall signs are permitted on the ground floor only. Maximum square footage per sign is 24 square feet or 10% of the storefront, whichever is less. If illuminated, § 205-55, Illumination, applies. No part of the sign or mounting hardware may block a second-story window.

C. Freestanding signs. Where a flat wall sign or a hanging sign is inappropriate, a freestanding sign may be permitted. One sign per storefront is permitted. The maximum square footage of the sign is 27 square feet per side, and the sign may not exceed 12 feet in height. No part of the sign may intrude on any public right-of-way. More than one business may utilize the sign. If illuminated, § 205-55, Illumination, applies. **[Amended 12-9-2013 by Ord. No. 7-2013]**

D. Hanging/projecting signs. Only one hanging sign per business storefront may be used in lieu of a flat wall sign. Where there are multiple tenants, all tenants will utilize the same sign, if advertising is required. If illuminated, § 205-55, Illumination, applies. Maximum size is 12 square feet per side or 24 square feet total. The bottom of the sign must be eight feet above the sidewalk and two feet behind the curbline. The sign or mounting hardware may not block any second-story window.

E. Directories. A directory is permitted where a building has multiple tenants. Directories are not calculated as part of overall allowed signage. Directories will be mounted at the entrance, if possible, and shall be no larger than two square feet.

F. Delivery sign. One delivery sign is permitted per tenant. Signs will be located at the side or rear of the building. Maximum size is two square feet, and the sign shall not be mounted above the first floor. If illuminated, § 205-55, Illumination, applies.

G. Portable signs. One portable sign is permitted per tenant.

### § 205-43. Commercial and industrial zones. [Amended 10-10-2005 by Ord. No. 8-2005]

A. Size. A total sign area of two square feet for each lineal foot of building frontage shall be allowed. If the building has multiple frontage, an

additional sign area of one square foot for each additional lineal foot of building frontage shall be allowed. The total area of all signs erected on the lot and building shall be within the allowable square footage. Where there is multiple frontage, only the amount of added sign area allowed by each additional frontage shall be allowed to face that frontage.

B. Flat wall signs. Flat wall signs may be located anywhere on any wall on the first floor. No window or part of a window shall be situated within the area of the sign or its supporting structure. No flat wall sign shall extend above the roofline. In the case of a multistory building which has a screen enclosing elevator shafts, stairs or heating and air-conditioning units, a flat wall sign may be permitted within the area of the screen.

C. Projecting signs. Projecting signs may project over public rights-of-way (sidewalks) only where there is no building setback. The sign may project no more than 42 inches beyond the right-of-way line and no closer than six feet to the curbline without a variance from the Board of Appeals. The sign must have a clearance of 10 feet above the finished grade of a sidewalk. A projecting sign or supporting structure shall not extend above the roofline and shall extend no higher than 25 feet from finish grade to the top of the sign.

D. Marquee signs. Signs may be placed on the vertical faces of a marquee and may project below the lower edge of a marquee not more than 24 inches, but the bottom of a sign placed on a marquee shall be no less than 10 feet above the sidewalk or grade at any point. No part of the sign shall project above the top of the vertical faces of a marquee. Signs shall not be permitted anywhere on a marquee which projects over any public right-of-way, except that a variance may be granted for theater marquees by the Board of Appeals.

E. Freestanding signs. Where a building does not cover the full area of the property, signs may be freestanding in addition to a flat wall sign. Maximum height is 35 feet, and maximum square footage of the sign is 40 square feet per side. Where a site plan is submitted, the Planning Commission shall determine the type and location during the site plan review process and may vary the maximum square footage requirement contained in this subsection. No part of the sign may extend beyond the property line or restrict the line of sight. Where a property has two entrances, a freestanding sign may be erected at both entrances. Where a freestanding sign is used at a shopping center, more than one tenant may be included on the sign. Signs shall be a minimum of 15 feet from the street right-of-way. **[Amended 12-10-2007 by Ord. No. 9-2007; 12-9-2013 by Ord. No. 7-2013]**

(1) Electronic message display board (EMDB). A portion of one freestanding sign per site may be configured as an EMDB following approval by the Planning Commission. The EMDB may not exceed 66% of the total square footage of the sign. EMDBs may advertise

on-premises sales or services, Community Association events, notify of Amber Alert or other public service messages.

F. Portable signs. One portable sign is permitted per tenant.

### § 205-44. Signs permitted in all zones. [Amended 10-10-2005 by Ord. No. 8-2005]

A. Construction signs.

(1) One sign each shall be permitted for all building contractors, professional firms and lending institutions on sites under construction. Each sign shall not exceed 16 square feet overall, with not more than a total of three such signs permitted on one site. The sign shall be confined to the site of the construction and shall be removed no later than 14 days upon completion of the project.

(2) One temporary real estate sign not exceeding six square feet in area and located on the property shall be allowed for each lot. If the lot, parcel or tract has multiple frontage, one additional sign not exceeding six square feet in area shall be allowed on the property to be placed facing the additional frontage.

(3) One temporary subdivision identification sign, not exceeding 24 square feet in area and located on the property, shall be allowed for each development of 10 lots or more. An increase in size may be allowed by the Board of Appeals.

B. Street banners. Street banners advertising a public entertainment or event, if specifically approved by the City and in locations designated by the City, may be displayed 14 days prior to and seven days after the public entertainment or event.

C. Flags. National, state, municipal and "open for business" flags are not regulated, except:

(1) When attached to a building, the flag cannot impede pedestrian traffic.

(2) The flag cannot in any way interfere with vehicular traffic.

(3) If illuminated, the flag must comply with § 205-55, Illumination, and the National Flag Code.

D. Bulletin boards. An on-site bulletin board may be used in any zone by religious, civil or government organizations for messages that relate to that organization. A bulletin board shall not exceed 36 square feet of total sign area per side without Planning Commission approval. The Planning Commission may consider larger dimensions based on site- and district-specific factors. If illuminated, the requirements of § 205-55, Illumination, must be met. **[Amended 10-11-2016 by Ord. No. 26-2016]**

(1) Bulletin boards may incorporate an electronic message display board (EMDB) under the following conditions:

(a) All bulletin boards incorporating an EMDB must be approved by the Planning Commission.

[1] Bulletin boards incorporating an EMDB for governmental entities shall be submitted to the Planning Commission for review and comment.

(b) Only governmental entities shall be permitted to have a bulletin board incorporating an EMDB in the Downtown Zoning District.

(c) Bulletin boards incorporating an EMDB may not exceed 10 feet in height or 36 square feet per side in total sign area.

(d) The EMDB display portion of the bulletin board may not exceed 66% of the total square footage of each side of the sign. The remaining 34% must be static and identify the entity.

(e) The Planning Commission may further limit dimensions of such signs based on site- and district-specific factors, and may permit larger dimensions for bulletin boards containing an EMDB on publicly owned property.

(f) Hours of illumination/operation shall be reviewed and set by the Planning Commission.

(g) Bulletin boards incorporating EMDB shall only display on-site events and activities, community events, and public service messages.

E. Yard sale sign. One yard sale sign shall be permitted on private property where the sale is being conducted and may not exceed six square feet in area. Signs shall not be attached to utility poles, street signs, trees or other public structures. Signs may be erected 24 hours prior to the sale and must be removed immediately following the sale.

## § 205-45. Window signs. [Amended 10-10-2005 by Ord. No. 8-2005]

Signs shall be permitted in a window or in a display of merchandise when incorporated with such a display. The total area of all window signs shall not exceed 35% of the window glass area. An additional 10% of window area may be used on a temporary basis to advertise nonprofit activities.

## § 205-46. Permanent identification signs. [Amended 10-10-2005 by Ord. No. 8-2005]

Signs of a permanent nature, setting forth the name of a community development center or other like projects, shall be permitted by the Planning Commission and approved at the time of plan review. Illumination

shall be in accordance with the restrictions set forth in § 205-55, Illumination. Such signs shall not exceed 24 square feet in area.

### § 205-47. Portable signs. [Amended 10-10-2005 by Ord. No. 8-2005]

Portable sandwich-type signs are the only portable signs permitted, with one sign per lot in the Downtown Business District[41] and General Business District. Maximum square footage is eight square feet per side. Portable signs shall not remain on the street after the hours of darkness. A forty-inch clear walking space must be provided. Sandwich signs for a shopping center may be one sign per storefront. These signs may only advertise products and services rendered by the occupant of the lot or store.

### § 205-48. Temporary signs. [Amended 10-10-2005 by Ord. No. 8-2005]

A. Banners. A new business may display a banner advertising the opening for a period of three months. A banner of a promotional nature may be used for a period of 30 days. Banners are not to exceed 15 square feet.

B. Pennants. Pennants for grand openings and special events may be used for a period not to exceed 14 days.

C. Banners, Community Association. A Community Association may use a banner as an off-premises sign under the following conditions: **[Added 12-10-2007 by Ord. No. 9-2007]**

(1) One banner per street frontage may be placed on properties within the Downtown Business District, the General Business District, or the Restricted General Business District.

(2) The banner may not be larger than 15 square feet.

(3) The banner may only be used for Community Associations to direct people to an event or place.

(4) Written permission must be obtained from the property owner and a copy of such permission placed on file with the Zoning Administrator of the City of Taneytown.

(5) The banner shall be removed immediately following the last date or time for the specified event.

### § 205-49. Nonconforming signs. [Amended 10-10-2005 by Ord. No. 8-2005]

Signs that do not conform to these regulations at the time this article is adopted shall remain nonconforming until the earlier of the following:

A. A change of use is, for the premises, required.

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**41. Editor's Note: The Local Business District was changed to the Downtown Business District 3-10-2003 by Ord. No. 1-2003. See § 205-19.**

B. The sign, in the opinion of the Zoning Administrator, has become unrepairable.

C. A sign is abandoned.

D. Five days from the passage of this article.

### § 205-50. Off-premises signs. [Amended 10-10-2005 by Ord. No. 8-2005]

Off-premises signs are prohibited under these regulations, except that the Board of Appeals may grant a special exception, provided that:

A. A hardship exists.

B. A directional sign is the only type of sign permitted.

C. Written permission must be obtained from the owner of the property where the sign is located,

D. One off-premises sign is allowed for multiple businesses.

E. The sign must conform to the zone where the sign is to be located.

### § 205-51. Sandwich signs, Community Associations. [Amended 10-10-2005 by Ord. No. 8-2005; 12-10-2007 by Ord. No. 9-2007]

A sandwich sign may be used as an off-premises sign under the following conditions:

A. One sign may be placed on each street frontage at the intersection of Route 140 and Route 194. A sign may be placed in the open space zone only at the entrance to the City's parks.

B. One sign per street frontage may be placed on properties within the Downtown Business District, the General Business District, or the Restricted General Business District.

C. The sign may not be larger than eight square feet per side.

D. The sign may not remain on a sidewalk after the hours of darkness.

E. The sign may only be used for Community Associations to direct people to an event or place.

F. Written permission must be obtained from the property owner and a copy placed on file with the Zoning Administrator of the City of Taneytown.

G. The sign shall be removed immediately following the last date or time for the specified event.

### § 205-52. Neon signs.

Exposed neon signs shall be permitted inside windows. None shall be placed outside. Neon window signs shall not cover more than 10% of the window area and must comply with § 205-55, Illumination.

### § 205-53. Prohibited signs.

The following signs are hereby expressly prohibited for erection, construction, alteration or relocation, except as otherwise permitted in this article or by a special exception of the Board of Appeals:

A. Streamers, balloons three feet and larger and other inflatable figures or devices.

B. Search lights.

C. Signs that can be confused with traffic control.

D. Billboards.

E. Off-premises signs, except as permitted as a special exception by the Board of Appeals or in compliance with § 205-50.

F. Portable and wheeled signs.

G. Roof signs.

H. Signs on utility poles and trees.

I. Signs painted on walls.

J. Signs with obscene, indecent or immoral content.

K. Signs on parked vehicles. Signs placed on, decaled, painted or otherwise affixed to vehicles and/or trailers which are parked on a public right-of-way, public property or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby property. However, this is not in any way intended to prohibit signs placed on or affixed to vehicles and trailers, such as lettering on motor vehicles, where the sign is incidental to the primary use of the vehicle or trailer.

### § 205-54. Exemptions.

The following types of signs are exempted from all the provisions of this article, except for construction and safety regulations and the following standards:

A. Public sign. Signs of a noncommercial nature and in the public interest erected by, or on the order of, a public officer in the performance of his duty, such as directional signs, regulatory signs, warning signs and informational signs.

B. Integral part of structure. Names of buildings, dates of erection, monumental citations, commemorative tablets and the like, when carved into stone, concrete or similar material or made of bronze, aluminum or other permanent-type construction and made an integral part of the structure.

C. Private traffic direction signs. On-site signs directing traffic movement onto a premises or within a premises, not exceeding six square feet in area for each sign.

D. Real estate signs. Temporary real estate signs not exceeding six square feet in area, located on the subject property and limited to one such sign for each frontage of a home, lot or parcel. Signs must be removed within seven days after closing occurs.

E. Billboards. Billboards erected prior to the adoption of these regulations.

### § 205-55. Illumination. [Amended 12-10-2007 by Ord. No. 9-2007]

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 safe vision of operators of vehicles moving on public or private roads, highways or parking areas. Light shall not shine or reflect on or into residential structures.

B. Beacon lights or search lights shall not be permitted as a sign or for advertising purposes.

C. Electronic message display boards shall be the only type of sign to have any illuminating device which may have a changing light intensity, brightness or color, or which are so constructed and operated as to create an appearance or illusion of writing or printing.

D. No exposed reflective-type bulbs and no strobe lights or incandescent lamps shall be used on the exterior surface of any sign.

E. Any sign involving electrical components shall be wired by a licensed electrician in accordance with the National Electrical Code, and the electrical components used shall bear an Underwriters' Laboratories, Inc., seal of inspection located on the outside of the sign.

F. Nothing in this subsection shall be constructed as preventing the use of lights or decorations relating to religious or patriotic festivities.

### § 205-56. Permit required.

A. Application. No sign shall be erected, replaced, altered or relocated without a permit issued by the Zoning Administrator. The permit application shall be signed by the applicant, and when the applicant is any person other than the owner of the property, the permit application

shall also be signed by the owner of the property and shall contain the location of the sign structure, the name and address of the sign owner and of the sign erector, drawings showing the design, dimensions and locations of the sign and such other pertinent information the Zoning Administrator may require to ensure compliance with the law of the City.

B. Expiration. A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of six months after the date of the permit.

### § 205-57. Maintenance and inspections.

A. All signs and components thereof shall be kept in good repair and in a safe, neat, clean and attractive condition.

B. Signs for which a permit is required shall be inspected periodically by the Zoning Administrator for compliance with this article and the other laws of the City.

### § 205-58. Exceptions to permit requirement.

The following operations shall not be considered as creating a sign and shall not require a sign permit:

A. Replacing copy. The changing of the advertising copy or message on an approved painted or printed sign or on a theater marquee and similarly approved signs which are specifically designed for the use of replaceable copy.

B. Maintenance. Painting, repainting, cleaning and other normal maintenance and repair of a sign or a sign structure, unless a structural change is made.

C. Exempt signs and window signs.

### § 205-59. Abandoned signs.

A sign on the premises shall be removed from the premises within 30 days when the business it advertises is no longer conducted. The owner of the building is responsible for the removal of any abandoned signs.

### § 205-60. Appeals.

Upon denial of a sign permit by the Zoning Administrator and where a variance or a special exception may be permitted hereunder, the sign owner, or owner of property on which a sign is located, may file an appeal within 30 days of the date of action of the Zoning Administrator to the Board of Appeals. The appeal shall be in writing in form as required by the Board.

### § 205-61. Violations and penalties.

Any person who violates this article shall be subject to the provision of § 205-90.

ARTICLE VIII
**Administration and Enforcement**

## § 205-62. Zoning Administrator.

A. A Zoning Administrator designated by the Mayor and Council shall administer and enforce this chapter. The Zoning Administrator may be provided with the assistance of any other persons as the Council may direct.

B. If the Zoning Administrator shall find that any of the provisions of this chapter are being violated, he or she shall notify, in writing, the person responsible for any violations, indicating the nature of the violation and ordering the action necessary to correct it. He or she shall order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or of illegal additions, alterations or structural changes; or discontinuance of any illegal work being done or shall take any other action authorized by this chapter to ensure compliance with or to prevent violation of its provisions. Appeal from the decision of the Zoning Administrator shall be made to the Board of Appeals as provided in Article IX.

C. At all regular meetings of the Council, the Zoning Administrator shall notify the Council of the status of all violations under investigation and of all applications for zoning certificates considered from the time of the last Council meeting.

## § 205-63. Zoning certificates. [Amended 2-14-1983 by Ord. No. 2-83]

A. No use or change of use of any land or structure or erection, construction, expansion or structural alteration of any structure or alteration or development of any land shall be permitted without a zoning certificate therefor issued by the Zoning Administrator or his or her designated agent. No zoning certificate shall be issued except in conformity with the provisions of this chapter, unless the issuing officer receives a written order from the Board of Appeals in the form of an administrative review, special exception or variance as provided by this chapter.

B. All applications for zoning certificates shall be accompanied by plans drawn to scale showing the actual dimensions and shape of the lot to be built upon, the exact sizes and location on the lot of structures and uses already existing, if any, and the location and dimensions of any proposed structures or alterations. The application shall include such information as lawfully may be required by the Zoning Administrator, including existing or proposed structures or alterations; existing or proposed uses of the structures and land; the number of families or rental units the buildings are designed to accommodate; conditions existing on the lot; existing or proposed parking facilities and access

drives; and any other matters as may be necessary to determine conformance with, and provide for the enforcement of, this chapter.

C. It shall be the duty of the Zoning Administrator to issue a zoning certificate, provided that he or she is satisfied that the building or other structure and the proposed use thereof, or the proposed use of the land or premises, conforms to all the provisions of this chapter. No zoning certificate shall be valid until certificates have been issued where required by the County Health Office approving proposed methods of water supply and disposal of wastes. Approval by other applicable governmental agencies of the City, county or state shall be prerequisite where required by those agencies.

D. The zoning certificate shall become null and void 90 days after the date of issuance if the construction or use for which the certificate was issued has not been started. If the work described in any zoning certificate has not been substantially completed within two years of the date of issuance thereof, the certificate shall expire and be canceled by the Zoning Administrator, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled certificate shall not proceed unless and until a new zoning certificate has been obtained. **[Amended 5-8-2006 by Ord. No. 2-2006]**

E. Zoning certificates issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, arrangement and construction set forth in the approved plans and applications. Use, arrangement or construction at variance with that authorized shall be deemed a violation of this chapter and punishable as provided by § 205-90.

F. In the event of fire, flood or other disaster or unforeseeable event, the Zoning Administrator, upon approval by the Planning Commission and in accordance with conditions established by the Planning Commission, including time limits, may issue a temporary zoning certificate for a period the Zoning Administrator deems appropriate, but in any event not longer than one year, which would allow a temporary relocation of an existing use, whether conforming or nonconforming, to any property within the City limits no matter how the proposed temporary location is zoned.

## § 205-64. (Reserved)[42]

**42. Editor's Note: Former § 205-64, Special exceptions, was repealed 1-12-2004 by Ord. No. 14-2003.**

ARTICLE IX
**Board of Appeals**

### § 205-65. Membership; terms of office; rules; meetings. [Amended 8-9-1999 by Ord. No. 8-99; 12-13-1999 by Ord. No. 9-99; 3-12-2001 by Ord. No. 3-2001]

A. The Board of Appeals of the City of Taneytown is hereby created and shall consist of five members. The terms of office of the members of the Board shall be three years. They shall be appointed by the Mayor, confirmed by the Council and removable for cause, upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. Members of the Board may receive that compensation as the Council deems appropriate.

B. The Board shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to this chapter. Meetings of the Board shall be held at the call of the Chairperson and at any other times as the Board may determine. The Chairperson or, in his or her absence, the Acting Chairperson may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall make a transcript of all proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating that fact, which shall be immediately filed in the office of the Board and shall be a public record.

### § 205-66. Powers and duties.

The Board of Appeals shall have the following powers:

A. To hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of this chapter or of any ordinance adopted pursuant thereto.

B. To hear and decide special exceptions to the terms of the ordinance upon which the Board is required to pass under such ordinances.

C. To authorize upon appeal in specific cases a variance from the terms of the ordinance.

### § 205-67. Procedure for filing appeal. [Amended 2-14-1983 by Ord. No. 1-83]

Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the City affected by any decisions of the Zoning Administrator. The appeal shall be taken within 30 days by filing with the Zoning Administrator and with the Board of Appeals a notice of appeal specifying the grounds thereof. The Zoning Administrator

shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

### § 205-68. Hearings.

The Board of Appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing any party may appear in person or by agent or by attorney. The Board may, in conformity with the provisions of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and make that order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the Zoning Administrator from whom the appeal is taken.

### § 205-69. Stay of proceedings.

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator from whom the appeal is taken certifies to the Board of Appeals, after notice of appeal taken shall have been filed with him or her, that by reason of the facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property. In that case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the Zoning Administrator from whom the appeal is taken and on due cause shown.

### § 205-70. Appeals from Board's decision.

Any person or persons jointly or severally aggrieved by any decision of the Board of Appeals, or by a reclassification by the Council, or any taxpayer or any officer, department, board or bureau of the City may appeal the same to the Circuit Court of Carroll County. The appeal shall be taken according to the Maryland Rules as set forth in Chapter 1100, Subtitle B.

### § 205-71. Expenses. [Amended 9-9-1996 by Ord. No. 6-96]

All applicants for hearings before the Board of Appeals shall be jointly and severally liable to pay to the City full reimbursement for any and all costs or expenses incurred by the City directly or indirectly related to such hearing, including but not limited to filing fees, the cost of fees payable to members of the Board for attendance at the hearing, attorney's fees, publication costs and other advertising costs, the costs of any required court reporter any engineering or review costs and any other expense directly related to such hearing. No zoning certificate or building permit shall be issued for the property which is the subject of the application, until all such costs as billed by the City Clerk shall have been paid to the City in full. In the event of an appeal of any decision of the Board of Appeals to any court, the record of the proceeding, including any exhibits and transcripts, will not be released or filed with the appellate courts until all such costs have been paid in full.

ARTICLE X
**Variances**

## § 205-72. When permitted.

For the purposes of this chapter, a variance shall mean a modification only of density, bulk or area requirements in this chapter where the modification will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the results of any action taken by the applicant, a literal enforcement of this chapter would result in unnecessary hardship.

## § 205-73. Procedure. [Amended 12-13-1982 by Ord. No. 12-82]

A. A variance from the terms of this chapter shall not be granted by the Board of Appeals unless and until:

(1) A written application for a variance is submitted.

(2) Determination of the following after a hearing:

(a) Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district.

(b) The literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter.

(c) The special conditions and circumstances do not result from the actions of the applicant.

(d) Granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures or buildings in the same district.

B. No nonconforming use of neighboring lands, structures or buildings in the same district, and no permitted or nonconforming use of lands, structures or buildings in other districts, shall be considered grounds for the issuance of a variance.

C. The Board of Appeals shall make a finding that the reasons set forth in the application justify the granting of the variance and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

D. The Board of Appeals shall make a finding that the granting of the variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

E. In granting any variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of these conditions and safeguards when made a part of the terms under which the variance is granted shall be deemed a violation of this chapter and punishable under § 205-90.

ARTICLE XI
**Special Exceptions**

## § 205-74. Basis for grant of exception.

Special exceptions are deemed to be a grant of a specific use that would not be appropriate generally or without restriction and shall be based upon a finding that certain conditions governing special exceptions as detailed in this article exist and that the use conforms to the Comprehensive Plan of Taneytown and is compatible with the existing neighborhood.

## § 205-75. Procedure.

A plan for the proposed special exception shall be submitted to the Board of Appeals. This plan shall show the location of all structures, parking areas, traffic access, open space, landscaping and any other pertinent information that may be deemed necessary to determine if the proposed special exception meets the requirements of this chapter. In addition, a written application for the special exception shall be submitted indicating the section or sections of this chapter under which the special exception is sought and stating the grounds on which it is requested.

## § 205-76. Standards.

Before granting any special exception, the Board of Appeals shall find that satisfactory provision and arrangement has been made concerning, but not limited to, the following where applicable:

A. Ingress and egress to property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe.

B. Off-street parking and loading areas where required, with particular attention to the items in Subsection A above and the economic, noise, glare or odor effects of the special exception on adjoining properties and properties generally in the district.

C. Refuse and service areas, with particular reference to the items in Subsections A and B above.

D. Utilities, with reference to locations, availability and compatibility;

E. Screening and buffering with reference to type, dimensions and character.

F. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district.

G. Required yards and other open space.

H. General compatibility with adjacent properties and other property in the district.

### § 205-77. Conversion of single-family dwellings. [Amended 12-13-1982 by Ord. No. 13-82]

The Board of Appeals may allow as a special exception the conversion of a single-family detached dwelling into a dwelling for a greater number of dwelling units. The Board shall determine that there has been satisfactory conformance with the following or that a variance thereof is to be granted pursuant to the provisions of Article X of this chapter:

A. No dwelling unit shall have less than 400 square feet of floor area.

B. The lot area per dwelling unit may not be reduced below that required for the district in which the designated lot is located.

C. The yard and area requirements for the district in which the building is located shall not be reduced.

D. All off-street parking requirements must be met.

E. No external alteration of the building is permitted except as may be necessary for reasons of safety.

### § 205-78. Home occupations. [Amended 5-9-1983 by Ord. No. 5-83; 7-11-1983 by Ord. No. 6-83]

The person conducting the home occupation shall be a resident of the dwelling; no more than two persons not in residence in the dwelling shall be employed in that occupation; no more than 25% of the floor area of the dwelling shall be devoted to that use; the use shall be conducted exclusively within the dwelling and not in any accessory structures; no displays or change in the building facade shall indicate from the exterior that the dwelling is being utilized for purposes other than a dwelling; and adequate off-street parking shall be provided. In consideration of any application for special exception hereunder, the Board of Appeals may prescribe the number, type, location and position of any sign proposed for the location.

### § 205-79. Residential dwellings in Downtown Business District. [43] [Amended 1-3-1992 by Ord. No. 12-91]

Residential dwellings in the Local Business District shall be either single-family detached dwellings, semidetached dwellings, attached dwellings or apartment dwellings and shall at least comply with all lot and yard requirements of the R-6,000 District. No dwelling unit shall have less than 400 square feet of floor area. The parking and loading requirements shall be subject to Article VI of this chapter, while all signs shall be subject to Article VII of this chapter.

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**43. Editor's Note: The Local Business District was changed to the Downtown Business District 3-10-2003 by Ord. No. 1-2003. See § 205-19.**

### § 205-80. Dwelling units in commercial buildings.

One dwelling unit may be permitted in each commercial building in the General Business District, provided that at least one person residing at the dwelling unit is an employee at the commercial building, the dwelling unit is a subordinate use to the commercial use, the dwelling unit shall not have less than 400 square feet of floor area and adequate off-street parking is provided for both the commercial use and the dwelling unit.

### § 205-81. Private clubs.

All private clubs, whether run for profit or as a nonprofit use, shall not sell or dispense alcoholic beverages except in accordance with the rules and regulations of the Board of License Commissioners for Carroll County and with Article 2B of the Annotated Code of Maryland.

### § 205-82. Private recreation areas.

Such use shall not be primarily for gain or profit. Pools, clubhouses or other similar areas of high use or noise potential shall be located not less than 20 feet from all property lines. When adjacent to an existing residential use or recorded subdivision, adequate screening is required. Lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent properties. The Board of Appeals may require a traffic study showing the adequacy of the adjacent street system, the interior traffic patterns, the ingress and egress control and the solution to any projected traffic congestion.[44]

### § 205-83. Conditions. [Amended 12-13-1982 by Ord. No. 14-82]

In granting any special exceptions, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of these conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter and punishable under § 205-90.

### § 205-84. Day-care centers. [Amended 5-13-1985 by Ord. No. 2-85; 5-9-1988 by Ord. No. 9-88]

A day-care center, which for purposes of this Code shall be defined as any center which is required to be either licensed or registered pursuant to the provisions of Title 14 of the Health-General Article or Title 5 of the Family Law Article of the Annotated Code of Maryland, shall be permitted in any zone within the City, but in the R-6,000, R-7,500 and R-10,000 and Downtown Business Districts[45] the same shall be allowed only by special exception granted pursuant to this section. In the General Business and

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**44. Editor's Note: Original Sec. 8-3-140, Automobile service station, and Sec. 8-3-141, Shopping center, which immediately followed this section, were deleted 8-9-1999 by Ord. No. 8-99.**

**45. Editor's Note: The Local Business District was changed to the Downtown Business District 3-10-2003 by Ord. No. 1-2003. See § 205-19.**

Restricted Industrial Districts, the same may be allowed by the Zoning Administrator without the necessity of special exception, provided that he or she determines that all appropriate licensing and other requirements have been met.

### § 205-85. Garden apartments. [Amended 12-9-1985 by Ord. No. 9-85]

The Board of Appeals may grant a special exception for garden apartments in the R-7,500 District only, in accordance with the general provisions of this chapter concerning special exceptions, provided that there has been satisfactory conformance with all of the provisions of this chapter relating to special exceptions and further provided that there has been satisfactory conformance with the following criteria or that a variance thereof is to be granted pursuant to the provisions of Article X of this chapter. The purpose of this section is to allow the creation of apartment complexes of not less than six nor more than 24 dwelling units while maintaining both the short- and long-range planning goals of the City and providing for the health, safety and general welfare of the community. Before granting any such special exception, the Board of Appeals shall find that the following criteria have been fully met:

A. The maximum number of dwelling units in any one area shall be 24.

B. There shall be a finding of a lot area per dwelling unit of 4,000 square feet with a minimum lot area for the project of 24,000 square feet and a maximum lot area for the project of four acres.

C. All new apartment areas must be buffered from existing single-family detached and semidetached residential dwellings by conventional housing of single-family or semidetached type. **[Amended 8-9-1999 by Ord. No. 8-99]**

D. Parking of vehicles other than automobiles, motorcycles and pickup trucks shall be prohibited.

ARTICLE XII
**Amendments; Violations and Penalties**

### § 205-86. Action by Council; change in zoning classification.

These regulations, restrictions and boundaries may from time to time be amended, supplemented, modified or repealed by the Council. Where the purpose and effect of the proposed amendment is to change the zoning classification, 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 recommendations of the Planning Commission and the relationship of such proposed amendment to the Comprehensive Plan of Taneytown. 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 or that there is a mistake in the existing zoning classification.

### § 205-87. Application for reclassification.

An application for reclassification shall not be accepted for filing by the Council if the application is for reclassification of the whole or any part of land the reclassification of which has been opposed or denied by the Council on the merits within 12 months from the date of the decision of the Council.

### § 205-88. Hearings. [Amended 9-9-1996 by Ord. No. 5-96]

No amended regulation, restriction or boundary may at any time be amended, supplemented, modified or repealed until after at least one public hearing in relation thereto and at which parties in interest and citizens shall have an opportunity to be heard. At least 10 days' notice of the time and place of the hearing shall be published in at least one newspaper of general circulation with the City, once each week for two successive weeks, with the first such publication and notice appearing at least 14 days prior to the hearing. The notice shall contain the time and place of the public hearing, together with a summary of the proposed regulation, restriction or boundary. A complete record of the hearing and the votes of all Council members shall be kept.

### § 205-89. Hearing examiners.

A. The Council may appoint any full-time and part-time hearing examiners as in its discretion may be deemed necessary and appropriate. The Council may delegate to the hearing examiner or examiners the power to hold and conduct public hearings. The hearing shall be conducted in such a manner and subject to any rules and regulations as may be provided by the Council.

B. The hearing examiner or examiners shall be appointed for those terms of office, shall be possessed of those qualifications and shall receive any compensation as may be provided by Council. The hearing examiner

shall render a written recommendation at the time and in the manner and form as may be required by the Council.

### § 205-90. Violations and penalties.

A. As provided in § 7.01 of Article 66B of the Annotated Code of Maryland, any person, firm or corporation violating any provisions of this chapter shall be fined not more than $100. Each and every day during which the illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use continues may be deemed a separate offense. **[Amended 8-9-1999 by Ord. No. 8-99; 12-13-1999 by Ord. No. 9-99]**

B. Nothing herein contained shall prevent the City from taking any other lawful action as is necessary to prevent or remedy any violation.

ARTICLE XIII
**Temporary Uses**
**[Added 11-10-2003 by Ord. No. 15-2003]**

## § 205-91. Grant of authorization.

A. Buildings or structures. The Board of Appeals may authorize the temporary use of a building, structure or premises in any district for a purpose or use that does not conform to the regulations prescribed by this chapter for the district in which it is located; provided, however, that such use be of a temporary nature and does not involve the erection of substantial buildings or structures. Such authorization shall be granted in the form of a temporary and revocable permit for a period of not more than six months, subject to such conditions as the Board of Appeals determines will safeguard, protect and preserve the public health, safety, convenience, and general welfare and will not be contrary to the purpose and intent of this chapter. Such temporary use permit shall expire at the end of the six-month period.

B. Other uses or activities. The Zoning Administrator may authorize the temporary use of a property in any district for a temporary short-term activity or use not otherwise conforming to the regulations prescribed in this chapter for the district in which it is located to conduct the activity or use for a limited period of time. Such authorization shall be granted in the form of a temporary and revocable permit for a period not to exceed three days, subject to such conditions as the Zoning Administrator determines are necessary to protect and preserve the public health, safety, convenience and general welfare and will not be contrary to the purpose and intent of this chapter. Temporary activities and uses intended to be allowed under this section include, but shall not be limited to, flea markets, farmers markets, craft, trade or hobby shows, fairs, and other similar uses as determined by the Zoning Administrator. This section shall not apply to City sponsored or sanctioned events or activities.

# Chapter 206

# DESIGN STANDARDS

**GENERAL REFERENCES**

**Building construction — See Ch. 82.**
**Site plans — See Ch. 181.**
**Subdivision of land — See Ch. 180.**
**Zoning — See Ch. 205.**

## § 206-1. Creation of standards.

A. Standards for design, hereinafter known as "design standards," shall apply to all new construction, renovation, additions, accessory buildings and all other types of building or construction that requires a building permit which shall occur in the "Old Town" section of the City of Taneytown.

B. Detailed standards shall be maintained in a noncodified booklet entitled "Design Standards for the City of Taneytown" are hereby adopted by reference. Any changes or amendments to said standards shall be approved by ordinance of the City Council.

## § 206-2. Applicability to Old Town.

The Old Town section of the City of Taneytown shall be the area of the City known, designated as the Taneytown Historic District (inventory number Carr-1196), adopted October 9, 1986. A copy of a map depicting such area shall be maintained for public inspection in the City Office.

## § 206-3. Administration.

A. The administrator of the design standards in the City of Taneytown shall be the Zoning Administrator of the City of Taneytown. The administrator shall be responsible for the administration and application of design standards, including but not limited to the examination of all applications for building permits and certificates of use and occupancy, and shall approve such only where there is compliance with the provisions of this chapter.

B. Policies and procedures for the efficient and effective administration of the design standards shall be adopted from time to time by resolution of the City Council.

## § 206-4. Design Review Board.

A. A board to be known as the "Design Review Board of the City of Taneytown" or "Design Review Board" is hereby established.

B. The Design Review Board shall be composed of five members: One member shall be selected from the City Council of the City of Taneytown and serve as an ex officio member; one member shall be selected from the Planning and Zoning Commission of the City of Taneytown and serve as an ex officio member; one member shall be selected from the Taneytown Board of Zoning Appeals and serve as an ex officio member; and two members shall be selected from the residents of the City of Taneytown and shall have a term of office of three years. These members shall be appointed by the Mayor and approved by the City Council.

C. The members of the Design Review Board shall not receive compensation for their service.

D. The Design Review Board shall meet monthly, on an as-needed basis, and any other times as the Design Review Board may determine. All meetings shall be open to the public, except for such meetings and sessions as may be closed by law.

E. The Design Standard Administrator shall serve as secretary to the Design Review Board, and the City Attorney shall serve as attorney for the Design Review Board.

### § 206-5. Powers of the Design Review Board.

The Design Review Board shall have the powers and duties as now or hereafter provided for in applicable sections of the Code of the City of Taneytown, state law, and other such powers and duties as designated by the Mayor and City Council.

### § 206-6. Appeal and hearing.

A. Any person aggrieved by any decision of the Design Standard Administrator may appeal said decision to the Design Review Board. The appeal shall be taken within 30 days of said decision by filing with the Design Standard Administrator and Design Review Board a notice of appeal specifying the grounds thereof.

B. The Design Review Board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest and decide the same within a reasonable time. At the hearing any party may appear in person or by agent or by attorney. The Design Review Board may reserve or affirm, wholly or partly, or may modify the requirement, decision or determination appealed from and to that end shall have the powers of the Design Standard Administrator from whom the appeal is taken.

C. There shall be no fee for any appeal taken to the Design Review Board.

D. Any person aggrieved by any decision of the Design Review Board may appeal the same to the Circuit Court of Carroll County. The appeal shall be taken according to Title 7, Chapter 200, of the Maryland Rules.

# Chapter DL

# DISPOSITION LIST

## § DL-1. Disposition of legislation.

| Ord. No. | Adoption Date | Subject | Disposition |
|---|---|---|---|
| 9-99 | 12-13-1999 | Readoption of Code | Ch. 1, Art. I |
| 10-99. | 11-8-1999 | Parks amendment | Ch. 153, Art. I |
| 1-2000 | 2-14-2000 | Zoning amendment | Ch. 205 |
| 2-2000 | 4-13-2000 | Cable television amendment | Ch. 93 |
| 3-2000 | 5-9-2000 | Budget | NCM |
| 4-2000 | 8-14-2000 | Water service rates amendment | Ch. 201, Art. II |
| 5-2000 | 8-14-2000 | Building construction and fire prevention amendment | Ch. 82 |
| 6-2000 | 9-11-2000 | Building construction and fire prevention amendment | Ch. 82 |
| 1-2001 | | | Rejected |
| 2-2001 | 3-12-2001 | Streets and curbing amendment | Ch. 176, Art. II |
| 3-2001 | 3-12-2001 | Zoning amendment | Ch. 205 |
| Charter Res. No. 2001-2 | 3-12-2001 | Charter amendment | § C-513 |
| Charter Res. No. 2001-3 | 3-12-2001 | Charter amendment | § C-510 |
| Charter Res. No. 2001-4 | 3-12-2001 | Charter amendment | § C-301 |
| 4-2001 | | | Rejected |
| 5-2001 | 7-9-2001 | Stormwater management | Repealed by Ord. No. 3-2010 |
| 6-2001 | | | Rejected |
| 7-2001 | 6-11-2001 | Vehicles and traffic amendment | Ch. 193 |
| 8-2001 | 7-9-2001 | Vehicles and traffic amendment | Ch. 193 |

| Ord. No. | Adoption Date | Subject | Disposition |
|---|---|---|---|
| 9-2001 | 7-9-2001 | Vehicles and traffic amendment | Ch. 193 |
| 10-2001 | | | Rejected |
| 11-2001 | 10-8-2001 | Sewers: general provisions amendment | Ch. 167, Art. I |
| 1-2002 | 3-11-2002 | Parks and recreation amendment | Ch. 153, Art. I |
| 2-2002 | | | NCM |
| 3-2002 | 9-9-2002 | Peddlers, solicitors and vendors amendment | Ch. 157 |
| 4-2002 | | | NCM |
| 5-2002 | 12-9-2002 | Vehicles and traffic amendment (helmet safety) | Ch. 193 |
| 6-2002 | 11-11-2002 | Zoning amendment | Ch. 205 |
| 1-2003 | 3-10-2003 | Zoning amendment | Ch. 205 |
| 2-2003 | 4-14-2003 | Vehicles and traffic amendment | Ch. 193 |
| 3-2003 | | Budget | NCM |
| 4-2003 | 5-12-2003 | Zoning amendment | Ch. 205 |
| 5-2003 | 5-12-2003 | Zoning amendment | Ch. 205 |
| 6-2003 | | | Rejected |
| 7-2003 | 6-9-2003 | Zoning amendment | Ch. 205 |
| 8-2003 | | | Rejected |
| 9-2003 | 8-11-2003 | Streets and sidewalks amendment | Ch. 176 |
| 10-2003 | | | Rejected |
| 11-2003 | 1-12-2004 | Zoning amendment | Ch. 205 |
| 12-2003 | 1-12-2004 | Zoning amendment | Ch. 205 |
| 13-2003 | 1-12-2004 | Zoning amendment | Ch. 205 |
| 14-2003 | 1-12-2004 | Zoning amendment | Ch. 205 |
| 15-2003 | 11-10-2003 | Zoning amendment | Ch. 205 |
| 1-2004 | 2-9-2004 | Subdivision of land | Ch. 180 |
| 2-2004 | 2-9-2004 | Parks and Recreation Advisory Board | Ch. 153, Art. III |
| 3-2004 | 2-9-2004 | Ethics amendment | Repealed by Ord. No. 3-2012 |

| Ord. No. | Adoption Date | Subject | Disposition |
|---|---|---|---|
| 4-2004 | 2-9-2004 | Water service rates amendment | Ch. 201, Art. II |
| 5-2004 | 2-9-2004 | Ethics amendment | Repealed by Ord. No. 3-2012 |
| 6-2004 | 2-9-2004 | Ethics amendment | Repealed by Ord. No. 3-2012 |
| 7-2004 | 2-9-2004 | Ethics amendment | Repealed by Ord. No. 3-2012 |
| 8-2004 | 2-9-2004 | Ethics amendment | Repealed by Ord. No. 3-2012 |
| 9-2004 | 2-9-2004 | Ethics amendment | Repealed by Ord. No. 3-2012 |
| 10-2004 | 2-9-2004 | Ethics amendment | Repealed by Ord. No. 3-2012 |
| 11-2004 | 2-9-2004 | Ethics amendment | Repealed by Ord. No. 3-2012 |
| 12-2004 | 2-9-2004 | Ethics amendment | Repealed by Ord. No. 3-2012 |
| 13-2004 | | | NCM |
| 14-2004 | | | NCM |
| 15-2004 | 7-12-2004 | Streets and curbing amendment | Ch. 176, Art. II |
| 16-2004 | 7-12-2004 | Use, construction and penalties amendment | Ch. 1, Art. II |
| 17-2004 | 12-13-2004 | Site plans | Ch. 181 |
| 18-2004 | 10-11-2004 | Water service rules amendment | Ch. 201, Art. II |
| 19-2004 | 12-13-2004 | Health and sanitation amendment | Repealed by Ord. No. 5-2007 |
| 1-2005 | | | NCM |
| 2-2005 | 2-14-2005 | Parks and recreation: skate park | Ch. 153, Art. IV |
| 3-2005 | 2-14-2005 | Streets, sidewalks and other public places amendment | Ch. 176, Art. I |
| 4-2005 | | | Rejected |
| 5-2005 | 5-9-2005 | Streets, sidewalks and other public places: construction, excavation and repair amendment | Ch. 176, Art. III |

| Ord. No. | Adoption Date | Subject | Disposition |
|---|---|---|---|
| 6-2005 | | | NCM |
| 7-2005 | 8-8-2005 | Storm sewer systems | Ch. 172 |
| 8-2005 | 10-10-2005 | Zoning amendment | Ch. 205 |
| 9-2005 | | | Pending |
| 10-2005 | 9-12-2005 | Vehicles and traffic amendment | Ch. 193 |
| 11-2005 | | | Rejected |
| 12-2005 | 5-8-2006 | Zoning amendment | Ch. 205 |
| 1-2006 | | Budget | NCM |
| 2-2006 | 5-8-2006 | Zoning amendment | Ch. 205 |
| 3-2006 | 5-8-2006 | Streets, sidewalks and other public places: block parties | Ch. 176, Art. IV |
| 4-2006 | | Budget | NCM |
| 5-2006 | 10-9-2006 | Vehicles and traffic amendment (skateboards and scooters) | Ch. 193 |
| 6-2006 | 12-11-2006 | Loitering | Ch. 100 |
| 7-2006 | | | Rejected |
| 8-2006 | | | Pending |
| 9-2006 | | | Pending |
| 10-2006 | | | Pending |
| 11-2006 | 12-11-2006 | Livability amendment | Ch. 142 |
| 12-2006 | 12-11-2006 | Vehicles and traffic amendment | Ch. 193 |
| Charter Res. No. 2007-5 | 3-12-2007 | Charter amendment | § C-517 |
| 1-2007 | 5-14-2007 | Comprehensive rezoning of 2007 | NCM |
| 2-2007 | 4-9-2007 | Comprehensive Plan Map amendment | NCM |
| 3-2007 | 5-14-2007 | Capital Improvement Program, FY2007 - FY2013 | NCM |
| 4-2007 | 5-14-2007 | FY2008 budget | NCM |
| 5-2007 | 7-9-2007 | Health and sanitation | Ch. 124 |
| 6-2007 | | Design Review Board | Tabled |

| Ord. No. | Adoption Date | Subject | Disposition |
|---|---|---|---|
| Charter Res. No. 2007-18 | 9-10-2007 | Charter amendment | § C-717 |
| 7-2007 | 11-7-2007 | Bond | NCM |
| 8-2007 | 11-7-2007 | Bond | NCM |
| 9-2007 | 12-10-2007 | Zoning amendment | Ch. 205 |
| 1-2008 | 5-12-2008 | Zoning amendment | Ch. 205 |
| 2-2008 | 5-12-2008 | Development rights and responsibilities agreements | Ch. 178 |
| 3-2008 | | | NCM |
| 4-2008 | | | NCM |
| 5-2008 | | | NCM |
| 6-2008 | | | NCM |
| 7-2008 | | | NCM |
| 8-2008 | 12-8-2008 | Design standards | Ch. 206 |
| 9-2008 | 12-8-2008 | Zoning amendment | Ch. 205 |
| 10-2008 | 12-8-2008 | Site plans amendment | Ch. 181 |
| 11-2008 | 1-12-2009 | Zoning amendment | Ch. 205 |
| 12-2008 | 1-12-2009 | Subdivision of land amendment | Ch. 180 |
| 13-2008 | 1-12-2009 | Site plans amendment | Ch. 181 |
| 1-2009 | | | NCM |
| 2-2009 | | | NCM |
| 3-2009 | | | NCM |
| 4-2009 | | | NCM |
| 5-2009 | | | NCM |
| 6-2009 | | | NCM |
| 7-2009 | | | NCM |
| 8-2009 | | | NCM |
| 9-2009 | 11-9-2009 | Planning Commission amendment | Ch. 42 |
| 10-2009 | 12-14-2009 | Building construction and fire prevention amendment; parks and recreation amendment | Ch. 82; Ch. 153 |
| 1-2010 | | | NCM |
| 2-2010 | 3-8-2010 | Zoning amendment | Ch. 205 |

| Ord. No. | Adoption Date | Subject | Disposition |
|---|---|---|---|
| 3-2010 | 9-13-2010 | Stormwater management | Ch. 173 |
| 4-2010 | | | NCM |
| 5-2010 | 6-14-2010 | Health and sanitation amendment | Ch. 124 |
| 6-2010 | 11-8-2010 | Water service rules amendment | Ch. 201, Art. I |
| Charter Res. No. 2011-1 | 2-14-2011 | Charter amendment | § C-502 |
| Charter Res. No. 2011-2 | 2-14-2011 | Charter amendment | § C-505 |
| Charter Res. No. 2011-3 | 2-14-2011 | Charter amendment | § C-507 |
| Charter Res. No. 2011-4 | 2-14-2011 | Charter amendment | § C-508 |
| Charter Res. No. 2011-5 | 2-14-2011 | Charter amendment | § C-511 |
| Charter Res. No. 2011-6 | 2-14-2011 | Charter amendment | § C-512 |
| Charter Res. No. 2011-7 | 2-14-2011 | Charter amendment | § C-513 |
| 1-2011 | 3-14-2011 | Elections | Ch. 103 |
| 2-2011 | 5-9-2011 | Zoning amendment | Ch. 205 |
| 3-2011 | 10-11-2011 | Vehicles and traffic amendment | Ch. 193 |
| 4-2011 | 11-14-2011 | Bond | NCM |
| 5-2011 | 12-12-2011 | Downtown Revitalization Act | NCM |
| 1-2012 | 5-14-2012 | Budget | NCM |
| 2-2012 | 6-11-2012 | Bond | NCM |
| 3-2012 | 10-9-2012 | Ethics | Ch. 16 |
| 1-2013 | 3-11-2013 | Ethics amendment | Ch. 16 |
| 2-2013 | 4-8-2013 | Budget | NCM |

| Ord. No. | Adoption Date | Subject | Disposition |
|---|---|---|---|
| Charter Res. No. 2013-1 | 10-15-2013 | Charter amendment | § C-604 |
| Charter Res. No. 2013-2 | 7-8-2013 | Charter amendment | § C-605 |
| Charter Res. No. 2013-3 | 7-8-2013 | Charter amendment | § C-606 |
| Charter Res. No. 2013-4 | 7-8-2013 | Charter amendment | § C-713 |
| Charter Res. No. 2013-5 | 7-8-2013 | Charter amendment | § C-1013 |
| Charter Res. No. 2013-6 | 7-8-2013 | Charter amendment | § C-1401 |
| Charter Res. No. 2013-7 | 7-8-2013 | Charter amendment | § C-1402 |
| 3-2013 | 9-9-2013 | Downtown Revitalization Act amendment | NCM |
| 4-2013 | 9-9-2013 | Departments: general provisions amendment | Ch. 11, Art. I |
| 5-2013 | 9-9-2013 | Officers and employees amendment | Ch. 34 |
| 6-2013 | 10-15-2013 | Purchases and contracts amendment | Ch. 46 |
| 7-2013 | 12-9-2013 | Zoning amendment | Ch. 205 |
| 8-2013 | 12-9-2013 | Site plans amendment | Ch. 181 |
| 9-2014 | 5-12-2014 | 2014-2015 budget | NCM |
| 10-2014 | | | Not adopted |
| 11-2014 | | | Not adopted |
| 12-2014 | | | Not adopted |
| 13-2014 | 12-8-2014 | 2014-2015 budget amendment | NCM |
| 14-2015 | 5-11-2015 | 2015-2016 budget | NCM |
| 15-2015 | | | Repealed by Ord. No. 16-2015 |

| Ord. No. | Adoption Date | Subject | Disposition |
|---|---|---|---|
| 16-2015 | 9-14-2015 | Floodplain management | Ch. 114 |
| 17-2015 | 10-13-2015 | 2014-2015 budget amendment | NCM |
| 18-2015 | 10-13-2015 | 2014-2015 budget amendment | NCM |
| 19-2016 | 2-8-2016 | Downtown Revitalization Act amendment | NCM |
| 20-2016 | 4-11-2016 | Campaign finance | Ch. 18 |
| 21-2016 | 4-11-2016 | Zoning amendment | Ch. 205 |
| 22-2016 | 6-13-2016 | Council meetings and procedures amendment | Ch. 7 |
| 23-2016 | 5-9-2016 | 2016-2017 tax rate | NCM |
| 24-2016 | 5-9-2016 | 2016-2017 water and sewer rate | NCM |
| 25-2016 | 5-9-2016 | 2016-2017 budget | NCM |
| 26-2016 | 10-11-2016 | Zoning amendment | Ch. 205 |
| 27-2016 | 10-11-2016 | 2016 budget amendment | NCM |
| 28-2016 | 10-11-2016 | 2017 budget amendment | NCM |
| 29-2016 | 12-12-2016 | Elections amendment | Ch. 103 |
| 30-2016 | 1-9-2017 | Zoning amendment | Ch. 205 |
| 1-2017 | | | Not adopted |
| 2-2017 | 3-13-2017 | Elections amendment | Ch. 103 |
| 3-2017 | 4-10-2017 | Floodplain management amendment | Ch. 114 |
| 4-2017 | 4-10-2017 | 2017-2018 budget | NCM |
| 5-2017 | 4-10-2017 | 2017-2018 tax rate | NCM |
| 6-2017 | 4-10-2017 | 2017-2018 water and sewer rate | NCM |
| 7-2017 | | | Number not used |
| 8-2017 | 5-18-2017 | Elections amendment | Ch. 103 |
| Charter Res. No. 2017-10 | 7-10-2017 | Charter amendment | § C-202 |
| Charter Res. No. 2017-10 | 7-10-2017 | Charter amendment | § C-302 |