

Chapter 1

GENERAL PROVISIONS

GENERAL REFERENCES

**Passage of resolutions and ordinances — See
Charter, Sec. 19.**

ARTICLE I

**Fines, Penalties and Imprisonment
[Adopted 8-2-1993 by Ord. No. 776]****§ 1-1. Criminal sanctions.**

Any person found guilty of a misdemeanor as provided in this Code shall be subject to a fine of up to \$1,000 and imprisonment for up to six months.

§ 1-2. Civil sanctions.

Any person who commits any unlawful act designated as a municipal infraction and any person who commits any unlawful act the violation of which is not specifically declared to be a misdemeanor by this Code shall be deemed to have committed a municipal infraction and shall be subject to a fine of up to \$1,000.

§ 1-3. Citations.

The Chief of Police, Director of Economic Development and Planning, Director of Public Works and their agents and designees are hereby authorized to deliver a citation to any person whom they adjudge to be committing a municipal infraction.

ARTICLE II
Adoption of Code
[Adopted 2-7-2005 by Ord. No. 862]

§ 1-4. Adoption of technical and typographical corrections.

The adoption of omnibus corrections of certain technical, outdated, and typographical errors to limited portions of the Code, as set forth in the Draft prepared by General Code Publishers, dated December 2004, and as approved by motion of the City Council, be and the same are adopted.

§ 1-5. Supersession of prior ordinances.

This ordinance and the Code shall supersede all 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.

§ 1-6. When effective.

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

§ 1-7. Copy of Code on file.

A copy of the Code outlining the technical, outdated, and typographical errors to limited portions of the Code affected shall be available in loose-leaf form at the front desk of City Hall and shall be made available to persons desiring to examine the same during all times while the Code is pending, subject to photocopying fees as allowed by the Maryland Public Records Act.

§ 1-8. Penalties for tampering with Code.

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 Havre de Grace 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.

§ 1-9. Severability.

- A. 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.

- B. 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.

§ 1-10. Repealer.

All ordinances or parts of ordinances of a general, 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.

§ 1-11. Changes in previously adopted legislation.

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.

§ 1-12. Enactments saved from repeal; matters not affected.

The adoption of this ordinance and repeal of ordinances or any parts thereof shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any legislative provisions or any penalty, punishment or forfeiture which may result therefrom;
- B. 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;
- C. A franchise, license, right, easement or privilege heretofore granted or conferred;
- D. 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;
- E. 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;
- F. Ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract or obligation;
- G. The levy or imposition of taxes, assessments or charges;

- H. 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; or
- I. Any legislation relating to or establishing a pension plan or pension fund for municipal employees.

Chapter 4

ADULT ENTERTAINMENT

GENERAL REFERENCES

Criminal sanctions — See Ch. 1, Art. I.

§ 4-1. Definitions.

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

AVERAGE OBSERVER — The average, ordinary adult person applying contemporary community standards.

PATENTLY OFFENSIVE SEXUAL PERFORMANCE OR MATERIAL — A live performance, play, show, exhibition, tableau, entertainment, portrayal, characterization, presentation, or production, or a book, magazine, CD, audio, video, DVD, tape, e-mail, photograph, or other graphic display which the average observer would find:**[Amended 5-3-2010 by Ord. No. 915]**

- A. Taken as a whole, appeals to the prurient interest: and
- B. Taken in its entirety, lacks serious literary, artistic, political or scientific value; and
- C. Portrays, characterizes, depicts or constitutes any of the following behavior:
 - (1) Sexual intercourse, anal intercourse, masturbation, flagellation, fellatio, cunnilingus, sodomy, or bestiality; or
 - (2) Fondling or touching of the buttocks, anus, breasts or genitalia; or
 - (3) Sexual stimulation by means of contact with animals, inanimate objects or artificial devices; or
 - (4) Urination, defecation, or excretion.

§ 4-2. Offenses. [Amended 5-3-2010 by Ord. No. 915]

- A. It shall be unlawful for any person to participate or assist in the preparation, direction, execution, presentation, performance or the sale, transmission, or rental of material containing or reflecting a patently offensive sexual performance in an area to which the public is invited or in a public area.
- B. It shall be unlawful for every owner, lessee, or manager of any theater, garden, building, room, place, structure or other area to which the public is invited to permit any patently offensive sexual performance or material to occur or be sold, transmitted, or rented thereon.

§ 4-3. Violations and penalties. [Amended 5-3-2010 by Ord. No. 915]

Any persons convicted of committing any unlawful act as provided in this chapter shall be guilty of a misdemeanor. If any unlawful act is continuing, then each day during which such violation continues shall be considered a separate offense. In addition to any criminal penalty which may be imposed, all the provisions of this chapter may be enforced by petition for injunction filed on behalf of the Mayor and City Council of Havre de Grace or by other remedies provided by the City Code.

Chapter 9**ALARM SYSTEMS****GENERAL REFERENCES**

Noise from security alarms — See Ch. 116,
§ 116-2B(7).

ARTICLE I

False Alarms

**[Adopted 4-15-1991 by Ord. No. 752; amended in its entirety
1-3-2011 by Ord. No. 923]**

§ 9-1. Purpose.

It is the purpose of this article to promote and protect the health, safety and general welfare of the City by providing for the regulation of false alarms from automatic fire alarm systems which currently reduce the fire-fighting capacity available for answering legitimate fire calls in the City of Havre de Grace.

§ 9-2. Definitions.

For the purpose of this article, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular and words in the singular include the plural. The word "shall" is mandatory and not merely directory.

ALARM SYSTEM: —

- A. An automatic alarm system is one that mechanically or remotely contacts the 911 center to alert an emergency response.
- B. A system of manual fire alarm stations that produces an audible signal when activated.

ALARM SYSTEM CONTRACTOR — A person who installs, maintains, monitors, alters, or services alarm systems. This does not include a person who sells or manufactures alarm systems unless that person installs, maintains, monitors, alters, or services alarm systems.

ALARM USER — The person who occupies a building, structure, or facility in which an alarm system is operational.

DEPARTMENT OF PLANNING — The Department of Planning of the City of Havre de Grace, Maryland.

FALSE ALARM — The activation of an alarm system that causes a response from the Susquehanna Hose Co., Inc. (SHCO) regardless of the cause that is not in response to an actual emergency and is not deliberate. This includes:

- A. A negligently or accidentally activated alarm signal; and
- B. An alarm signal activated as the result of a faulty, malfunctioning, or improperly installed, located or maintained alarm system.

This does not include: —

- A. An alarm signal activated by unusually severe weather conditions or other causes beyond the control of the alarm system contractor or alarm user; or

- B. An alarm signal activated during the initial period of 60 calendar days after an alarm system is installed; or
- C. An alarm signal that causes a response from the SHCO that is not dispatched as an automatic alarm.

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

§ 9-3. Citation for false alarms.

When an alarm system is responsible for a false alarm, the Department of Planning, upon written request from the SHCO, shall issue a citation for a municipal infraction to the alarm user if the alarm system has been responsible for two or more false alarms in the previous twelve-month period.

§ 9-4. Municipal infraction for false alarms.

The municipal infraction penalty for a false alarm violation shall be a fine of \$100 for the second false alarm within a twelve-month period; \$500 for the third false alarm in a twelve-month period; and \$1,000 for each subsequent false alarm in a twelve-month period. Funds collected hereunder shall be deposited into a public safety account in the general fund of the City and designated for the purchase of smoke detectors and carbon monoxide detectors. The funds shall only be used to reimburse the SHCO upon proof of the purchase and distribution of detectors in the City.

§ 9-5. Defective alarm systems.

An alarm system is defective if it is responsible for two or more false alarms in a period of 12 months.

§ 9-6. Notification of defective alarm systems.

The Department of Planning, upon notification by the Susquehanna Hose Co., Inc., shall provide written notice by certified mail to the alarm user of a defective alarm system causing false alarms within one working day.

§ 9-7. Corrective actions for defective alarm system.

Upon receiving notice of a defective alarm system, the alarm user shall:

- A. Have the alarm system inspected by an alarm system contractor within 30 calendar days of receiving the notice; and
- B. File a written report with the Department of Planning within 15 calendar days after the inspection.

§ 9-8. Report of defective alarm systems.

The written report submitted to the Department of Planning shall contain:

- A. The result of the inspection;
- B. A description of the probable cause of the false alarms; and
- C. A description of all actions taken to prevent future false alarms.

§ 9-9. Municipal infractions for defective alarm systems.

- A. The Department of Planning shall issue a citation to an alarm user who continues to use a defective alarm system after being notified that the system is defective and fails to comply with the corrective actions as set forth in § 9-7.
- B. The penalty for using a defective alarm system shall be \$200. Each day a violation continues shall be a separate offense.

§ 9-10. Notice of service to alarm system.

An alarm system contractor shall notify the Department of Planning and the Harford County Emergency Operations Division by telephone prior to servicing an alarm system.

§ 9-11. Municipal infractions for failure to provide notice.

- A. The Department of Planning, upon notification by the SHCO, shall issue a citation to an alarm system contractor who violates § 9-10, while the contractor is servicing an alarm system, if the system is responsible for a false alarm.
- B. The municipal infraction penalty for failing to provide notice of service shall be a fine of \$100 for the first offense; and \$200 for any subsequent offense.

§ 9-12. Enforcement.

The enforcement of this article shall be the same as all other ordinances involving municipal infractions. The enforcement authority granted by this section includes the authority to bring appropriate actions in the District Court of Maryland.

ARTICLE II

Required Types**[Adopted 2-7-2011 by Ord. No. 924¹]****§ 9-13. Purpose.**

It is the purpose of this article to promote and protect the health, safety and general welfare of the City by setting forth the alarm and detection systems required to be in service in certain buildings in the City.

§ 9-14. Definitions.

For the purpose of this article, the following terms, phrases, words, and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural. The word "shall" is mandatory and not merely directory.

ALARM SYSTEM — An alarm and detection system properly installed: 1) according to the Maryland State Fire Law currently found in the public safety article of the Annotated Code of Maryland — Title 9, Subtitle 1, Smoke Detection Systems, and Title 12, Subtitle 11, Carbon Monoxide Alarms; 2) according to the manufacturer's written instructions; and 3) pursuant to the most recent version of the applicable NFPA Standards, including but not limited to 72, 101, and 720, and UL Standards, including but not limited to 72, 101, and 720, and UL Standards 217 and 2034, that detects smoke or carbon monoxide ("Maryland State Fire Law").

ALARM USER — The person who occupies a building, structure, or facility in which an alarm system is required and operational.

DEPARTMENT OF PLANNING — The Department of Planning of the City of Havre de Grace, Maryland.

§ 9-15. Installation of smoke detectors in dwellings.

- A. In addition to the requirements of the Maryland State Fire Law, each floor of a single-family dwelling, including the basement, shall be equipped with an approved smoke detector.
- B. In addition to the above requirements, landlords of single-family dwellings shall have each sleeping area equipped with an approved smoke detector.
- C. In addition to the above requirements, landlords of multifamily dwellings shall have each sleeping area equipped with an approved smoke detector, and each corridor used as a means of egress for exit shall be equipped with an approved smoke detector.

1. **Editor's Note:** This ordinance was originally adopted as Ch. 10 but was renumbered to maintain the organization of the Code. This ordinance also provided an effective date of 3-24-2011.

§ 9-16. Installation of carbon monoxide detectors in dwellings.

- A. In addition to the requirements of the Maryland State Fire Law, each floor of a single-family dwelling, where there are sleeping quarters, shall be equipped with an approved carbon monoxide detector.
- B. In addition to the above requirements, landlords of multifamily dwellings shall equip their buildings with one approved carbon monoxide detector per rental unit per level, including the basement, in a central location.
- C. Notwithstanding the above requirements, all single-family dwellings that do not have an attached garage, and 1) which are equipped with electric-only powered appliances for heat, hot water, ventilation and clothes drying, and 2) which are not equipped with any fossil fuel/wood-burning devices, are exempt from the requirements regarding carbon monoxide detectors.

§ 9-17. Responsibility for maintenance.

In addition to the requirements of the Maryland State Fire law, landlords shall at the beginning of each tenancy equip their unit with the required detectors that are operable and in good repair. New batteries shall be installed by the landlord at the beginning of each tenancy. Thereafter, the tenant shall be responsible to maintain the detectors, i.e., change the batteries. Detectors in common areas that are not separately leased to a tenant remain the responsibility of the landlord. After receipt of written notice from the tenant by certified mail, return receipt requested, the landlord shall replace or repair an inoperable detector with a comparable approved detector. A tenant may replace an inoperable detector with a comparable operative one, but may not otherwise remove or render inoperable a detector.

§ 9-18. Installation of detectors in bed-and-breakfasts, hotels and motels.

The owners and operators of bed-and-breakfasts, hotels and motels shall equip their buildings with smoke detectors and carbon monoxide detectors in the same manner that a landlord of a multifamily dwelling is required.

§ 9-19. Use of battery-operated detectors.

In addition to the requirements of the Maryland State Fire Law, detectors installed retroactively as required by this Code may be battery operated.

§ 9-20. Time for compliance.

Landlords and owners and operators of bed-and-breakfasts, hotels and motels shall have an additional 90 days after the effective date of this article to install the required detectors.

Chapter 12**ALCOHOLIC BEVERAGES****GENERAL REFERENCES**

Civil sanctions — See Ch. 1, Art. I.

Definition of "liquor store" — See Ch. 205.

Issuance of taxicab licenses — See Ch. 180.

§ 12-1. Drinking alcoholic beverages authorized in certain circumstances.

Drinking alcoholic beverages, as defined in Article 2B of the Annotated Code of Maryland, is hereby authorized in the following areas, subject to the limitations generally applicable to private residences and subject to all other laws, rules and regulations governing such conduct on the premises:

- A. On water craft moored or docked at any City owned marina.
- B. On that portion of any pier which is constructed over water in any City owned marina.
- C. On the premises of the Havre de Grace City Hall and all fire houses located within the City of Havre de Grace.
- D. Other City-owned or -controlled property with the express written permission of the Mayor and City Council.

Chapter 15**AMUSEMENT DEVICES****GENERAL REFERENCES**

Criminal sanctions — See Ch. 1, Art. I.

Off-street parking requirement for places of amusement — See Ch. 122.

Curfew — See Ch. 52.

Amusement tax — See Ch. 177, Art. IV.

Loitering — See Ch. 108.

§ 15-1. Definitions.

For the purpose of this chapter, the following definitions shall apply.

COIN-OPERATED AMUSEMENT DEVICE — Any mechanical or electronic machine, including, without limitations, any claw machine, pinball machine, shuffleboard, mechanical bowling game, or video game or similar device for public amusement whose operation requires the insertion of a coin or token

and the result of whose operation depends in whole or in part upon the skill of the operator whether or not it affords an award to a successful operator.

ESTABLISHMENT — Any privately owned place of business carried on for a profit or any place of amusement or entertainment to which the public is invited.

MINOR — Any person under the age of 16 years.

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

§ 15-2. Unlawful conduct of minors.

- A. It shall be unlawful for a minor to operate any coin-operated amusement device in any establishment between the hours of 12:00 midnight Friday and 6:00 a.m. Saturday, 12:00 midnight Saturday and 6:00 a.m. Sunday, and 10:00 p.m. and 6:00 a.m. of the following day on any other day of the week.
- B. It shall be unlawful for a minor to operate any coin-operated amusement device between the hours of 6:00 a.m. and 2:00 p.m. on any weekday, that is to say, Monday, Tuesday, Wednesday, Thursday or Friday, beginning on January 2 and continuing through to May 31 and beginning on September 10 and continuing through December 23 of any year, except such weekdays that schools are not in session pursuant to the school calendar adopted by the Harford County Board of Education.

§ 15-3. Unlawful conduct of parents.

It shall be unlawful for any parent to knowingly permit any minor to remain upon the premises of any establishment and operate a coin-operated amusement device during the times specified in § 15-2 of this chapter.

§ 15-4. Violations and penalties.

Any person convicted of committing any unlawful act as provided in this chapter shall be guilty of a misdemeanor. If any unlawful act is continuing, then each day during which such violation continues shall be considered a separate offense. In addition to any criminal penalty which may be imposed, all the provisions of this chapter may be enforced by petition for injunction filed on behalf of the Mayor and City Council of Havre de Grace.

Chapter 18

ANIMALS

GENERAL REFERENCES

Criminal and civil sanctions — See Ch. 1, Art. I. **Animal care facilities in Commercial District — See Ch. 205, § 205-36.**

Burning dead animals — See Ch. 35.

ARTICLE I

Dead Animals and Fish
[Derived from 1988 Codified Ordinances]**§ 18-1. Removal of dead animals required.**

If any animal shall die within the limits of the City, it shall be the duty of the owner or custodian thereof to remove or have the same removed and properly buried within 12 hours thereafter.

§ 18-2. Dead fish and filth thrown in streets, springs or streams.

It shall be unlawful for a person to cast, throw, draw out or deposit any carcass, or any part or parts thereof, dead fish or parts thereof, or any excrement or filth from vaults or privies on or into any street, lane, alley, open or enclosed lot, house, outbuilding or other place, spring or stream of water, or permit or aid in the same being done; and every deposit as aforesaid shall constitute a separate and distinct offense.

§ 18-3. Violations and penalties.

Any person convicted of committing any unlawful act as provided in this article shall be guilty of a misdemeanor. If any unlawful act is continuing, then each day during which such violation continues shall be considered a separate offense. In addition to any criminal penalty which may be imposed, all the provisions of this article may be enforced by petition for injunction filed on behalf of the Mayor and City Council of Havre de Grace.

ARTICLE II

**Keeping of Certain Animals
[Derived from 1988 Codified Ordinances]****§ 18-4. Keeping of live pigs or hogs prohibited.**

It shall be unlawful for any person, persons or body corporate to keep hogs within the City.

§ 18-5. Certain animals at large.

It shall be unlawful for the owner of any horse, mule, pony, sheep, pig, hog or cattle to permit the same to go or remain at large upon any of the avenues, streets, lanes or other property of the City or to trespass upon the lot of any property owner within the City.

§ 18-6. Violations and penalties.

Any person convicted of committing any unlawful act as provided in this article shall be guilty of a misdemeanor. If any unlawful act is continuing, then each day during which such violation continues shall be considered a separate offense. In addition to any criminal penalty which may be imposed, all the provisions of this article may be enforced by petition for injunction filed on behalf of the Mayor and City Council of Havre de Grace.

ARTICLE III

Animal Control**[Adopted 9-18-1989 by Ord. No. 734]****§ 18-7. Adoption of county regulations by reference.**

For the purpose of providing for the effective control of animals within the incorporated limits of the City of Havre de Grace; and adopting by reference Harford County Code, Chapter 4, "Animals"; further providing a means by which agreements may be entered into with Harford County for enforcement of said county law within the City of Havre de Grace, the Mayor and City Council of Havre de Grace, a body corporate and politic of the State of Maryland, do hereby adopt and incorporate into this article County Council Bill 82-10, as adopted into law March 18, 1982, and as it may be amended from time to time, a copy of said ordinance and any amendments thereto being attached hereto and made a part hereof.²

§ 18-8. Authority of county officials within City.

The Mayor and City Council of Havre de Grace authorize any county agency, official or other appropriate person from the county to enter into the corporate limits of the City of Havre de Grace for purposes of enforcement of this article. Any person charged under this article may be charged with violation of both the local ordinance and the county bill.

§ 18-9. Agreement between county and City.

The Mayor of the City of Havre de Grace is authorized to enter into an agreement with Harford County on behalf of the City of Havre de Grace to provide for enforcement of the aforesaid County Code section within the corporate limits of the City of Havre de Grace.

§ 18-10. Violations and penalties.

In addition to the penalties set forth in Council Bill No. 82-10, any person charged with a violation of this article may be fined not less than \$25, nor more than \$500 and may in addition be sentenced to not more than 30 days in jail.

2. Editor's Note: The county bill referred to is on file in the office of the City Administrator.

ARTICLE IV

**Feeding of Water Fowl and Wildlife
[Adopted 10-17-2005 by Ord. No. 867]****§ 18-11. Definitions.**

As used herein, the following terms shall have the meanings indicated:

FEED — To place, deposit, scatter or distribute in a location accessible to water fowl/migratory birds and/or wildlife any type of food, including but not limited to corn, wheat or other grains, bread, popcorn or scraps or any substance liable to be eaten by the water fowl/migratory birds and/or wildlife. Feeding does not include baiting in the legal taking of fish and/or game.

WATER FOWL and FOWL — Any water fowl of the family Anatidae, either migratory, nonmigratory or resident fowl, and includes those species of birds commonly known as "swans," "geese" and "ducks" and any other water fowl falling under the jurisdiction of the United States Fish and Wildlife Service.

WILDLIFE — All animals that are neither human nor domesticated, including but not limited to squirrels, groundhogs, feral cats, migratory birds, wild birds or aquatic life.

§ 18-12. Prohibition.

It shall be unlawful for a person or persons to feed, cause to be fed or provide food for any water fowl or wildlife in any park, lands or waterways publicly owned, leased or operated by and within the City of Havre de Grace.

§ 18-13. Enforcement.

- A. This article shall be enforced by the City of Havre de Grace Police Department and the City Code Official.
- B. Any person found to be in violation of this article shall be ordered to cease the feeding immediately.

§ 18-14. Violations and penalties.

The municipal infraction penalty for a feeding violation shall be a fine of \$100 for each offense. Each incident in which a violation is proved shall constitute a separate and new offense under this section.

Chapter 25

BOARDS, COMMITTEES AND COMMISSIONS

GENERAL REFERENCES

Department of Planning — See Charter Sec. 79. Site plan approval — See Ch. 155.

**Appeals from Historic Preservation
Commission decisions to Board of
Appeals — See Ch. 97.**

Subdivision of land — See Ch. 173.

ARTICLE I

**Reporting to Mayor and City Council; Attending Work Session
[Adopted 3-17-2014 by Ord. No. 953³]****§ 25-0. Duty to report/duty to attend work session.**

Each board, commission or committee in this chapter by its chairmen or designee shall appear before the Mayor and City Council at a regular City Council meeting at least once each year and report on the board's or commission's or committee's activities, present copies of the prior year's meeting minutes, and account for any funds raised, including funding received from the City, and expenses paid, and any other information requested by the Mayor and City Council related to its operations. In addition, each City board or commission or committee by its chairmen or designee shall attend at least one annual joint public work session with the Mayor and City Council along with all of the other City boards, committees or commissions to facilitate the coordination of activities and other goals or concerns of the Mayor and City Council. The Mayor and City Council specifically reserve the right to add any other City-related organization that receives funds from the City, but which are not listed within this chapter or are listed elsewhere in the City Charter or City Code to the list of attendees for the joint public work session in order to facilitate the coordination of activities.

3. Editor's Note: Former Art. I was redesignated as Art. II 3-17-2014 by Ord. No. 953.

ARTICLE II
Arts Commission⁴
[Adopted 5-3-1993 by Ord. No. 772]

§ 25-1. Establishment.

The Havre de Grace Arts Commission, hereinafter referred to as the "Commission," is hereby established.

§ 25-2. Members.

The Commission shall consist of no less than 11 and no more than 20 members. One member of the Havre de Grace City Council shall serve as an ex officio member.

§ 25-3. Appointments; terms; reappointment.

The Mayor shall, with the consent of the City Council, appoint all members of the Commission. The ex officio member's term shall coincide with his or her official tenure on the City Council. Members shall have staggered one- and two-year terms of office with the next consecutive term being two with the consent of the City Council for the unfulfilled portion of the term. All members shall be eligible for reappointment.

§ 25-4. Organization; records; meetings; quorum.

The Commission shall elect a Chairperson from one of its appointed members and create and fill other offices as it shall from time to time determine are in the best interests of fulfilling the duties of the Commission. The term of the Chairperson shall be for one year with eligibility for re-election. The Commission shall keep a record of its meetings, resolutions and recommendations which shall be kept public. It shall hold meetings as necessary not less than four times a year. A majority shall constitute a quorum.

§ 25-5. Purpose.

The purpose of the Commission will be to coordinate, promote and support performing and fine arts events within the City of Havre de Grace.

§ 25-6. Duties and powers.

The Commission shall have the following duties and powers:

- A. Support and encourage the development of performing and fine arts in the City.
- B. Review legislation and policy decisions of the Mayor and City Council in order to identify their impact on performing and fine arts in the City.

4. Editor's Note: Former Art. I was redesignated as Art. II 3-17-2014 by Ord. No. 953.

- C. Coordinate the development, publication and distribution of brochures and pamphlets which deal with performing and fine arts events within the City.
- D. Identify and assist in the application for income from county, state, and federal government sources which will assist in supporting performing and fine arts in the City of Havre de Grace.
- E. Cooperate with other government agencies at the county, state, and federal level for the purpose of promoting performing and fine arts in the City.
- F. To appoint such committees as it deems necessary and proper including, but not limited to, a steering committee which shall consist of not less than five nor more than seven members which shall include the Chairperson. All members of said steering committee shall be members of the Commission and shall have the power to vote on Commission decisions.

ARTICLE III

Appearance and Preservation Commission⁵
[Adopted 12-5-1994 by Ord. No. 785]**§ 25-7. Establishment.**

The Havre de Grace Appearance and Preservation Commission, hereinafter referred to as the "Commission," is hereby established.

§ 25-8. Membership; consultants; compensation; removal from office.

- A. The Commission shall consist of no less than seven and no more than 15 appointed members. One member of the Havre de Grace City Council shall serve as an ex officio member.
- B. The Commission may seek out consultants who serve as advisory members and may designate additional associate members to assist in accomplishing its purposes. Advisory and associate members shall have no power to vote at Commission meetings.
- C. All members of the Commission shall serve without compensation and may be removed by the Mayor and City Council for inefficiency, neglect of duty, or malfeasance in office. If any appointed member misses three consecutive meetings without notice to the Chairperson in advance of such meetings, that member may be removed or asked to resign.

§ 25-9. Appointments; terms; vacancies; reappointment; resignations.

- A. The Mayor shall appoint, with the consent of the City Council, all appointed members of the Commission. The ex officio member's term shall coincide with his or her official tenure on the City Council. Appointed members shall have staggered two-, three- and four-year terms of office with the next consecutive term being four years. Any vacancy which occurs shall be filled by the Mayor, with the consent of the City Council, for the unfilled portion of the term. All members shall be eligible for reappointment.
- B. Any appointed member desiring to resign from the Commission may submit that resignation in writing to the Chairperson, who shall present it to the Mayor.

§ 25-10. Organization; records; meetings; quorum.

The Commission shall elect a Chairperson from one of its appointed members and create and fill such other offices as it shall from time to time determine are in the best interests of fulfilling the duties of the Commission. The term of the Chairperson shall be for one year with eligibility for re-

5. Editor's Note: Former Art. II was redesignated as Art. III 3-17-2014 by Ord. No. 953.

election; however, the Chairperson shall be limited to three consecutive one-year terms. The Commission shall keep a record of its meetings, resolutions and recommendations which shall be kept public. It shall hold meetings as necessary but not less than four times per year. A majority of the appointed members shall constitute a quorum.

§ 25-11. Purpose.

The purpose of the Commission shall be to coordinate, promote, advise and support the enhancement of properties and the preservation of City facilities within Havre de Grace.

§ 25-12. Duties and powers.

The Commission shall have the following duties and powers:

- A. Act as an advisory group to the Mayor and City Council on matters pertaining to appearance and preservation of City property including review and comment on legislation and policies.
- B. Support and encourage efforts and activities in connection with beautification and maintenance throughout Havre de Grace.
- C. Identify and assist in the application for funding from any sources which will support appearance and preservation efforts in the City.
- D. Cooperate with other agencies and organizations for the purpose of promoting appearance and preservation activities in the City.
- E. Identify any properties which may be eligible for recognition awards because of significant accomplishments in the area of appearance or preservation.
- F. Prepare a set of bylaws for review and approval by the Mayor and City Council and operate the Commission in accordance with those approved bylaws.

ARTICLE IV
Board of Appeals⁶
[Adopted 4-21-2003 by Ord. No. 837]

§ 25-13. Establishment.

The Board of Appeals of Havre de Grace is hereby created. The number of members of said Board shall be five. Their term of office, succession, removal, filling of vacancies, alternate membership, and their powers shall be as provided in § 4.07 of Article 66B of the Annotated Code of Maryland.

§ 25-14. General powers.

- A. The Board shall have the power to hear and decide appeals and rule on requests as provided under provisions of City ordinances in accordance with § 4.07 of Article 66B of the Annotated Code of Maryland.
- B. In exercising the above-mentioned power, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision or determination as should be made.
- C. The Board is empowered to recommend to the Mayor and City Council for adoption such rules and regulations as it deems necessary to facilitate the conduct of its hearings and the issuance of its decisions or testimony pertaining to its hearings.

§ 25-15. Administration.

- A. Upon the filing of an application to the Board for any type of relief, or upon any remand of the case by the Circuit Court which requires a new hearing, and upon payment of all required fees, the Board shall take the following action in advance of the initial hearing thereon: **[Amended 6-5-2006 by Ord. No. 875]**
 - (1) The Board shall set a reasonable date and time for the hearing to begin.
 - (2) Notice of the said hearing shall be advertised at least once in a newspaper having local circulation prior to the date on which the hearing is set to begin; all costs of advertisement shall be borne by the applicant.
 - (3) Property which is the subject of an application or appeal, if any, shall be posted conspicuously by a zoning notice in a form approved by the Mayor and City Council, at least 30 days before the date the hearing is set to begin.
 - (4) Notification of a hearing shall be made by certified mail to the applicant, and to owners of all properties that are contiguous to

6. Editor's Note: Former Art. III was redesignated as Art. IV 3-17-2014 by Ord. No. 953.

the property with which the hearing is concerned. The names and addresses of the owners of these contiguous properties shall be as specified in the assessment records of the Maryland Department of Assessments and Taxation. Such notice shall be postmarked at least 25 days prior to the initial hearing. Cost of certified mail notices shall be borne by the applicant.

- (5) The term "contiguous," as used herein, includes:
 - (a) All properties that are immediately next to and bordering on any portion of the boundary of the subject property; and
 - (b) Those properties that are separated from the immediate boundary of the subject property only by:
 - [1] A street, lane, alley or roadway of any type;
 - [2] City-owned parkland or open space; or
 - [3] Open space owned or controlled by a homeowners' association.
- (6) For each hearing, a copy of the agenda shall be mailed to each member of the Board of Appeals, and shall be postmarked at least seven days prior to the date the hearing is to begin. Nothing contained herein may be construed to authorize members of the Board of Appeals to discuss the subject of any hearing with or among with each other, or with any other person(s), in advance of the hearing.
- (7) All notices required by this section shall contain the identity of the applicant, the subject property, the requested relief, and the time and place the hearing is to begin.
- B. The following procedures shall be used by the Board in conducting hearings:
 - (1) All hearings of the Board shall be open to the public. At the hearing, any party may appear and be heard in person or by representative.
 - (2) The Chairperson or, in the Chairperson's absence, the Acting Chairperson may administer oaths and request the attendance of witnesses.
 - (3) For assistance in reaching decisions, the Board may request testimony at its hearing for purposes of securing technical aid or factual evidence from City commissions, departments or agencies.
 - (4) The Board shall keep records of all of its official actions, all of which shall be filed with the Department of Economic Development and Planning and shall be public record.
 - (5) Postponement of hearings shall be at the discretion of the Chairperson of the Board in cases of extreme hardship or upon

good cause shown. The Board may, upon its own initiative, postpone a scheduled hearing at any time. Assessment of cost for advertisement of rescheduled hearings shall be in the discretion of the Board.

- (6) The Board may continue a hearing to another time or date once such hearing has been started; however, the Board shall announce the date and hour of continuance of such hearing while in session.
- (7) The Board shall have the authority to adopt and publish additional rules with the approval of the Mayor and City Council which may be necessary to exercise the Board's function. **[Amended 10-5-2009 by Ord. No. 908]**

C. Hearing Examiner. **[Added 4-17-2006 by Ord. No. 874]**

- (1) Establishment of a Hearing Examiner. The Board shall employ one or more Hearing Examiners on a part-time basis to preside with the Board over contested zoning and related land uses cases, as assigned by the Chair of the Board on an as-needed basis. The Hearing Examiner shall be an independent contractor of the City of Havre de Grace. The Hearing Examiner shall be admitted to practice law by the Court of Appeals of Maryland and shall demonstrate a knowledge of administrative, zoning and land use law, practice and procedure. **[Amended 10-5-2009 by Ord. No. 908]**
- (2) General powers and duties of the Board and Hearing Examiner.
 - (a) The Chair of the Board has the discretion or the Board by majority vote during a public hearing shall determine when the services of the Hearing Examiner will be utilized. The Chair of the Board shall obtain information on each zoning or land use case from the Department of Economic Development and Planning ("the Department") and shall consider, among other things, the following factors when deciding whether to utilize the Hearing Examiner for a particular zoning case: **[Amended 10-5-2009 by Ord. No. 908]**
 - [1] The complexity of the zoning or land use case and requested approval;
 - [2] The amount of opposition, if any, to the zoning request;
 - [3] The novelty of the zoning request and whether it is an issue of first impression; and
 - [4] The size and location of the property and/or development that is the subject matter of the zoning request.
 - (b) The Chair of the Board shall open the hearing by introducing the matter before the Board and identifying the parties and their representatives, if any, and shall discuss whether or not

the Hearing Examiner is being utilized in the hearing. The Chair and members of the Board shall attend the hearing and observe witnesses. Notwithstanding the foregoing, nothing contained herein shall be interpreted as limiting, removing or revoking any of the Board's powers.

- (c) When the Hearing Examiner is utilized, the Hearing Examiner shall participate in the hearing and has the power and duty to explain the rules of the procedure, the legal standard, the burden and order of proof, to examine and cross-examine witnesses, and to rule upon offers of proof and receive relevant evidence.
 - (d) When the Hearing Examiner is utilized, the Hearing Examiner shall prepare a written recommendation which shall include findings of fact and conclusions of law no later than 45 calendar days after the closing of the record of the case before the Board. The Hearing Examiner shall present the written recommendation to the Board at an open meeting which shall be held within 45 days after the original Board Hearing. The Board shall consider and deliberate the written recommendation and shall reverse, affirm, in whole or in part, or modify, the Hearing Examiner's written recommendation. The opinion of the Board shall become a final decision of the Board when it is signed by the Chair. At the close of the evidentiary hearing, the Chair of the Board shall announce the date of the open meeting at which time the Board will hear the written recommendation of the Hearing Examiner. During such announcement, the Chair shall also advise that at such open meeting there shall be no participation from the parties or the public and no additional evidence or memoranda or briefs shall be presented, submitted or accepted.
- (3) Board of Appeals Rules of Procedure. The Rules of Procedure attached hereto as Appendix A shall be incorporated into this subsection and shall govern zoning appeals, as applicable.⁷
- (4) This subsection shall govern the Havre de Grace Board of Appeals and all parties and their attorneys in all Board of Appeals cases or proceedings filed on or after the effective date of this subsection, and, insofar as is practicable, in all cases and proceedings pending before the Board of Appeals on the effective date of this subsection.

§ 25-16. Conditional uses and special exceptions.

- A. In the event the Board receives a request for approval of a conditional use or special exception under the terms of the City Zoning Ordinance,⁸ the Board shall:

7. Editor's Note: Appendix A is included at the end of this chapter.

8. Editor's Note: See Ch. 205, Zoning.

- (1) Give consideration to the specific property as well as the neighborhood.
 - (2) Hold a hearing thereon as provided herein and consider all testimony and data submitted.
- B. The Board shall grant the request, with such conditions as the Board deems reasonable if the applicant demonstrates to the Board that the proposed building, structure, addition, extension of building or use, use or change of use would not adversely affect the public health, safety, security, morals, or general welfare, result in dangerous traffic conditions, or jeopardize the lives or property of people living in the neighborhood. In deciding such matters and imposing such conditions, the Board shall consider, among the other relevant factors, the following:
- (1) The number of people residing or working in the immediate area concerned.
 - (2) The orderly growth of Havre de Grace.
 - (3) Traffic conditions and facilities, including adequate off-street parking, sidewalks, and safety zones.
 - (4) The effect of such use upon the peaceful enjoyment of people in their homes.
 - (5) The protection of surrounding property, and the conservation of property values.
 - (6) The effect of odors, dust, gas, smoke, fumes, vibrations, glare and noise upon the use and value of surrounding properties.
 - (7) The most appropriate use of land and structure.
 - (8) Decision of the courts.
 - (9) The purpose of these regulations as set forth herein.
 - (10) Type and kind of structures in the vicinity where public gathering may be held, such as schools, churches, and the like.
 - (11) Facilities for sewer, water, trash and garbage collection and disposal and the availability of such sources.
 - (12) Fire and explosives safety.
 - (13) Environmental contamination.
 - (14) The most appropriate use of the land.
 - (15) The need for the requested use.
 - (16) Preservation of cultural and historic landmarks.

- (17) Separation from other structures and uses.
- (18) Population change.
- (19) Availability of public facilities.
- (20) Present and future transportation systems.
- (21) Compatibility with existing and proposed development.
- (22) Relationship to the adopted Comprehensive Plan.

C. Special exception and conditional use approvals shall expire:

- (1) If an expiration date is stated in the approval, then the approval shall expire on the stated date if no building permit has been issued.
- (2) If an expiration date is not stated in the approval, then the approval shall expire one year after the date of approval if no building permit has been issued.
- (3) If a building permit is issued prior to the expiration date provided in Subsection C (1) and (2) above, and the building permit expires after the expiration date provided in Subsection C (1) and (2) above without the issuance of a use and occupancy permit, then the approval shall expire at the time the building permit expires.
- (4) If a use and occupancy permit is issued prior to the expiration date as provided in Subsection C(1), (2) and (3) above, then the approval may continue indefinitely under the terms of the permit.

§ 25-17. Variances and nonconforming uses.

- A. In the event the Board receives a request for approval of a variance from any of the terms of an ordinance contained in this Code or for the substitution or extension of a nonconforming use as provided in the City Zoning Ordinance,⁹ the Board shall:
 - (1) Give consideration to the specific property concerned, if any, as well as the neighborhood.
 - (2) Hold a hearing thereon as provided herein and consider all testimony and data submitted.
- B. The Board shall not grant a request for a variance unless the Board finds:
 - (1) That literal enforcement of the ordinance would result in practical difficulty or unreasonable hardship; and

9. Editor's Note: See Ch. 205, Zoning.

- (2) The grant of the relief requested would not do substantial injury to the public health, safety and general welfare.
- C. After making the findings specified above, the Board may grant the relief requested if the Board determines that the benefits accruing to the applicant would outweigh the injury, if any, to the public health, safety and general welfare and if the Board determines that all other prerequisites for granting such variance have been complied with.

§ 25-18. Appeals to Board.

Appeals shall be taken within 30 days after the decision appealed from by filing with the Director of Economic Development and Planning a notice of appeal specifying the grounds for appeal. The Director of Economic Development and Planning shall forthwith transmit copies of all the papers constituting the record of the action appealed from to the Board and to the authority whose decision is appealed to the Board.

§ 25-19. Appeal of Board decision.

The Board shall render a decision within a reasonable time. Any party aggrieved by a decision of the Board of Appeals may appeal to the Circuit Court of Harford County in a manner set forth in the applicable sections of the Annotated Code of Maryland, as amended.

§ 25-20. Disapproval of application.

If an application is disapproved by the Board, the Board shall not be required to take further action on another application for substantially the same proposal, on the same premises, until after one year from the date of such disapproval. If an appeal to the Board has met all application requirements and the public hearing date is set and duly advertised and properly posted and thereafter the applicant withdraws the appeal, the Board may, in its sole discretion, refuse to act on another application, for substantially the same proposal on the same premises, for one year.

§ 25-21. Violations and penalties.

Any person convicted of committing any unlawful act as provided in this article shall be guilty of a misdemeanor. If any unlawful act is continuing, then each day during which such violation continues shall be considered a separate offense. In addition to any criminal penalty which may be imposed, all the provisions of this article may be enforced by petition for injunction filed on behalf of the Mayor and City Council of Havre de Grace.

ARTICLE V

Planning Commission¹⁰**[Adopted 4-21-2003 by Ord. No. 838]****§ 25-22. Jurisdiction and powers.**

There is hereby created a Municipal Planning Commission for the City of Havre de Grace, hereinafter referred to as the "Commission." Its territorial jurisdiction shall extend over all property located within the incorporated limits of the City of Havre de Grace.

§ 25-23. Membership.

- A. The Commission shall consist of seven members, one of whom may be a member of the City Council of Havre de Grace, Maryland, to serve in an ex officio capacity concurrent with his or her official term.
- B. The term of each member of the Commission is five years or, in the case of the City Council member serving in an ex officio capacity, until his or her successor takes office.
- C. All members of the Commission shall serve without compensation and may be removed by the Mayor and City Council for inefficiency, neglect of duty, or malfeasance in office.
- D. Upon the death, resignation or removal of any Commissioner, the Mayor shall, as soon as is practical, appoint a Commissioner to complete the term of office of the former member. Upon the expiration of the term of office of any Commissioner, a successor shall be appointed by the Mayor to serve a five-year term. All Commissioners shall be eligible for reappointment.
- E. The Mayor may appoint one alternate member of the Commission who may sit on the Commission and vote in the absence of any member of the Commission. The Mayor may also appoint a temporary alternate to sit on the Commission and vote when the alternate is absent.
- F. All appointments to the Commission made by the Mayor shall be subject to the advice and consent of the Council.

§ 25-24. Officers.

In January of each year, the Commission shall elect a Chairperson and Vice Chairperson from its members for one year, who shall be eligible for re-election.

§ 25-25. Powers and duties.

The Commission shall have the following powers and duties:

10. Editor's Note: Former Art. IV was redesignated as Art. V 3-17-2014 by Ord. No. 953.

- A. The Commission shall review all applications for amendments to the zoning text and map and report the Commission's findings and recommendations to the Mayor and City Council.
- B. The Commission shall review all applications for variances, conditional uses, special exceptions, and modifications of nonconforming uses and shall report the Commission's findings and recommendations to the Board of Appeals. The Commission shall review all such applications under the same guidelines applicable to the Board of Appeals.
- C. The Commission shall review all appeals from decisions of the Zoning Administrator and report the Commission's findings and recommendations to the Board of Appeals.
- D. The Commission shall hear and decide matters upon which it is required to pass under provisions of City ordinances.
- E. The Commission shall have all powers, functions and duties as provided from time to time by Article 66B of the Annotated Code of Maryland.

§ 25-26. Subdivision control.

From and after the time when the Planning Commission shall have control over subdivisions as provided in the subdivision control provisions of said Article 66B, the jurisdiction of the Commission over plats shall be exclusive within the territory under its jurisdiction, and until that time all such plats shall be first approved by said Commission before approval by the Mayor and City Council of Havre de Grace.

§ 25-27. Meetings and hearings.

- A. In the event the Commission receives a request for approval of a subdivision plat, the following action shall be taken preparatory to holding a hearing thereon:
 - (1) The Commission shall fix a reasonable time for a hearing.
 - (2) The property which is the subject of the subdivision shall be posted conspicuously by a zoning notice in a form approved by the Mayor and City Council at least 10 days before the date of the hearing.
 - (3) Notification of a hearing shall be made by certified mail to the applicant, and to the owners of those properties contiguous to the property with which the hearing is concerned. The addresses for the owners of these contiguous properties shall be as specified in the assessment records of the Supervisor of Assessments. Such notice shall be postmarked at least seven days prior to the hearing. The cost of certified mail notices shall be borne by the applicant. The term "contiguous properties," as used herein, includes properties separated from the subject property by a street, lane, alley or roadway of any type.

- B. The following procedures shall be used by the Commission in conducting hearings:
- (1) All hearings of the Commission shall be open to the public. At the hearing, any party may appear and be heard in person or by representative.
 - (2) The Chairperson or, in the Chairperson's absence, the Acting Chairperson may administer oaths and request the attendance of witnesses.
 - (3) For assistance in reaching decisions, the Commission may request testimony at its hearing for purposes of securing technical aid or factual evidence from City commissions, departments or agencies.
 - (4) The Commission shall keep records of all of its official actions, all of which shall be filed with the Department of Economic Development and Planning and shall be public record.
 - (5) Postponement of hearings shall be at the discretion of the Chairperson of the Commission in cases of extreme hardship or upon good cause shown. The Commission may, upon its own initiative, postpone a scheduled hearing at any time. Assessment of cost for advertisement of rescheduled hearings shall be in the discretion of the Commission.
 - (6) The Commission may continue a hearing to another time or date once such hearing has been started; however, the Commission shall announce the date and hour of continuance of such hearing while in session.
 - (7) The Commission may adopt additional rules with the approval of the Mayor and City Council which may be necessary to exercise the Commission's function.

ARTICLE VI

**Economic Development Advisory Board¹¹
[Adopted 4-4-2005 by Ord. No. 863¹²]****§ 25-28. Creation.**

The Havre de Grace Economic Development Advisory Board (hereinafter referred to as the "Advisory Board") is hereby established.

§ 25-29. Purposes.

- A. General purposes. The purpose of the Advisory Board will be to support and encourage economic development in the City of Havre de Grace (hereinafter referred to as the "City") under the guidance and the direction of the Department of Economic Development and Planning. The Advisory Board will identify and promote economic development opportunities, support and encourage industrial, commercial, retail and residential development within and nearby the City, and interface with local and other government agencies.
- B. Powers and duties of the Advisory Board. The Advisory Board shall have the following duties and powers:
- (1) To support and encourage the growth and development of economic development in the City.
 - (2) To identify and promote incentives and attractions which the City may employ to foster economic development.
 - (3) To support and encourage the location of new industrial, commercial, and retail enterprises and residential developments within the City and the expansion of present enterprises and development.
 - (4) To support and encourage development of tourism infrastructure in the City.
 - (5) To work with existing enterprises in order to identify problems that inhibit economic growth within the City.
 - (6) To work with and support the Havre de Grace Main Street Corporation in its efforts to revitalize the Downtown Business District.
 - (7) To work with and support the Historic Preservation Committee in its efforts to create guidelines and design standards in the City.

11.Editor's Note: Former Art. V was redesignated as Art. VI 3-17-2014 by Ord. No. 953.

12.Editor's Note: This ordinance also repealed Ord. No. 804, adopted 10-19-1998, which comprised former Art. V, Economic Development Commission.

- (8) To review legislation and policy decisions of local, state, and federal agencies in order to identify their impact on economic development in the City.
 - (9) To work with Mayor and City Council in order to improve the potential of economic development within the City.
 - (10) To bolster the City as a potential site for economic development by exploring grant programs on the federal, state and local levels.
 - (11) To create committees of the Advisory Board as needed.
- C. Additional powers and duties of Chairperson of the Advisory Board. The chairperson of the Advisory Board (hereinafter referred to as the "Chair") shall have the following additional duties and powers:
- (1) To serve as spokesperson for the Advisory Board;
 - (2) To preside over meetings of the Advisory Board;
 - (3) To be available to assist and advise the Department of Economic Development and Planning, and
 - (4) To appoint committees from within the Advisory Board as needed to assist the Department of Economic Development and Planning.

§ 25-30. Organization and membership.

- A. The Advisory Board shall have no less than seven and no more than 15 appointed members (hereinafter referred to as a "member" or "members"). Each person will hold a term of three years with eligibility for reappointment, except the City Council liaison (ex-officio), whose term will run concurrently with his/her time in elected office. The Advisory Board membership may include members selected based on their known experience, geographic location and interest in the economic development of Havre de Grace. Vacancies during any term shall be filled by the Mayor with recommendation from the Advisory Board and advice and consent of the City Council.
- B. The officers of the Advisory Board shall consist of a Chair, a Vice Chair, and a Secretary. The officers shall be elected annually by the voting members of the Advisory Board. All candidates for office will be nominated each April by the Advisory Board members, and elections will take place at the first meeting in June of each year. The newly elected officers will take office during the July meeting of the Advisory Board and will serve until the last day of June in the following year.

§ 25-31. Appointment of members.

- A. Voting members. The Mayor shall, with the consent of the City Council, appoint all voting members of the Advisory Board from the nomination made and forwarded to the Mayor from the Department of Economic Development and Planning. The individual being proposed for such

appointment must complete an application as provided by the City. When any vacancy occurs, any member of the Advisory Board may at any time submit the name and completed application of an individual for nomination to the Advisory Board to complete the term of vacancy. The Advisory Board shall vote on the nomination and, if approved, forward the nomination to the Department of Economic Development and Planning for submission to the Mayor.

- B. Ex-officio members. The Mayor and City Council shall appoint a member of the City Council as liaison member in June of each year for a one-year term. Further, the Mayor and City Council shall appoint the individual member, or staff member, responsible for economic development and business retention for the City for an unspecified term to sit on the Advisory Board as an ex-officio member.
- C. Termination of membership. The membership of any member on the Advisory Board shall be automatically terminated 90 days after such member's absence is unexcused for three consecutive meetings, or after he or she misses 50% of the meetings in a calendar year, unless the Chair, before the expiration of such ninety-day period, has acted favorably on such member's petition to relieve him or her of loss of membership provided herein.

§ 25-32. Term of membership.

Members of the Advisory Board will serve a term of three years from time of appointment by the Mayor and City Council. The names of those members of the Advisory Board whose terms are to expire and who desire reappointment shall be submitted to the Department of Economic Development and Planning, who shall forward them to the Mayor and City Council for consideration for reappointment for another three-year term.

§ 25-33. Voting by members.

- A. Only those members of the Advisory Board may vote on matters coming before the Advisory Board as well as during the election of the Chair, Vice Chair, or Secretary. Any member of the Advisory Board serving as an ex-officio member has the rights and privileges as all members of the Advisory Board but may not vote on any matters coming before the Advisory Board or in any elections held by the Advisory Board.
- B. Subcommittee(s) made up of members of the Advisory Board shall be appointed by the Chair. Subcommittees shall be created, as recommended, by the Department of Economic Development and Planning or by the Advisory Board Chair. The Advisory Board will keep a record of its transactions, findings and determinations, and such records shall be kept public, except as may be otherwise required by law.

§ 25-33.1. Meetings.

- A. General meetings. The Advisory Board shall meet no less than eight times a year. Any special meeting shall be at the request of the Chair or the City Department of Economic Development and Planning. The Advisory Board may meet monthly at a specified time and place.
- B. Special meetings. The Chair of the Advisory Board shall notify the members as to time, place, and purpose of any such special meeting. For any member, the actual receipt of notice in any manner at least five days in advance of the meeting shall be deemed sufficient notice. Attendance by a member at a special meeting constitutes a waiver of any right to notice.

ARTICLE VII
Tourism Advisory Board¹³
[Adopted 4-7-2003 by Ord. No. 836]

§ 25-34. Creation.

The Havre de Grace Tourism Advisory Board (hereinafter referred to as the "Advisory Board") is hereby established.

§ 25-35. Purposes.

- A. General purposes. The purpose of the Advisory Board will be to support and encourage the growth and development of the tourism industry of the City of Havre de Grace (hereinafter referred to the "City") under the guidance and direction of the City Tourism Manager.
- B. Powers and duties of the Advisory Board. The Advisory Board shall have the following duties and powers:
 - (1) To support and encourage the growth and development of tourism in the City;
 - (2) To review legislation and policy decisions of local, state, and federal agencies in order to identify their impact on tourism in the City;
 - (3) To assist the City Tourism Manager in the development of various marketing strategies that promote tourist attractions and business activity in the City;
 - (4) To share issues and opportunities within its representative industry segment while communicating information regarding tourism development back to the industry; this includes making regular reports at respective meetings as appropriate;
 - (5) To assist in the identification of funding and human resources to support tourism development functions; and
 - (6) To serve on committees of the Advisory Board as needed.
- C. Additional powers and duties of Chairperson of the Advisory Board. The chairperson of the Advisory Board (hereinafter referred to as the "Chair") shall have the following additional duties and powers:
 - (1) To serve as spokesperson for the Advisory Board;
 - (2) To preside over meetings of the Advisory Board;
 - (3) To be available to assist and advise the City Tourism Manager as needed; and

13. Editor's Note: Former Art. VI was redesignated as Art. VII 3-17-2014 by Ord. No. 953.

- (4) To appoint committees from within the Advisory Board as needed to assist the City Tourism Manager.

§ 25-36. Organization and members.

A. The Advisory Board shall have no fewer than seven and no more than 15 appointed members (hereinafter referred to as a "member" or "members"). The Advisory Board membership may include:

- (1) One member representing the Board of Directors of the Havre de Grace Chamber of Commerce;
- (2) One member representing the Havre de Grace Museum Alliance;
- (3) Two members representing the lodging segment of the Havre de Grace tourism industry;
- (4) One member representing the food/beverage segment of the Havre de Grace tourism industry;
- (5) One member representing the retail segment of the Havre de Grace tourism industry;
- (6) One member representing the outdoor recreation segment of the Havre de Grace tourism industry;
- (7) One member representing the tour operators of the Havre de Grace tourism industry;
- (8) Four at-large citizen members; **[Amended 10-20-2008 by Ord. No. 900]**
- (9) One member representing the Havre de Grace City Council, who shall serve as an ex-officio member and liaison to the City Council;
- (10) One member who shall be the individual responsible for economic development and business retention for the City of Havre de Grace, who shall serve as an ex-officio member;
- (11) One member representing the Harford County Economic Development Department, who shall serve as an ex-officio member; and **[Amended 10-20-2008 by Ord. No. 900]**
- (12) One member representing the Maryland Office of Tourism, who shall serve as an at-large member. **[Amended 10-20-2008 by Ord. No. 900]**

B. The officers of the Advisory Board shall consist of a Chair, a Vice Chair, and a Secretary. The officers shall be elected annually by the voting members of the Advisory Board. All candidates for office will be nominated each April by the Advisory Board members, and elections will take place at the first meeting in June of each year. The newly elected officers will take office during the July meeting of the Advisory Board and will serve until the last day of June in the following year.

§ 25-37. Appointment of members.

- A. Voting members. The Mayor shall, with the consent of the City Council, appoint all voting members of the Advisory Board from the nominations made and forwarded to the Mayor from the City Tourism Manager. The individual being proposed for such appointment must complete an application as provided by the City. Any member of the Advisory Board may at any time submit the name and completed application of an individual for nomination to the Advisory Board as long as there exists an opening or there is a member of the Advisory Board who may be unable to complete his or her membership term. The Advisory Board shall vote on the nomination and, if approved, forward the nomination to the City Tourism Manager for submission to the Mayor.
- B. Ex-officio members. The Mayor and City Council shall appoint a member of the City Council as a liaison member in June of each year for a one-year term. Further, the Mayor and City Council shall appoint the individual member, or staff member, responsible for economic development and business retention for the City for an unspecified term. Ex-officio members from the Maryland Office of Tourism and Harford County Tourism Council shall be nominated by members of the Advisory Board at the recommendation of the City Tourism Manager and approved by the Mayor and City Council.
- C. Termination of membership. The membership of any member on the Advisory Board shall be automatically terminated 90 days after such member's absence is unexcused for three consecutive meetings, or after he or she misses 50% of the meetings in a calendar year, unless the Chair, before the expiration of such ninety-day period, has acted favorably on such member's petition to relieve him or her of loss of membership provided herein.

§ 25-38. Term of membership.

Members of the Advisory Board will serve a term of three years from time of appointment by the Mayor and City Council. The names of those members of the Advisory Board whose terms are to expire and who desire reappointment shall be submitted by the Chair to the City Tourism Manager, who shall forward them to the Mayor and City Council for consideration for reappointment for another three-year term.

§ 25-39. Voting by members.

- A. Only those members of the Advisory Board may vote on matters coming before the Advisory Board as well as during election of the Chair, Vice Chair, or Secretary. Any member of the Advisory Board serving as an ex-officio member has the rights and privileges as all members of the Advisory Board but may not vote on any matters coming before the Advisory Board or in any elections held by the Advisory Board.

- B. Subcommittee(s), made up of members of the Advisory Board, shall be appointed by the Chair. Subcommittees shall be created, as recommended, by the Tourism Manager or by the Advisory Board Chair. The Advisory Board will keep a record of its transactions, findings, determinations, and such records shall be kept public, except as may be otherwise required by law.

§ 25-40. Meetings.

- A. General meetings. The Advisory Board shall meet no fewer than eight times a year. Any special meeting shall be at the request of the Chair or the City Tourism Manager. The Advisory Board may meet monthly at a specified time and place.
- B. Special meetings. The Chair or the City Tourism Manager shall notify the members as to time, place, and purpose of any such special meeting. For any member, the actual receipt of notice in any manner at least five days in advance of the meeting shall be deemed sufficient notice. Attendance by a member at a special meeting constitutes a waiver of any right to notice.

ARTICLE VIII
(Reserved)¹⁴

§ 25-41. through § 25-49. (Reserved)

14. Editor's Note: Former Art. VII, Drug Advisory Board, adopted 10-6-2003 by Ord. No. 848, was repealed pursuant to the provision that it would be automatically repealed on 9-30-2006 unless extended by ordinance of the Mayor and City Council. Editor's Note: Former Art. VII was redesignated as Art. VIII 3-17-2014 by Ord. No. 953.

ARTICLE IX
(Reserved)¹⁵

§ 25-50. through § 25-56. (Reserved)

15. Editor's Note: Former Art. VIII, Landlord/Tenant Commission, adopted 5-3-2004 by Ord. No. 855, was repealed 4-18-2011 by Ord. No. 926. Editor's Note: Former Art. VIII was redesignated as Art. IX 3-17-2014 by Ord. No. 953.

ARTICLE X

Street and Traffic Safety Advisory Board¹⁶
[Adopted 10-17-2005 by Ord. No. 868]**§ 25-57. Creation.**

The Havre de Grace Street and Traffic Safety Advisory Board (hereinafter referred to as the "Advisory Board") is hereby established. The Mayor and City Council of Havre de Grace, Maryland, shall appoint this Advisory Board with a minimum of seven voting members and not more than 11 voting members and one nonvoting member who shall be a member of the City Council Public Safety Committee. The appointments shall include: three citizens of the City of Havre de Grace, one of which will act as Committee Chair; one member of the Havre de Grace Susqueanna Hose Co.; one member of the Havre de Grace Ambulance Corps; one member from the Havre de Grace Police Department; one member from the Havre de Grace Department of Public Works; and four additional members may be appointed after being nominated by the Advisory Board as voting members. During the term of this Advisory Board, for any member appointed by the Mayor and City Council who chooses not to complete his or her term, a nomination from the Advisory Board for a replacement member will be forwarded to the Mayor and City Council via the Public Safety Committee Liaison for approval of appointment to complete the term of the member who chooses not to complete his or her term.

§ 25-58. Purposes; powers and duties.

- A. General purposes. The purpose of this Advisory Board shall have the responsibility of performing comprehensive citywide review of issues related to street safety, to include traffic, vehicles, parking, streetlighting, pedestrian and related issues, which have been referred to the Advisory Board by the Public Safety Committee, the Mayor and City Council or Administration, both proactively and reactively, and provide recommendations to the Mayor and City Council for their enlightenment and consideration. In itself, it is advisory and not responsible for the implementation of modifications to existing conditions nor for the creation of new policies or construction.
- B. Powers and duties of the Advisory Board. The Advisory Board shall have the following duties and powers:
 - (1) To support and recommend to the City's Public Safety Committee on issues as they relate to street safety, to include efficient movement of vehicular traffic, parking of vehicular traffic and matters pertaining to safety of pedestrians;

16. Editor's Note: Former Art. IX was redesignated as Art. X 3-17-2014 by Ord. No. 953.

- (2) To review legislation and policy decisions of local, state, and federal agencies in order to identify their impact on street safety in the City;
 - (3) To assist the City's Public Safety Committee in the development of various ordinances and matters of street safety to promote a safe living environment for all citizens and visitors within the City;
 - (4) To assist in the identification of funding and human resources to support street safety development functions; and
 - (5) To serve on committees of the Advisory Board as needed.
- C. Additional powers and duties of Chairperson of the Advisory Board. The Chairperson of the Advisory Board (hereinafter referred to as the "Chair") shall have the following additional duties and powers:
- (1) To serve as spokesperson for the Advisory Board;
 - (2) To preside over meetings of the Advisory Board;
 - (3) To be available to assist and advise the City's Public Safety Committee as needed; and
 - (4) To appoint committees from within the Advisory Board, as needed, to explore and assist the City's Public Safety Committee regarding issues related to street safety.
 - (5) To recommend and give full report(s), when needed, to the Mayor and City Council during City Council meetings in matters relating to street safety.

§ 25-59. Organization and members.

- A. The Advisory Board shall have no less than seven appointed voting members but not more than 11 voting members (hereinafter referred to as a "member" or "members"). There shall be one nonvoting member as described below in Subsection A(6). The Advisory Board membership may include:
- (1) Three members representing the citizens of Havre de Grace;
 - (2) One member representing the Susquehanna Hose Co. of Havre de Grace;
 - (3) One member representing the Havre de Grace Ambulance Corps;
 - (4) One member representing the Havre de Grace Police Department;
 - (5) One member representing the Department of Public Works;
 - (6) One member representing the Havre de Grace City Council's Public Safety Committee, who shall serve as an ex officio member and liaison to the City Council and will not be a voting member.

- (7) Four additional members may be appointed after being nominated by the Advisory Board as voting members.
- B. The officers of the Advisory Board shall consist of a Chair, a Vice Chair, and a Secretary. The voting members of the Advisory Board shall elect the officers annually. All candidates for office will be nominated each April by the Advisory Board members and elections will take place at the first meeting in June of each year. The newly elected officers will take office during the July meeting of the Advisory Board and will serve until the last day of June in the following year.

§ 25-60. Appointment of members.

- A. Voting members. The Mayor shall, with the consent of the City Council, appoint all voting members of the Advisory Board from the nominations made and forwarded to the Mayor from the City's Public Safety Committee. The individual being proposed for such appointment must complete an application as provided by the City. Any member of the Advisory Board may at anytime submit the name and completed application of an individual for nomination to the Advisory Board as long as there exists an opening or there is a member of the Advisory Board who may be unable to complete his or her membership term. The Advisory Board shall vote on the nomination and, if approved, forward the nomination to the City's Liaison for submission to the Public Safety Committee.
- B. Ex officio member. The City Council's President shall appoint a member of the City Council's Public Safety Committee as a liaison member in June of each year for a one-year term.
- C. Termination of membership. The membership of any member on the Advisory Board shall be automatically terminated 90 days after such member's absence is unexcused for three consecutive meetings, or after he or she misses 50% of the meetings in a calendar year, unless the Chair, before the expiration of such ninety-day period, has acted favorably on such member's petition to relieve him or her of loss of membership provided herein.

§ 25-61. Term of membership.

Members of the Advisory Board will serve a term of three years from time of appointment by the Mayor and City Council. Those members of the Advisory Board whose terms are to expire shall be submitted by the Chair to the Liaison from the Public Safety Committee, who shall forward them to the Mayor and City Council for consideration for reappointment for another three-year term.

§ 25-62. Voting by members.

- A. Only those members of the Advisory Board may vote on matters coming before the Advisory Board as well as during election of the Chair, Vice

Chair, or Secretary. Any Member of the Advisory Board serving as an ex-officio member has the rights and privileges as all Members of the Advisory Board but may not vote on any matters coming before the Advisory Board or in any elections held by the Advisory Board.

- B. Committee(s), made up of members of the Advisory Board, shall be appointed by the Chair. Committees shall be created, as recommended, by the Advisory Board Chair. The Advisory Board will keep a record of its transactions, findings, determinations, and such records shall be kept public, except as may be otherwise required by law.

§ 25-63. Meetings.

- A. General meetings. The Advisory Board shall meet no less than eight times a year. Any special meeting shall be at the request of the Chair or the City's Public Safety Committee. The Advisory Board may meet monthly at a specified time and place.
- B. Special meetings. The Chair shall notify the members as to time, place, and purpose of any such special meeting. For any member, the actual receipt of notice in any manner at least five days in advance of the meeting shall be deemed sufficient notice. Attendance by a member at a special meeting constitutes a waiver of any right to notice.
- C. Recording of minutes of meetings. The Secretary shall record all minutes of all meetings of the Advisory Board and those minutes shall be public record unless it is a matter that is clearly defined by the Closed Meetings Act and meets all criteria as such.

ARTICLE XI
Water/Sewer Commission¹⁷
[Adopted 6-2-2008 by Ord. No. 896]

§ 25-64. Creation.

The Water/Sewer Commission (hereinafter referred to as the "Commission") is hereby established.

§ 25-65. Purpose.

The purpose of the Commission is to provide the Mayor and City Council with recommendations regarding:

- A. Strategic direction of this enterprise fund;
- B. Capital project and rate structure coordination;
- C. Budgeting considerations and timing of implementation;
- D. Establishing and monitoring operational goals and objectives; and
- E. Rates and charges related to ordinances which apply to users and potential users of the public water/sewer system.
- F. Review all requests made to the City for reduction or waiver of any capital cost recovery fees and make a recommendation to the Mayor and City Council concerning same. **[Added 10-19-2009 by Ord. No. 910]**

§ 25-66. Organization and members.

- A. The Commission shall consist of 10 members, of whom eight shall be voting members and two shall be nonvoting members (all of whom, hereinafter, may be referred to as a "member" or the "members"). **[Amended 11-3-2014 by Ord. No. 961]**
- B. The Commission shall include: **[Amended 10-19-2009 by Ord. No. 910]**
 - (1) Five members of the public who are customers of the water and sewer system, at least four of whom shall be citizens of the City of Havre de Grace (hereinafter referred to as the "City"). These members shall each have voting privileges and shall possess or have demonstrated specific knowledge, or professional or academic training in fields such as engineering, water/sewer system operations, management, business or other related fields. At least two of the citizen members should have professional or academic credentials in one or more of the above-listed fields. **[Amended 11-3-2014 by Ord. No. 961]**

17. Editor's Note: Former Art. X was redesignated as Art. XI 3-17-2014 by Ord. No. 53.

- (2) Two members of the City staff, one being the Director of the Department of Public Works or the Director's designee and one being the Director of the Department of Finance or the Director's designee. These members shall have voting privileges.
 - (3) One member of the City Council who shall have voting privileges and shall be a member of the City Council's Department of Public Works Committee.
 - (4) Two non-voting members, one being the Director of Administration or the Director's designee, and one additional City Councilperson. These members shall have no voting privileges, except as described below, but may, otherwise, participate fully in the business of the Commission.
- C. Reports from other City departments. **[Added 11-3-2014 by Ord. No. 961]**
- (1) The Director of the Department of Planning shall provide to the Commission a quarterly report on the number of building permits issued that required a new connection to the water and/or sewer service and at any time provide information at the request of the Commission that could assist the Commission's efforts to project any increase or decrease in the demand on the water/sewer service.
 - (2) The Director of the Department of Economic Development shall provide to the Commission a quarterly report concerning any current or prospective business or other use that could increase or decrease the demand on the water and/or sewer service.

§ 25-67. Officers; proceedings; quorum.

- A. The Commission shall be chaired by the nonvoting City Council member, who shall be responsible for the convening of each meeting. In the absence of the Commission Chairperson, the Director of Administration or his/her designee shall act as the Chairperson. In the event of a tie vote on issues before the Commission, the Chairperson shall have the right, but not the requirement, to cast a vote. **[Amended 11-3-2014 by Ord. No. 961]**
- B. The Commission shall adopt its own rules of procedure and keep a record of the proceedings.
- C. A quorum at any meeting shall be a minimum of five voting members, at least three of whom shall be citizen members. The presence of the Chairperson does not count in the determination of a quorum. At the time of appointment, the Mayor shall designate which of the Council members shall serve as the Commission Chairperson. **[Amended 10-19-2009 by Ord. No. 910; 11-3-2014 by Ord. No. 961]**

§ 25-68. Appointment of members; terms and replacement.

- A. Citizen members. The Mayor, with the advice and consent of the City Council, shall appoint all citizen members pursuant to the qualifications listed for such members. The initial appointment for these members shall be in the form of staggered terms in that one shall be appointed to a term of three years, one appointed for a term of two years and one appointed for a term of one year. After the initial appointment of the Commission, members shall serve three-year terms, with the capacity for reappointment. When a citizen member cannot complete his term or is removed from membership by the Mayor with the approval of the City Council whenever, in their judgment, the best interests of the Commission will be served thereby, the Mayor shall, with the advice and consent of the City Council, appoint a replacement to serve the remainder of that member's term.
- B. Staff members. These members shall be appointed by the Mayor as described in § 25-66 and shall serve until a replacement member is selected by the Mayor.
- C. Council members. These members shall be appointed by the Mayor and shall serve in accordance with their terms as members of the City Council or until a replacement member is selected by the Mayor. At the time of appointment, the Mayor shall designate which of the Council members shall serve as the Commission Chairperson. **[Amended 11-3-2014 by Ord. No. 961]**

§ 25-69. Meeting and report schedule. [Amended 10-19-2009 by Ord. No. 910; 11-3-2014 by Ord. No. 961]

- A. The Commission shall establish a regular meeting schedule and shall meet bimonthly at a minimum. Additional meetings shall be held as needed. A secretary shall be appointed each calendar year by the Commission membership. All minutes of the meetings shall be maintained by the Commission Secretary, and once approved and adopted by the Commission membership, a copy shall be provided to the Director of Administration for the City files, and a copy shall also be placed in a designated book in the City Council office.
- B. At the first regularly scheduled City Council meeting held in February of each year, the Commission shall deliver to the Mayor and City Council a written and oral report on the state of the Water and Sewer Fund, following a review of the final audit of the previous fiscal year. This report shall also provide the Commission's recommendations for the next fiscal year concerning the following items:
 - (1) Recommended changes to the City water and sewer rate and/or fee schedule.
 - (2) Capital projects both new and ongoing.

- (3) Other recommended operational changes that could improve the overall operation and cost effectiveness of the water and/or sewer plants and systems.
- C. As deemed necessary to accomplish the stated purpose of this article, meetings beyond those specified above may be called.

ARTICLE XII
Marina Commission¹⁸
[Adopted 11-15-2010 by Ord. No. 921]

§ 25-70. Creation.

The Marina Commission (hereinafter referred to as the "Commission") is hereby established.

§ 25-71. Purpose.

The purpose of the Commission is to provide the Mayor and City Council with recommendations regarding:

- A. Strategic direction of this enterprise fund;
- B. Capital project and rate structure coordination;
- C. Budgeting considerations and timing of implementation;
- D. Establishing and monitoring operational goals and objectives; and
- E. Rates and charges related to ordinances which apply to users and potential users of the Yacht Basin/Marina and other City-owned or -operated docking and launching facilities.

§ 25-72. Scope.

The scope of this Commission will be the City-owned Marina at the Yacht Basin and any other docking or launching facility owned or operated by the City.

§ 25-73. Organization and members.

- A. The Commission shall consist of eight voting members, two nonvoting members and one member, the chairperson, who shall have voting rights only in the event of a tie vote (all of whom, hereinafter, may be referred to as a "member" or the "members").
- B. The Commission shall include:
 - (1) Five members of the public, four of whom are customers of the Yacht Basin/Marina, of which at least two of whom shall be citizens of the City of Havre de Grace (hereinafter referred to as "City"), and one member of the business community who is not a customer of the Yacht Basin/Marina. These members shall each have voting privileges.
 - (2) Two members of the City staff, one being the Director of the Department of Public Works or the Director's designee and one

18. Editor's Note: Former Art. XI was redesignated as Art. XII 3-17-2014 by Ord. No. 953.

being the Director of the Department of Finance or the Director's designee. These members shall have voting privileges.

- (3) One member of the City Council, who shall have voting privileges and shall be a member of the City Council's Parks and Harbor Committee.
- (4) Two nonvoting members, one being the Director of the Department of Administration or the Director's designee and one additional City Councilperson. These members shall have no voting privileges, except as described below, but may, otherwise, participate fully in the business of the Commission.

§ 25-74. Officers; proceedings; quorum.

- A. The Commission shall be chaired by the nonvoting City Council member, who shall be responsible for the convening of each meeting. In the event of a tie vote on issues before the Commission, this member shall have the right, but not the requirement, to cast a vote. The Commission members shall select one member to serve as chair in the absence of the Commission chairman.
- B. The Commission shall adopt its own rules of procedure and keep a record of the proceedings.
- C. A quorum at any meeting shall be a minimum of four voting members, at least two of whom shall be citizen members. The presence of the chairperson does not count in the determination of a quorum.

§ 25-75. Appointment of members; terms and replacement.

- A. Citizen members. The Mayor, with the advice and consent of the City Council, shall appoint all citizen members pursuant to the qualifications listed for such members. The initial appointment for these members shall be in the form of staggered terms in that two shall be appointed to a term of three years, two appointed for a term of two years and one appointed for a term of one year. After the initial appointment of the Commission, members shall serve three-year terms, with the capacity for reappointment. When a citizen member cannot complete his term or is removed from membership by the Mayor, with the approval of the City Council, whenever, in their judgment, the best interests of the Commission will be served thereby, the Mayor shall, with the advice and consent of the City Council, appoint a replacement to serve the remainder of that member's term.
- B. Staff members. These members shall be appointed by the Mayor and shall serve until a replacement member is selected by the Mayor.
- C. Council members. These members shall be appointed by the Mayor, with the concurrence of the Council President, and shall serve in accordance with their terms as members of the City Council or until a replacement member is selected by the Mayor.

§ 25-76. Meeting and report schedule.

- A. The Commission shall meet in November of each year and shall hold subsequent meetings as needed to accomplish the purpose set forth in § 25-71 of this article as it relates to recommendations to the Mayor and City Council. In doing so, the Commission shall consider each item in § 25-71 of this article and its impact and contribution to rate and charge setting. These recommendations shall be delivered, in writing, to the Mayor and City Council prior to the first regularly scheduled City Council meeting in February of each year.
- B. The Commission shall meet in September of each year and shall hold subsequent meetings as needed to review the revenue and expenditures of the fiscal year just completed. The Commission shall report its findings to the Mayor and City Council regarding items in § 25-71 of this article. A written report outlining any concerns, recommendations or concurrence with the noted items shall be delivered to the Mayor and City Council prior to the first regularly scheduled City Council meeting in November.
- C. As deemed necessary to accomplish the stated purpose of this article, meetings beyond those specified above may be called.

ARTICLE XIII

Employee Benefits and Compensation Commission
[Adopted 8-3-2015 by Ord. No. 971]**§ 25-77. Creation.**

The Employee Benefits and Compensation Commission (hereafter referred to as the "Commission") is hereby established.

§ 25-78. Purpose.

The purpose of the Commission is to provide the Mayor and City Council with recommendations regarding:

- A. Strategic direction and consideration of employee benefits and compensation expenses from a funding and budgetary perspective;
- B. Budgeting and funding consideration of benefits and compensation, both short and long term, to include the employee pension fund, and other post-employee benefits (OPEB).
- C. Monitoring the revenues and expenses and the budget goals and objectives established by the Mayor and City Council in the budgets that are passed annually;
- D. Exploring alternative benefits for employees from those benefits currently in place;
- E. Review the current personnel manual and make recommendations to the Mayor and City Council concerning the same;
- F. Review, compare and analyze other comparable government and municipal employee benefits and compensation to assess the value and validity of current City operations and generate viable alternative solutions;
- G. Confer when needed with the Director of Administration related to City Code Chapter 130 and the benefits provided to exempt service employees;
- H. Consider potential outsourcing opportunities.

§ 25-79. Organization and members.

- A. The Commission shall consist of seven voting members, one nonvoting member, and one member, the Chairperson, who shall have voting rights only in the event of a tie vote (all of whom, hereafter, may be referred to as a "member" or "members").
- B. The Commission shall include:
 - (1) Four members of the public, three of which must be citizens of the City of Havre de Grace (hereafter referred to as "City"). These

members shall each have voting privileges and shall possess or have demonstrated specific knowledge, or professional or academic training in fields such as human resources, management, business or other related fields. At least two of the citizen members shall have professional or academic credentials in one or more of the above-listed fields.

- (2) Two members of the City Staff, one being the Chief of Police or the Chief's designee and one being the Director of Administration or the Director's designee. These members shall have voting privileges.
- (3) One member of the City Council, who shall have voting privileges and shall be a member of the City Council Budget and Finance Committee.
- (4) One nonvoting member, being the Director of Finance or the Director's designee, and one additional City Councilperson who serves as Chairperson and only will have voting privileges in the event of a tie. These members may participate fully in the business of the Commission.

§ 25-80. Officers; proceedings; quorum.

- A. The Commission shall be chaired by the nonvoting member of the City Council, who shall be responsible for the convening of each meeting. In the event of a tie vote on issues before the Commission, this member shall have the right, but not the requirement, to cast a vote.
- B. The Commission shall adopt its own rules of procedure and keep a record of the proceedings. The rules of procedure shall be kept by the Chairperson.
- C. A quorum at any meeting shall be a minimum of four voting members, only two of whom shall be a citizen member. The presence of the Chairperson does not count in the determination of a quorum.

§ 25-81. Appointment of members, terms and replacement.

- A. Citizen members. The Mayor, with the advice and consent of the City Council, shall appoint all citizen members pursuant to the qualifications listed for such members. The initial appointment for these members shall be in the form of staggered terms in that one shall be appointed to a term of four years, one appointed for a term of three years, one for a term of two years and one for a term of one year. After the initial appointment of the Commission, members shall serve three-year terms, with the capacity for reappointment. When a citizen member cannot complete his term or is removed from membership by the Mayor with approval of the City Council whenever, in their judgement, the best interests of the Commission will be served, thereby, the Mayor shall,

with the advice and consent of the City Council, appoint a replacement to serve the remainder of that member's term.

- B. Staff members. These members shall be appointed by the Mayor as described in § 25-79 and shall serve until a replacement member is selected by the Mayor.
- C. Council members. These members shall be appointed by the Mayor and shall serve in accordance with their terms as members of the City Council or until a replacement member is selected by the Mayor.

§ 25-82. Scheduling of meetings; recommendations and reports.

- A. The Commission shall meet in January of each year and shall hold subsequent meetings as needed to accomplish the purpose set forth in § 25-78 of this article as it relates to recommendations to the Mayor and City Council. In doing so, the Commission shall consider and make recommendations for each item in § 25-78 of this article and its impact on the current and future health of the City budget, revenues, expenses, debt service and capital programs. These recommendations shall be delivered to the Mayor and City Council prior to or at the first regularly scheduled City Council meeting in March of each year.
- B. The Commission shall meet in September of each year and shall hold subsequent meetings as needed to review the revenue and expense experience of the fiscal year just completed. The Commission shall report its findings to the Mayor and City Council regarding items in § 25-78 of this article. A report outlining any concerns, recommendations or concurrence with the noted items shall be delivered to the Mayor and City Council on or before the first regularly scheduled City Council meeting in December of each year.
- C. As deemed necessary to accomplish the stated purpose of this article, meetings beyond those specified above may be called.

Chapter 28

BOATING

GENERAL REFERENCES

Civil sanctions — See Ch. 1, Art. I.

Sounding of signaling devices on boats — See Ch. 116, § 116-2B.

Parking requirements for boat sales establishments — See Ch. 122.

Abandoned boat trailers — See Ch. 140.

Definition of "marina" — See Ch. 205.

ARTICLE I
General Boating Regulations
[Derived from 1988 Codified Ordinances]

§ 28-1. Definitions and word usage.

A. When not inconsistent with the context, words used in the present tense include the future, the plural includes the singular and the singular includes the plural. The word "shall" is always mandatory and not merely directory.

B. For the purpose of this article the following terms, phrases, words and their derivations shall have the meaning given herein:

BOAT — Any watercraft, including seaplanes when not airborne, in or upon, or docked or moored at any place in any waterway within the boundaries of the City.

CITY — The City of Havre de Grace, Maryland.

WATERWAY — Any waters, waterway, lake, river, tributary, canal, lagoon or connecting waters within the boundaries of the City.

§ 28-2. Operation of boats; speed limits.

Operation of boats and speed limits are governed and enforced by the Department of Natural Resources and the United States Coast Guard.

§ 28-3. Indiscriminate use of searchlights.

Use of searchlights is governed and enforced by the Department of Natural Resources and the United States Coast Guard.

§ 28-4. Mufflers required; unnecessary noise.

Mufflers and noise are governed and enforced by the Department of Natural Resources and the United States Coast Guard.

§ 28-5. Mooring and docking.

Mooring and docking are governed and enforced by the Department of Natural Resources and the United States Coast Guard.

A. It shall be unlawful to moor any boat within the confines of the City Yacht Basin until an application and payment have been made to and approved by the Mayor and City Council or their authorized representative.

B. It shall be unlawful to moor a boat to a private sea wall or dock or bench if upon private property without the permission of the owner thereof.

§ 28-6. Abandoned boats; navigation menaces; nuisances; notice to remove.

Abandoned boats, navigation menaces and nuisances are governed and enforced by the Department of Natural Resources and the United States Coast Guard.

§ 28-7. Authority to board boats violating mooring regulations.

The Supervisor of Marine Facilities or an authorized agent of the City shall have authority to board any boat moored in violation of this article and move or cause it to be moved to another location and shall have the right to hold such boat for the payment of costs incurred in its removal or storage.

§ 28-8. Supervised races, regattas and boat exhibitions.

Supervised races, regattas and boat exhibitions are governed and enforced by the Department of Natural Resources and the United States Coast Guard.

§ 28-9. Boat launching fee for use of City ramp.

It shall be unlawful to use any boat launching ramp owned, operated or maintained by the City of Havre de Grace, Maryland, for the purpose of launching or removing from the water any boat or sailing vessel of any kind whatsoever, on or from a trailer, without first having paid to the City such fee as the Mayor and City Council may from time to time set.

§ 28-10. Violations and penalties.

Any person convicted of committing any unlawful act as provided in this article shall be guilty of a municipal infraction. If any unlawful act is continuing, then each day during which such violation continues shall be considered a separate offense. In addition to any civil penalty which may be imposed, all the provisions of this article may be enforced by petition for injunction filed on behalf of the Mayor and City Council of Havre de Grace.

ARTICLE II

**User Fee for Docking and Storage of Boats
[Adopted 10-1-1992 by Ord. No. 765]****§ 28-11. Annual fee.**

An annual fee of 5%, not to exceed \$100, of all rental charges for the docking, slip rental and storage, dry or wet, of boats is hereby imposed.

§ 28-12. Collection of fee by businesses.

The revenues shall be collected by all businesses, including, but not limited to, all marinas, establishments, or individuals within the Havre de Grace City limits that rent space for boat docking, boat slip rental and boat storage.

§ 28-13. Report.

A report listing the names of the lessees, the amount of rent paid and the user fee due shall be submitted by all businesses as set forth in § 28-12, above, along with all user fees collected. This report and the accompanying revenues shall be remitted to the City of Havre de Grace on a semiannual basis with the first receipt being due no later than March 1 of each year and the second receipt being due no later than September 1 of each year. The funds remitted by March 1 shall cover the period beginning August 1 through January 31. The funds remitted by September 1 shall cover the period beginning February 1 through July 31.

§ 28-14. Audit of financial records of businesses.

The City may, at its option, audit the financial records of any business that is required to charge and collect these user fees.

§ 28-15. Use of revenue.

The City may use any revenue received from the user fees to maintain and enhance water quality, water and wastewater treatment facilities, marinas, law enforcement, public safety, or fire services.

§ 28-16. Violations and penalties.

- A. Any person or persons who fails to submit any report pursuant to this article as required in § 28-13 above, as to each lessee subject to this article shall be deemed to have committed a municipal infraction and shall be subject to the penalties imposed by ordinance for the commission of a municipal infraction as may be amended from time to time.
- B. Any person or persons who fail to remit the fees due pursuant to this article as required in § 28-13 above, as to each lessee subject to this article shall be subject to the penalties imposed by ordinance for the

commission of a municipal infraction as may be amended from time to time.

- C. Delinquent charges of 1 1/2% per month of the amount of user fees due shall be assessed, accruing from the day after the due date as stated in § 28-13 above, until the fee and fines are paid in full.

Chapter 31

BUILDING CONSTRUCTION

GENERAL REFERENCES

Board of Appeals — See Ch. 25, Art. III.

Plumbing standards — See Ch. 134.

Critical Areas — See Ch. 49.

Signs — See Ch. 151.

Fees — See Ch. 70.

Site plan approval — See Ch. 155.

Floodplain management — See Ch. 78.

Subdivision of land — See Ch. 173.

Grading and filling — See Ch. 89.

Zoning — See Ch. 205.

Historic preservation — See Ch. 97.

ARTICLE I

Property Maintenance Code**§ 31-1. Adoption of International Property Maintenance Code 2015.**

The International Property Maintenance Code 2015, as published by the International Code Council, Inc., Chapters 1 through 8, copies of which are on file with the Department of Planning of the City of Havre de Grace, is hereby adopted by the Mayor and City Council of the City of Havre de Grace, Maryland, for the purpose of protecting the health, safety and welfare of the citizens of the City of Havre de Grace.

§ 31-2. Amendments.

The International Property Maintenance Code 2015 shall be adopted with the following amendments:

- A. The name of the jurisdiction in the second line of Section 101.1, Title, on page 1 of the International Property Maintenance Code 2015 shall be "the City of Havre de Grace, Maryland."
- B. Section 102.3, Application of other codes, shall read: "Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the International Building Code 2015, the International Residential Code 2015, the City of Havre de Grace Zoning Ordinance, and applicable codes of Harford County, Maryland, and the State of Maryland."
- C. Section 103.1, General, shall read: "The Director of the Department of Planning or the Director's designee to be known as the Code Official is hereby designated as the administrative official in charge of the implementation and enforcement of the International Property Maintenance Code 2015."
- D. Section 103.2, Appointment, shall be deleted.
- E. Section 103.3, Deputies, shall be deleted.
- F. Section 103.5, Fees, shall read: "The fees for activities and services performed by the Department in carrying out its responsibilities under the International Property Maintenance Code 2015 shall be based upon the valuation of staff time required to complete plan and permit examinations, site inspections and enforcement activity and shall be established by the Mayor and City Council from time to time."
- G. Section 104.6, Department records, shall read: "An official record shall be kept of all business and activities of the Department specified in the provisions of the International Property Maintenance Code 2015, and all such records shall be open to public inspection at all appropriate times and according to reasonable rules to maintain the integrity, confidentiality, and security of such records."

- H. New Section 104.7, Restriction of employees, shall be added as follows:
"An official or employee connected with the Department of Planning shall not be engaged in or directly or indirectly connected with the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building, or the preparation of construction documents thereof, unless that person is the owner of the building; nor shall such officer or employee engage in any work that conflicts with official duties or with the interests of the Department."
- I. Section 106.3, Prosecution of violation, shall read:
- a. Any person who shall be adjudged to have (1) violated any of the provisions of this ordinance; or (2) failed to comply herewith or permitted or maintained such a violation; or (3) violated or failed to comply with any order made hereunder; or (4) built in violation of any details, statements, specifications or plans submitted or approved hereunder; or (5) failed to operate in accordance with the provisions of any certificate, permit, or approval issued hereunder shall, severally for each violation and noncompliance respectively, be guilty of a municipal infraction, for which a fine not to exceed \$1,000 may be imposed for each such infraction, payable to the City of Havre de Grace, with costs imposed in the discretion of the court. Each day that an infraction continues after notice has been served shall be deemed a separate infraction. The imposition of a fine for any violation shall not excuse the violation, nor shall the violation be permitted to continue. Prosecution or lack thereof of either the owner, occupant, or the person in charge shall not be deemed to relieve any of the others.
 - b. Any person who shall be convicted of willfully (1) violating any of the provisions of this ordinance; or (2) failing to comply herewith or permitting or maintaining such a violation; or (3) violating or failing to comply with any order made hereunder; or (4) building in violation of any details, statements, specifications or plans submitted or approved hereunder; or (5) failing to operate in accordance with the provisions of any certificate, permit, or approval issued hereunder shall, severally for each violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine of not more than \$1,000 and imprisonment not exceeding 90 days for each violation, with costs imposed in the discretion of the court. Each day that a violation continues after notice has been served shall be deemed a separate offense. The imposition of punishment for any violation shall not excuse the violation, nor shall the violation be permitted to continue. Prosecution or lack thereof of either the owner, occupant, or the person in charge shall not be deemed to relieve any of the others.

- c. Any order or notice issued or served as provided in this ordinance shall be complied with by the owner, operator, occupant or other person responsible for the condition or violation to which the order or notice pertains. Every order or notice shall set forth a time limit for compliance dependent upon the hazard and danger created by the violation. In cases of extreme danger to persons or property, immediate compliance shall be required. If the notice of violation is not complied with, the Code Official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto.
 - d. In addition to the other provisions set out in this ordinance, the City of Havre de Grace may institute injunctive, declaratory or any other appropriate action or proceedings at law or equity for the enforcement of this ordinance or to correct violations of the International Property Maintenance Code 2015, and any court of competent jurisdiction has the right to issue restraining orders, temporary or permanent injunctions or mandamus or other appropriate forms of remedy or relief.
 - e. All provisions of Article 23A, Section 3, of the Annotated Code of Maryland relating to municipal infractions are incorporated in this chapter. In the event of any inconsistency between this Section 106.3 and Article 23A, Section 3, the provisions in Article 23A, Section 3, shall prevail.
- J. Section 106.4, Violation penalties, shall be deleted.
- K. Section 106.5, Abatement of violation: Add a second sentence which shall read as follows: "Any costs associated with any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and may be recovered as a lien upon such real estate."
- L. Section 107.2: At the end of the section, the following exception shall be added: "Exception: Notice of violations requiring immediate attention will be conspicuously posted on the premises and allow five days to abate the violations. Such notice shall be used for overgrown grass and/or weeds, untagged or unregistered vehicles, trash and rubbish removal, snow removal, or other violations."
- M. Section 107.3: Add the following to Item 1: "or conspicuously posted on the premises as outlined in the Exception under Section 107.2."
- N. Section 107.5, Penalties: Refer to Sections 106.3 and 106.5 in this code.
- O. Sections 111.2 through 111.8 are deleted (see City of Havre de Grace Board of Appeals Ordinance).

- P. Section 112.1, Authority, shall read: "Whenever the Code Official finds any work regulated by this code, or other building codes adopted by the local jurisdiction, being performed in a manner contrary to the provisions of these codes, or in a dangerous or unsafe manner, the Code Official is authorized to issue a stop-work order.
- Q. Section 112.4, Failure to comply: In the last line, insert "\$100" and "\$1,000" as the range of fine amounts.
- R. Section 201.4: At the end of the section, the following language shall be added: "or as is interpreted by the Director of Planning or Code Official."
- S. Section 202, General Definitions, shall have added to it these additional definitions as follows:
1. JUNK YARD. Any land or building licensed and used for abandonment, storage, keeping, collecting or baling of paper, rags, scrap metals, other scrap, discarded materials or junk for the purpose of abandonment, demolition, dismantling, storage, recycling or salvaging. Proper business licensing required.
 2. OPEN STORAGE AREAS. Property areas used for storage of materials that are related to the occupation of the property owner and/or lessee.
 3. SALVAGE YARDS. Property area upon which any person or business stores three or more wrecked vehicles outdoors for the purpose of dismantling or otherwise wrecking the vehicles to remove parts for sale or for use in an automotive repair or rebuilding business. Any auto salvage business must be properly licensed.
 4. SURFACE COAT. All exterior siding and millwork shall be scraped to a sound base and sanded smooth. Scraped and sanded areas shall have joints and cracks filled and shall be primed with exterior primer paint. Following this preparation, all exterior siding and millwork shall be painted with two coats of exterior quality paint.
- T. New Section 301.3.1, Vacant structure maintenance, shall be added to read as follows: "All land or improved premises within the City shall be maintained as though said property were being used or occupied. Once vacated or abandoned, the exterior of any structure and surrounding premises must be maintained to the minimum standards required by this code. Except for any structure damaged by fire, flood or natural disaster, the City shall be notified prior to any boarding of windows and doors to secure the structure. Any boarding shall be done in a professional manner, and the materials used shall conform to the overall exterior appearance of the structure. Said structure, except for historic structures as defined by the City, shall be made habitable within three months, or the structure shall be considered in an unsafe condition and subject to the provisions of this chapter. The Code Official shall have the authority to allow a structure damaged by fire, flood or

any natural disaster to remain boarded and secure for a period of one year, at which such time the structure shall be made habitable or said structure shall be considered in an unsafe condition and subject to the provisions of this chapter."

- U. New Section 302.2.1, Drainage, general, shall be added as follows: "Stormwater, sump pumps, sanitary systems, and other water-supplied appliances shall not discharge in a manner that is detrimental to neighboring properties or creates a public nuisance."
- V. Section 302.3, Sidewalks and driveways: Add the following section at the end of the paragraph: "It shall be unlawful for any person, incorporated body, public institution or other corporation using or occupying in any manner, or for any purpose whatsoever, any house, store, shop, stable, or tenement of any kind, persons having charge of churches and public buildings of every description and of owners of unoccupied houses and unimproved lots, situated on any street in this City, to fail to remove and clear away, or cause to be removed and cleared away, the snow/ice from the foot pavements fronting the respective houses, stores, shops, stables, churches, buildings or lots so used, occupied or owned by them or under their charge within 24 hours after the end of any weather event resulting in snow or ice." (See City Code § 190-38.)
- W. Section 302.4, Weeds: Add the language "10" after the words "in excess of" in the second line. Add the following after the third sentence: "Trees and shrubs located on private property shall not create a nuisance, shall not create a safety hazard to, and shall not impose on public safety or interfere with any structure on the subject premises or adjoining properties or public utilities. When any lot, lots, parcels or tracts of land abut on any public street, avenue, alley, lane, sidewalk or other public right-of-way, the owner, occupant, lessor, lessee, tenant and/or any person, firm or corporation in control of such lot, lots, parcels or tracts of land shall be required to maintain so much of the public right-of-way as lies between the curblin/surfaced edge of the right-of-way and property lines of such lots, parcels or tracts of land as are occupied by or used by such owner, occupant, lessor, lessee, tenant and/or any person, firm or corporation in control thereof. This shall include maintenance to the center line of the unimproved alley by all owners of any abutting lots, parcels or tracts of land."
- X. Section 302.7, Accessory structures, shall read: "All accessory structures, including but not limited to detached garages, storage buildings, fences and walls, shall be maintained structurally sound and in good repair. Fences and walls shall be erected such that a finished side of the structure faces outward from the property on which it is constructed."
- Y. Section 302.8, Motor vehicles, is amended by adding the following to the end of the section: "One unregistered but otherwise operative

vehicle and/or trailer, not within a building, is permitted to be stored on the premises."

- Z. New Section 302.10, Storage of junk, appliances and furniture, shall be added as follows: "It shall be unlawful for any owner, occupant, lessor, lessee, tenant and/or person, firm or corporation in control of any lot, lots, parcels or tracts of land within the City to permit any junk, trash, refuse, debris, piled brush and branches, unused construction materials, garbage, or rubbish; abandoned or inoperable bicycles, boats, boat trailers, mopeds or motor vehicles and vehicle parts, i.e., batteries, tires, fenders, rims, etc., or abandoned appliances, equipment or furniture to remain on any such lot, lots, parcels or tracts of land if such materials or items are dangerous or detrimental to the adjoining properties or the public health and safety and welfare of the citizens of the City or are the nesting place of vermin."
- AA. Section 304.1, General, shall read: "The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to create a public nuisance or be detrimental to adjoining properties, or pose a threat to the public health, safety or welfare."
- BB. Section 304.3, Premises identification, shall have the following added to the end of the section: "in the case of structures with accessory apartments, all apartments with side or rear entrances, or multiple front entrances, must be clearly identified with their apartment number or letter, in addition to the premises address."
- CC. Section 304.14: The dates in the first line shall be "April 1" and "November 1," respectively.
- DD. New Section 304.20, Storage areas, shall be added as follows: "All open salvage yards and open storage areas shall be continuously completely obscured from surrounding property by a screened fence approved by the Director not less than eight feet and not more than 10 feet in height and/or approved landscaping."
- EE. Section 307.1, General, shall read: "Handrails and guards shall comply with applicable subsections of the 2015 International Residential Code, Sections R311 and R312."
- FF. Section 602.3: The dates in the fifth line shall be "September 15" and "May 31," respectively.
- GG. Section 602.4: The dates in the third line shall be "September 15" and "May 31," respectively.
- HH. Chapter 8: Replace the following stated codes and substitute as follows:
 - (1) National Electrical Code — Harford County Electrical Code.
 - (2) International Fire Code — NFPA 101 and NFPA 1.
 - (3) International Plumbing Code — Harford County Plumbing Code.

- (4) International Zoning Code — City of Havre de Grace Zoning Ordinance.
- (5) International Fuel Gas Code — Harford County Plumbing Code.

§ 31-3. Saving clause.

Nothing in this article or in the International Property Maintenance Code 2015 hereby adopted shall be construed to affect any existing suit or proceeding pending in any court, or any vested rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed, and any amendments thereto; nor shall any preexisting legal right or remedy of any character be lost, impaired or affected merely by the passage of this article.

ARTICLE II
Building Code

§ 31-4. Adoption of International Building Code 2015.

The International Building Code 2015, Chapters 1 through 26, 28, 30 through 35, along with Appendixes C, F, G, H and I, as amended, as published by the International Code Council, Inc., a copy of which is on file with the Department of Planning of the City of Havre de Grace, is hereby adopted by the Mayor and City Council of the City of Havre de Grace, Maryland, for the purpose of protecting the public health, safety and welfare of the citizens of the City of Havre de Grace.

§ 31-5. Amendments.

The International Building Code 2015 shall be adopted with the following amendments:

- A. The name of the jurisdiction in the second line of Section 101.1 on page 1 of the International Building Code 2015 shall be "the City of Havre de Grace."
- B. Section 101.4.1: Replace reference to the "International Fuel Gas Code" with the "Harford County Plumbing Code."
- C. Section 101.4.3: The first sentence shall read as follows: "The provisions of the Harford County, Maryland, Plumbing Code shall apply to the installation, alterations, repairs and replacement of plumbing systems, including equipment, appliances, fixtures, fittings, and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system."
- D. Section 101.4.5 shall read as follows: "The provisions of the State of Maryland Fire Prevention Code shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation."
- E. Section 101.4.6 shall read as follows: "The provisions of the Maryland Energy Conservation Building Standards Act shall apply to all matters governing the design and construction of buildings for energy efficiency."
- F. Section 102.6: Reference to the "International Fire Code" shall be changed to the "State of Maryland Fire Prevention Code and NFPA 101 and NFPA 1," and reference to the "International Property Maintenance Code" shall be as amended by this code.

- G. Section 103 shall be entitled "Division of Inspection Services"; and Section 103.1 shall read as follows: "Creation of enforcement agency. The Director of the Department of Planning or the Director's designee is hereby designated as the Building Official or Code Official and shall be in charge of all matters related to building inspections."
- H. Add a new Section 104.12, Restriction of employees: "An official or employee connected with the Department of Planning shall not be engaged in or directly or indirectly connected with the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building, or the preparation of construction documents thereof, unless that person is the owner of the building; nor shall such officer or employee engage in any work that conflicts with official duties or with the interests of the Department."
- I. Section 105.1, Required: Add to the end of the section the following: "A commercial use and occupancy permit will be required for any change in ownership and/or tenancy."
- J. Section 105.1.1, Annual permit, shall be deleted.
- K. Section 105.1.2, Annual permit records, shall be deleted.
- L. Section 105.2, Work exempt from permit, shall be deleted.
- M. Section 105.5, Expiration, shall read as follows: "A permit shall be deemed to be expired and void if the work on the site authorized by said permit is not commenced within 180 days after its issuance, or if the work authorized on the site by such permit is commenced but is suspended or abandoned for a period of 180 consecutive days after the work is commenced. The Building Official may grant one extension for a period of 90 days to commence work on the site if requested in writing and showing justifiable cause prior to permit expiration."
- N. Add a new Section 105.5.1, Void: "Any permit which has been applied for and not issued within 180 days of application, or expired after issuance, and on which no work has begun shall be deemed void. No refunds will be issued on any permits, unless the permit has been canceled in writing by the applicant within 30 days of the date of original application, less a \$100 administrative fee, or permit fee, whichever is less. In no case will water and sewer cost recovery fees be refunded or transferred."
- O. Section 105.7, Placement of permit, shall read as follows: "The building permit or copy shall be kept on the site of the work, and displayed in plain view where appropriate, until the completion of the project and final inspections are approved."
- P. Section 106, Floor and Roof Design Loads, shall be deleted in its entirety.

- Q. Section 107.1, General, is amended by adding the following to the end of the section: "Where required by the Building Official, all braced wall lines shall be identified on the construction documents and all pertinent information, including, but not limited to, bracing methods, location and length of braced wall panels, and foundation requirements of braced wall panels at top and bottom, shall be provided."
- R. Section 109.2 shall read as follows: "Building permit fees. Fees for permits shall be based upon the valuation of staff time required to execute plan examinations, permit reviews and site inspections and shall be established by the Mayor and City Council from time to time."
- S. Section 109.4, Work commencing before permit issuance, shall read as follows: "Any person who demolishes any building or structure, or commences any work on a building, structure or property, or opens a new business before obtaining the necessary permits shall be subject to a fee equal to double the required permit fee and may be guilty of a municipal infraction or a misdemeanor. If the permit is not applied for with the appropriate fees paid within 10 days of documented notification, the property owner shall be subject to an additional fine equal to the required permit fees for each thirty-day period the permit is not applied for, not to exceed \$1,000, and shall be collected as ad valorem taxes."
- T. New Section 110.1.1, Approval of inspections or permits, shall be added as follows: "Any inspection or permit approval provided by the City is not a warranty of construction or workmanship. New permit applications may be placed on hold if the applicant or property owner has other open permits that are not compliant with City administrative procedures and policies, as determined by the Director."
- U. New Section 110.3.8.1, Hazardous materials inspection, shall be added as follows: "As deemed necessary by the Building Official, approval from the Harford County Hazardous Materials Team, or its designee, may be required prior to a use and occupancy permit being issued."
- V. New Section 110.7, Standards, shall be added as follows: "All buildings, structures and appurtenances thereto shall be constructed strictly in compliance with accepted engineering practices. All members and components of the structure shall be installed, fitted or fastened, moved or stored in such a manner that the full structural capabilities of the members are obtained. Improper alignment (level and square), fitting, fastening or methods of construction shall be considered a violation of this code."
- W. Section 111.2, Use and occupancy certificate issued, shall read as follows: "The Building Official, or designee, shall sign and date the office copy of the permit application and zoning certificate for use and occupancy upon completion and approval of all required inspections for which the permit was applied for. A copy of the certificate with the use and occupancy approval shall be made available to the applicant."

- X. Section 113.1, Board of Appeals — general, shall read as follows: "Any person affected by any decision or notice which has been issued by the City in connection with the enforcement of any provision of this code, or of any rule or regulation adopted pursuant hereto, or any person who desires to appeal a decision made pursuant hereto, or who requests a variance from the terms hereof, or who requests an interpretation of the terms hereof, may file an appropriate application with the Board of Appeals of the City of Havre de Grace in accordance with the Board of Appeals Ordinance contained in the Codified Ordinances of the Mayor and City Council."
- Y. Board of Appeals Sections 113.2 through 113.3 are deleted.
- Z. Section 114.4, Violation penalties, shall read as follows:
- a. Any person who shall be adjudged to have (1) violated any of the provisions of this ordinance; or (2) failed to comply herewith or permitted or maintained such a violation; or (3) violated or failed to comply with any order made hereunder; or (4) built in violation of any details, statements, specifications or plans submitted or approved hereunder; or (5) failed to operate in accordance with the provisions of any certificate, permit, or approval issued hereunder shall, severally for each violation and noncompliance respectively, be guilty of a municipal infraction, for which a fine not to exceed \$1,000 may be imposed for each such infraction, payable to the City of Havre de Grace, with costs imposed in the discretion of the court. Each day that an infraction continues after notice has been served shall be deemed a separate infraction. The imposition of a fine for any violation shall not excuse the violation, nor shall the violation be permitted to continue. Prosecution or lack thereof of either the owner, occupant, or the person in charge shall not be deemed to relieve any of the others.
 - b. Any person who shall be convicted of willfully (1) violating any of the provisions of this ordinance; or (2) failing to comply herewith or permitting or maintaining such a violation; or (3) violating or failing to comply with any order made hereunder; or (4) building in violation of any details, statements, specifications or plans submitted or approved hereunder; or (5) failing to operate in accordance with the provisions of any certificate, permit, or approval issued hereunder shall, severally for each violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine not exceeding \$1,000 and imprisonment not exceeding 90 days for each violation, with costs imposed in the discretion of the court. Each day that a violation continues after notice has been served shall be deemed a separate offense. The imposition of punishment for any violation shall not excuse the violation, nor shall the violation be permitted to continue. Prosecution or lack thereof of either the owner, occupant, or the person in charge shall not be deemed to relieve any of the others.

- c. Any order or notice issued or served as provided in this ordinance shall be complied with by the owner, operator, occupant or other person responsible for the condition or violation to which the order or notice pertains. Every order or notice shall set forth a time limit for compliance dependent upon the hazard and danger created by the violation. In cases of extreme danger to persons or property, immediate compliance shall be required. If the notice of violation is not complied with, the Code Official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto.
 - d. In addition to the other provisions set out in this ordinance, the City of Havre de Grace may institute injunctive, declaratory or any other appropriate action or proceedings at law or equity for the enforcement of the International Building Code 2015 or to correct violations of the International Building Code 2015, and any court of competent jurisdiction has the right to issue restraining orders, temporary or permanent injunctions or declaration of rights or other appropriate forms of remedy or relief.
 - e. All provisions of Article 23A, Section 3, of the Annotated Code of Maryland relating to municipal infractions are incorporated in this chapter. In the event of any inconsistency between this Section 114.4 and Article 23A, Section 3, the provisions in Article 23A, Section 3, shall prevail.
- AA. Section 115.2, Issuance, shall read as follows: At the end of the first sentence, add the following phrase "or posted conspicuously on the property."
- BB. Section 115.3, Unlawful continuance, shall read as follows: "Any person who shall continue any work after having been served with a stop-work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to the penalties set forth in this code."
- CC. Add a new section: Section 116.6, Abatement: "If a person who has been issued an order under this section fails, within the time limit specified in a notice of violation or order, to abate the unsafe condition or violation as directed, the Department of Planning may take whatever abatement action that may be necessary by use of City employees and equipment and/or by contract with private contractors. The cost and expense of abating the unsafe condition shall be certified by the Department of Planning. These charges shall constitute a lien upon the real property and shall be collectible in the same manner as real property taxes with the same priority, interest and penalties. Initiation of abatement action shall not preclude the commencement of any other action or legal proceedings authorized or permitted under this code, the laws of the State of Maryland and the common law."

- DD. Section 1020.1 is amended by adding the following exception: "6. Corridors contained within a single tenant space."
- EE. Chapter 11, Accessibility, is deleted in its entirety and is replaced with the Maryland Accessibility Code set forth in COMAR 05.02.02 et seq.
- FF. Section 1503.4.3, Gutters: Add to the existing section: "Gutters and downspouts shall be provided on all roofed structures having a horizontal building plane area exceeding 240 square feet. They shall be sized to accommodate runoff from the roof area and in accordance with manufacturer's specifications. Stormwater outfall from downspouts shall not be discharged in a manner that detrimentally impacts adjoining properties."
- GG. Add a new section, Section 1503.7, Drip edge: "Noncorrosive roof edging shall be provided at roof edges and shall cover the upper edges of the roof sheathing and fascia."
- HH. Figure 1608.2 is amended by adding the following note: "The ground snow load, pg, for Harford County, Maryland, shall be 30 psf."
- II. Section 1612.3, Establishment of flood hazard areas, shall be deleted: (see the City of Havre de Grace Floodplain Ordinance).
- JJ. Section 1809.5, Frost protection, is amended by deleting Method 1 and inserting in lieu thereof: "1. Extending below the frost line established as 30 inches below final grade."
- KK. Table 2304.10.1, Fastening Schedule: in Number 6, add the following language: "Applicably sized hurricane top plate anchors are mandatory."
- LL. Section 3103.1.2, Permit required, shall read: "Permits shall be required for temporary structures in accordance with applicable codes."
- MM. Section 3109.1 is hereby deleted, and the following is inserted in lieu thereof: "3109.1 General. The provisions of this section shall apply to the design of barriers for pools and spas. No property owner or contractor shall fill a new swimming pool or spa with water until a permanent or temporary barrier has been approved by the Building Official or Building Inspector. A temporary barrier may remain in place for no more than 30 days unless approved by the Building Official. See attached Exhibit A for barrier drawing examples."
- NN. Section 3109.4 is amended by deleting "3109.4.3" in the third line and replacing it with "3109.4.15" and by deleting the exception in its entirety.
- OO. Sections 3109.4.1 through 3109.5 are hereby deleted, and the following is inserted in lieu thereof:

3109.4.1 Barrier height and clearances. Barrier heights and clearances shall be in accordance with all of the following:

1. The top of the barrier shall be not less than 48 inches (1,219 mm) above grade where measured on the side of the barrier that faces away from the pool or spa. Such height shall exist around the entire perimeter of the barrier and for a distance of three feet (914 mm) measured horizontally from the outside of the required barrier.
2. The vertical clearance between grade and the bottom of the barrier shall not exceed two inches (51 mm) for grade surfaces that are not solid, such as grass or gravel, measured on the side of the barrier that faces away from the pool or spa.
3. The vertical clearance between the bottom of the barrier and a solid surface below the barrier, such as concrete, shall not exceed four inches (102 mm), measured on the side of the required barrier that faces away from the pool or spa.
4. Where the top of the pool or spa structure is above grade, the barrier shall be installed on grade or shall be mounted on top of the pool or spa structure. Where the barrier is mounted on the top of the pool or spa, the vertical clearance between the top of the pool or spa and the bottom of the barrier shall not exceed four inches (102 mm).

3109.4.2 Openings. Openings in the barrier shall not allow passage of a four-inch-diameter (102 mm) sphere.

3109.4.3 Solid barrier surfaces. Solid barriers that do not have openings shall not contain indentations or protrusions that form handholds and footholds, except for normal construction tolerances and tooled masonry joints.

3109.4.4 Mesh fence as a barrier. Mesh fences, other than chain-link fences in accordance with Subsection 3109.4.7, shall be installed in accordance with the manufacturer's instructions and shall comply with the following:

1. The bottom of the mesh fence shall be not more than one inch (25 mm) above the deck or installed surface or grade.
2. The maximum vertical clearance from the bottom of the mesh fence and the solid surface shall not permit the fence to be lifted more than four inches (102 mm) from grade or decking.
3. The fence shall be designed and constructed so that it does not allow passage of a four-inch (102 mm) sphere under any mesh panel. The maximum vertical clearance from the bottom of the mesh fence and the solid surface shall not be more than four inches (102 mm) from grade or decking.

4. An attachment device shall attach each barrier section at a height not lower than 45 inches (1,143 mm) above grade. Common attachment devices include, but are not limited to, devices that provide security equal to or greater than that of a hook-and-eye-type latch incorporating a spring-actuated retaining lever such as a safety gate hook.
5. Where a hinged gate is used with a mesh fence, the gate shall comply with Subsection 3109.4.11.
6. Patio deck sleeves, such as vertical post receptacles, that are placed inside the patio surface shall be of a nonconductive material.
7. Mesh fences shall not be installed on top of on-ground residential pools.

3109.4.5 Closely spaced horizontal members. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches (1,143 mm), the horizontal members shall be located on the pool or spa side of the fence. Spacing between vertical members shall not exceed 1 3/4 inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1 3/4 inches (44 mm) in width.

3109.4.6 Widely spaced horizontal members. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches (1,143 mm) or more, spacing between vertical members shall not exceed four inches (102 mm). Where there are decorative cutouts within vertical members, the interior width of the cutouts shall not exceed 1 3/4 inches (44 mm).

3109.4.7 Chain-link dimensions. The maximum opening formed by a chain-link fence shall be not more than 1 3/4 inches (44 mm). Where the fence is provided with slats fastened at the top and bottom which reduce the openings, such openings shall be not more than 1 3/4 inches (44 mm).

3109.4.8 Diagonal members. Where the barrier is composed of diagonal members, the maximum opening formed by the diagonal members shall be not more than 1 3/4 inches (44 mm). The angle of diagonal members shall be not greater than 45° (0.79 rad) from vertical.

3109.4.9 Clear zone. There shall be a clear zone of not less than 36 inches (914 mm) between the exterior of the barrier and any permanent structures or equipment such as pumps, filters and heaters that can be used to climb the barrier.

3109.4.10 Poolside barrier setbacks. The pool or spa side of the required barrier shall be not less than 20 inches (508 mm) from the water's edge.

3109.4.11 Gates. Access gates shall comply with the requirements of Subsections 3109.4.1 through 3109.4.3 and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward away from the pool or spa, shall be self-closing and shall have a self-latching device.

3109.4.11.1 Utility or service gates. Gates not intended for pedestrian use, such as utility or service gates, shall remain locked when not in use.

3109.4.11.2 Double or multiple gates. Double gates or multiple gates shall have at least one leaf secured in place, and the adjacent leaf shall be secured with a self-latching device. The gate and barrier shall not have openings larger than 1/2 inch (12.7 mm) within 18 inches (457 mm) of the latch release mechanism. The self-latching device shall comply with the requirements of Subsection 3109.4.11.3.

3109.4.11.3 Latches. Where the release mechanism of the self-latching device is located less than 54 inches (1,372 mm) from grade, the release mechanism shall be located on the pool or spa side of the gate not less than three inches (76 mm) below the top of the gate, and the gate and barrier shall not have openings greater than 1/2 inch (12.7 mm) within 18 inches (457 mm) of the release mechanism.

3109.4.12 Structure wall as a barrier. Where a wall of a dwelling or structure serves as part of the barrier and where doors or windows provide direct access to the pool or spa through that wall, one of the following shall be required:

1. Operable windows having a sill height of less than 48 inches (1,219 mm) above the indoor finished floor and doors shall have an alarm that produces an audible warning when the window, door or their screens are opened. The alarm shall be listed and labeled as a water hazard entrance alarm in accordance with UL 2017. In dwellings or structures not required to be accessible units, Type A units or Type B units, the operable parts of the alarm deactivation switches shall be located 54 inches (1,372 mm) or more above the finished floor. In dwellings or structures required to be accessible units, Type A units or Type B units, the operable parts of the alarm deactivation switches shall be located not greater than 54 inches (1,372 mm) and not less than 48 inches (1,219 mm) above the finished floor.
2. A safety cover that is listed and labeled in accordance with ASTM F 1346 is installed for the pools and spas.
3. An approved means of protection, such as self-closing doors with self-latching devices, is provided. Such means of protection shall provide a degree of protection that is not less than the protection afforded by Item 1 or 2.

3109.4.13 On-ground residential pool structure as a barrier. An on-ground residential pool wall structure or a barrier mounted on top of an on-ground residential pool wall structure shall serve as a barrier where all of the following conditions are present:

1. Where only the pool wall serves as the barrier, the bottom of the wall is on grade, the top of the wall is not less than 48 inches (1,219 mm) above grade for the entire perimeter of the pool, the wall complies with the requirements of Subsection 3109.4 and the pool manufacturer allows the wall to serve as a barrier.
2. Where a barrier is mounted on top of the pool wall, the top of the barrier is not less than 48 inches (1,219 mm) above grade for the entire perimeter of the pool, and the wall and the barrier on top of the wall comply with the requirements of Subsection 3109.4.
3. Ladders or steps used as means of access to the pool are capable of being secured, locked or removed to prevent access except where the ladder or steps are surrounded by a barrier that meets the requirements of Section 3109.
4. Openings created by the securing, locking or removal of ladders and steps do not allow the passage of a four-inch (102 mm) diameter sphere.
5. Barriers that are mounted on top of on-ground residential pool walls are installed in accordance with the pool manufacturer's instructions.

3109.4.14 Natural barriers. In the case where the pool or spa area abuts the edge of a lake or other natural body of water, public access is not permitted or allowed along the shoreline, and required barriers extend to and beyond the water's edge not less than 18 inches (457 mm), a barrier is not required between the natural body of water shoreline and the pool or spa.

3109.4.15 Natural topography. Natural topography that prevents direct access to the pool or spa area shall include, but not be limited to, mountains and natural rock formations. A natural barrier approved by the governing body shall be acceptable, provided that the degree of protection is not less than the protection afforded by the requirements of Subsections 3109.4 through 3109.14.

3109.5 Indoor swimming pools. Walls surrounding indoor swimming pools shall not be required to comply with Subsection 3109.4.12.

- PP. New Section 3109.6, Entrapment avoidance, shall be added as follows: "Suction outlets shall be designed and installed in accordance with ANSI/APSP-7."
- QQ. New Section 3109.7, Pool installation, shall be added as follows: "Any pool installation requiring grading or excavation as part of the installation will be required to erect silt fencing completely around the area to be graded or excavated. No fill or excavated material shall be

distributed or placed in a manner which would affect stormwater runoff to neighboring properties."

- RR. Section 3201.3, Other laws: A second sentence shall be added as follows: "No encroachment into the public right-of-way for construction or installation of any structure may take place without prior approval by the Mayor and City Council."
- SS. Section 3201.4, Drainage, shall read: "Drainage water collected from a roof, awning, canopy or marquee, foundation drains, sump pump, fresh water ground springs resulting from new construction or grading, and condensation from mechanical equipment shall not flow over a public walking surface."
- TT. Section 3202.3.3, Encroachments 15 feet or more above grade, shall be deleted.
- UU. Add a new section, Section 3301.3, Housekeeping: "Rubbish and trash shall not be allowed to accumulate on construction sites or other premises and shall be stored in approved secured containers and removed as soon as conditions warrant. Combustible rubbish shall be removed promptly and shall not be disposed of by burning on the premises or within City limits. Unused or discarded construction materials must be removed from the construction site immediately following project completion or when a permit is void. Vegetation and weeds shall be properly maintained in accordance with the IPMC."
- VV. Appendixes A, B, D, E, and J shall be deleted.
- WW. Appendix G, Flood-Resistant Construction: In case of conflicts, the order of compliance is Federal Emergency Management Agency regulation, Maryland Department of the Environment regulations, City of Havre de Grace ordinances, and Appendix G last.
- XX. Appendix H, Signs: shall be amended as follows:
- (1) Section H101.2, Signs exempt from permits, shall be deleted.
 - (2) Section H104, Identification, shall be deleted.
 - (3) Section H106.1, Illumination: The reference to "NFPA 70" in line three shall be replaced with Harford County, Maryland, Electrical Code."
 - (4) Section H106.2, Electrical service: The reference to "NFPA 70" shall be replaced with "Harford County, Maryland, Electrical Code."
 - (5) Section H115, Referenced Standards: Reference to the "National Electrical Code" shall be replaced with "Harford County, Maryland, Electrical Code."

In case of conflicts between any of the above with the City of Havre de Grace Sign Ordinance, the City of Havre de Grace Sign Ordinance shall prevail.

§ 31-6. Saving clause.

Nothing in this article or in the International Building Code 2015 hereby adopted shall be construed to affect any existing suit or proceeding pending in any court, or any vested rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed, and any amendments thereto; nor shall any preexisting legal right or remedy of any character be lost, impaired or affected merely by the passage of this article.

ARTICLE III
Residential Code

§ 31-7. Adoption of International Residential Code 2015.

The International Residential Code 2015, as published by the International Code Council, Inc., Chapters 1 through 23, 42 and 44, Section P2904, and Appendices A through E, G, H, J, and K, as amended through 2015, a copy of which is on file with the Department of Planning of the City of Havre de Grace, is hereby adopted by the Mayor and City Council of the City of Havre de Grace, Maryland, for the purpose of protecting the health, safety and welfare of the citizens of the City of Havre de Grace.

§ 31-8. Amendments.

The International Residential Code 2015 shall be adopted with the following amendments:

- A. The name of the jurisdiction in the second line of R101.1, Title, on page 1 of the International Residential Code 2015 shall be "the City of Havre de Grace."
- B. Add a new section, Section R101.4, Safeguards during construction: "The provisions of Chapter 33 of the 2015 International Building Code, as amended, shall be applicable to all construction sites possessing a valid building permit."
- C. Section R102.7, Existing structures: References to the "International Fire Code" shall be changed to the "State of Maryland Fire Prevention Code."
- D. Sections R103 through R114 are deleted, and Sections 103 through 116 of the 2015 International Building Code, as amended, shall apply.
- E. Section R202, "manufactured home" definition, shall be amended as follows: in the 7th line, delete "or without," and delete the last two sentences of the definition.

- F. Table R301.2(1) shall read as follows:

Ground snow load:	30 lbs
Wind speed:	90 mph
Topographic effects:	No
Special wind region:	No
Wind-borne debris zone:	No
Seismic design category:	B
Weathering:	Severe
Frost line depth:	30 inches
Termite:	Moderate to heavy

Winter design temp.:	13° F.
Ice barrier underlayment:	No
Flood hazards:	FIRM date 01/07/2000
Air freezing index:	645
Mean annual temp.:	53.2° F.

- G. Tables R302.1(1) and R302.1(2) shall have the following line added to the bottom of each table:

All portions of attached decks and open roof covered decks. Open roof covered decks may have a maximum opaque wall surface area of 50%	Not allowed	N/A	<2 feet
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- H. Section R302.7 is amended by adding the following exception: "Exception. Enclosed accessible spaces under stairs when protected by an automatic sprinkler system installed in accordance with Section 903.3.1.3 of the 2015 International Building Code."
- I. Add a new section, Section R312.1.1.1, Areaway guards: "A guardrail or other approved barrier shall be installed on areaway walls with a grade level elevation difference of greater than 48 inches (1,219.2 mm). Guards shall be constructed in accordance with Section R312."
- J. Section R326.1, General, shall read as follows: "The provisions of Section 3109 of the 2015 International Building Code as adopted by the City of Havre de Grace shall apply to swimming pools and spas."
- K. Section R405.1 is amended by deleting the exception at the end of the section, and adding the words "in accordance with the Harford County Plumbing Code" after the word "system" in the seventh line.
- L. Section R506.2.2 is amended by deleting the exception at the end of the section.
- M. Add Section R703.9.3, Special inspections: "Special inspections shall be required for all EIFS applications.

Exceptions:

1. Special inspections shall not be required for EIFS applications installed over a water-resistive barrier with a means of draining moisture to the exterior.

2. Special inspections shall not be required for EIFS applications installed over masonry or concrete walls."
- N. Add Section R903.4.2, Gutters and leaders: "Gutters and leaders shall be installed in accordance with the Harford County Plumbing Code. No rain leader shall discharge closer than 10 feet from any lot line or encroach upon a stormwater management easement."
- O. Chapter 11 is deleted in its entirety, and the 2015 International Energy Conservation Code is inserted in lieu thereof.

§ 31-9. Saving clause.

Nothing in this article or in the International Residential Code 2015 hereby adopted shall be construed to affect any existing suit or proceeding pending in any court, or any vested rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed, and any amendments thereto; nor shall any preexisting legal right or remedy of any character be lost, impaired or affected merely by the passage of this article.

ARTICLE IV
Violation Cost

§ 31-10. Costs incurred by City.

Any and all fees, charges, services, and other costs incurred by the City to restrain, correct or abate a violation of this chapter, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises in violation of this chapter, including but not limited to attorneys' fees, surveying costs, and engineering costs (the "violation costs"), shall be the responsibility of and payable by the owner of the property on which the violation occurred to the City of Havre de Grace (the "City") upon receipt of a written, itemized invoice from the City for such costs. The invoice shall be sent by hand delivery or by regular mail, certified mail, or by posting on the property. A late charge equal to 1.5% per month shall be added to any amount unpaid and outstanding 30 days after billing until the outstanding amount is paid in full. Unless paid on time, the violation costs and interest shall be placed on the said property owner's City property tax bill. The said property owner shall pay all collection costs, including the City's actual attorneys' fees, should the City engage the services of any attorney to collect any such unpaid charges. All violation costs, interest, and collection costs thereon shall be chargeable against the property on which the violation occurred and shall be collected and secured in the same manner as general ad valorem taxes and shall be subject to the same penalties and the same procedure, sale and lien priority in case of delinquency as is provided for general ad valorem taxes. An administrative fee of \$75 shall be added to the lien for processing of the lien procedure.

ARTICLE V

Automatic Fire Sprinkler System**§ 31-11. Sprinkler system required.**

- A. Every new residence, including single-family, multifamily, and duplex dwellings, modular homes, and mobile homes constructed within the City of Havre de Grace on an existing lot or proposed new subdivision, which has received preliminary plan approval for which a building permit has not been issued as of the effective date hereof, shall have an interior sprinkler system installed. The requirement for interior sprinkler systems shall not apply to the rebuilding, refurbishment, renovation, or alteration of a residence unless such existing structure is razed and replaced by a new residential structure.
- B. For purposes of this chapter, placement or erection of modular homes on an existing lot or proposed new subdivision is considered new construction, and the provisions of this chapter shall apply thereto. The only exception is for modular homes that are currently part of a modular home seller's inventory. This would include the current inventory an individual, company or supplier of modular homes physically has on hand at their place of business or for which orders have been placed by customers prior to May 4, 2009. It must be proven that the modular home was a part of their inventory prior to May 4, 2009.
- C. The requirement for the installation of interior sprinkler systems shall not apply to accessory or uninhabitable structures, including but not limited to detached carports, garages, greenhouses, and sheds.
- D. Interior automatic fire sprinkler systems shall be installed and maintained in all new residential construction in accordance with the most-recent applicable version of Standard NFPA 13D, as promulgated by the National Fire Protection Association (NFPA), and as modified and adopted by the Maryland State Fire Marshal's Prevention Code, as amended from time to time.
- E. Interior automatic fire sprinkler systems required pursuant to this chapter may be connected to the domestic water supply serving the residence, provided the domestic water supply is of adequate pressure, capacity, and sizing for the combined domestic and sprinkler system requirements and proper backflow valves are installed.

Chapter 35

BURNING, OUTDOOR

§ 35-1. Offensive smoke and vapors prohibited.

It shall be unlawful to burn, consume with fire or cause to be consumed with fire any dead animal, offal, garbage or putrescible matter of any sort likely to produce nauseating, vile or offensive smoke or vapors within the City of Havre de Grace, either on public or private property, whether in the open, in wire baskets or incinerators, except in a furnace or boiler located within a building surrounded by walls other than those enclosing the furnace or boiler itself.

§ 35-2. Burning leaves, paper and refuse prohibited.

It shall be unlawful to burn leaves, paper or other refuse in any manner on public or private property.

§ 35-3. Violations and penalties.

Any person convicted of committing any unlawful act as provided in this chapter shall be guilty of a misdemeanor. If any unlawful act is continuing, then each day during which such violation continues shall be considered a separate offense. In addition to any criminal penalty which may be imposed, all the provisions of this chapter may be enforced by petition for injunction filed on behalf of the Mayor and City Council of Havre de Grace.

Chapter 38

CABLE COMMUNICATIONS

§ 38-1. Authority.

The Mayor and City Council of the City of Havre de Grace be and are hereby authorized to review and evaluate applications for franchises for cable communications systems suppliers and to award, enter and renew nonexclusive written franchise agreements with providers for cable communications systems in the City of Havre de Grace for the purpose of providing franchises to providers and the setting of franchise fees that the providers shall pass onto the citizens of Havre de Grace as provided for federal law. Any agreement shall contain the legal and technical terms deemed appropriate by the City and which best serve the residents of Havre de Grace, and as agreed by the parties.

§ 38-2. Franchise fee.

Any franchise fee can be no greater than the current rate of 3%, unless a new ordinance is passed by the Mayor and the City Council.

Chapter 49

CRITICAL AREAS

GENERAL REFERENCES

Grading and filling — See Ch. 89.

Subdivision of land — See Ch. 173.

Driveways and parking areas in Critical Area — See Ch. 122, § 122-5.

Critical Area taxing district — See Ch. 177, Art. III.

Site plans in Critical Area — See Ch. 155.

Zoning — See Ch. 205.

Critical Area offset fees — See Ch. 169.

§ 49-1. Purpose and intent.

- A. Intent. In 1984, the Maryland General Assembly passed the Chesapeake Bay Critical Area Protection Program in response to growing concern over the decline of the quality and productivity of the waters of the Chesapeake Bay and its tributaries. The decline was found to have resulted, in part, from the cumulative effects of human activity that caused increased levels of pollutants, nutrients, toxins, and also from declines in more protective land uses such as forest land and agricultural land in the Bay region.
- B. Purposes. The General Assembly enacted the Critical Area law for the following purposes:
 - (1) To establish a resource protection program for the Chesapeake Bay and its tributaries by fostering more sensitive development activity for certain shoreline areas so as to minimize damage to water quality and natural habitats; and
 - (2) To implement the resource protection program on a cooperative basis between the state and affected local governments, with local governments establishing and implementing their programs in a consistent and uniform manner subject to state criteria and oversight.
- C. History. To achieve these two purposes, the law specified the creation of a twenty-seven-member Commission, appointed by the Governor and representing the local jurisdictions, state agencies, and diverse interests. The Commission was charged with developing a specific set of criteria to regulate land use in the Critical Area, and the General Assembly approved these criteria during the 1986 legislative session (COMAR 27.01.01 through 27.01.11). Subsequently, "the criteria" were used by each of the affected local jurisdictions to prepare their own local Critical Area programs, ordinances, and regulations to manage and regulate land use within the Critical Area. The Critical Area includes the Chesapeake Bay, its tributaries to the head of tide, tidal

wetlands, plus all land and water within 1,000 feet beyond the landward boundary of these waters and wetlands.

- D. Goals. The goals of the Critical Area Program are to accomplish the following:
- (1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or run off from surrounding lands;
 - (2) Conserve fish, wildlife, and plant habitat; and
 - (3) Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth as well as address the environmental impacts that the number, movement, and activities of persons may have on the area.
- E. Local implementation. The City of Havre de Grace adopted its initial Critical Area Program in April 1988. The City's current program builds on the 1988 program and consists of this chapter, the Critical Area maps, Chapter 173, Subdivision of Land, Chapter 205, Zoning, and the City's Comprehensive Plan. These provisions regulate development activities and resource utilization activities, e.g. forestry in the Critical Area. They supplement existing land use regulations by imposing specific standards and requirements within the Critical Area as set forth in the Critical Area criteria.

§ 49-2. Definitions.

The following words have the following meanings for purposes of implementing the Critical Area Program:

AFFORESTATION — The establishment of a tree crop on an area from which it has always or very long been absent, or the planting of open areas which are not presently in forest cover.

AGRICULTURE — All methods of production and management of livestock, crops, vegetation, and soil. This includes, but is not limited to, the related activities of tillage, fertilization, pest control, harvesting, and marketing. It also includes, but is not limited to, the activities of feeding, housing, and maintaining animals such as cattle, dairy cows, sheep, goats, hogs, horses, and poultry and handling their by-products.

AGRICULTURAL EASEMENT — A nonpossessory interest in land, which restricts the conversion of use of the land, preventing nonagricultural uses.

ANADROMOUS FISH — Fish that travel upstream (from their primary habitat in the ocean) to freshwater in order to spawn.

AQUACULTURE — (a) The farming or culturing of finfish, shellfish, other aquatic plants or animals or both, in lakes, streams, inlets, estuaries, and other natural or artificial water bodies or impoundments; (b) activities include hatching, cultivating, planting, feeding, raising, and harvesting of aquatic plants and animals and the maintenance and construction of

necessary equipment, buildings, and growing areas; and (c) cultivation methods include, but are not limited to, seed or larvae development and grow-out facilities, fish ponds, shellfish rafts, rack and longlines, seaweed floats and the culture of clams and oysters on tidelands and subtidal areas. For the purpose of this definition, related activities such as wholesale and retail sales, processing and product storage facilities are not considered aquacultural practices.

BARREN LAND — Unmanaged land having sparse vegetation.

BEST MANAGEMENT PRACTICES (BMPS) — Conservation practices or systems of practices and management measures that control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxins and sediment. Agricultural BMPs include, but are not limited to, strip cropping, terracing, contour stripping, grass waterways, animal waste structures, ponds, minimal tillage, grass and naturally vegetated filter strips, and proper nutrient application measures.

BUFFER — An existing, naturally vegetated area, or an area established in vegetation and managed to protect aquatic, wetlands, shoreline, and terrestrial environments from man-made disturbances.

BUFFERYARD — An area, at least 15 feet wide, located between development activity and the water (or edge of wetlands or streams), planted with vegetation consisting of native species and other appropriate plantings. This area shall be maintained primarily for the purposes of wildlife habitat and water quality and shall not be maintained in a manner that promotes these purposes. **[Amended 10-2-2006 by Ord. No. 882]**

CLEARCUTTING — The removal of the entire stand of trees in one cutting with tree reproduction obtained by natural seeding from adjacent stands or from trees that were cut, from advanced regeneration or stump sprouts, or from planting of seeds or seedlings by man.

CLUSTER DEVELOPMENT — A residential development to which dwelling units are concentrated in a selected area or selected areas of the development tract so as to provide natural habitat or other open space uses on the remainder.

COLONIAL NESTING WATER BIRDS — Herons, egrets, terns, and glossy ibis. For the purposes of nesting, these birds congregate (that is "colonize") in relatively few areas, at which time the regional populations of these species are highly susceptible to local disturbances.

COMMERCIAL HARVESTING — A commercial operation that would alter the existing composition or profile, or both, of a forest, including all commercial cutting operations done by companies and private individuals for economic gain.

COMMISSION — The Chesapeake Bay Critical Area Commission.

COMMUNITY PIERS — Boat docking facilities associated with subdivisions or similar residential areas, and with condominium, apartment and other multiple-family dwelling units. Private piers are excluded from this definition.

COMPREHENSIVE OR MASTER PLAN — A compilation of policy statements, goals, standards, maps and pertinent data relative to the past, present and future trends of the local jurisdiction, including, but not limited to, its population, housing, economics, social patterns, land uses, water resources and their use, transportation facilities and public facilities prepared by or for the planning board, agency or office.

CONSERVATION EASEMENT — A nonpossessory interest in land, which restricts the manner in which the land may be developed in an effort to reserve natural resources for future use.

COVER CROP — The establishment of a vegetative cover to protect soils from erosion and to restrict pollutants from entering the waterways. Cover crops can be dense, planted crops of grasses or legumes, or crop residues such as corn, wheat or soybean stubble which maximize infiltration and prevent runoff from reaching erosive velocities.

CRITICAL AREA — All lands and waters defined in Section 8-1807 of the Natural Resources Article, Annotated Code of Maryland. They include:

- A. All waters and lands of the Chesapeake Bay and its tributaries to the head of tide as indicated on the State wetlands maps and all state and private wetlands designated under Title 16 of the Environment Article, Annotated Code of Maryland;
- B. All land and water areas within 1,000 feet beyond the landward boundaries of state or private wetlands and the heads of tides designated under Title 16 of the Environment Article, Annotated Code of Maryland; and
- C. Modification to these areas through inclusions or exclusions proposed by local jurisdictions and approved by the Commission as specified in Section 8-1807 of the Natural Resources Article, Annotated Code of Maryland.

DENSITY — The number of dwelling units per acre within a defined and measurable area.

DEVELOPED WOODLANDS — Those areas of one acre or more in size which predominantly contain trees and natural vegetation and which also include residential, commercial, or industrial structures and uses.

DEVELOPMENT ACTIVITIES — The construction or substantial alteration of residential, commercial, industrial, institutional or transportation facilities or structures. Development activities include, among other things, structures, roads, parking areas, and other impervious surfaces, mining and related facilities, clearing, grading and septic systems.

DOCUMENTED BREEDING BIRD AREAS — Forested areas where the occurrence of interior dwelling birds, during the breeding season, has been demonstrated as a result of on-site surveys using standard biological survey techniques.

DWELLING UNIT — A single unit providing complete, independent living facilities for at least one person, including permanent provisions for

sanitation, cooking, eating, sleeping, and other activities routinely associated with daily life. "Dwelling unit" includes a living quarters for a domestic or other employee or tenant, an inlaw or accessory apartment, a guest house, or caretaker residence.

ECOSYSTEM — A more or less self-contained biological community together with the physical environment in which the community's organisms occur.

EXCESS STORMWATER RUN-OFF — All increases in stormwater resulting from:

- A. An increase in the imperviousness of the site, including all additions to buildings, roads, and parking lots;
- B. Changes in permeability caused by compaction during construction or modifications in contours, including the filling or drainage of small depression areas;
- C. Alteration of drainageways, or regrading of slopes;
- D. Destruction of forest; or
- E. Installation of collection systems to intercept street flows or to replace swales or other drainageways.

FISHERIES ACTIVITIES — Commercial water-dependent fisheries facilities, including structures for the packing, processing, canning, or freezing of finfish, crustaceans, mollusks, and amphibians and reptiles and also including related activities such as wholesale and retail sales, product storage facilities, crab shedding, off-loading docks, shellfish culture operations, and shore-based facilities necessary for aquacultural operations.

FOREST — A biological community dominated by trees and other woody plants covering a land area of one acre or more. This also includes forests that have been cut, but not cleared.

FOREST INTERIOR DWELLING BIRDS — Species of birds which require relatively large forested tracts in order to breed successfully (for example, various species of flycatchers, warblers, vireos, and woodpeckers).

FOREST MANAGEMENT — The protection, manipulation, and utilization of the forest to provide multiple benefits, such as timber harvesting, water transpiration, wildlife habitat, etc.

FOREST PRACTICE — The alteration of the forest either through tree removal or replacement in order to improve the timber, wildlife, recreational, or water quality values.

GRANDFATHERED PARCEL/LOT — A parcel of land that was subdivided into recorded, legally buildable lots where the subdivision received final approval before December 1, 1985, or the date of local program adoption.

HIGHLY ERODIBLE SOILS — Those soils with a slope greater than 15%; or those soils with a K value greater than 0.35 and with slopes greater than 5%.

HISTORIC WATERFOWL STAGING AND CONCENTRATION AREA — An area of open water and adjacent marshes where waterfowl gather during migration and throughout the winter season. These areas are "historic" in the sense that their location is common knowledge and because these areas have been used regularly during recent times.

HYDRIC SOILS — Soils that are wet frequently enough to periodically produce anaerobic conditions, thereby influencing the species composition or growth, or both, of plants on those soils.

HYDROPHYTIC VEGETATION — Those plants cited in Vascular Plant Species Occurring in Maryland Wetlands (Dawson, F. et al., 1985) which are described as growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content (plants typically found in water habitats).

K VALUE — The soil erodibility factor in the Universal Soil Loss Equation. It is a quantitative value that is experimentally determined.

LAND-BASED AQUACULTURE — The raising of fish or shellfish in any natural or man-made, enclosed or impounded, water body.

LAND CLEARING — Any activity that removes the vegetative ground cover.

LANDFORMS — Features of the earth's surface created by natural causes.

MARINA — Any facility for the mooring, berthing, storing, or securing of watercraft, but not including community piers and other noncommercial boat docking and storage facilities.

MEAN HIGH WATER LINE (MHWL) — The average level of high tides at a given location.

NATURAL FEATURES — Components and processes present in or produced by nature, including, but not limited to, soil types, geology, slopes, vegetation, surface water, drainage patterns, aquifers, recharge areas, climate, floodplains, aquatic life, and wildlife.

NATURAL FOREST VEGETATION — Vegetation consisting of canopy trees, understory trees, shrubs, and herbaceous plants that are typically found in riparian areas in Maryland. Areas of natural forest vegetation planted to meet the mitigation requirements in this chapter shall be designed to replicate the structure and species composition of natural forests.

NATURAL HERITAGE AREA — Any communities of plants or animals which are considered to be among the best statewide examples of their kind, and are designated by regulation by the Secretary of the Department of Natural Resources.

NATURAL VEGETATION — Those plant communities that develop in the absence of human activities.

NATURE-DOMINATED — A condition where landforms or biological communities, or both, have developed by natural processes in the absence of human activities.

NEW DEVELOPMENT — A development activity that takes place on a property with predevelopment imperviousness less than 15% as of December 1, 1985.

NON-POINT SOURCE POLLUTION — Pollution generated by diffuse land use activities rather than from an identifiable or discrete facility. It is conveyed to waterways through natural processes, such as rainfall, storm runoff, or groundwater seepage rather than by deliberate discharge. Non-point source pollution is not generally corrected by "end-of-pipe" treatment, but rather by changes in land management practices.

NONRENEWABLE RESOURCES — Resources that are not naturally regenerated or renewed.

NONTIDAL WETLANDS — An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as "hydrophytic vegetation." The determination of whether an area is a nontidal wetland shall be made in accordance with the publication known as the "Federal Manual for Identifying and Delineating Jurisdictional Wetlands," published in 1989 and as may be amended. Nontidal wetlands do not include tidal wetlands regulated under Title 16 of the Environment Article of the Annotated Code of Maryland.

OFFSETS — Structures or actions that compensate for undesirable impacts.

OPEN SPACE — Land and water areas retained in an essentially undeveloped state.

OVERBURDEN — The strata or material in its natural state, before its removal by surface mining, overlying a mineral deposit, or in between mineral deposits.

PALUSTRINE — All nontidal wetlands dominated by trees, shrubs, persistent emergent plants, or emergent mosses or lichens and all such wetlands that occur in tidal areas where the salinity due to ocean-derived salts is below 1/2 part per 1,000 parts of water.

PHYSIOGRAPHIC FEATURES — The soils, topography, land slope and aspect, and local climate that influence the form and species composition of plant communities.

PORT — A facility or area established or designated by the state or local jurisdictions for purposes of waterborne commerce.

PRINCIPAL STRUCTURE — For the purpose of establishing setbacks in buffer exemption areas, the primary or predominant structure on any lot or parcel. For residential parcels or lots, the principal structure is the primary dwelling, excluding utilities and the septic system.

PRIVATE HARVESTING — The cutting and removal of trees for personal use.

PROJECT APPROVALS — The approval of development, other than development by the state or local government, in the Chesapeake Bay Critical Area by the appropriate local approval authority. The term includes approval of subdivision plats and site plans; inclusion of areas within floating zones; issuance of variances, special exceptions, and conditional use permits; and issuance of zoning permits. The term does not include building permits.

PUBLIC WATER-ORIENTED RECREATION — Shore-dependent recreation facilities or activities provided by public agencies which are available to the general public.

RECLAMATION — The reasonable rehabilitation of disturbed land for useful purposes, and the protection of the natural resources of adjacent areas, including water bodies.

REDEVELOPMENT — The process of developing land which is or has been developed. For purposes of implementing the buffer exemption area provisions and compliance with the ten-percent pollutant reduction requirement, "redevelopment" means a development activity that takes place on a property with "predevelopment imperviousness greater than 15% as of December 1, 1985.

REFORESTATION — The establishment of a forest through artificial reproduction or natural regeneration.

RENEWABLE RESOURCE — A resource that can renew or replace itself and, therefore, with proper management, can be harvested indefinitely.

RIPARIAN HABITAT — A habitat that is strongly influenced by water and which occurs adjacent to streams, shorelines, and wetlands.

SEASONALLY FLOODED WATER REGIME — A condition where surface water is present for extended periods, especially early in the growing season, and when surface water is absent, the water table is often near the land surface.

SELECTION — The removal of single, scattered, mature trees or other trees from uneven-aged stands by frequent and periodic cutting operations.

SIGNIFICANTLY ERODING AREAS — Areas that erode two feet or more per year.

SPECIES IN NEED OF CONSERVATION — Those fish and wildlife whose continued existence as part of the state's resources are in question and which may be designated by regulation by the Secretary of Natural Resources as in need of conservation pursuant to the requirements of Natural Resources Article 10-2A-06 and 4-2A-03, Annotated Code of Maryland.

SPOIL PILE — The overburden and reject materials as piled or deposited during surface mining.

STEEP SLOPES — Slopes of fifteen-percent or greater incline.

THINNING — A forest practice used to accelerate tree growth of quality trees in the shortest interval of time.

TOPOGRAPHY — The existing configuration of the earth's surface, including the relative relief, elevation, and position of land features.

TRANSITIONAL HABITAT — A plant community whose species are adapted to the diverse and varying environmental conditions that occur along the boundary that separates aquatic and terrestrial areas.

TRANSPORTATION FACILITIES — Anything that is built, installed, or established to provide a means of transport from one place to another.

TRIBUTARY STREAMS — Those perennial and intermittent streams in the Critical Area which are so noted on the most recent U.S. Geological Survey 7-1/2 minute topographic quadrangle maps (scale 1:24,000) or on more detailed maps or studies at the discretion of the local jurisdictions.

UNWARRANTED HARDSHIP — Without a variance, an applicant would be denied reasonable and significant use of the entire parcel or lot for which the variance is requested.

URBAN BEST MANAGEMENT PRACTICES FOR STORMWATER — Those structural or nonstructural devices designed to temporarily store or treat stormwater runoff in order to mitigate flooding, reduce pollution, and provide other amenities. These devices include, but are not limited to, stormwater ponds, stormwater wetlands, stormwater infiltration practices, stormwater filtering systems, and open channel systems.

UTILITY TRANSMISSION FACILITIES — Fixed structures that convey or distribute resources, wastes, or both, including but not limited to electrical lines, water conduits and sewer lines.

WASH PLANT — A facility where sand and gravel is washed during processing.

WATER-BASED AQUACULTURE — The raising of fish and shellfish in any natural, open, free-flowing water body.

WATERFOWL — Birds which frequent and often swim in water, nest and raise their young near water, and derive at least part of their food from aquatic plants and animals.

WATER-USE INDUSTRY — An industry that requires location near the shoreline because it utilizes surface waters for cooling or other internal purposes.

WILDLIFE CORRIDOR — A strip of land having vegetation that provides habitat and safe passage for wildlife.

§ 49-3. Implementation of critical area provisions.

- A. Regulated activities and applicability. Any applicant for a permit or license to pursue activities within the Critical Area, such as development or redevelopment, grading, sediment and erosion control,

timber harvesting, shoreline erosion control, operation of a waste collection or disposal facility, operation of a commercial or private marina or other water-related commercial or industrial operation (whether public or private), mining (whether surface or subsurface) or quarrying, farming or other agriculturally related activities shall only have such permits or licenses issued by the City after review and approval under this Critical Area Program.

- B. Responsible agency. All applications for local permits and licenses that are issued by the City shall be made to the Department of Economic Development and Planning. The Department shall make available to all agencies involved in overseeing regulated activities a set of maps showing the location of all parcels of land in the Critical Area so that these agencies may identify affected properties subject to said referrals. Appendix A provides a summary of activities that require notification to the Chesapeake Bay Critical Area Commission.¹⁹
- C. Process. Upon receiving the referred application, the City staff shall review the application for compliance of the activity with the requirements of this program. If the activity is in compliance it shall be approved in a timely manner of its receipt by the City, and the applicant will be notified of the approval. If it is not in compliance, the applicant shall be notified in a timely manner with the reasons for noncompliance.
- D. Process for site plan review. All applications requiring subdivision and/or site plan review shall follow the procedures outlined in Chapter 173, Subdivision of Land, and Chapter 205, Zoning.
- E. State and local projects. For all development in the Critical Area resulting from state and local agency projects, the City of Havre de Grace shall adhere to COMAR 27.02.02 and 27.02.04. If applicable, consistency reports shall be submitted to the Chesapeake Bay Critical Area Commission.

§ 49-4. Program enforcement; violations and penalties.

- A. Consistency. This Critical Area Program, in accordance with the Critical Area Act and criteria, and as set out in applicable City ordinances, supersedes any inconsistent law, ordinance or plan of the City.
- B. Responsible agencies. The program shall be implemented and enforced by appropriate City authorities. Should an infraction under the Critical Area Program, or under any law, ordinance or plan related to a Critical Area Program provision or requirement, be brought to the attention of any official of the City, said official shall immediately contact the Department of Economic Development and Planning and, if necessary, the City Attorney, to determine the proper remedial course of action. The City Attorney shall send a copy of his decision to the Critical Area Commission. The Commission, at its discretion, may also take such

19. Editor's Note: Appendix A is included at the end of this chapter.

remedial action as given it under state law. See §§ 49-23 and 49-28 for more information regarding program enforcement.

C. Violations.

- (1) In addition to any other penalty applicable under state or municipal law, a person who violates a provision of Natural Resources Article, Title 8 Subtitle 18, or the City's Critical Area Program, ordinance, or regulations is subject to a fine not exceeding \$10,000.
- (2) In determining the amount of the penalty to be assessed under Subsection C(1), the City may consider the following:
 - (a) The gravity of the violation;
 - (b) Any willfulness or negligence involved in the violation; and
 - (c) The environmental impact of the violation.

D. Public nuisance violations. In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this chapter which is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken. **[Added 4-18-2016 by Ord. No. 977]**

E. Remedies not exclusive; recovery of costs. The remedies listed in this chapter are not exclusive of any other remedies available under any applicable federal, state or local law, and it is within the discretion of the Department of Planning to seek cumulative remedies. The Department of Planning may recover all attorneys' fees, court costs and other expenses associated with enforcement of this chapter, including sampling and monitoring expenses. **[Added 4-18-2016 by Ord. No. 977]**

§ 49-5. Development in Critical Area.

- A. Description. The Critical Area of the City contains approximately 590 acres, and was mapped in 1988 as required for the City's original Critical Area Program.
- B. General policies. In order to accommodate already existing land uses and growth in the City's Critical Area while providing for the conservation of habitat and the protection of water quality, the City has mapped land within the Critical Area in two of the three land use management districts described in the Critical Area criteria. The City of Havre de Grace Critical Area maps are located in Havre de Grace City Hall and are available during regular business hours. The Critical Area has also been defined as an overlay zoning district in Chapter 205, Zoning.

- (1) For purposes of implementing its Critical Area Program, the City recognizes the following three land use management districts within the Critical Area based on the standards and criteria herein: Intensely Developed Area (IDA); Limited Development Area (LDA); and Resource Conservation Area (RCA). Land within the City has only been classified in two of the three categories, IDA and RCA. At this time, the City of Havre de Grace does not include any areas that are mapped or otherwise designated as LDA. At such time in the future that an area within the City is designated as an LDA through annexation or the use of growth allocation, then appropriate modifications would be made to the City's program at the same time that the annexation or approval of the growth allocation takes place.
 - (2) Intense development should be directed outside of the Critical Area. Future intense development activities, when proposed in the Critical Area, shall be directed towards the Intensely Developed Areas.
 - (3) Additional low-intensity development may be permitted in any future Limited Development Areas, but shall be subject to strict regulation to prevent adverse impacts on habitat and water quality.
 - (4) Development shall be limited in the Resource Conservation Area, which shall be chiefly designated for agriculture, forestry, fisheries activities, other resource utilization activities and for habitat protection.
- C. Implementation. For purposes of implementing this regulation the City has determined, based on land uses and development in existence on December 1, 1985, which land areas fall within the three types of land management and development areas described in this program.
- D. Activities not permitted except in IDA. Certain new development, redevelopment or expanded activities or facilities, because of their intrinsic nature or because of their potential for adversely affecting habitats or water quality, may not be permitted in the Critical Area except in Intensely Developed Areas under regulations of this section and only after the activity or facility has demonstrated to all appropriate local and state permitting agencies that there will be a net improvement in water quality to the adjacent body of water.
- (1) These activities include the following:
 - (a) Nonmaritime heavy industry;
 - (b) Transportation facilities and utility transmission facilities, except those necessary to serve permitted uses, or where regional or interstate facilities must cross tidal waters (utility transmission facilities do not include power plants); or

- (c) Permanent sludge handling, storage and disposal facilities, other than those associated with wastewater treatment facilities. However, agricultural or horticultural use of sludge under appropriate approvals when applied by an approved method at approved application rates may be permitted in the Critical Area, except in the one-hundred-foot-buffer.
 - (2) The City may preclude additional development activities that it considers detrimental to water quality or fish, wildlife, or plant habitats within the Critical Area.
- E. Activities not permitted. Certain new development activities or facilities, or the expansion of certain existing facilities, because of their intrinsic nature or because of their potential for adversely affecting habitat and water quality, may not be permitted in the Critical Area unless no environmentally acceptable alternative exists outside the Critical Area, and these development activities or facilities are needed in order to correct an existing water quality or wastewater management problem. These include:
 - (1) Solid or hazardous waste collection or disposal facilities, including transfer stations; or
 - (2) Sanitary landfills.
- F. Continuation of existing, permitted facilities. Existing, permitted facilities of the type noted in Subsection E(1) and (2), above shall be subject to the standards and requirements of the Department of the Environment, under COMAR Title 26.
- G. Reasonable accommodations for the needs of disabled citizens. The Board of Appeals may make reasonable accommodations to avoid discrimination on the basis of a physical disability. Reasonable accommodations for the needs of disabled citizens may be permitted in accordance with the evidentiary requirements set forth in the following subsections.
 - (1) An applicant shall have the burden of demonstrating the following:
 - (a) The existence of a physical disability;
 - (b) Literal enforcement of the provisions of this chapter would result in discrimination by virtue of such disability;
 - (c) A reasonable accommodation would reduce or eliminate the discriminatory effect of the provisions of this chapter;
 - (d) The accommodation requested will not substantially impair the purpose, intent, or effect of the provisions of this chapter as applied to the property;

- (e) Environmental impacts associated with the accommodations are the minimum necessary to address the needs resulting from the particular disability of the applicant.
- (2) The Board of Appeals shall determine the nature and scope of any accommodation under this section and may award different or other relief than requested after giving due regard to the purpose, intent, or effect of the applicable provisions of this chapter. The Board may also consider the size, location, and type of accommodation proposed and whether alternatives exist which accommodate the need with less adverse effect.
- (3) The Board of Appeals may require, as a condition of approval, that upon termination of the need for accommodation, the property be restored to comply with all applicable provisions of this chapter. Appropriate bonds may be collected or liens placed in order to ensure the City's ability to restore the property should the applicant fail to do so.

§ 49-6. Intensely developed areas.

- A. Description: areas where residential, commercial, institutional, and/or industrial developed uses predominate and where relatively little natural habitat occurs.
 - (1) At the time of the initial mapping, these areas shall have had at least one of the following features:
 - (a) Housing density equal to or greater than four dwelling units per acre;
 - (b) Industrial, institutional or commercial uses are concentrated in the area; or
 - (c) Public sewer and water collection and distribution systems are currently serving the area and housing density is greater than three (3) dwelling units per acre.
 - (2) In addition, these features shall be concentrated in an area of at least 20 adjacent acres or that entire upland portion of the Critical Area within the boundary of a municipality, whichever is less.
- B. General policies. The Critical Area Program for Havre de Grace hereby incorporates the following policies for Intensely Developed Areas. New or expanded development or redevelopment shall take place in such a way as to:
 - (1) Improve the quality of runoff from developed areas that enters the Chesapeake Bay or its tributary streams;
 - (2) Accommodate additional development of the type and intensity designated by the City in this program, provided that water quality is not impaired;

- (3) Minimize the expansion of Intensely Developed Areas into portions of the Critical Area designated as Habitat Protection Areas and Resource Conservation Areas under this program;
 - (4) Conserve and enhance Habitat Protection Areas to the extent possible within Intensely Developed Areas; and
 - (5) Encourage the use of retrofitting measures to address existing stormwater management problems.
- C. Development standards. The following standards are hereby adopted for Intensely Developed Areas:
- (1) All plans shall be assessed for their impacts on water quality and other biological resources.
 - (2) Alterations in the plans shall be made to mitigate any negative impacts.
 - (3) Urban best management practices shall be considered and, where appropriate, implemented as part of all plans for development or redevelopment.
 - (4) Development and redevelopment shall be subject to the Habitat Protection Area requirements prescribed in §§ 49-10 through 49-14 in this chapter.
 - (5) If practicable, permeable areas shall be established in vegetation and, whenever possible, redevelopment shall reduce existing levels of pollution.
 - (6) Areas of public access to the shoreline, such as footpaths, scenic drives and other public recreational facilities, should be maintained and, if possible, encouraged to be established within Intensely Developed Areas.
 - (7) Ports and industries which use water for transportation and derive economic benefits from shore access shall be located near existing port facilities. The City may identify other sites for planned future port facility development and use if this use will provide significant economic benefit to the state or City and is consistent with the provisions of § 49-20 of this chapter and other state and federal regulations.
 - (8) The City shall promote, with the assistance of state agencies, participation in programs and activities for the enhancement of biological resources within the Critical Area for their positive effects on water quality and urban wildlife habitat. These programs may include urban forestry, landscaping, gardens, wetland and aquatic habitat restoration elements.

- (9) To the extent practicable, future development in the Critical Area shall use cluster development as a means to reduce impervious areas and to maximize areas of natural vegetation.
 - (10) When the cutting or clearing of trees in forests and developed woodland areas is associated with current or planned development activities, the following shall be required:
 - (a) Participation in programs established by the City for the enhancement of forest and developed woodland resources such as programs for urban forestry (for example, street tree planting, gardens, landscaping, buffer planting);
 - (b) Development activities shall be designed and implemented to minimize destruction of forest and woodland vegetation; and
 - (c) Development activities shall address the protection of existing forests and developed woodlands identified as Habitat Protection Areas in § 49-9 of this chapter.
- D. Stormwater management. Stormwater shall be addressed in accordance with the following provisions:
- (1) The City shall require, at the time of development or redevelopment, that technologies as required by applicable state and local ordinances be applied by anyone undertaking development activities in order to minimize adverse impacts to water quality caused by stormwater. The technologies shall be developed in accordance with the Critical Area 10% Rule Guidance Manual dated Fall 2003 and as may be amended.
 - (2) In the case of redevelopment, if these technologies do not reduce pollutant loadings measured by use of the keystone pollutant method by at least 10% below the level of pollution on the site prior to redevelopment, then offsets shall be provided.
 - (3) In the case of new development, offsets as determined by the City shall be used if they reduce pollutant loadings by at least 10% of the predevelopment levels. A project may involve one or more of the following offset options:
 - (a) Treatment of off-site drainage by an on-site BMP;
 - (b) Construction and operation of an off-site BMP, sized to meet the removal requirements;
 - (c) Retrofit of an existing BMP;
 - (d) Retrofit of an existing storm drain system to encourage infiltration;
 - (e) Reduction in the imperviousness of an existing property;

- (f) Implementation of a riparian forest project (0.5 acre of tree planting per pound of removal requirement). Planting plans must meet local Critical Area reforestation standards;
 - (g) Other innovative options, including restoration of a degraded tidal or nontidal wetland that has been disturbed by previous urban or agricultural drainage activity. This may be accomplished through removal of fill, restoration of original water circulation patterns, and marsh plantings.
 - (4) Offsets may be provided either on-site or off-site, provided that water quality benefits are equivalent, that the benefits are obtained within the same watershed, and that the benefits can be determined through the use of modeling, monitoring or other computation of mitigation measures as specified in the Critical Area 10% Rule Guidance Manual dated Fall 2003 and as may be amended.
 - (5) If offsets are determined not to be feasible, then fees-in-lieu may be collected by the City. Fees-in-lieu may not be applied to single-family residential development or residential improvements; on-site plantings and/or mitigation are required. For all other projects, the applicant shall compute the pollutant removal requirement in accordance with the guidance specified by the Critical Area Commission, and fees in lieu of pollutant reduction shall be assessed at the rate of \$30,000 per pound of phosphorous. The fee shall be appropriately adjusted for fractions of pounds. A combination of best management practices, offsets, and fees-in-lieu may be used to meet the pollutant removal requirement.
- E. Public education program. The City shall use a public education program to alert developers and property owners to potential impacts, mitigation measures, and urban best management practices that should be considered as part of all intense development activity from individual buildings through major development projects.

§ 49-7. Limited development areas.

The City of Havre de Grace does not include any areas that are mapped or otherwise designated as Limited Development Areas (LDA). At such time in the future that an area within the City is designated as an LDA through annexation or the use of growth allocation, then appropriate modifications would be made to the City's program at the same time that the annexation or approval of the growth allocation takes place.

§ 49-8. Resource Conservation Areas.

- A. Description. Areas characterized by nature-dominated environments (that is, wetlands, forests, abandoned fields) and resource-utilization activities (that is, agriculture, forestry, fisheries activities or

aquaculture). At the time of the initial mapping, these areas shall have had at least one of the following features:

- (1) Existing density is less than one dwelling unit per five acres; or
- (2) Dominant land use is in agriculture, wetland, forest, barren land, surface water or open space.

B. General policies. The City's Critical Area Program hereby incorporates the following policies for Resource Conservation Areas. New or expanded development or redevelopment in these areas shall take place in such a way as to:

- (1) Conserve, protect and enhance the overall ecological values of the Critical Area, its biological productivity and its diversity.
- (2) Provide adequate breeding, feeding, and wintering habitats for those wildlife populations that require the Chesapeake Bay, its tributaries or coastal habitats in order to sustain populations of those species.
- (3) Conserve the land and water resource base that is necessary to maintain and support land uses such as agriculture, forestry, fisheries activities and aquaculture.
- (4) Conserve the existing developed woodlands and forests for the water quality benefits that they provide.

C. Development standards. In this Critical Area Program, the City shall use all of the following requirements for Resource Conservation Areas:

- (1) Land use management practices shall be consistent with the policies and criteria for § 49-9, Habitat protection, and § 49-23, Forest and woodland protection.
- (2) Protection of sensitive areas through easements shall be promoted in Resource Conservation Areas.
- (3) Land within the Resource Conservation Area may be developed for residential uses at a density not to exceed one dwelling unit per 20 acres. Within this limit of overall density, a minimum lot size of five acres for a single-family detached dwelling unit is required. See Chapter 205, Zoning, Article X, Critical Area Resource Conservation Zone, for specific requirements.
- (4) Existing industrial and commercial facilities, including those that directly support agriculture, forestry, aquaculture or residential development not exceeding the density specified in Subsection C(3) above, shall be allowed in Resource Conservation Areas. Additional land may not be zoned, used or developed for industrial, commercial, or institutional development, except as provided by the City's growth allocation provisions.

- (5) The City shall ensure that the overall acreage of forest and woodland within the RCA does not decrease.
 - (6) Nothing in this section shall limit the ability of a participant in the Agricultural Easement Program to convey real property impressed with such an easement to family members, provided that no such conveyance will result in a density greater than one dwelling unit per 20 acres.
 - (7) In calculating the 1-in-20-acre density of development that is permitted on a parcel located within the Resource Conservation Area, the City may permit the area of any private wetlands located on the property to be included under the following conditions:
 - (a) The density of development on the upland portion of the parcel may not exceed one dwelling unit per eight acres; and
 - (b) The area of private wetlands shall be estimated on the basis of vegetative information as designated on the state wetlands maps or by private survey approved by the City and the Maryland Department of the Environment.
- D. Performance standards. The following performance standards are hereby adopted for Resource Conservation Areas:
- (1) For all development activities in the Resource Conservation Areas, the City shall require that the applicant identify any environmental or natural feature described below, and shall meet all of the following standards of environmental protection:
 - (a) Adherence to the provisions of §§ 49-10 through 49-14 of this chapter.
 - (b) All roads, bridges, and utilities that must cross a Habitat Protection Area shall be located, designed, constructed, and maintained so as to provide maximum erosion protection and minimize negative impacts to wildlife, aquatic life and their habitats and maintain hydrologic processes and water quality. Roads, bridges, or utilities may not be located in any Habitat Protection Area unless no feasible alternative exists.
 - (c) All development activities that must cross or affect streams shall be designed to:
 - [1] Reduce increases in flood frequency and severity that are attributable to development;
 - [2] Retain tree canopy so as to maintain stream water temperature within normal variation;
 - [3] Provide a natural substrate for stream beds; and

- [4] Minimize adverse water quality and quantity impacts of stormwater.
- (d) For development activities in the RCA, wildlife corridors shall be established and used to connect the area left in forest cover with any large forest tracts which are located outside of the area or property being developed or subdivided. Forest left in its natural state should be adjacent to larger forested areas and not left as an isolated island of trees. Planting required as a mitigation measure should be adjacent to other habitat. Tree planting which serves as visual screening or landscaping should not be considered to meet these requirements.
- (2) For the cutting or clearing of trees in forests and developed woodland areas which are associated with current or planned development activities in a Resource Conservation Area, the City shall:
- (a) Require that the applicant consider the recommendations of the Maryland Department of Natural Resources Forest Service when planning development on forested land;
- (b) Design and implement development activities to minimize the destruction of woodland vegetation; and
- (c) Provide protection for forests and developed woodlands identified as Habitat Protection Areas in this program.
- (3) For the alteration of forest and developed woodland in the Resource Conservation Area, the City shall apply all of the following requirements:
- (a) The total acreage in forest coverage within the City in the Critical Area shall be maintained or preferably increased;
- (b) All forests that are allowed to be cleared or developed shall be replaced in the Critical Area on not less than an equal area basis;
- (c) No more than 20% of any forest or developed woodland may be removed from forest use, except as provided in Subsection D(4) below. The remaining 80% shall be maintained through recorded, restrictive covenants or similar instruments approved by the City Attorney; and
- (d) Developed woodland vegetation shall be conserved to the greatest extent practicable.
- (4) For replacement of forest and developed woodland, if more than 20% is to be removed from forest use, an applicant may clear or develop not more than 30% of the total forest area, provided that the afforested area shall consist of 1.5 times the total surface

acreage of the disturbed forest or developed woodland area, or both.

- (5) In addition, applicants shall adhere to the following criteria for forest and woodland development:
 - (a) A performance bond in an amount determined by the City to assure satisfactory replacement as required by Subsection D(3) and (4) above;
 - (b) Grading permits shall be required before forest or developed woodland is cleared;
 - (c) Forests which have been cleared before obtaining a grading permit or that exceed the maximum area allowed in Subsection D(4) above shall be replanted at three times the areal extent of the cleared forest;
 - (d) If the areal extent of the site limits the application of the reforestation standards in Subsection D(3), (4) and (5) above, alternative provisions or reforestation provisions may be permitted by the City if they are consistent with the intent of § 49-23, Forest and woodland protection, to conserve the forest and developed woodland resources of the Critical Area. Alternative provisions may include fees-in-lieu provisions or the use of forest mitigation bank if the provisions are adequate to ensure the restoration or establishment of an equivalent forest area;
 - (e) If no forest is established on proposed development sites, these sites shall be planted to provide a forest or developed woodland cover of at least 15%;
 - (f) All forests designated on development plans shall be maintained to the extent practicable, through conservation easements, restrictive covenants or other protective instruments approved by the City Attorney;
 - (g) The applicant shall designate, subject to the approval of the City, a new forest area on a part of the site not forested; and
 - (h) The afforested area shall be maintained as forest cover through easements, restrictive covenants or other protective instruments approved by the City Attorney.
- (6) Development on slopes greater than 15%, as measured before development, shall be prohibited unless the project is the only effective way to maintain or improve the stability of the slope and is consistent with the policies in Subsection B above.
- (7) Except as otherwise provided in this subsection, for stormwater runoff, man-caused impervious areas shall be limited to 15% of the site.

- (a) If a parcel or lot of 0.5 acre or less in size existed on or before December 1, 1985, then man-made impervious surfaces are limited to 25% of the parcel or lot.
- (b) If a parcel or lot greater than 0.5 acre and less than one acre in size existed on or before December 1, 1985, then man-made impervious surfaces are limited to 15% of the parcel or lot.
- (c) If an individual lot one acre or less in size is part of a subdivision approved after December 1, 1985, then man-made impervious surfaces of the lot may not exceed 25% of the lot, and the total impervious surfaces of the entire subdivision may not exceed 15%.
- (d) Impervious surface limits provided in Subsections D(7)(a) and (b) above may be exceeded, upon findings by the Department of Economic Development and Planning or its designee that the following conditions exist: **[Amended 10-2-2006 by Ord. No. 882]**
 - [1] New impervious surfaces on the property have been minimized;
 - [2] For a lot or parcel 0.5 acre or less in size, total impervious surface area does not exceed impervious surface limits in Subsection D(7)(b) above by more than 25% or 500 square feet, whichever is greater;
 - [3] For a lot or parcel greater than 0.5 acre and less than one acre in size, total impervious surface area does not exceed impervious surface limits in Subsection D(7)(b) or 5,445 square feet, whichever is greater;
 - [4] Water quality impacts associated with runoff from new impervious surfaces can be and have been minimized through site design considerations or the use of best management practices to improve water quality; and
 - [5] The property owner performs on-site mitigation to offset potential adverse water quality impacts from the new impervious surfaces.
- (8) The City should allow for modifications in road standards on a case-by-case basis to reduce potential impacts to the site and Critical Area resources, where the reduced standards do not significantly affect safety.
- (9) To reduce the extent of impervious areas and maximize areas of natural vegetation, cluster development shall be considered when planning for future development.
- (10) Development may be allowed on soils having development constraints if the development includes mitigation measures that

adequately address the identified constraints and that will not have significant adverse impacts on water quality or plant, fish or wildlife habitat.

E. Complementary state laws and regulations. In applying this Critical Area Program, the City refers to all of the following complementary existing state laws and regulations:

(1) For soil erosion and sediment control (COMAR 26.17.01).

(a) In order to prevent soil erosion and sedimentation, a soil erosion and sedimentation control plan shall be required whenever a development within the Critical Area will involve any clearing, grading, transporting, or other form of disturbance to land by the movement of earth. This plan shall be consistent with the requirements of Natural Resources Article, §§ 8-1101 through 8-1108 and Environment Article, §§ 4-103 through 4-108 and § 4-116, Annotated Code of Maryland, and local ordinances. Sediment control practices shall be appropriately designed to reduce adverse water quality impacts.

(b) The City requires erosion control as the basis of sediment control plans within the Critical Area.

(2) For stormwater runoff (COMAR 26.17.02).

(a) Limitation on stormwater runoff. Development may not cause downstream property, watercourses, channels or conduits to receive stormwater runoff at a higher volume or rate than would have resulted from a ten-year storm where the land is in its predevelopment state.

(b) Storage capacity. All stormwater storage facilities shall be designed with sufficient capacity to achieve water quality goals of this section and to eliminate all runoff caused by the development in excess of that which would have come from the site if it were in its predevelopment state.

(c) Stormwater management measures shall be consistent with the requirements of Environment Article, § 4-201 et seq., Annotated Code of Maryland.

§ 49-9. Habitat protection.

A. Description. This section addresses protection of the following four habitats:

(1) The one-hundred-foot buffer.

(2) Threatened and endangered species and species in need of conservation;

- (3) Plant and wildlife habitat areas, including nontidal wetlands; and
 - (4) Anadromous fish propagation waters.
- B. Identification. Maps illustrating the general location, extent and configuration of Habitat Protection Areas in the City are on file at the City Hall and are available during business hours. They are used to assist property owners, developers, any person proposing development activity, the Department of Economic Development and Planning, the Planning Commission, and other agencies of the City government when reviewing development plans. While these maps give a general indication of the area, they do not excuse any property owner or operator from establishing to the satisfaction of the City Planning Commission whether or not the project or activity will affect the habitat to be protected. At the time of development, the applicant will be responsible for providing a more detailed site analysis and inventory.

§ 49-10. The one-hundred-foot buffer. [Amended 10-2-2006 by Ord. No. 882]

- A. Definition. The buffer is an existing, naturally vegetated area or an area established in native vegetation and managed to protect aquatic, wetlands, shoreline and terrestrial environments from man-made disturbances.
- B. Identification of the buffer. The establishment of a minimum one-hundred-foot buffer from the mean high water line of tidal waters, the edge of the bank of tributary streams, and the landward extent of tidal wetlands shall be required on a site-by-site basis as part of the environmental review and site analysis process.
- C. General policies. The City adopts the following policies with regard to the functions of the buffer:
- (1) Provide for the removal or reduction of sediments, nutrients and potentially harmful or toxic substances in runoff entering the Bay and its tributaries;
 - (2) Minimize the adverse effects of human activities on wetlands, shoreline, stream banks, tidal waters and aquatic resources;
 - (3) Maintain an area of transitional habitat between aquatic and upland communities;
 - (4) Maintain the natural environment of streams; and
 - (5) Protect riparian wildlife habitat.
- D. Standards. The following criteria apply to land use activities within the buffer:
- (1) The buffer shall be established at a minimum distance of 100 feet landward from the mean high water line of tidal waters, the edge

of the bank of tributary streams and the landward edge of tidal wetlands within the Critical Area.

- (2) The buffer shall be expanded beyond 100 feet to include areas of steep slopes, hydric soils or highly erodible soils whose development or disturbance may impact streams, wetlands or other aquatic environments. In the case of contiguous slopes of 15% or greater, the buffer shall be expanded four feet for every 1% of slope or to the top of the slope, whichever is greater in extent.
- (3) New development activities, including structures, roads, parking areas and other impervious surfaces, or mining and related facilities may not be allowed in the buffer, except for those necessarily associated with water-dependent facilities approved under §§ 49-20 and 49-21 of this chapter.
- (4) The buffer shall be maintained in natural vegetation, but may include planted vegetation where necessary to protect, stabilize, or enhance the shoreline. When lands are proposed to be developed or converted to new uses, the buffer shall be established. In establishing the buffer, management measures shall be undertaken to provide forest vegetation that assures the buffer functions set forth in this section.

E. Enforcement. Refer to §§ 49-23G and 49-28.

§ 49-11. Buffer Exemption Areas (BEA).

- A. Definition. Buffer Exemption Area(s) means an area officially mapped by the local jurisdiction and approved by the Critical Area Commission as a Buffer Exemption Area, where it has been sufficiently demonstrated that the existing pattern of residential, industrial, commercial, institutional or recreational development in the Critical Area prevents the buffer from fulfilling its intended functions for water quality protection and wildlife habitat conservation (as specified in COMAR 27.01.09.01.B).
- B. General policy. The provisions herein are intended to accommodate limited use of shoreline areas while protecting water quality and wildlife habitat to the greatest extent possible. Due to historic development patterns in the City of Havre de Grace, the City's Intensely Developed Area (IDA) is identified in its entirety as a Buffer Exemption Area (BEA) as part of the original program in 1988. Waterfront development is allowed in the BEA due to the provision of a Critical Area Taxing District as described in Subsection I below and is subject to the following standards.
- C. Applicability. The following standards apply to new development or redevelopment of single-family detached residential, commercial, industrial, institutional, recreational, and single-family attached and

multifamily residential properties within 100 feet of tidal waters, tidal wetlands, and tributary streams.

D. Standards.

- (1) New development or redevelopment activities, including structures, roads, parking areas and other impervious surfaces, will not be permitted in the buffer unless the applicant can demonstrate that there is no practical alternative, and the City finds that efforts have been made to minimize buffer impacts based on the following guidelines:
 - (a) Development and redevelopment activities shall be located as far as possible from mean high tide, the landward edge of tidal wetlands, or the edge of tributary streams.
 - (b) Variances to other local setback requirements shall be considered before additional intrusion into the buffer.
 - (c) Convenience or expense shall not be factors considered when evaluating the extent of allowable impacts to the buffer.
- (2) New development, including accessory structures, shall minimize the extent of intrusion into the buffer. New development shall not be located closer to the water (or edge of tidal wetlands) than the City setback for the zoning district or 25 feet, whichever is greater. Structures on adjacent properties shall not be used to determine the setback line. The twenty-five-foot setback shall be maintained for all subsequent development or redevelopment of the property.
- (3) Redevelopment, including accessory structures, shall minimize the extent of intrusion into the buffer. Redevelopment shall not be located closer to the water (or edge of tidal wetlands) than the local setback for the zoning district or 15 feet, whichever is greater. Structures on adjacent properties shall not be used to determine the setback line. Existing structures located within the setback may remain or a new structure may be constructed on the footprint of an existing structure or impervious surface. Opportunities to establish a fifteen-foot setback should be maximized.
- (4) Development and redevelopment may not impact any Habitat Protection Areas other than the buffer, including nontidal wetlands, other State or federal permits notwithstanding.
- (5) No natural vegetation may be removed in the buffer except that required by the proposed construction. The applicant will be required to maintain any other existing natural vegetation in the buffer.
- (6) Public access to the waterfront is a priority in the development process, and is to be achieved on a site-by-site basis when practicable.

- (7) BEA designation shall not be used to facilitate the filling of tidal wetlands that are contiguous to the buffer or to create additional buildable land for new development or redevelopment.
 - (8) Any development or redevelopment in the BEA requires mitigation, in the form of plantings, offsets, or fees-in-lieu. This is a buffer mitigation measure that is required in addition to ten-percent pollutant reduction requirements for development in the IDA.
 - (9) Any required reforestation/mitigation/offset areas must be designated under a development agreement or other instrument and recorded among the land records of the jurisdiction.
- E. Mitigation for single-family detached residential development.
- (1) Mitigation for development or redevelopment in BEA approved under this subsection shall be provided. Native vegetation of an area twice the extent of the footprint of the development activity within the one-hundred-foot buffer shall be planted on site in the buffer or in another location as may be determined by the Planning Commission or its designee. See Table 1 for suggested species list of native plant materials. **[Amended 10-2-2006 by Ord. No. 882]**
 - (2) Applicants who cannot comply with the planting requirements may use offsets to meet the mitigation requirements. Offsets may include the removal of an equivalent area of existing impervious surface with the buffer, the construction of best management practices for stormwater, wetland creation or restoration, or other measures that improve water quality or habitat.
 - (3) Any required mitigation or offset areas shall be protected from future development through an easement, development agreement, plat notes, or other instrument.
- F. Standards for accessory structures on single-family detached residential properties. New accessory structures may be permitted in the buffer in accordance with the following setback requirements:
- (1) New accessory structures may be located closer to the water or edge of tidal wetlands than the dwelling only if there are no other locations for the accessory structures.
 - (2) The area of the accessory structures within the buffer shall be minimized and the cumulative total area of all new and existing accessory structures on the property shall not exceed 500 square feet within 50 feet of the water and 1,000 square feet total.
 - (3) In no case shall new accessory structures be located less than 25 feet from the water (or edge of tidal wetlands).
- G. Additional mitigation requirements for commercial, industrial, institutional, recreational, and single-family attached and multifamily residential projects.

- (1) For all development and redevelopment projects, a landscaped bufferyard, fifteen-feet wide, shall be established on the project site between the development and the water. This bufferyard shall be densely planted with native trees, shrubs, and herbaceous plants or other appropriate species in accordance with Table 1 below. Maintenance of the bufferyard shall minimize activities that may adversely affect the adjacent tidal waters or wetlands. Any required mitigation/offset areas must be protected from future development through an easement development agreement, plat notes, or other similar instrument. **[Amended 10-2-2006 by Ord. No. 882]**
- (2) On redevelopment sites, if existing structures or those rebuilt on an existing footprint limit the area available for planting, then appropriate modifications to the width of the planted bufferyard may be made on a case-by-case basis; however, the total area of required bufferyard shall be provided.
- (3) Applicants who cannot fully comply with the planting requirement may use offsets to meet the mitigation requirement. Offsets may include the removal of an equivalent area of existing impervious surfaces in the buffer, the construction of best management practices for stormwater, wetland creation or restoration, or other measures that improve water quality or habitat.
- (4) Applicants who cannot comply with either the planting or offset requirements are required to pay into a fee-in-lieu program for permanent impacts to the buffer, which is administered by the City. Fees in lieu of mitigation activities shall be assessed at the rate of \$2.50 per square foot of development activity in the one-hundred-foot buffer. The applicant must provide proof that it is unable to comply with planting, mitigation, or offset requirements. Any fees-in-lieu collected under these provisions shall be placed in an account that will assure their use only for projects with the Critical Area for the benefit of wildlife habitat and water quality improvement. Acceptable projects are the same as those listed in Subsection I(2) for the Critical Area Special Taxing District. The status of these funds must be provided in the City's quarterly reports. **[Amended 10-2-2006 by Ord. No. 882]**

Table 1**Required Bufferyard Planting**

Area	Quantity and Stocking	Suggested Species
For every 100 linear feet of bufferyard	5 large trees (Planting of large trees optional due to protection of waterfront views; however, trees must be replaced with understory trees/ large shrubs on a 1:1 basis.); AND	White Oak, Red Oak, Pin Oak, Willow Oak, Red Maple, American Holly, Eastern Red Cedar, Silver Maple, River Birch, Shagbark Hickory, Eastern Hemlock, Common Hackberry, American Beech, Green Ash, Common Honeylocust, Black Walnut, American Sweetgum, White Ash
	10 understory trees/ large shrubs; AND	Red-Osier Dogwood, Mountain Laurel, Bayberry, Shadbush, Winterberry, Inkberry, Sweetbay Magnolia, Rosebay Rhododendron, Highbush Blueberry, Arrowwood Viburnum, Nannyberry, Blackhaw Viburnum, Eastern Redbud, White Fringetree, Flowering Dogwood, Washington Hawthorn, Wax Myrtle, Common Witchhazel
	30 small shrubs; AND	Pepperbush, Chokeberry, Strawberry Bush, Sweetspire, Native Azaleas, Piedmont Azaleas, Swamp Azaleas
	40 herbaceous plants, grasses, etc.	Wild Columbine, Butterflyweed, Common Milkweed, Asters

H. Notification requirements.

- (1) Within BEA, all new single-family residential, commercial, industrial, institutional, recreational, and multifamily residential development or redevelopment projects shall be submitted to the

Critical Area Commission in accordance with COMAR 27.03.01.03. Mitigation plans shall be included as part of the project submission.

- (2) The City must make written findings documenting that all the standards in this section are met, including that there is no practical alternative to the proposed disturbance to the buffer. These findings must be available to the Commission upon request.
 - (3) The reporting of development activity carried out under this provision must be included in the City's quarterly reports.
- I. Critical Area Taxing District. To offset the reduced bufferyard requirements for new development and redevelopment in the BEA at the edge of tidal waters, the City will continue to collect fees assessed on individual properties located within the Critical Area Taxing District. These fees are collected at a rate of \$.04 per \$100 of assessed value and applied to individual property tax bills on an annual basis.
 - (1) Boundary description of Critical Area Taxing District. The boundary of Critical Area Taxing District is described as follows: beginning at the point where the center line of the right-of-way of US 40 crosses the shoreline of the Susquehanna River within the City of Havre de Grace and continuing southerly along the shoreline of the Susquehanna River to the point where a southerly projection of the center line of Concord Street crosses the shoreline of the Susquehanna River; then north along the center line of Concord Street to its intersection with Revolution Street; then west along the center line of Revolution Street to its intersection with Market Street; then north along the center line of Market Street to its intersection with St. John Street; then in a generally northwesterly direction along the center line of St. John Street to its intersection with Union Avenue; then north along the center line of Union Avenue to its intersection with Water Street; then north along the center line of Water Street to its intersection with Erie Street; then west along the center line of Erie Street to its intersection with Conestee Street; then north along the center line of Conestee Street to its intersection with a projection of Superior Street; then west along the center line of a projection of Superior Street to its intersection with US 40; then northeasterly along the center line of US 40 to the point of beginning at the shore of the Susquehanna River.
 - (2) Use of funds collected in the Critical Area Taxing District.
 - (a) Fees collected under the Critical Area Taxing District associated with the City's Buffer Exemption Area provisions shall be placed in an account that will assure their use only for projects within the Critical Area to enhance wildlife habitat, improve water quality, or otherwise promote the goals of the City's Critical Area Program. The funds cannot be used to accomplish a project or measure that would have been

required under existing local, state, or federal laws, regulations, statutes or permits. (For example, the restoration of a wetland required as mitigation for nontidal wetland impacts cannot be financed with funds collected in the Critical Area Taxing District.)

- (b) The status of these funds must be reported annually to the Critical Area Commission. Prior to using these funds to implement projects, the City shall submit a list of the projects to the Critical Area Commission for review and comment. The list of projects should include a description of the project, the location of the project, the total cost of the project, and the cost of the project to be accomplished with Special Taxing District funds.
- (c) Acceptable projects that may be accomplished with these funds include, but are not limited to, the following:
 - [1] Planting native trees, shrubs, and herbaceous plants within the Critical Area;
 - [2] Planting native trees, shrubs, and herbaceous plants in a riparian area outside the Critical Area;
 - [3] Removing invasive plant species and providing supplemental planting with native plant species;
 - [4] Restoring a degraded or channelized stream in the Critical Area;
 - [5] Creating or restoring a degraded tidal wetland in the Critical Area;
 - [6] Creating or restoring a degraded nontidal wetland in the Critical Area;
 - [7] Removing existing impervious surface cover within the buffer and permanently establishing it as a pervious area;
 - [8] Removing existing impervious surface cover within a riparian area in the Critical Area and permanently establishing it as a pervious area;
 - [9] Daylighting a piped stream;
 - [10] Removing obstructions, debris, and structural channelizing elements from a stream;
 - [11] Educating the public about the Critical Area Program, wildlife habitat, water quality, etc. through publications, brochures, signs, and internet content;

[12] Improving existing stormwater facilities, such as extended detention ponds, by planting forested buffers around the facilities;

(d) Use of funds in addition to fees-in-lieu.

[1] The following types of projects may be accomplished with the Special Taxing District funds if fees-in-lieu collected for the ten-percent pollutant reduction requirements are not sufficient to accomplish them. A combination of stormwater fees-in-lieu and Special Taxing District funds may be used; however, they are to only be applied to projects in the Critical Area.

[a] Cleaning up, capping or otherwise containing hazardous materials or site contamination within the Critical Area that prevents or eliminates the possibility of leaching into watercourses;

[b] Implementing a nonstructural shore erosion control measure such as marsh creation;

[c] Constructing a best management practice for stormwater in addition to those required by stormwater management regulations;

[d] Retrofitting a best management practice for stormwater to achieve a higher pollutant removal;

[e] Modifying an existing stormwater conveyance network to enhance pollutant removal, or other measures that improve water quality or habitat.

[2] Other projects may be considered; however, they will be subject to the review and recommendations of the Critical Area Commission.

J. Requirements for mapping new BEAs. The City has no intention of designating new BEAs at this point in time. At such time in the future that an area is annexed into the City and proposed for designation as a BEA, then appropriate modifications would be made to the City's ordinance at the same time.

K. Subdivision of parcels designated as BEAs. Subdivision of parcels designated as BEA may be permitted subject to the following conditions:

(1) For properties in single-family detached residential use, subdivision will require the application of a forty-foot setback from the water and the creation of a twenty-five-foot bufferyard.

(2) For properties in commercial, industrial, institutional, recreational, and single-family attached and multifamily residential use,

subdivision will require the application of a twenty-five-foot setback from the water and the creation of a twenty-five-foot bufferyard.

§ 49-12. Threatened and endangered species and species in need of conservation.

- A. Definitions. Areas of threatened and endangered species and areas with species in need of conservation are those areas where these species, as designated by the Secretary of the Department of Natural Resources, are found or have historically been found and their surrounding habitats. In this section, the following words have the meanings indicated:

ENDANGERED SPECIES — Any species of fish, wildlife, or plants which have been designated as such by regulation by the Secretary of the Department of Natural Resources. Designation occurs when the continued existence of these species as viable components of the state's resources are determined to be in jeopardy. This includes any species determined to be an "endangered" species pursuant to the Federal Endangered Species Act, 16 USC 1531 et seq., as amended.

SPECIES IN NEED OF CONSERVATION — Those fish and wildlife whose continued existence as a part of the state's resources are in question and which may be designated by regulation by the Secretary of the Department of Natural Resources as in need of conservation pursuant to the requirements of Natural Resources Article, §§ 10-2A-03 and 4-2A-03, Annotated Code of Maryland.

THREATENED SPECIES — Any species of fish, wildlife, or plants designated as such by regulation by the Secretary of the Department of Natural Resources which appear likely, within the foreseeable future, to become endangered, including any species of wildlife or plant determined to be a threatened species pursuant to the Federal Endangered Species Act, 16 cited above.

- B. Identification. At this point in time, there are no mapped threatened and endangered species or species in need of conservation within the City of Havre de Grace.
- C. General policies. The City shall provide protection for threatened and endangered species, those species in need of conservation and their habitats which occur in the Critical Area.
- D. Implementation. The owner of any property containing a portion of, or adjacent to, a habitat of a threatened or endangered species or a species in need of conservation, on which a land-altering or land development activity is proposed, shall prepare a Habitat Protection Plan, identifying appropriate protection measures. This plan and any supporting documentation must be submitted to the Department of Economic Development and Planning prior to approval of the project. The Department of Economic Development and Planning will request the review and comments from the Department of Natural Resources

and consult Chesapeake Bay Critical Area criteria and policy. A land-altering activity shall include, but is not be limited to, such activities as subdivision, timbering, sand and gravel mining, clearing new farmlands, the construction of homes, accessory structures, or commercial structures.

- E. Public notice. The determination of the existence and extent of habitats and protection areas shall result from a cooperative effort between the City and public agencies or private organizations. If the Secretary of the Department of Natural Resources designates additional species by regulations in the future, additional local public hearings, as appropriate, shall be held to consider comments of the protection measures proposed for these species. The protection measures shall be adopted within 12 months of the date of the Secretary's designation.
- (1) The establishment of Habitat Protection Areas shall not be intended to restrict or affect, beyond any existing local, state or federal laws or regulations or on private land, any private restrictions, such activities as noncommercial passive recreation (for example, hiking and nature photography), educational pursuits, scientific observation, or noncommercial hunting, trapping or fishing.
 - (2) Development activities in areas of threatened or endangered species in need of conservation may be subject to other provisions and requirements of this program.

§ 49-13. Plant and wildlife habitat areas and nontidal wetlands protection.

- A. Definitions. In this section, the following words have the meanings indicated:

PLANT HABITAT — A community of plants commonly identifiable by the composition of its vegetation and its physiographic characteristics.

WILDLIFE HABITAT — Those plant communities and physiographic features that provide food, water and cover, nesting, and foraging or feeding conditions necessary to maintain populations of animals in the Critical Area.

- B. Description. The following plant and wildlife habitats shall be identified and protected in the Critical Area:
- (1) Colonial water bird nesting sites;
 - (2) Historic waterfowl staging and concentration areas in tidal waters; tributary streams or tidal and nontidal wetlands;
 - (3) Existing riparian forests (for example, relatively mature forests of at least 300 feet in width which occur adjacent to streams, wetlands, or the Bay shoreline and which are documented breeding areas);

- (4) Forest areas utilized as breeding areas by forest interior dwelling (FID) birds and other wildlife species (for example, relatively mature forested areas within the Critical Area of 100 acres or more, or forest connected with such areas);
 - (5) Other areas which may, in the future, be identified by the state and federal agencies as important plant and wildlife habitat areas;
 - (6) Submerged aquatic vegetation (SAV) areas.
 - (7) Natural heritage areas which have been designated; and
 - (8) Nontidal wetlands.
- C. General policies. The policies of the City regarding plant and wildlife habitat in the Critical Area shall be to:
- (1) Conserve wildlife habitat in the Critical Area;
 - (2) Protect those wildlife habitats that tend to be least abundant or which may become so in the future if current land-use trends continue;
 - (3) Protect those wildlife habitat types which are required to support the continued presence of various species;
 - (4) Protect those wildlife habitat types and plant communities which are determined by the City to be of local significance; and
 - (5) Protect natural heritage areas;
 - (6) Protect and conserve nontidal wetlands.
- D. Standards. The City's Critical Area Program and this chapter will serve to accomplish the goals of the Critical Area Program to protect water quality and wildlife habitat. In addition to the standards set forth in this chapter for the protection of the buffer, the following standards shall apply to new development or land disturbance in the Critical Area:
- (1) Any development or significant land use change of a property located within the Critical Area of the City will require that the City review the proposed activities on a case-by-case basis and seek technical advice from the Department of Natural Resources. Based on the Department's recommendations, additional research and site analysis may be required to identify the location of threatened and endangered species on a site. If any habitats are identified on a project site, the applicant shall develop a Habitat Protection Plan to protect and conserve the habitats identified. This information concerning habitats will be incorporated into the City's Resource Inventory Maps for future reference.
 - (2) The City may seek additional information and comments from the Department of Natural Resources and other appropriate agencies and adjacent jurisdictions.

- (3) For development activities in RCA and any future LDA, wildlife corridors shall be established and used to connect the area left in forest cover with any large forest tracts which are located outside of the area or property being developed or subdivided. Forest left in its natural state should be adjacent to larger forested areas and not left as an isolated island of trees. Planting required as a mitigation measure should be adjacent to other habitat. Tree planting which serves as visual screening or landscaping should not be considered to meet these requirements.
- (4) Buffer areas for colonial water bird (heron, egret, tern, and glossy ibis) nesting sites, as recommended by the Department of Natural Resources, shall be established (if such birds are found to exist in the Critical Area) so that these sites are protected from the adverse impacts of development activities and from disturbance during the breeding season. A colonial water bird site is located on Tydings Island which has a Critical Area designation of RCA.
- (5) New water-dependent facilities shall be located to prevent disturbance to sites of significance to wildlife such as historic, aquatic staging and concentration areas for waterfowl.
- (6) Protection measures, including a buffer area, shall be established where appropriate, for other plant and wildlife habitat sites identified in this chapter.
- (7) Forested areas required to support wildlife species identified herein shall be protected and conserved by developing management programs which have as their objective conserving the wildlife that inhabit or use the areas. Development activities, or the clearing or cutting of trees that might occur in the areas, shall be conducted so as to conserve riparian habitat, forest interior wildlife species and their habitat. Management measures may include incorporating appropriate wildlife protection elements into forest management plans, cluster zoning or other site design criteria that provide for the conservation of wildlife habitat. Measures may also include incentive programs that use the acquisition of easements and other similar techniques. Forested areas utilized as breeding grounds for forest interior dwelling (FID) birds include a large portion of North Park area which has a designation as FIDS Class 3, according to the Department of Natural Resources. Leased to the City by a major utility company, this area is operated as a natural park and has a Critical Area designation of RCA.
- (8) When development activities, or the cutting or clearing of trees, occur in forested areas, corridors of existing forest or woodland vegetation shall be maintained to provide effective connections between wildlife habitat areas.

- (9) Plant and wildlife habitats considered to be of local significance by the City shall be protected. Examples of these are those whose habitat values may not be of statewide significance, but are of importance locally or regionally because they contain species uncommon or of limited occurrence in the jurisdiction, or because the species are found in unusually high concentrations. SAV areas, which are important habitat, are located along the City's Susquehanna River and Chesapeake Bay shoreline and must be assessed on a site-by-site basis during the development review process.
- (10) Natural heritage areas shall be protected from alterations due to development activities, cutting, or clearing so that the structure and species composition of these areas are maintained.
 - (a) There are no natural heritage areas located within the City's Critical Area; however, the Department of Natural Resources performs surveys around the state for natural heritage areas on an ongoing basis. Future designations may be applied.
 - (b) Development activities or cutting and clearing in natural heritage areas shall be prohibited unless an analysis is performed and measures proposed to mitigate any adverse impacts of the proposed activities. The analysis and mitigation measures shall be prepared by qualified professionals (e.g., ornithologists, zoologists, environmental engineers and planners) at the expense of the applicant and shall address the expected effects on the natural environment within the natural heritage area.
 - (c) The analysis shall be submitted to the City Planning Commission, which will then submit it to the State Department of Natural Resources for review and comment. Upon receiving said comment and, if appropriate, upon seeking the advice of expert consultants, the Planning Commission shall find against or in favor of the activities or may make suggestions for changing the analysis and ask the applicant to resubmit the analysis. The initial analysis review between the Planning Commission and State Department of Natural Resources should be completed within 60 days from submission.
- E. Nontidal wetlands. The provisions of COMAR 26.23.01 apply to nontidal wetlands in the Critical Area. A person conducting a regulated activity within nontidal wetlands in the Critical Area shall obtain a permit from the state.
- F. Public notice. The determination of the existence and extent of these habitats and protection areas shall result from a cooperative effort between the City and public agencies or private organizations. If the Secretary of the Department of Natural Resources designates additional species by regulation in the future, public hearings, as

appropriate, shall be held to consider comments on these areas and the protection measures proposed for the species. The protection measures shall be adopted within 12 months of the date of the Secretary's designation.

§ 49-14. Anadromous fish propagation waters.

- A. Definition. Anadromous fish propagation waters are those streams that are tributary to the Chesapeake Bay where spawning of anadromous species (e.g., rockfish or striped bass, yellow perch, white perch, shad and river herring) occurs or has occurred. Under this definition, the Fountain Run and Lilly Run tributaries in the Critical Area are classified as anadromous fish propagation waters.
- B. Identification. The City has identified and mapped anadromous fish propagation waters and nursery areas as defined in this section, and these maps are available at the City Hall. Fountain Run and Lilly Run, within the City limits, have been documented to be a spawning area for yellow perch, herring, and white perch. Striped bass were documented spawning downstream of Havre de Grace.
- C. General policies. The policies of the City with regard to anadromous fish propagation waters shall be to:
 - (1) Protect the instream and streambank habitat of anadromous fish propagation waters;
 - (2) Promote land use policies and practices in the watershed of spawning streams within the Critical Area which will minimize the adverse impacts of development on the water quality of the streams; and
 - (3) Provide for the unobstructed movement of spawning and larval forms of anadromous fish in streams.
- D. Standards. Within anadromous fish propagation watersheds, the following measures are required:
 - (1) The installation or introduction of concrete riprap or other artificial surfaces onto the bottom of natural streams shall be prohibited unless it can be demonstrated that water quality and fisheries habitat can be improved.
 - (2) Channelization or other physical alterations which may change the course or circulation of a stream, and thereby interfere with the movement of fish, shall be prohibited.
 - (3) The City shall require each development activity that occurs within a watershed draining to anadromous fish propagation waters to fulfill the following objectives:
 - (a) Minimize development activities or land disturbances within the watershed;

- (b) Maintain or, if practicable, improve water quality in affected streams or other water bodies;
 - (c) Minimize, to the extent possible, the discharge of sediments into affected streams or other water bodies;
 - (d) Maintain or, if practicable, increase the natural or native vegetation of the watershed and tree canopy over the streams.
- (4) The City shall ensure coordination and compliance with complementary state laws and regulations:
- (a) Prohibit the construction or placement of dams or other structures that would interfere with or prevent the movement of spawning fish or larval forms in streams or other designated water bodies. If practical, existing structures that block streams or other water bodies shall be removed; and
 - (b) Ensure that the construction, repair or maintenance activities associated with bridges, or other stream crossing, or with utilities and roads, which involve disturbance within the buffer or which occur instream, as described in COMAR 08.05.03.11B(5), shall be prohibited between March 1 and June 15 of each year.

§ 49-15. Growth allocation.

- A. Definition. Growth allocation means the number of acres of land in the Chesapeake Bay Critical Area that a local jurisdiction may use to create new Intensely Developed and new Limited Development Areas. The growth allocation shall be calculated based on 5% of the total Resource Conservation Area in the local jurisdiction at the time of the original approval of the local jurisdiction's program by the Commission, not including tidal wetlands or land owned by the federal government.
- B. Description. The upland area of the City within the Critical Area comprises about 590 acres. Within the Critical Area, 443 acres of land were classified as IDA, no acres were classified as LDA, and 147 acres were classified as RCA. The State Critical Area Law permits each county to use 5% of its RCA acreage to increase the acreage of LDA or IDA properties to accommodate future growth. Harford County has reserved 22 acres of growth allocation for the City of Havre de Grace. As of the adoption date of this chapter, the City has not used any growth allocation.
- C. Guidelines. When locating new Intensely Developed or Limited Development Areas the City shall use these guidelines:
 - (1) New Intensely Developed Areas should be located in Limited Development Areas or adjacent to existing Intensely Developed Areas.

- (2) New Limited Development Areas should be located adjacent to existing Limited Development Areas or Intensely Developed Areas.
 - (3) New Intensely Developed Areas (IDAs) shall be at least 20 acres in size unless:
 - (a) They are contiguous to an existing IDA, LDA; or
 - (b) They are grandfathered commercial or industrial uses which existed as of the date of local program approval. The amount of growth allocation deducted shall be the equivalent to the area of the entire parcel or parcels subject to the growth allocation request.
 - (4) New Intensely Developed Areas and Limited Development Areas should be located in order to minimize impacts to Habitat Protection Areas as specified in this chapter (§§ 49-10 through 49-14) and in an area and in a manner that optimizes benefits to water quality.
 - (5) New Intensely Developed Areas should be located where they minimize their impacts to the defined land uses of the Resource Conservation Areas (§ 49-8);
 - (6) New Intensely Developed Areas and Limited Development Areas in the Resource Conservation Area should be located at least 300 feet beyond the landward edge of tidal wetlands or tidal waters.
 - (7) New Intensely Developed or Limited Development Areas to be located in Resource Conservation Areas shall conform to the City program for such areas, shall be so designated on the City Zoning Map and shall constitute an amendment to this program subject to review and approval by the City Planning Commission, the Mayor and City Council, and the Critical Area Commission.
- D. Process. Applicants for growth allocation shall submit a request for growth allocation accompanied by appropriate plans and environmental reports in accordance with the following process:
- (1) All applications for growth allocation shall be submitted to the City Department of Economic Development and Planning. Requests shall be accompanied by a concept plan and appropriate environmental reports and/or studies so as to provide sufficient information to permit the Planning Commission to review the application for consistency with the City's Critical Area regulations. The subdivision history of parcels designated as RCA must be provided as part of the growth allocation application. The date of December 1, 1985, is the date used for the original Critical Area mapping and shall be used as a beginning point of analysis.
 - (2) All applications for growth allocation shall be forwarded to the Planning Commission for review and shall include comments and

recommendations from the City planning staff. The Planning Commission shall hold a public hearing on the growth allocation request prior to making a recommendation on the proposal to the Mayor and City Council.

- (3) The applicant shall address the Planning Commission's comments and recommendations and may revise the concept plan accordingly. The growth allocation request shall then be forwarded to the Mayor and City Council with a recommendation for approval or denial from the Planning Commission.
- (4) The Mayor and City Council shall hold a public hearing, as required for amendments to a City Critical Area Map.
- (5) The Mayor and City Council may establish conditions of approval that are consistent with the intent of the City's Critical Area Program.
- (6) Upon approval of the growth allocation request by the Mayor and City Council, the City shall send a request to the Critical Area Commission to award a portion of their growth allocation to the applicant. The request shall be accompanied by pertinent plans and environmental reports and/or studies. Upon receipt of the request from the City, the Critical Area Commission shall notify the City regarding the processing of the request as an amendment or refinement to the City's Critical Area Program. Refinements shall be acted on within 30 days of the Commission's notification to the City of a complete submission. Amendments shall be acted on within 90 days of the Commission's notification to the City of a complete submission.
- (7) Following approval of the growth allocation request by the Critical Area Commission, the Mayor and City Council may implement the change, and the applicant may proceed to the preparation of the final site plan or subdivision plat for recordation. The City shall also notify the county in writing.
- (8) Prior to approving the final site plan or subdivision plat, the Planning Commission or its designee shall ensure that all conditions of approval are incorporated into the final plan, public works agreement, deed covenants, etc.
- (9) Final subdivision plats and site plans shall be processed in accordance with the requirements of this chapter and/or Chapter 173, Subdivision of Land.
- (10) The City's official Critical Area maps shall be amended to reflect the new land classification, and a copy of the new map shall be provided to the Critical Area Commission.
- (11) The City's approval of the growth allocation shall specify that growth allocation is awarded to the specific project reviewed and

identified by a specific site plan or subdivision plan, and that projects approved for growth allocation shall be substantially completed within three years of the date of approval. "Substantially completed" shall be determined by the Mayor and City Council and is defined as projects in which all public improvements, such as roads, sewer and /or water facilities, etc., have been built, as required by the City or state.

E. Standards. Applicants for growth allocation shall demonstrate that the following design standards will be met or exceeded by the proposed project:

- (1) All requirements of the City's Critical Area Program, Comprehensive Plan, Chapter 205, Zoning, and Chapter 173, Subdivision of Land, have been met.

F. Deduction methodology.

- (1) Subdivision of any parcel of land that was recorded as of December 1, 1985, and classified as RCA or LDA, where all or part of the parcel is identified by the City as a growth allocation area, shall result in the acreage of the entire parcel not in tidal wetlands counting against the growth allocation, unless the development concept outlined in Subsection F(2) below is used.

- (2) In order to allow some flexibility in the use of growth allocation when development is only proposed on a portion of the property, the following methodology may be used. On a parcel proposed for the use of growth allocation, a single development envelope may be specified, and the acreage of the development envelope rather than the acreage of the entire parcel shall be deducted from the City's growth allocation if the development envelope meets the following criteria:

- (a) The development envelope shall include individually owned lots, required buffers, impervious surfaces, roads, utilities, stormwater management measures, on-site sewage disposal measures, any acres subject to human use such as active recreation acres, and any additional acreage needed to meet the development requirements of the criteria. The required buffers refer to the minimum one-hundred-foot buffer and the twenty-five-foot nontidal wetlands buffer.
- (b) Only one development area shall be established per parcel of land.
- (c) If a development envelope is proposed in the RCA, a minimum of 20 acres must remain outside of the development envelope or the acreage of the entire parcel must be deducted. If the original parcel in the RCA is less than 20 acres, then the acreage of the entire parcel must be deducted. If there is a permanently protected Resource Conservation Area (an area

protected by easement) adjacent and contiguous to a residue that is less than 20 acres, that will result in a minimum twenty-acre residue, then the entire parcel does not have to be deducted.

- (d) The minimum twenty-acre residue outside of the development envelope may be developed at an RCA density unless some type of permanent protection exists that restricts development.
- (3) For growth allocation areas proposed in the RCA, a three-hundred-foot naturally vegetated buffer is strongly encouraged and where provided it shall not be deducted even if the buffer does not meet the twenty-acre minimum requirement.

§ 49-16. Grandfathering.

- A. Continuation of existing uses and structures. The City shall permit the continuation, but not necessarily the intensification or expansion, of any use or structure in existence on the date of ordinance approval, unless the use or structure has been abandoned for more than one year or is otherwise restricted by existing local ordinances. If any existing use or structure does not conform with the provisions of the ordinance, its intensification or expansion may be permitted only in accordance with the variance procedures outlined in § 49-18 of this chapter.
- B. Residential density. Except as otherwise provided, the City shall permit the types of land described in the following subsections to be developed in accordance with density requirements in effect prior to the adoption of the Critical Area Ordinance, notwithstanding the density provisions of the ordinance. The City shall permit a single lot or parcel of land that was legally of record on the date of ordinance approval to be developed with a single-family dwelling if a dwelling is not already placed there (notwithstanding that such development may be inconsistent with the density provisions of this chapter) provided that:
 - (1) It is on land where development activity has progressed to the point of the pouring of foundation footings or the installation of structural members.
 - (2) It is a legal parcel of land, not being part of a recorded or approved subdivision, that was recorded as of December 1, 1985, and land that was subdivided into recorded, legally buildable lots, where the subdivision received the City's final approval prior to June 1, 1984, if:
 - (a) At the time of development, the land is brought into conformance with the Critical Area Ordinance insofar as possible, including the consolidation or configuration of lots not individually owned; or
 - (b) The land has received a building permit subsequent to December 1, 1985, but prior to local program approval;

- (3) It is on land that was subdivided into recorded, legally buildable lots, where the subdivision received the City's final approval between June 1, 1984, and December 1, 1985; and
 - (4) It is on land that was subdivided into recorded, legally buildable lots, where the subdivision received the final approval after December 1, 1985, and provided that either development of any such land conforms to the IDA, LDA or RCA requirements in this chapter or the area of the land is counted against the growth allocation permitted under this chapter, or was approved by the Critical Area Commission at the time of local ordinance approval.
- C. Site plan/project approval. The City of Havre de Grace shall permit the implementation of any site plan or project plan that has received final approval prior to March 6, 2006 (the date of City Council approval of the new Chesapeake Bay Critical Area Ordinance), notwithstanding that the plan may not be fully compliant with the provisions of this chapter.
- (1) If the approval of a site plan or project plan expires after March 6, 2006, the site plan or project plan shall then be subject to regulations of this chapter. If necessary, the site plan or project plan shall be revised to be fully compliant with the provisions of this chapter, or the applicant shall obtain a variance in accordance with the provisions of § 49-18.
 - (2) A minor revision to a site plan or project plan that received final approval prior to March 6, 2006, will not affect the approval and the project may be implemented in accordance with the revised plan notwithstanding that the plan may not be fully compliant with the provisions of this chapter. A minor revision is defined as a change to the site plan or project plan that does not affect the approved limits of disturbance, does not increase the approved area of impervious surface by more than 10%, and does not involve disturbance within the one-hundred-foot buffer in excess of that on the originally approved plan. A minor revision to an approved site plan or project plan shall be subject to the regulations in effect at the time of approval; however, if impervious surface area is increased, the stormwater management design shall be revised to be fully compliant with the provisions of this chapter.
 - (3) If an approved site plan or project plan is revised to accommodate a change in use, a new site plan or project plan shall be prepared in accordance with the provisions of this chapter
- D. Consistency. Nothing in this section may be interpreted as altering any requirements for development activities set out in §§ 49-20, Water-dependent facilities, and § 49-9, Habitat protection.

§ 49-17. Intrafamily transfers.

The City of Havre de Grace does not include any properties that would qualify for application of the intrafamily transfer provisions included in the Critical Area Act. At such time in the future that an area within the City would be proposed for development using the intrafamily transfer provisions, then appropriate modifications would be made to the City's Critical Area Ordinance prior to approval of any subdivision or development allowed under these provisions.

§ 49-18. Variances.

- A. Definition. "Unwarranted hardship" means that, without a variance, an applicant would be denied reasonable and significant use of the entire parcel or lot for which the variance is requested.
- B. Applicability. The City has established provisions where, owing to special features of a site or other circumstances, implementation of this chapter or a literal enforcement of provisions within the chapter would result in unwarranted hardship to an applicant, a Critical Area Ordinance variance may be obtained. The provisions for granting such a variance shall include evidence submitted by the applicant that the following standards are met.
- C. Standards. Except as expressly set forth in this § 49-18, the same procedures shall apply for review and recommendations by the City Planning Commission concerning variance requests, and decisions by the City Board of Appeals concerning variance requests, as set forth in the City's then current Planning Commission and Board of Appeals Ordinances. Before granting a variance for the requirements of this chapter, the Board of Appeals shall make findings that demonstrate that the variance meets the following standards:
 - (1) Special conditions or circumstances exist that are peculiar to the land or structure involved and a literal enforcement of provisions and requirements of the City's Critical Area Ordinance would result in unwarranted hardship.
 - (2) A literal interpretation of the provisions of the Critical Area Ordinance and related ordinances will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area.
 - (3) The granting of a variance will not confer upon an applicant any special privilege that would be denied by the City Critical Area Ordinance to other lands or structures within the Critical Area.
 - (4) The variance request is not based upon conditions or circumstances which are the result of actions by the applicant, nor does the request arise from any condition relating to land or building use, either permitted or nonconforming on any neighboring property.

- (5) The granting of a variance shall not adversely affect water quality or adversely impact fish, wildlife or plant habitat within the Critical Area, and the granting of the variance will be in harmony with the general spirit and intent of the Critical Area Act and the City Critical Area Ordinance.
 - (6) Applications for a variance will be made in writing to the City Board of Appeals, with a copy provided to the Critical Area Commission.
- D. Process. After hearing an application for a Critical Area Ordinance variance, the Board of Appeals shall make findings reflecting analysis of each standard. The City shall notify the Critical Area Commission of its findings and decision to grant or deny the variance request.
- (1) In considering an application for a variance, the Board of Appeals shall presume that the specific development activity in the Critical Area that is subject to the application and for which a variance is required does not conform with the general purpose and intent of Natural Resources Article, Title 8, Subtitle 18, COMAR Title 27, and the requirements of this chapter.
 - (2) If the variance is based on conditions or circumstances that are the result of actions by the applicant, including the commencement of development activity before an application for a variance has been filed, the Board of Appeals may consider that fact.
 - (3) An applicant has the burden of proof and the burden of persuasion to overcome the presumption of nonconformance established in Subsection D(1) above.
 - (4) Based on competent and substantial evidence, the Board of Appeals shall make written findings as to whether the applicant has overcome the presumption of nonconformance as established above.
 - (5) With due regard for the person's experience, technical competence, and specialized knowledge, the written findings may be based on evidence introduced and testimony presented by:
 - (a) The applicant;
 - (b) The City or any other government agency; or
 - (c) Any other person deemed appropriate by the City.
- E. Appeals. Appeals of decisions concerning the granting or denial of a variance under these regulations shall be taken in accordance with all applicable laws and procedures of the City for variances. Variance decisions by the Board of Appeals may be appealed to the Circuit Court in accordance with the Maryland Rules of Procedure. Appeals may be taken by any person, firm, corporation or governmental agency aggrieved or adversely affected by any decision made under this section.

- F. Conditions and mitigation. The Board of Appeals may impose conditions on the use or development of a property which is granted a variance as it may find reasonable to ensure that the spirit and intent of the Critical Area Ordinance is maintained, including, but not limited to, the following:
- (1) Impacts resulting from the granting of the variance shall be mitigated by planting on the site per square foot of the variance granted at no less than a three to one basis or as recommended by the City staff.
 - (2) New or expanded structures or impervious surfaces shall be located the greatest possible distance from mean high water, the landward edge of tidal wetlands, tributary streams, nontidal wetlands, or steep slopes.

§ 49-19. Program amendments.

- A. Program amendments. The Mayor and City Council may from time to time amend the City Critical Area Ordinance. All such amendments shall also be approved by the Critical Area Commission as established in Section 8-1809 of the Critical Area Act. No such amendment shall be implemented without approval of the Critical Area Commission. Standards and procedures for Critical Area Commission approval of proposed amendments are as set forth in the Critical Area Act Section 8-1809. In addition, the City Council shall review the entire program and propose any necessary amendments as required at least every six years.
- B. Process. When an amendment is requested, the applicant shall submit the amendment to the Planning Commission for review. The Planning Commission shall review the amendment and supporting documentation and shall make findings regarding consistency with the Critical Area Act and criteria. This information shall be forwarded to the City Council. The City Council shall hold a public hearing at which parties of interest and citizens shall have an opportunity to be heard. At least 14 days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City. The City Council shall forward the approved amendment request to the Critical Area Commission for final approval.
- C. Zoning Map amendments. Except for ordinance amendments or Ordinance refinements developed during a six-year comprehensive review, a Zoning Map amendment may only be granted by the City Council upon proof of a mistake in the existing zoning. This requirement does not apply to proposed changes to a Zoning Map that meet the following criteria:
- (1) Are wholly consistent with the land classifications in the adopted ordinance; or

- (2) Propose the use of growth allocation in accordance with the adopted ordinance.

§ 49-20. Water dependent facilities.

- A. Definition. "Water-dependent facilities" means those structures or works associated with industrial, maritime, recreational, educational or fisheries activities that require location at or near the shoreline within the buffer specified in § 49-10 of this chapter. An activity is water-dependent if it cannot exist outside the buffer and is dependent on the water by reason of the intrinsic nature of its operation.
- B. Identification. These activities include, but are not limited to, ports, the intake and outfall structures of power plants, water-use industries, marinas and other boat docking structures, public beaches and other public water-oriented recreation areas, and fisheries activities. Excluded from this regulation are individual private piers installed or maintained by riparian landowners, and which are not part of a subdivision that provides community piers.
- C. Policies. The policies of the City with regard to water-dependent facilities shall be to limit development activities in the buffer to those that are water-dependent and provide by design and location criteria that these activities will have minimal individual and cumulative impacts on water quality and fish, wildlife, and plant habitat in the Critical Area.
- D. Criteria. The following criteria shall apply to new or expanded development activities associated with water-dependent facilities:
 - (1) New or expanded development activities may be permitted in the buffer in the Intensely Developed Areas, provided that it can be shown:
 - (a) That they are water-dependent;
 - (b) That the project meets a recognized private right or public need;
 - (c) That they have no adverse effects on water quality, fish, plants and wildlife;
 - (d) That, insofar as possible, non-water-dependent structures or operations associated with water-dependent projects or activities are located outside the buffer; and
 - (e) That the facilities are consistent with an approved local plan as set forth below.
 - (2) Except as otherwise provided in this program, new or expanded development activities may not be permitted in those portions of the buffer which occur in Resource Conservation Areas.

- E. Implementation. Applicants for new or expanded water-dependent facilities in Intensely Developed Areas shall describe in the application how the above requirements will be met.
- F. Evaluating new and expanded water-dependent facilities. The City shall evaluate on a case-by-case basis all proposals for expansion of existing or new water-dependent facilities. The City shall work with appropriate state and federal agencies to ensure compliance with applicable regulations. The following factors shall be considered when evaluating proposals for new or expanded water-dependent facilities:
- (1) That the activities will not significantly alter existing water circulation patterns or salinity regimes;
 - (2) That the water body upon which these activities are proposed has adequate flushing characteristics in the area;
 - (3) That disturbance to wetlands, submerged aquatic plant beds, or other areas of important aquatic habitats will be minimized, and that appropriate protection measures will be included in a Habitat Protection Plan;
 - (4) That adverse impacts to water quality that may occur as a result of these activities, such as non-point source run-off, sewage discharge from land activities or vessels, or from boat cleaning and maintenance operations, is minimized;
 - (5) That shellfish beds will not be disturbed or be made subject to discharge that will render them unsuitable for harvesting;
 - (6) That dredging shall be conducted in a manner, and using a method which causes the least disturbance to water quality and aquatic and terrestrial habitats in the area immediately surrounding the dredging operation or within the Critical Area, generally;
 - (7) That dredged spoil will not be placed within the buffer or elsewhere in that portion of the Critical Area which has been designated as a Habitat Protection Area except as necessary for:
 - (a) Backfill for permitted shore erosion protection measures;
 - (b) Use in approved vegetated shore erosion projects;
 - (c) Placement on previously approved channel maintenance spoil disposal areas; and
 - (d) Beach nourishment.
 - (8) That interference with the natural transport of sand will be minimized; and
 - (9) That disturbance will be avoided to historic areas of waterfowl staging and concentration.

- G. Availability of information. The information necessary for evaluating the above factors, if not available locally, shall be obtained from appropriate state and federal agencies.
- H. Industrial and port-related facilities. New, expanded or redeveloped industrial or port-related facilities and the replacement of these facilities may be permitted only in those portions of Intensely Developed Areas designated as Buffer Exemption Areas in accordance with § 49-11 of this chapter and are subject to the factors set forth in this section.
- I. Marinas and other commercial maritime facilities. New, expanded or redeveloped marinas may be permitted in the buffer within Intensely Developed Areas subject to the requirements set forth in this section. New marinas or related maritime facilities may not be permitted in the buffer within Resource Conservation Areas except as provided in Subsection L below. Expansion of existing marinas may be permitted by the City within Resource Conservation Areas, provided that it is sufficiently demonstrated that the expansion will not adversely affect water quality, and that it will result in an overall net improvement in water quality at or leaving the site of the marina. New and existing marinas shall meet the sanitary requirements of the State Department of the Environment as required in COMAR 26.04.02. New marinas shall establish a means of minimizing the discharge of bottom wash waters into tidal waters.
- J. Community piers. New or expanded community marinas and other noncommercial boat docking and storage facilities may be permitted in the buffer subject to the requirements in this section, provided that:
 - (1) These facilities may not offer food, fuel, or other goods and services for sale and shall provide adequate and clean sanitary facilities;
 - (2) The facilities are community-owned and established and operated for the benefit of the residents of a platted and recorded riparian subdivision;
 - (3) The facilities are associated with a residential development approved by the City for the Critical Area and consistent with all state requirements and program requirements for the Critical Area;
 - (4) Disturbance to the buffer is the minimum necessary to provide a single point of access to the facilities; and
 - (5) If community piers, slips, or moorings are provided as part of the new development, private piers in the development are not allowed.
- K. Number of slips or piers permitted. The number of slips, or piers permitted at the facility shall be the lesser of Subsection K(1) or (2) below:

- (1) One slip for each 50 feet of shoreline in the subdivision in the Intensely Developed Area and one slip for each 300 feet of shoreline in the subdivision in the Resource Conservation Area; or
- (2) A density of slips or piers to platted lots or dwellings within the subdivision in the Critical Area according to the following schedule:

Platted Lots or Dwellings in the Critical Area

Slips up to 15	1 for each lot
16 to 40	15 or 75%, whichever is greater
41 to 100	30 or 50%, whichever is greater
101 to 300	50 or 25%, whichever is greater
Over 300	75 or 15%, whichever is greater

- L. Public beaches, recreation or education areas. Public beaches or other public water-oriented recreation or education areas, including, but not limited to, publicly owned boat launching and docking facilities and fishing piers, may be permitted in the buffer in Intensely Developed Areas. These facilities may be permitted within the buffer in Limited Development Areas and Resource Conservation Areas, provided that:
- (1) Adequate sanitary facilities exist;
 - (2) Service facilities are, to the extent possible, located outside the buffer;
 - (3) Permeable surfaces are used to the extent practicable, if no degradation of groundwater would result;
 - (4) Disturbance to natural vegetation is minimized; and
 - (5) Areas for passive recreation, such as nature study, hiking, and hunting and trapping, and for education, may be permitted in the buffer within Resource Conservation Areas if service facilities for these uses are located outside of the buffer.
- M. Research areas. Water-dependent research facilities or activities operated by state, federal, or local agencies or educational institutions may be permitted in the buffer, if non-water-dependent structures or facilities associated with these projects are, to the extent possible, located outside of the buffer.
- N. Fisheries activities. Lands and water areas with high aquacultural potential will be identified by the City in cooperation with the state when applications for new or expanded fisheries or aquaculture facilities in these areas are submitted to the City. These areas are encouraged for that use and, if so used, should be protected from degradation by other types of land and water use or by adjacent land and water uses. Commercial water-dependent fisheries including, but not limited to, structures for crab shedding, fish off-loading docks, shellfish culture operations and shore-based facilities necessary for

aquaculture operations and fisheries activities, may be permitted in the buffer in Intensely Developed, Limited Development and Resource Conservation Areas.

§ 49-21. Structures on piers.

- A. Definition. " Pier" means any pier, wharf, dock, walkway, bulkhead, breakwater, piles or other similar structure. "Pier" does not include any structure on pilings or stilts that was originally constructed beyond the landward boundaries of state or private wetlands.
- B. Standards. Except as provided in Subsection B(1), (2) and (3) below, the City may not issue a building permit for any project involving the construction of a dwelling unit or other non-water-dependent structure on a pier located on state or private tidal wetlands within the Critical Area.
- (1) The City may issue a building permit for a project involving the construction of a dwelling unit or other non-water-dependent structure on a pier located on state or private wetlands within the Critical Area that was issued a permit by the Department of Natural Resources on or before January 1, 1989.
 - (2) The City may issue a building permit for a project involving the construction of a dwelling unit or other non-water-dependent structure on a pier located on state or private wetlands within the Critical Area if the following conditions exist:
 - (a) The project is constructed on a pier that existed as of December 1, 1985, that can be verified by a Department of Natural Resources aerial photograph dated 1985, accompanied by a map of the area;
 - (b) The project does not require an expansion of the pier greater than 25% of the area of piers or dry docks removed on the same property; however, additional expansion may be allowed in the amount of 10% of the water coverage eliminated by removing complete piers from the same or other properties. If the horizontal surface of a pier to be removed is not intact, but pilings identify its previous size, then that area may be used in determining the additional expansion permitted. The project expansion based on water coverage eliminated can be considered only if all nonfunctional piers on the property are removed except for the project pier. The total expansion may not exceed 35% of the original size of the piers and dry docks removed;
 - (c) The project is approved by the City Planning Commission.
 - (d) The project is located in an Intensely Developed Area (IDA) as designated in programs approved by the Critical Area Commission.

- (3) The City may issue a building permit for the repair of an existing dwelling unit or other non-water-dependent structure on a pier located on state or private wetlands within the Critical Area.
- (4) If a structure that is not water-dependent is to be permitted by the City under the exceptions included in this section, an applicant is required to demonstrate that the project will meet the following environmental objectives using the standards established under the City's Critical Area Program:
 - (a) The construction and operation of the project will not have a long-term adverse effect on the water quality of the adjacent body of water;
 - (b) The quality of stormwater runoff from the project will be improved; and
 - (c) Sewer lines or other utility lines extended for the pier will not affect the water quality of adjoining waters.

§ 49-22. Shore erosion protection works.

- A. Definition. "Shore erosion protection works" means those structures or measures constructed or installed to prevent or minimize erosion of the shoreline in the Critical Area. The use of structural devices to protect the shoreline from erosion can result in a significant disturbance to the aquatic environment and increase erosion downstream. This section sets forth a plan for limiting the use of structural erosion control devices to only those areas where major erosion problems exist. As an alternative to structural erosion controls, the City encourages the use of nonstructural controls such as marsh creation, maintenance of buffer zones, and the establishment of natural barriers to prevent intrusion on fragile vegetative shoreline. The criteria set forth in this chapter are not intended to apply to those structures necessarily associated with water-dependent facilities as discussed in § 49-20 of this chapter.
- B. General policies. In protecting shore areas from erosion the City shall follow these policies:
 - (1) Encourage the protection of rapidly eroding portions of the shoreline in the Critical Area by public and private landowners;
 - (2) Where such measures can effectively and practically reduce or prevent shore erosion, encourage the use of nonstructural shore protection measures in order to conserve and protect plant, fish and wildlife habitat.
- C. Identification. Shoreline areas of the City will be evaluated at the time of project application to identify those areas where erosion is occurring and where erosion control would or would not be needed. Areas where nonstructural erosion control devices could be effectively used shall be identified as well as areas where erosion is so severe that only

structural measures can be effectively used to control the erosion. The site evaluation shall include analysis of the specific site conditions, aerial photography, and any available information on historic shoreline erosion rates as may be available from the Maryland Geological Survey, the Maryland Department of the Environment, and the Department of Natural Resources. Sites shall be classified based on the following criteria and shoreline characteristics:

- (1) Areas where no appreciable erosion appeared;
 - (2) Areas where appreciable erosion appeared and where nonstructural measures would be practical and effective; and
 - (3) Areas where appreciable erosion appeared and where nonstructural measures would not be practical in controlling erosion.
- D. Standards for erosion protection. The City shall consider the following standards when evaluating shore erosion control projects:
- (1) Structural control measures shall only be used in areas where appreciable erosion occurs and where nonstructural measures would not be practical or effective in controlling erosion.
 - (2) Where structural erosion control is required, the measure that best provides for conservation of fish and plant habitat, and which is practical and effective, shall be used;
 - (3) Nonstructural measures shall be utilized in areas of erosion where they would be a practical and effective method of erosion control;
 - (4) Structural erosion measures shall not be encouraged in areas where no significant erosion occurs;
 - (5) If significant alterations in the characteristics of a shoreline occur, the measure that best fits the change may be used for sites in that area.
- E. Implementation. The City shall require that each application for shore erosion protection demonstrate how it complies with the preceding standards.
- F. Shoreline changes. The City recognizes that storms and other natural events may change current shoreline erosion patterns. As such, an individual may request the use of a structural erosion control device in an area currently designated for nonstructural controls. This request must be accompanied by documentation which identifies the specific location of the site to be protected, and a description of the event or events which led to the change in the erosion pattern.
- G. Process. The City, in reviewing any application for a permit for structural erosion control devices, shall refer the application to the Soil Conservation District and to the Maryland Department of the

Environment for field verification of the need for the structural erosion control as well as for recommendations on proposed erosion control mechanisms.

- (1) Any application made to the City for the installation of an erosion control device must, at a minimum, include the following information:
 - (a) Photograph of erosion problem;
 - (b) The specific location of the site on a USGS 7.5 topographic map;
 - (c) Soil type and erodibility;
 - (d) Proposed and existing land use.
- (2) Applications must include appropriate authorization from the Maryland Department of the Environment and the U.S. Army Corps of Engineers.
- (3) For projects that involve shoreline tree clearing, applicants shall be required to reforest the buffer, replacing trees and understory on a 1:1 basis.

§ 49-23. Forest and woodland protection.

- A. General policies. The following policies for forest and woodland protection recognize the value of forested land for its water quality benefits and for habitat protection while accommodating the utilization of forest resources:
 - (1) Maintain and increase the forested vegetation in the Critical Area;
 - (2) Conserve forests and developed woodlands and provide for expansion of forested areas;
 - (3) Provide that the removal of trees associated with development activities shall be minimized and, where appropriate, shall be mitigated; and
 - (4) Recognize that forests are a protective land use and should be managed in such a manner so that maximum values for wildlife, water quality, timber, recreation, and other resources can be maintained, even when they are mutually exclusive.
- B. Identification. The City identified and mapped forests and developed woodlands within the Critical Area and identified and mapped habitat protection areas as in 1988 during the adoption of the Critical Area Program. More detailed evaluations of forest and developed woodland resources on specific sites shall be accomplished as part of the environmental analysis required prior to site plan and subdivision approval.

- C. Policies for the protection of riparian and forest habitat. The protection of riparian habitat shall be accomplished through the following policies:
- (1) Vegetation shall be maintained in its natural condition along all streams to provide wildlife corridors.
 - (2) A minimum one-hundred-foot buffer shall extend landward from the mean high water line of tidal water, tributary streams and tidal wetlands. This area is to be conserved for wildlife protection. Although most of the shoreline areas within the City are designated as Buffer Exemption Areas, existing vegetation within the buffer shall be protected except in accordance with the provisions for development within Buffer Exemption Areas.
 - (3) Nontidal wetland forests should be left in a natural state for wildlife and water quality protection.
 - (4) Forest areas utilized as breeding areas by forest interior dwelling birds and other wildlife species (for example relatively mature forested areas within the Critical Area of 100 acres or more, or forest connected with these areas) shall be conserved.
 - (5) Existing riparian forests (for example, those relatively mature forests of at least 300 feet in width which occur adjacent to streams, wetlands, or the Bay shoreline and which are documented breeding areas) shall be conserved.
- D. Process. If a forest is to be developed, a site-specific field investigation shall be conducted to determine important sensitive species present and to make sure that appropriate protection measures are incorporated into the development plan. The Department of Natural Resources will make specific recommendations based on an evaluation of the site and the proposed development. In general, the following measures are recommended:
- (1) Minimize forest and woodlands disturbance from May through August of each year;
 - (2) Focus all development on the periphery of the forest or woodlands;
 - (3) Retain the forest canopy as well as shrub understory;
 - (4) Retain snag and mature seed trees as dens for woodpeckers and as nests for bald eagles;
 - (5) Discourage the creation of small clearings and expansion of forest edge habitats; and
 - (6) Encourage reestablishment of native forests and woodlands.
- E. Policies for the establishment or replacement of forest. The following policies should be used for afforestation and reforestation:

- (1) The replacement or establishment of forests or developed woodlands should ensure a diversified plant community and should include canopy trees, understory trees, shrub scrub and herbaceous plants;
 - (2) Native species should be used for all reforestation and afforestation;
- F. Tree cutting in the buffer. The buffer shall be managed to achieve or enhance the policies stated in Subsection C. Any cutting or removal of natural vegetation as allowed below shall require a buffer management permit or plan approved by the Department of Economic Development and Planning or its designee. A planting agreement shall be executed to ensure that trees or vegetation that are removed are replaced on an equal basis. Cutting or clearing of trees within the buffer shall be prohibited except that:
- (1) Cutting of trees or removal of natural vegetation may be permitted where necessary to provide access to private piers, or to install or construct a shore erosion protection device or measure, or a water-dependent facility, provided the device, measure or facility has received all necessary state and federal permits.
 - (2) Individual trees may be cut for personal use, provided that this cutting does not impair the water quality or existing habitat value or other functions of the buffer as set forth in the policies of this plan and provided that the trees are replaced in the buffer on an equal basis for each tree cut.
 - (3) Individual trees may be removed which are in danger of falling and causing damage to dwellings or other structures, or which are in danger of falling and therefore causing the blockage of streams, or resulting in accelerated shore erosion.
 - (4) Horticultural practices may be used to maintain the health of individual trees.
 - (5) Other cutting techniques may be undertaken within the buffer and under the advice and guidance of the State Departments of Agriculture and Natural Resources, if necessary to preserve the forest from extensive pest or disease infestation or threat from fire.
- G. Enforcement. As required under Section 8-1815.1 of the Natural Resources Article, Annotated Code of Maryland, unauthorized clearing, cutting, or removal of vegetation; unauthorized clearing, cutting, or removal of vegetation in the buffer; and clearing, cutting or removal of vegetation in excess of the area permitted to be cleared by this chapter is considered a civil violation of this chapter and shall result in fines and mandatory planting. The Department of Economic Development and Planning, or its designee, shall have the authority to issue a citation and are hereby declared to be the officials with the duty of enforcing

these provisions. All replanting plans shall be prepared by a state or registered professional forester or landscape architect.

- (1) For unauthorized clearing, cutting, or removal of vegetation that does not exceed the area that could be authorized in accordance with this chapter, fines shall be assessed in the amount of \$100 for each occurrence and reforestation shall be required on an equal area basis if less than 20% of the forest cover is removed. For clearing between 20% and 30% of the existing forest cover, reforestation shall be required at 1.5 times the total surface acreage of forest cleared.
- (2) For unauthorized clearing, cutting, or removal of vegetation that exceeds the area that could be authorized in accordance with this chapter, fines shall be assessed at \$100 for each occurrence and reforestation shall be required at three times the total surface acreage of forest cleared.
- (3) For unauthorized clearing, cutting, or removal of vegetation in the buffer or another Habitat Protection Area, fines shall be assessed at \$100 for each occurrence and reforestation shall be required at three times the total surface acreage of forest cleared.
- (4) When trees or vegetative cover cannot be fully replaced on-site because of existing vegetation, existing development, or the size of the parcel, then planting shall take place on an off-site location approved by the Department of Economic Development and Planning or its designee. If an off-site location cannot be utilized then fees-in-lieu shall be collected. All off-site locations resulting from Subsection G(3) above shall be located in the buffer or Habitat Protection Area. Fees shall be assessed at \$0.50 per square foot of required mitigation or \$50 per tree.
- (5) Fines collected from enforcement actions in the Critical Area shall be maintained in a separate account to be used by the municipality for reforestation or other habitat or water quality enhancing efforts.
- (6) All violations resulting in on-site or off-site planting shall include a written planting agreement signed by the landowner and the Department of Economic Development and Planning designee. Said planting agreement shall include: size and species of trees, planting windows, survivability, follow-up inspection period, bonding and other factors deemed to be relevant.

§ 49-24. Commercial timber harvesting.

The City of Havre de Grace does not include any areas that are currently undergoing or are proposed for commercial timber harvesting. At such time in the future that an area within the City would be proposed for this type of use through annexation or a change in current land use, then appropriate

modifications would be made to the City's program at the same time that the annexation or approval of the change in land use takes place.

§ 49-25. Agriculture.

The City of Havre de Grace does not include any areas that are currently undergoing or are proposed for agricultural use. At such time in the future that an area within the City would be proposed for this type of use through annexation or a change in current land use, then appropriate modifications would be made to the City's program at the same time that the annexation or approval of the change in land use takes place.

§ 49-26. Surface mining in Critical Area.

- A. Definition. "Surface mining" is defined as the breaking of the surface soil in order to extract or remove minerals in the Critical Area. Surface mining includes any activity or process constituting all or part of a process for the extraction or removal of minerals from their original location in the Critical Area and the extraction of sand, gravel, rock, stone, earth or fill from borrow pits for highway construction purposes or for other uses. For the purpose of this section, "surface mining" is also defined as operations engaged in processing minerals at the site of extraction; removal of overburden and mining of limited amounts of any mineral when done for the purpose of prospecting and to the extent necessary to determine the location, quantity or quality of any natural deposit; and mining operations, if the affected land exceeds one acre or more in area.
- B. Surface mining is not a permitted use in the City. Should the City amend its Zoning Ordinance to allow surface mining in any zone within the Critical Area, the City shall amend its Critical Area Ordinance to include appropriate language.

§ 49-27. Natural parks.

- A. Definition. Natural parks are areas of natural habitat that provide opportunities for those recreational activities that are compatible with the maintenance of natural conditions.
- B. Identification. The City has identified two areas within the Critical Area as natural parks. These areas were not chosen to preserve only natural curiosities, but include coastal ecosystems that are within the jurisdiction, each with its geological and biological resources intact. These areas are Tydings Island, and the combined area of the Susquehanna Museum at the Lock House, North Park, and McLhinney Park.
- C. General policies. The City shall encourage the creation of opportunities for interaction between people and natural environments without destroying the fragile components of natural habitats. Any plans developed for the use of parks should recognize that all natural terrain

has a finite capacity to tolerate human disturbances, and, therefore, attention should be given to limiting the number of park visitors in any park at any one time or in the course of a season.

- (1) Park activities are limited to passive recreation such as hiking, picnicking, fishing, bird watching, etc. Activities that are determined to be detrimental to natural resources because they accelerate erosion, disturb wildlife, destroy natural vegetation, or cause other adverse environmental impacts shall be prohibited. Parks may be closed or access made available for limited hours, if necessary, during the breeding season of certain species.
- (2) Development in parks shall be designed and implemented to reduce impacts to sensitive resources. Structures should be limited to trails, observation blinds, walkways, rest stops, instructional pavilions, maintenance offices, and maintenance equipment storage sheds.
- (3) Park use may be limited during times when plant or wildlife species may be especially sensitive to disturbance (i.e., after a heavy rain, a flood, during a drought period or at the beginning of the growing season).

§ 49-28. Program enforcement.

General policies. With the exception of the enforcement policies as outlined in § 49-23, Forest and woodland protection, the following policies are in effect for general program enforcement:

- A. In addition to any other penalty applicable under state or municipal law, a person who violates a provision of Natural Resources Article, Title 8 Subtitle 18, or the City's Critical Area Program, ordinance, or regulations is subject to a fine not exceeding \$10,000. This fine is payable to the City of Havre de Grace, to be deposited in the City's Critical Area Fund. Each day a violation continues constitutes a separate violation.
- B. In determining the amount of the penalty to be assessed under Subsection A, the City may consider the following:
 - (1) The gravity of the violation;
 - (2) Any willfulness or negligence involved in the violation; and
 - (3) The environmental impact of the violation.
- C. A late charge equal to 1.5% per month shall be added to any amount of any fine unpaid and outstanding 30 days after billing and monthly thereafter until the outstanding amount is paid in full. The fines imposed in this chapter are chargeable as a lien against the property or properties in the violation.

- D. All fines assessed under this chapter, including interest and collection costs, shall be collected and secured in the same manner as municipal taxes and shall be subject to the same penalties and the same procedure, sale and lien priority in case of delinquency, as provided for general ad valorem taxes. The City may also recover such fines in a civil action brought by the City. The responsible party shall pay collection costs, including the actual attorney fees incurred by the City, should the City engage the services of any attorney. The City may also seek an injunction requiring the person to cease the violation of this chapter, take corrective action, and/or refer the violation to the Critical Area Commission and/or Office of the Attorney General of Maryland for civil or criminal prosecution.

§ 49-29. Severability.

If any section, sentence, clause or phrase of this chapter is held invalid or unconstitutional by any court of competent jurisdiction, then said ruling shall not affect the validity of the remaining portions of this chapter.

Chapter 52

CURFEW

§ 52-1. Definitions.

As used herein, the following terms shall have the meanings indicated:

CURFEW HOURS — From 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday, until 6:00 a.m. on the following day, and from 12:01 a.m. until 6:00 a.m. on any Saturday and from 12:01 a.m. until 6:00 a.m. on any Sunday.

EMERGENCY — An unforeseen combination of circumstances or the resulting state that calls for immediate action. The term "emergency" includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation that requires 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. The term "establishment" does not include a business that provides lodging at which a minor is a lawful guest.

GUARDIAN — A person who, under court order, is the guardian of the person of a minor or a public or private agency with whom a minor has been placed by a court.

MINOR — Any person under the age of 17 years, but does not include a minor who is able to demonstrate that he or she is judicially emancipated, or married.

NARCOTIC TRAFFICKING — The act of engaging in any prohibited activity related to narcotic drugs or controlled substances prohibited by Maryland law.

OPERATOR — Any individual, firm, association, partnership, or corporation that operates, manages, or conducts any establishment. The term "operator" includes the members or partners of an association or partnership and the officers of a corporation.

PARENT — A natural parent, adoptive parent or step-parent, or any person who has legal custody by court order or marriage, or any person not less than 21 years of age who is authorized by the natural parent, adoptive parent, step-parent or custodial parent of a minor to be a caretaker for the 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, streets, highways, roads, sidewalks, alleys, lanes, parks, playgrounds, wharfs, docks, public buildings, or vacant lots, and the common areas of schools, hospitals, apartment houses, office buildings, malls, transport facilities, and shops.

REMAIN — To linger or stay or fail to leave the premises when requested to do so by a law enforcement 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.

§ 52-2. Curfew authority.

- A. It shall be unlawful for a minor to remain in any public place or on the premises of any establishment within the City of Havre de Grace during curfew hours.
- B. It shall be unlawful for a parent or guardian of a minor to knowingly permit, or by insufficient control allow, the minor to remain in any public place or on the premises of any establishment within the City of Havre de Grace during curfew hours.
- C. It shall be unlawful for the owner, operator, or any employee of an establishment to knowingly allow a minor to remain upon the premises of the establishment during curfew hours.

§ 52-3. Defenses.

- A. It is a defense to prosecution under 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, train, or bus involved in interstate travel;

- (4) Engaged in some legitimate employment, trade, profession or occupation, or going to, or returning home from, such activity, without any detour or stop;
 - (5) Involved in an emergency;
 - (6) On the sidewalk that abuts the minor's residence;
 - (7) In attendance at an official school, religious, or other recreational activity sponsored and supervised by a bona fide organization that takes responsibility for the minor, or going to, or returning home from, without any detour or stop, any such activity; or
 - (8) Lawfully exercising rights protected by the United States or Maryland Constitutions.
- B. It is a defense to prosecution of any owner, operator, or employee of an establishment under this chapter that the owner, operator, or employee promptly notified the police that a minor was present on the premises of the establishment during curfew hours and refused to leave.

§ 52-4. Enforcement procedures.

- A. Before taking any enforcement action under this section, a law enforcement 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 section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense set forth in § 52-3 of this chapter is proffered or is present.
- B. If a law enforcement officer determines that a minor is committing a curfew offense, the law enforcement officer shall:
- (1) Obtain information from such minor so as to determine his or her name, address, age, and the name of his or her parents or guardians.
 - (2) Upon obtaining such information, the law enforcement officer shall thereupon instruct the minor to immediately proceed to his or her home and accompany the minor home or take the minor home. If the minor resides outside the corporate limits of the City of Havre de Grace, the law enforcement officer may, upon the availability of physical resources and manpower, arrange for the transfer custody of the minor to the appropriate law enforcement agency in the jurisdiction where the minor resides.
 - (3) If the minor is unable or unwilling to provide the pertinent information, or to immediately proceed to his or her home, the law enforcement officer, shall take the minor into custody and deliver the minor to the Havre de Grace Police Department for the purpose of obtaining the pertinent information and contacting the

minor's parents or guardians. The minor's parent or guardian shall be called to the Havre de Grace Police Department. The custody of the minor shall be maintained at the Havre de Grace Police Department, where the minor shall be given telephone access. By 6:00 a.m., the minor shall be released into the custody of (a) the minor's parent or guardian, (b) or to a responsible relative or other responsible individual not less than twenty one (21) years of age, designated by the minor's parent or guardian, who shall agree to take immediate care and responsibility for the minor. If no one claims responsibility for the minor, the minor may be taken to the minor's residence, or, if appropriate under existing regulations, the minor shall be delivered to the appropriate official at the Department of Social Services or other appropriate agency. In the event none of the contingencies enumerated in this subsection are applicable, the minor shall be released by the Havre de Grace Police Department by 6:00 a.m. the following morning.

- C. Nothing in this chapter shall prevent a law enforcement officer who is responding to or processing a curfew violation from terminating his or her response to, or processing of, the curfew violation in order to respond to an emergency situation having priority over the particular curfew violation. In terminating the processing of a curfew violation in any such situation, the law enforcement officer shall, to the extent possible under the existing circumstances, use any reasonable means that may be available and feasible to carry out the purpose and intent of the enforcement procedures set forth in this § 52-4 concerning the minor involved before responding to the emergency. As used in this section, "an emergency situation having priority over the particular curfew violation" shall be as determined by the established procedures, rules, or regulations promulgated by the Chief of the Havre de Grace Police Department, or as otherwise required by governing law, procedure, rule, or regulation.

§ 52-5. Violations and penalties.

Any adult who violates a chapter shall intentionally violate a provision of this chapter shall, upon conviction, be guilty of a misdemeanor and subject to a fine not to exceed \$1,000 and imprisonment for no more than 6 months. Imprisonment in default of fine and costs shall be regulated by the provisions of Article 38, Section 4 of the Annotated Code of Maryland, as the same may be amended from time to time. Any minor of the age of 15 or 16 years of age who shall intentionally violate a provision of this chapter shall be issued a juvenile referral and shall, upon adjudication of a delinquent act by the juvenile court, be subject to the disposition provisions of the juvenile court.

§ 52-6. Application and interpretation.

- A. The provisions of this chapter shall apply generally to all public places throughout the City of Havre de Grace.

- B. The provisions of this chapter are intended for the protection of public health, safety, and general welfare of minors, for the enforcement of parental control over, and responsibility for, minors, for the protection of the general public, and for the reduction of the incidence of juvenile criminal activities, and to diminish the undesirable impact of this conduct on the residents and business owners of the City of Havre de Grace.

§ 52-7. Severability.

If any section, sentence, clause or phrase of this chapter is held invalid or unconstitutional by any court of competent jurisdiction, then said ruling shall not affect the validity of the remaining portions of this chapter.

Chapter 61

ELECTIONS

GENERAL REFERENCES

Elections — See Charter Secs. 5 through 16.

§ 61-1. Registration of voters; review of list; appeals.

- A. It shall be the duty of the Director of Administration or his/her designee to enter in alphabetical order upon the registry book the name of every person appearing before him at the prescribed time and requesting to be registered, provided he shall be satisfied by the oath of said person or otherwise that he is a citizen of the United States above the age of 18 years and has the other qualifications required by this chapter for voters of the City, and the Director of Administration shall have power to administer the oath required by this section.
- B. Within 10 days after the expiration date for registration, the Board of Election Supervisors shall review the list, striking therefrom the names of all persons who are dead, who have removed from the City or who are otherwise disqualified as voters, and within one week thereafter they shall post on the bulletin board at the City Hall a list of names that have been stricken from the registration books as well as a list of the new names added thereto. The Board shall mail a notice to the address of each person on the list of persons to be stricken from the voter registration list advising them to appear before the Board at a specified time and date, which shall be within one week of the mailing of said notice, to show cause why his or her name should not be stricken from the voter registration list.
- C. Any person feeling aggrieved by the action of the Director of Administration in registering or refusing to register the name of any person as aforesaid, or by the Board of Election Supervisors in striking

out or in refusing to strike out the name of any person, as aforesaid, shall have the right of a hearing before the City Council which shall have the power to determine the matter.

§ 61-2. Fraudulent registration by officer.

- A. It shall be unlawful for the Director of Administration or any authorized Deputy to fraudulently register or fraudulently permit to be registered in any registry of voters in his charge as officer of registration any person who is not entitled to be registered therein as a qualified voter.
- B. It shall be unlawful for any person not authorized to register voters to inscribe the name of any person as a qualified and registered voter in any registry of voters.
- C. It shall be unlawful for the Director of Administration or any authorized Deputy to fraudulently refuse or omit to register or fraudulently misspell in any registry of voters the name of any person entitled under the provisions of this chapter to have his name inscribed in such registry of voters.
- D. It shall be unlawful for the Director of Administration or any authorized Deputy to fraudulently strike from the registry of voters in his charge as an officer of registration the name of any qualified and registered voter entitled to remain inscribed upon such registry of voters.
- E. It shall be unlawful for any person to fraudulently strike from any registry of voters the name of any person therein inscribed as a qualified and registered voter.

§ 61-3. Fraudulent registration by voter.

It shall be unlawful for any person to fraudulently register or attempt to register in the name of any other person living or dead, or under any fictitious name or cause himself to be registered or attempt to cause himself to be fraudulently registered, knowing that he has not the right to be registered, or by force, threat, menace, intimidation or other unlawful means prevent, hinder or endeavor to prevent any person having a lawful right to register from fully exercising such right, or compel, or endeavor to compel, by such means, any officer of registration to admit to registration of any person not legally entitled thereto, or interfere with any officer of registration in the discharge of his duties or make any assault or commit any assault and battery or incite or create a riot or any breach of the peace at or near to any place of registration.

§ 61-4. Responsibility for condition of registry of voters.

It shall be unlawful for the Director of Administration or, any member of the Board of Election Supervisors, any officer of registration or judge of elections to lose any registry of voters which may be in his or their charge or custody or willfully destroy, mutilate, deface, falsify or fraudulently remove

or secrete any registry of voters, or fraudulently make any false entry in or false copy of any registry of voters or part thereof or fraudulently make any entry, erasure or alteration in any registry of voters or part thereof.

§ 61-5. Custody of registry books.

The Board of Election Supervisors shall furnish the Director of Administration the registry books of the City for the purpose of registration, the custody of which is to remain with the Manager and the safekeeping of which he is responsible for.

§ 61-6. Filing notice of candidacy; fee.

A notice of candidacy shall be completed in the presence of the Director of Administration or an authorized Deputy who shall be empowered to administer an oath, and the person filing for office shall swear or affirm under penalty of perjury that the information supplied is true and correct. A nonrefundable filing fee of \$20 shall be paid to the Director of Administration at the time of filing a notice of candidacy.

§ 61-7. Voting methods.

The method of casting and marking ballots, the powers and duties of the voters in relation thereof and the rendering of assistance to physically disabled voters shall be as determined by the Mayor and City Council from time to time.

§ 61-8. Voting machines.

The voting machines utilized by the Board of Election Supervisors in the conduct of City elections shall meet all of the requirements of state law.

§ 61-9. Challengers.

Each candidate for office shall be entitled to designate in writing one challenger who shall be a registered voter of the City and who shall be permitted to be present at the polling place from the time the polls are opened until the polls have been closed, the votes have been counted and the results ascertained. Each candidate may designate substitute challengers, but only one such challenger will be permitted within the polling place at any one time. No such challenger shall inquire of any voter as to what candidate or candidates said voter may intend to vote for, or may have voted for, or to confer or converse in the polling place with any voter or to aid or assist said voter in the preparation of his ballot.

§ 61-10. Unlawful acts associated with voting.

It shall be unlawful to falsely impersonate any voter and vote or attempt or offer to vote in or upon the name of such voter; to vote or attempt to vote in or upon the name of any other person whether living or dead, or in or upon any false assumed or fictitious name, or in or upon any name not his own; to

knowingly, willfully or fraudulently vote more than once for any candidate for the same office, except as authorized by law; to vote or attempt or offer to vote without being registered therein as a legal voter; to vote more than once, or having once voted, vote, or attempt or offer to vote again; to knowingly, willfully or fraudulently do any unlawful act to secure for himself or for any other person a right or opportunity to vote; to, by force, threat, menace, intimidation, bribery or reward, or offer or promise thereof, or otherwise unlawfully, either directly or indirectly, influence or attempt to influence any voter in giving his vote; to prevent or hinder, or attempt to prevent or hinder, any qualified voter from freely exercising the right of suffrage, or by any such means induce or attempt to induce any voter to exercise any such right; to compel or induce or attempt to compel or induce any judge of election, or other officer of election, to receive the vote of any person not legally qualified or entitled to vote at the said election; to knowingly, willfully or fraudulently interfere with, delay or hinder in any manner any judge of election, poll clerk or other officer of election in the discharge of his duties; to, by any such means, or other unlawful means; to knowingly, willfully or fraudulently counsel, advise, induce or attempt to induce any judge of election, poll clerk or other officer of election whose duty it is to ascertain, proclaim, announce or declare the result of any such election; to give or to make any false certificate, document, report or other false evidence in relation thereto, to refuse or neglect to comply with his duty; to violate any law regulating the same; to receive the vote of any person not entitled to vote, or to refuse to receive the vote of any person entitled to vote; to aid, counsel, advise, procure or assist any voter, person or judge of election or other officer of election to do any unlawful act or to omit to do any act by law directed to be done.

§ 61-11. Canvass of ballots.

In canvassing votes cast, the judges shall conform to the procedure provided by law in the instance of state and county elections. Upon the completion of the canvass, the judges shall make out and sign two duplicate copies of a statement of return of the result of the canvass on forms provided by the Board of Election Supervisors, which forms shall immediately be placed in sealed envelopes. The judges, no later than 10:00 a.m. on the morning following the election day, shall deliver one copy of such statement or return to the President of the Board of Election Supervisors and deliver the other copy thereof to the Director of Administration, together with all tally sheets and other records of the election for safekeeping by the Director of Administration.

§ 61-12. Proclamation of election results; contested elections.

The Board of Election Supervisors shall meet at the City Council Chamber at the hour of 12:00 o'clock noon on the day next succeeding the day of election; and from the statement return filed with them as hereinbefore provided by the judges of election, they shall proceed to canvass the number of votes cast at said election, and shall declare and proclaim the result of said election; and they shall prepare and file with the Director of

Administration, addressed to the Mayor and City Council, a written statement signed by them or a majority of them of the result of said election. The said Board of Election Supervisors shall have jurisdiction to hear and determine, under such rules and regulations as the Mayor and City Council may by ordinance prescribe, all contested City elections, and any party to such contest may, within 10 days after such determination by said Board, appeal to the Circuit Court for Harford County.

§ 61-13. Posting of sample ballot; absentee ballots.

- A. The Board of Election Supervisors shall, at least four days prior to the day of election, cause an accurate sample copy of the official paper ballot to be posted in four or more public places in the City, said sample copies to be printed on cardboard, and at least one of said sample copies shall be placed on the exterior of the building in which the election is to be held.
- B. Ballots for absentee voting shall be provided for those persons meeting the criteria set forth in the state law governing state and county elections. The procedures for processing applications, casting ballots and canvassing of ballots shall conform to the standards set forth in state law for state and county elections except as may be modified by the Mayor and City Council. Absentee ballots and the related forms may be reproduced by photocopying or offset printing as the Board of Election Supervisors may determine appropriate.

§ 61-14. Printing of ballots; correction of errors.

Ballots shall be printed and in the possession of the Board of Election Supervisors at least five days before election day, and a correct list of the names of the candidates thereon with the designation of the office for which the persons are candidates shall be furnished by said Board of Election Supervisors to any qualified voter on demand. It shall be the duty of the said Board of Election Supervisors to correct immediately any mistakes that may be discovered in said ballot without delay.

§ 61-15. New election in case of tie vote.

If the voters of the City of Havre de Grace fail to elect a Mayor or City Councilman because two or more candidates receive equal numbers of votes, a new election shall be ordered by the Board of Election Supervisors.

§ 61-16. New election procedure.

In any case where a new election is ordered by the Board of Election Supervisors, the following procedures shall be followed:

- A. The new election shall be scheduled 14 days after the election which resulted in a tie.
- B. Registration shall remain closed until after the new election.

- C. Only the names of those candidates whose vote count resulted in a tie, thereby causing a failure to elect, shall appear on the ballot.

§ 61-17. Conduct of new election.

Any new election ordered pursuant to the terms of this chapter shall be conducted in the same manner as regularly scheduled elections of the City of Havre de Grace, except to the extent that provisions relating to regular elections are inconsistent herewith.

§ 61-18. Enforcement.

Any person convicted of committing any unlawful act as provided in this chapter shall be guilty of a misdemeanor. If any unlawful act is continuing, then each day during which such violation continues shall be considered a separate offense. In addition to any criminal penalty which may be imposed, all the provisions of this chapter may be enforced by petition for injunction filed on behalf of The Mayor and City Council of Havre de Grace.

Chapter 67

ETHICS

GENERAL REFERENCES

Criminal sanctions — See Ch. 1, Art. I.

§ 67-1. Definitions.

The words used in this chapter shall have their normal accepted meanings except as set forth below:

BUSINESS ENTITY — Any corporation, general or limited partnership, sole proprietorship, limited-liability partnership or corporation, private consultant operation, joint venture, unincorporated association or firm, institution, trust, foundation or other organization, whether or not operated for profit.

CITY — The Mayor and City Council of Havre de Grace, a municipal corporation of the State of Maryland.

COMMISSION — The Havre de Grace Ethics Commission established pursuant to this chapter.

COMPENSATION — Any money or thing of value, regardless of form, received or to be received by any individual covered by this chapter from an employer for service rendered.

DOING BUSINESS WITH —

- A. Having or negotiating a contract that involves the commitment or receipt of City or City-controlled funds; or
- B. Being regulated by or otherwise under the authority of the City.

FINANCIAL INTEREST —

- A. Ownership of any interest as the result of which the owner has received \$1,000, within the past year, or is presently receiving, or in the future is entitled to receive, compensation; or
- B. Ownership, or the ownership of securities of any kind representing or convertible into ownership, of more than 3% of a business entity.

GIFT — The transfer of anything of economic value, regardless of the form, without adequate and lawful consideration. "Gift" does not include the solicitation, acceptance, receipt or regulation of political campaign contributions regulated in accordance with the provisions of the Election Article of the Annotated Code of Maryland, or any other provision of state or Harford County law regulating the conduct of elections or the receipt of political campaign contributions. Notwithstanding the above, "gift" includes any transfer in the aggregate from one person greater than \$100 for the reporting period to any elected official or candidate for elected office in a City election. Campaign contributions are a separate form of gift that elected officials or candidates for elected office shall disclose.

INTEREST — Any legal or equitable economic interest, whether or not subject to an encumbrance or a condition, which was owned or held, in whole or in part, jointly or severally, directly or indirectly. For purposes of this chapter, "interest" applies to any interests held at any time during the reporting period. "Interest" does not include:

- A. An interest held in the capacity of a personal agent, representative, custodian, fiduciary or trustee, unless the holder has an equitable interest therein;
- B. An interest in a time or demand deposit in a financial institution;
- C. An interest in an insurance policy, endowment policy or annuity contract under which an insurance company promises to pay a fixed number of dollars either in a lump sum or periodically for life or some other specified period; or
- D. A common trust fund or a trust which forms part of a pension or profit-sharing plan which has more than 25 participants and which has been determined by the Internal Revenue Service to be a qualified trust or college savings plan.

OFFICIAL or EMPLOYEE — Any person elected to, appointed to or employed by the City or any City agency, board, commission or similar entity, whether or not paid, in whole or in part, with City funds and whether or not compensated.

PERSON — Includes an individual or business entity.

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

§ 67-2. Ethics Commission; filing complaints; amendments.

- A. There is a Havre de Grace Ethics Commission which shall consist of five members, appointed by the Mayor with the consent of the City Council. A member must be a citizen of the United States for not less than 10 years and a resident and qualified voter in the City of Havre de Grace for not less than five years prior to appointment. The term of office is five years; however, the initial members will be appointed to terms of one, two, three, four and five years, respectively.
- B. The Commission shall be the advisory body responsible for interpreting this chapter and advising persons subject to it as to its application.
- C. Any official or other person subject to the provisions of this chapter may request from the Commission an advisory opinion concerning the application of this chapter. The Commission shall respond promptly to these requests, providing interpretations of this chapter based on the facts provided or reasonably available to it.
- D. The Commission shall develop procedures and policies for advisory opinion requests and provide published advisory opinions to persons subject to this chapter regarding the applicability of the provisions of this chapter to them.
- E. The Commission shall be responsible for evaluating, hearing and deciding any complaint filed regarding an alleged violation of this chapter by any person.
- F. The Commission shall develop procedures and policies for the processing of complaints to make appropriate determinations regarding complaints filed by any person alleging violations of this chapter.
- G. The Commission shall be the custodian of all forms submitted by any person in accordance with this chapter. The Commission shall draft and distribute the forms required by this chapter in conjunction with the Director of Administration and the Board of Election supervisors where applicable.
- H. The Commission shall be responsible for conducting a public information and education program regarding the purpose and implementation of this chapter.
- I. The City Attorney shall be the legal advisor for the Commission.
- J. Any person may file with the Commission a complaint alleging a violation of any of the provisions of this chapter which is alleged to have occurred within a year of the filing of the complaint. Complaints dating more than a year after the alleged event shall be dismissed. All

complaints shall be written and under oath. If after an initial evaluation and preparing an investigative report, the Commission determines that there are insufficient facts upon which to base a determination of a violation, or if the complainant withdraws its complaint or fails to appear at any scheduled hearing in the matter, the Commission shall dismiss the complaint. If after an initial evaluation the Commission determines that there is a reasonable basis for believing a violation has occurred, the subject of the complaint shall be afforded an opportunity for a hearing conducted in accordance with the City's applicable rules of procedure for actions taken on the record. Any final determination resulting from the hearing shall include findings of fact and conclusions of law. Once a complaint is filed with the Commission, all actions regarding a complaint shall be treated confidentially.

- K. The Commission shall 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 of the Annotated Code of Maryland for elected local officials.
- L. The Commission shall determine if changes to this chapter are required to be in compliance with the requirements of the State Government Article of the Annotated Code of Maryland, and shall forward any recommended changes and amendments to the City Council for enactment.
- M. The Commission may adopt other policies and procedures to assist in the implementation of this chapter.

§ 67-3. Prohibited Conduct; Conflicts of Interest.

- A. Application. All City elected officials, City officials that are appointed or hired by the City, officials appointed to the designated City boards and commissions in this chapter and City employees are subject to this section.
- B. Participation in matters where an association is prohibited. Except where permitted by Commission regulation or permitted by opinion or except in the exercise of an administrative or ministerial duty which does not affect the disposition or decision in the matter, it shall be prohibited for an official or employee to knowingly participate in:
 - (1) Any matter of which he/she may be reasonably expected to know that concerns a qualified relative or in which a qualified relative of the official or employee has an interest.
 - (2) Any matter of which he/she may be reasonably expected to know when any of the following is a party thereto:
 - (a) Any business entity in which the official, employee or his/her qualified relative has a financial interest;

- (b) Any business entity of which the official, employee or his/her qualified relative is an officer, director, trustee, partner or employee;
 - (c) Any business entity which is a party to an existing contract with the official, employee or his/her qualified relative if the contract could reasonably be expected to result in a conflict between the private interests of the official or employee and his/her official duties;
 - (d) Any entity, doing business with the City in which a financial interest is owned by another entity in which the official, employee or his/her qualified relative has a financial interest;
 - (e) Any business entity which the official or employee knows is a creditor or obligee of the official, employee or his/her qualified relative, with respect to a thing of economic value and which, by reason thereof, is in a position to affect directly and substantially the interest of the official, employee or his/her qualified relative; or
 - (f) A business entity with which the official, employee or his/her qualified relative is negotiating or has any arrangement concerning prospective employment.
- (3) If a disqualification leaves any body with less than a quorum capable of acting, or if the disqualified official or employee is required by law to act or is the only person authorized to act, the disqualified person shall disclose the nature and circumstances of the conflict and may participate or act.

C. Employment restrictions.

(1) Prohibitions.

- (a) Except as permitted by regulation or opinion of the Commission, and where such interest is disclosed or where the employment does not create a conflict of interest or appearance of conflict, it is prohibited for an official or employee to:

- [1] Be employed by, or have a financial interest in, any entity subject to his/her authority or that of the City agency, board or commission with which he/she is affiliated or any entity which is negotiating or has entered a contract or contracts with the City or the agency, board or commission with which the official or employee is affiliated; or
- [2] Have or maintain any other employment relationship which would impair the impartiality or independence of judgment of the official or employee.

- (b) This prohibition does not apply to:

- [1] An official or employee who is appointed to a regulatory or licensing authority pursuant to a requirement that persons subject to the jurisdiction of the authority be represented in appointments to the authority;
 - [2] 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; or
 - [3] An official or employee whose duties are ministerial, if the private employment or financial interest does not create a conflict of interest or the appearance of a conflict of interest, as permitted in accordance with regulations adopted by the Commission.
- D. Post-employment restrictions. A former official or employee may not assist or represent another party other than the City for compensation in a case, contract or other specific matter involving the City if that matter is one in which the former official or employee significantly participated as an official or employee.
- E. Legislative acts prohibited. For one year after the elected official leaves office, a former member of the City Council may not assist or represent another party for compensation in a matter that is the subject of legislative action.
- F. Contingent or percentage fee restrictions. An official or employee may not assist or represent a party for contingent compensation or a percentage fee in any matter before or involving the City other than in a judicial or quasi-judicial proceeding.
- G. Use of prestige of office. An official or employee shall not intentionally use the prestige of office or public position for the private gain of that official or employee or the private gain of another. This subsection does not prohibit performance of usual and customary constituent services by an elected official, without additional direct compensation.
- H. Solicitation or acceptance of gifts.
- (1) An official or employee shall not solicit any gift.
 - (2) An official or employee shall not knowingly accept any gift, directly or indirectly, from any person that he/she knows or has reason to know:
 - (a) Is doing business with the City office, agency, board or commission with which the official or employee is affiliated; or
 - (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 his/her official duty.

- (c) Is engaged in an activity regulated or controlled by the official's or employee's governmental unit.
- I. Significant gifts prohibited. Notwithstanding the terms of this chapter, receipt of the following gifts is prohibited:
- (1) Those that would tend to impair the impartiality and the independence of judgment of the official or employee receiving the gift;
 - (2) Those of such significant value that would give the appearance of impairing the impartiality and independence of judgment of the official or employee; or
 - (3) Those of such significant value that the recipient official or employee believes or has reason to believe the gift was designed to impair the impartiality and independence of judgment of the official or employee.
- J. Minor gifts that are not prohibited. An official or employee may accept the following gifts:
- (1) Meals and beverages consumed in the presence of the donor or sponsoring entity;
 - (2) Ceremonial gifts or awards which have insignificant monetary value;
 - (3) Unsolicited gifts of nominal value that do not exceed \$20 or trivial items of informational value;
 - (4) Reasonable expenses for food, travel, lodging and scheduled entertainment of the official or the employee at a meeting which is given in return for the participation of the official or employee related to City business in a panel or speaking engagement at the meeting;
 - (5) Gifts of tickets or free admission extended to an elected official to attend a charitable, cultural or political event, if the purpose of this gift or admission is a courtesy or ceremony extended to the elected official's office;
 - (6) A specific gift or class of gifts which the Commission exempts from the operation of this section 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 to the official or employee;
 - (7) Gifts from a qualified relative; or
 - (8) Honoraria for speaking to or participating in a meeting, provided that the offering of the honorarium is not related in any way to the official duties of the official or employee.

- K. Campaign contributions for City elections not prohibited. Notwithstanding anything to the contrary in this section, an official or candidate for elected office may solicit and accept campaign contributions in a City election.
- L. Disclosure of confidential information. Other than in the discharge of his/her official duties, an official or employee shall not disclose or use confidential information acquired by reason of his/her public position and which is not available to the public.
- M. Participation in procurement, bids or proposals. An official, employee, or a person that employs an individual that participates in the drafting of specifications, an invitation for bids, or a request for proposals for a procurement for the City or an agency, board or commission may not submit a bid or proposal for that procurement, or assist or represent another person, directly or indirectly, in the submission of a bid or proposal for the procurement. The Commission may establish exemptions from the requirements of this section for providing descriptive literature, sole source procurements, and written comments requested during the procurement process.
- N. Duty to disclose or recuse. An official or employee shall disclose known conflicts of interest or potential conflicts of interest in connection with any specific proposed action by the official or employee sufficiently in advance of the action to prevent a violation or recuse himself/herself or make such other arrangements to avoid a conflict of interest and, where appropriate, make the disclosure to the public.
- O. Exemption and waiver standards. The Commission may grant exemptions or modifications of this section for any official or employee that is appointed or serving as a member of a board or commission, but not an elected official or candidate when it finds that the application of this section would constitute an unreasonable invasion of privacy; significantly reduce the availability of qualified persons for public service; and that the exemption, waiver or modification would not be contrary to the purposes of this chapter.

§ 67-4. Interests, gifts and campaign contribution disclosure.

- A. Application. This section applies to all elected City officials and candidates for elected City office.
 - (1) All City elected officials or a candidate to be a local elected official shall file the gifts and campaign contribution statements required under this section:
 - (a) On the forms provided by the Board of Election Supervisors and/or the Commission;
 - (b) Under oath or affirmation; and
 - (c) With the Board of Election Supervisors and/or the Commission.

- (2) A City elected official or candidate for office subject to produce, without the need for a subpoena, an interests disclosure statement required under this section ("Interests Disclosure Form"). The Interests Disclosure Form shall be completed and produced to the Commission; the elected official or candidate will sign and date a written acknowledgement that he/she received the Interests Disclosure Form for completion.
- (3) Deadlines for filing statements.
 - (a) An incumbent local elected official shall file the gifts and campaign contributions statements annually no later than the third Tuesday of March of each year for the preceding calendar year or with his/her certificate for candidacy, whichever is earliest.
 - (b) An individual who is appointed to fill a vacancy in an elected office shall file the gifts and campaign contributions statements for the preceding calendar year, prior to being sworn into office.
 - (c) For elected officials or a candidate for elected office, an Interests Disclosure Form for the preceding calendar year shall be produced to the Commission on the form provided by the Commission automatically.
- (4) Candidates for an elected City office.
 - (a) All candidates for an elected City office shall file the gifts and campaign contributions statements and, where applicable, the interests disclosure statement required under this section no later than the filing of the certificate of candidacy.
 - (b) The statements required under this chapter shall be filed with the Board of Election Supervisors with the certificate of candidacy.
 - (c) The Board of Election Supervisors shall not accept any certificate of candidacy unless the gifts and campaign contribution statements have been filed in proper form and the candidate has signed and dated the written acknowledgment that he/she received the Interests Disclosure Form.
 - (d) Within 10 days of the receipt of a statement required under this section, the Board of Election Supervisors shall forward the statement to the Commission or the office designated by the Commission.

B. Record of disclosure statements and maintenance.

- (1) The Commission or office designated by the Commission and the Board of Election Supervisors shall maintain all disclosure statements filed under this section: Gifts Disclosure Form;

Campaign Contribution Disclosure Form and Interests Disclosure Form.

- (2) Gifts Disclosure Forms, Campaign Contribution Forms and Interests Disclosure Forms are available for public inspection during normal business hours. The remaining requirements for disclosure apply.
 - (3) To examine the Gifts Disclosure Form, Campaign Contribution Form or the Interests Disclosure Form, an individual must appear in person before the Commission or its designee and comply with any other reasonable requirements or procedures established by the Commission.
 - (4) Where an individual requests to examine an Interests Disclosure Form, the Commission or the office designated by the Commission shall record:
 - (a) The name, home address, telephone number and email address of the individual reviewing or copying the statement;
 - (b) The name of the person whose Interests Disclosure Form was examined or copied; and
 - (c) The reason for the request.
 - (5) Where any type of form was requested to be examined, the Commission or the office designated by the Commission shall provide the official with a copy of the name, home address, telephone number and email address of the person who requested to review the official's form.
- C. Retention requirements. The Commission or the office designated by the Commission or the official or candidate shall retain Interests Disclosure Forms and Gifts Disclosure Forms and Campaign Contribution Disclosure Forms for two years from the date of receipt or completion.
- D. Contents of the Interests Disclosure Form for elected officials and candidates. On forms provided by the Commission, the following shall be listed:
- (1) Interests in real property.
 - (a) A statement filed under this section shall include a schedule of all interests in real property, wherever located.
 - (b) For each interest in real property, the schedule shall include:
 - [1] The nature of the property and the location by street address, mailing address, or legal description of the property;

- [2] The nature and extent of the interest held, including any conditions and encumbrances on the interest;
- [3] The date when, the manner in which, and the identity of the person from whom the interest was acquired;
- [4] The nature and amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired;
- [5] If any interest was transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and the identity of the person to whom the interest was transferred; and
- [6] The identity of any other person with an interest in the property.

(2) Interests in corporations, partnerships, or business entities.

- (a) All interests in any corporation, partnership, limited-liability partnership, limited-liability corporation, or business entity that is regulated by or does business with the City or any agency, board or commission of the City, providing:
 - [1] The name and address of the principal office of the corporation, partnership, limited-liability partnership, or limited-liability corporation;
 - [2] The nature and amount of the interest held, including any conditions and encumbrances on the interest;
 - [3] With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest and, if known, the identity of the person to whom the interest was transferred; and
 - [4] With respect to any interest acquired during the reporting period:
 - [a] The date when, the manner in which, and the identity of the person from whom the interest was acquired; and
 - [b] The nature and the amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.

- (b) An individual may satisfy the requirement to report the amount of the interest held under this subsection by reporting, instead of a dollar amount:
 - [1] For an equity interest in a corporation, the number of shares held and, unless the corporation's stock is publicly traded, the percentage of equity interest held; or
 - [2] For an equity interest in a partnership, the percentage of equity interest held.
- (3) Interests or employment within entities doing business with City.
 - (a) A statement filed under this section shall include a schedule of all offices, directorships, and salaried employment by the individual or a qualified relative, but not siblings, held at any time during the reporting period with entities doing business with the City.
 - (b) For each position reported under this subsection, the schedule shall include:
 - [1] The name and address of the principal office of the business entity;
 - [2] The title and nature of the office, directorship, or salaried employment held and the date it commenced; and
 - [3] The name of each City agency, board or commission with which the entity is involved.
- (4) Indebtedness to persons or business entities doing business with City.
 - (a) A statement filed under this section shall include a schedule of all liabilities owed, excluding retail credit or credit card accounts, to persons or business entities doing business with the City at any time during the reporting period:
 - [1] By the elected official or candidate; or
 - [2] By a qualified relative, but not siblings, of the individual elected official or candidate involved in the transaction giving rise to the liability.
 - (b) For each liability reported under this subsection, the list shall include:
 - [1] The identity of the person or business entity to which the liability was owed and the date the liability was incurred;
 - [2] The amount of the liability owed as of the end of the reporting period;

- [3] The terms of payment of the liability and the extent to which the principal amount of the liability was increased or reduced during the year; and
 - [4] The security given, if any, for the liability.
 - (5) Qualified relatives employed by the City. A list of the qualified relatives of the elected official or candidate employed by the City in any capacity at any time during the reporting period shall be disclosed.
 - (6) Sources of earned income.
 - (a) A list of the name and address of the place of employment for the elected official or candidate and for each qualified relative, but not siblings, and each business entity which the elected official or candidate or his/her qualified relatives, but not siblings, were a sole or partial owner and from which they received earned income, at any time during the reporting period.
 - (b) A minor child's employment or business ownership need not be disclosed.
 - (7) Judgments, suits, criminal and traffic record. A list of all unpaid money judgments, pending suits for money judgments, criminal and traffic cases providing case name, case number, jurisdiction and outcome shall be provided.
- E. Gifts disclosure form contents.
- (1) A statement filed under this section shall include a schedule of each gift which was not campaign contributions 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.
 - (2) For each gift reported, the schedule shall include:
 - (a) A description of the nature and value of the gift; and
 - (b) The identity of the person from whom, or on behalf of whom, directly or indirectly, the gift was received.
- F. Campaign Contributions Disclosure Form contents.
- (1) A statement filed under this section shall include a list of all campaign contributions from individuals that are in excess of \$100 during the reporting period.
 - (2) For each contribution reported, the schedule shall include:
 - (a) The month the contribution was received;

- (b) The name of the contributor; and
 - (c) The amount of the contribution.
- G. Voluntary disclosure. A statement filed under this section may also include a schedule of additional interests or information that the elected official or candidate wishes to disclose.
- H. Interests clarified. For the purposes of this chapter, the following interests are considered to be the interests of the elected official or candidate:
 - (1) An interest held by a qualified relative, but not a sibling, if the interest was, at any time during the reporting period, directly or indirectly controlled by the elected official or candidate.
 - (2) An interest held by a business entity in which the elected official or candidate held a 30% or greater interest at any time during the reporting period.
 - (3) An interest held by a trust or an estate in which, at any time during the reporting period:
 - (a) The elected official or candidate held a reversionary interest or was a beneficiary, or
 - (b) If a revocable trust, the elected official or candidate was a settlor.
- I. Review of disclosure forms. After receipt of any disclosure statements, the Commission shall privately review the disclosure statements submitted under this section for compliance with the provisions of this section and shall timely and privately notify an individual submitting the statement of any omissions or deficiencies.
- J. Enforcement. The City Ethics Commission may take appropriate enforcement action to ensure compliance with this section.

§ 67-5. Financial disclosure.

- A. Application. This section only applies to the following appointed officials and employees:
 - (1) Director of Administration.
 - (2) Director of Finance.
 - (3) Director of Planning.
 - (4) Director of Public Works.
 - (5) Chief of Police.
 - (6) City Attorney.

- (7) Any Hearing Examiner.
 - (8) Any Special Counsel appointed.
 - (9) Members of the following City boards and commissions: Board of Appeals, Ethics Commission, Marina Commission, Planning Commission, R.A.D. Loan Application Review Commission, Water and Sewer Commission.
- B. Gifts disclosed. A separate Gifts Disclosure Form provided by the Commission shall be filed by these appointed officials and employees with the Commission, under oath or affirmation, disclosing gifts in the same manner as elected officials.
 - C. Due date. On or before April 30 of each year during which an official or employee holds office, an official or employee shall file a Gifts Disclosure Form statement disclosing gifts received during the preceding calendar year from any person or business entity that contracts with or is regulated by City, including the name of the donor of the gift and the approximate retail value at the time of receipt.
 - D. Conflict of interest/ongoing duty. An official or employee shall disclose employment and financial interests that raise conflicts of interest or potential conflicts of interest during the calendar year in connection with any specific proposed action by the employee or official sufficiently in advance of the action to provide adequate disclosure to the public or the opportunity to recuse or make such other arrangements to avoid a conflict of interest.
 - E. Record of statements. The Commission shall maintain all disclosure statements filed under this section. The same process and procedure for examination of disclosure statements provided for elected officials shall apply to the Gifts Disclosure Form under this section. Disclosure statements filed under this section shall be discarded after two years.
 - F. Additional disclosures. The Commission may require the appointed officials and employees to complete and produce an Interests Disclosure Form, or any portion thereof, after receipt and evaluation of a complaint and a showing by the complainant that a reasonable basis for believing a violation of this section has occurred.

§ 67-6. Lobbying.

The City has received an exemption from the State Ethics Commission; no lobbying law is required at this time.

§ 67-7. Enforcement; violations and penalties.

- A. The Commission, after initially evaluating a claim where the claimant must show that there is a reasonable basis for believing that a violation has occurred, and after conducting a hearing where the complainant has appeared and where the respondent has appeared or waived the

right to appear and where clear and convincing evidence of a violation was shown by the complainant and found by the Commission by a unanimous vote, 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) Issue a cease and desist order against any person;
 - (3) Issue an order of compliance directing the respondent;
 - (4) Issue a reprimand; or
 - (5) Recommend to the appropriate authority other appropriate discipline of the respondent, including censure or removal if that discipline is authorized by law.
- B. Upon unanimous request of the Commission, the City Attorney or an appointed special counsel may file a petition for injunctive or other relief in the Circuit Court of Harford County, or in any other court having proper venue for the purpose of requiring compliance with the provisions of this chapter.
- C. The Commission may file a declaratory action requesting that the court:
- (1) Issue an order to cease and desist from the violation;
 - (2) Void an official action taken by an official or employee with a conflict of interest prohibited by this chapter when the action arises from or concerns the subject matter of the conflict and if the legal action is brought within 90 days of the occurrence of the official action; or
 - (3) Impose a fine of up to \$5,000 for any violation of the provisions of this chapter, with each day upon which the violation occurs constituting a separate offense;
- D. Notwithstanding the above, the Commission may not request or seek to void any official action appropriating public funds, levying taxes, or providing for the issuance of bonds, notes, or other evidences of public obligations.
- E. Additional enforcement provisions.
- (1) In addition to any other enforcement provisions in this chapter, a person whom the Commission or a court finds has violated this chapter:
 - (a) Is subject to suspension, termination, removal from office, removal from the ballot or other disciplinary action; and

- (b) May be suspended from receiving payment of salary or other compensation pending full compliance with the terms of an order of the Commission or a court.
- (2) A City official or employee found to have violated this chapter may be subject to disciplinary or other appropriate personnel action, including removal from office, disciplinary action, suspension of salary, or other sanction.
- (3) The findings of the Commission are public information, after the appeal time of the Commission's decision has expired.
- F. Take no action and grant a waiver or exemption, even retroactively, from the provisions pursuant to the standard set in this section, where the violation was not intentional and the respondent complies with this section within the time provided by the Commission.

Chapter 70

FEES

GENERAL REFERENCES

Building construction — See Ch. 31.

Water and sewer rates — See Ch. 196.

Utility tax — See Ch. 177, Art. II.

Zoning — See Ch. 205.

§ 70-1. General fee schedule established.

The following is an enactment listing the specific fees collected from the various ordinances, resolutions, and policies for the City as they shall be established as of the effective date of this chapter:

§ 70-2. Fees not listed in this chapter.

This chapter represents a general compilation schedule of the most common fees charged by the City of Havre de Grace for various permits, licenses and other services. Citizens are urged to consult the specific ordinance, resolution, or policy for fees charged associated with permits, licenses, and other services not listed in this chapter. The Director of Economic Development and Planning or designee may determine the applicability for a building permit and associated fee if not specifically covered by this fee schedule or other City ordinances.

§ 70-3. Definitions.

For the purposes of this chapter, the following words, terms and phrases shall, unless language or context indicates that a different meaning is intended, be given the meaning as herein set forth:

BUILDINGS BUILT FOR HUMAN OCCUPANCY — Shall include but not be limited to the following uses: all residential buildings, church, school, theater, lecture hall, restaurant, museum, nightclub, library, exhibition hall, terminal, recreation center, community center, gymnasium, physical fitness center, retail and/or sales, office, service and/or repair, personal care, animal care and boarding, manufacturing, industrial, hospital, health care, nursing home, medical, dental, public utility structure, day care, hotel, motel, conference center, club, telecommunications, research and development, bank, and funeral care.

CARPORTS — Shall be designed such that there are a minimum of two open sides and shall be fire rated for a minimum of one-hour fire protection from the interior side of the structure when attached to an occupied structure. Subsequent stormwater runoff from the structure shall not discharge within 10 feet of any adjoining property line.

CONSTRUCTION DUMPSTER PERMITS — Not required when dumpsters are located on property under development where the City of Havre de Grace has not taken possession of the streets or rights-of-way on which a dumpster may be located. A permit is required for any construction dumpster proposed to be located on City property or City right-of-way or a public or private street (road, lane or alley) whereby that public or private street has been given final construction approval and accepted by the City of Havre de Grace whether maintained by the City or not. No dumpster shall block the use of any public sidewalk or any driveway or obstruct or otherwise affect any emergency response vehicle or personnel. Any dumpster proposed or necessitated to use any street for its temporary location shall first obtain the approval of the City of Havre de Grace Chief of Police or designee and shall be required to obtain a permit from the Department of Economic Development and Planning. "Temporary" as contained in this chapter, shall mean no more than 90 days plus two thirty-day extensions granted by the Department of Economic Development and Planning upon written request within any one-year period.

DECKS — shall include any approved material; a concrete (including masonry/brick/stone or other approved exterior finish material) porch/patio (other than those required as a building egress typically constituting a three-foot by three-foot landing) elevated more than 30 inches above the immediate finished grade requires a permit at the deck rate.

DEMOLITION, FULL — The complete razing of a structure but may preclude the removal of the existing supporting foundation. At the discretion of the Code Official, a demolition permit may not be required for the removal of accessory buildings typically used for storage and which do not contain water or sewer connections made directly to City water and sewer distribution lines or composed of or containing hazardous material. Contact the City Code Official for determination on specific buildings.

DEMOLITION, PARTIAL — The removal of a specific section or portion of a structure which includes structural components with or without replacement.

FOR PROFIT — A business or other organization based on IRS determination whose primary goal is making money (a profit), and is concerned with money only as much as necessary to keep the organization operating.**[Added 1-17-2017 by Ord. No. 986]**

NEW WINDOW OR DOOR — Shall apply to newly cut openings or expanded openings into a structural or nonstructural exterior wall of an occupied structure. No permit is required for replacement windows or doors installed within an existing opening.

NONPROFIT (NPO) (also known as a "non-business entity") — An organization based on IRS determination the purpose of which is something other than making a profit, such as charity, education, history or the arts. In economic terms, a nonprofit organization uses any surplus income for the organization's purpose or mission and is not distributed to the organization's shareholders (or equivalents) as profit or dividends. This is known as the non-distribution constraint. The decision to adopt a nonprofit legal structure is one that will often have taxation implications, particularly where the nonprofit seeks income tax exemption, charitable status and so on or to obtain funds from others and provide an income deduction.**[Added 1-17-2017 by Ord. No. 986]**

PERMIT REISSUANCE FEE — Any building permit approved for any proposed work not commenced within six months of the issuance of the building permit, or that is deemed to have been abandoned for any period of six months or longer, shall be invalid. The Code Official may grant one extension (upon a written request for an extension by the permit applicant received by the Code Official) up to 90 days within 30 days after the original six-month period has expired. Work must start and be diligently pursued prior to extension expiration in order to keep the permit valid. Should the permit expire for any reason, a permit may be reissued when requested in writing and received by the Code Official within six months of the permit expiration for a fee of \$50, provided the project has not been changed. Should the building permit or extension expire, the building permit must be reapplied for at the current applicable rate with no credit or refund of the original fee. Any applicable water and sewer charges made to the original building permit shall not be charged a second time unless previously refunded and will be subject to the current rate.

RETAINING WALL — A wall subjected to or built to sustain lateral pressure other than wind pressure. A retaining wall built with an unbalanced fill exceeding four feet shall be designed and built in accordance with construction plans designed and sealed by a Maryland licensed engineer with applicable knowledge in such design; photocopied plans with the applicable seal are acceptable or as determined by the Code Official.

STORAGE CONTAINERS, TEMPORARY — Shall require a permit after 90 days of date of delivery to the property at the applicable rate; no storage container shall be permitted in a City right-of-way nor on City property without City authorization and a permit; no storage containers shall be permitted to be placed in any portion of a front yard of a residential property other than a driveway; temporary storage containers as referenced

in this fee schedule pertain to storage units limited in use to a maximum of a one-year period starting on day of delivery. Any permit obtained for a temporary storage unit shall expire after one year from date of issuance.

STRUCTURES — (Designed and) built for human occupancy shall include those applicable classifications as listed in the International Building Code and the International Residential Code for One- and Two-Family Dwellings.

SUNROOMS — Shall be constructed for seasonal use only and shall not be designed, built or equipped for year-round habitation; no plumbing fixtures are permitted within a sunroom; electrical outlets are permitted and shall be installed in accordance with all applicable electric code requirements and shall require an electric permit.

WATER AND/OR SEWER DISCONNECTION/ABANDONMENT — In matters regarding structure demolitions, both water and sewer lines serving the structure to be razed shall be disconnected at the utility main if the utilities are no longer required or shall be disconnected at a cleanout or curb stop in cases of utility reuse. All work performed within a City right-of-way shall be performed by City personnel and is subject to applicable disconnection fees chargeable to the property owner of the subject demolition.

§ 70-4. Fee Schedule. [Amended 1-17-2017 by Ord. No. 986]

The City Fee Schedule shall be as follows:

Permit Type	Fee
Race events	
Applicant organization and status	Application fee
For-profit organization	\$3,000
Nonprofit organization	\$1,500
Havre de Grace nonprofit or Havre de Grace organization sponsorship and sole beneficiary	\$0
Decks	\$75
Sunroom on existing deck	\$75
Sunroom with or on new deck	\$100
Residential sheds and storage buildings	
Up to 1,000 square feet	\$50
1,001 up to 2,500 square feet	\$150
2,501 to less than 5,000 square feet	\$250
Over 5,000 square feet	\$350
Storage buildings, commercial use	\$50, plus \$0.25 per square foot minimum \$200
Fences	\$50

Permit Type	Fee
Retaining wall over 4 feet in height	\$50
Driveway and/or curb but	\$75
Signs	\$50
Awning/canopy with or without signs	\$50
Billboards	Not permitted
Street Banner - up to 90 days	\$50
All buildings built for human occupancy	Minimum \$450; up to 1,800 square feet, \$450 plus \$0.25 per square foot over 1800 square feet (crawl spaces and unoccupied attic space n/a)
Additions	\$350 up to 1,400 square feet; \$450 plus \$0.25 per square foot over 1,400 square feet
Demolition, residential uses	
Full demolition	\$150
Partial demolition	\$100
Renovation	
Residential uses:	
Nonstructural alterations	\$75
With structural alterations	\$100
Commercial uses:	
Nonstructural alterations	\$150
With structural alterations	\$200
Garage	\$100
Carport	\$50
Masonry fireplace	\$50
New window or door	\$50
Masonry, brick, stone siding	\$50
Pool	
In-ground	\$100
Above ground	\$50
Radio, television communications tower, antenna, dish over 4 feet in diameter	\$200

Permit Type	Fee
Residential antenna, ham radio, tower over 20 feet high	\$50
Residential day care	\$75
Minimum building permit fee	\$50
Ornamental structures	\$50
Use and occupancy	\$100
Reinspection fee	\$100
Permit reissuance fee	\$50
Sales trailer, temporary during project only	\$100
Modular/mobile building (not residential or on permanent foundation)	\$250
Construction dumpster	\$50 each
License agreement	\$50
Board of Appeals	\$350 plus transcript preparation cost
Forest conservation plan	\$200 plus \$10 per acre, maximum \$500
Concept plan, as required	\$200 plus \$10 per acre, maximum \$500
Grading	\$50 per acre
Stormwater management	6% of construction cost of SWM facility
Site plan or subdivision plat	
Single-family dwellings	\$250 plus \$50 per lot
Multifamily dwellings	\$250 plus \$50 per unit
Commercial/industrial/retail	\$400 plus \$50 per acre
Revision to site plan/subdivision plat	\$150 plus \$25 per lot/unit/acre affected
Huckster's permit:	\$15 per day
	\$25 per week
	\$50 one month
	\$100 six months
	\$150 one year
	\$15 each additional person over two people
Document copies:	\$.25 per page (8 1/2" x 11")

Permit Type

(black and white copies only)

Fee

\$0.30 per page (8 1/2" x 14")

\$0.35 per page (11" x 17")

§ 70-5. Review of Fee Schedule.

The fees and charges contained in this chapter shall be reviewed by City staff on no less than a biannual basis from the effective date of this chapter. Recommended changes, if any, shall be made to the Mayor and City Council within the biannual review schedule.

Chapter 73**FIREARMS****GENERAL REFERENCES**

Criminal sanctions — See Ch. 1, Art. I.

§ 73-1. Discharge of firearms prohibited.

It shall be unlawful for any person to fire or cause to be fired any firearm, rifle, shotgun, pistol, pellet gun or BB gun of any kind within the corporate limits of the City of Havre de Grace, except on approved firing ranges.

§ 73-2. Firing range permit.

It shall be unlawful to operate, erect or maintain any firing range or location for the firing of any firearm, rifle, shotgun, pistol, pellet gun or BB gun within the City of Havre de Grace without a permit from the Mayor and City Council of Havre de Grace.

§ 73-3. Violations and penalties.

Any person convicted of committing any unlawful act as provided in this chapter shall be guilty of a misdemeanor. If any unlawful act is continuing, then each day during which such violation continues shall be considered a separate offense. In addition to any criminal penalty which may be imposed, all the provisions of this chapter may be enforced by petition for injunction filed on behalf of the Mayor and City Council of Havre de Grace.

Chapter 78

FLOODPLAIN MANAGEMENT

GENERAL REFERENCES

Building construction — See Ch. 31.

Stormwater management — See Ch. 169.

Critical Areas — See Ch. 49.

Subdivision of land — See Ch. 173.

Grading and filling — See Ch. 89.

Zoning — See Ch. 205.

ARTICLE I

Purpose and General Provisions**§ 78-1. Findings.**

- A. The Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of the City of Havre de Grace. Special flood hazard areas are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare. Structures that are inadequately elevated, improperly floodproofed, or otherwise unprotected from flood damage also contribute to flood losses.
- B. The City of Havre de Grace, by resolution, agreed to meet the requirements of the National Flood Insurance Program and was accepted for participation in the program on March 15, 1977. As of that date, or as of March 15, 1977, the initial effective date of the City of Havre de Grace Flood Insurance Rate Map, all development and new construction, as defined herein, are to be compliant with this chapter.

§ 78-2. Statutory authorization.

The Maryland General Assembly, in Md. Code Ann., Land Use Article, Title 4, has established as policy of the state that the orderly development and use of land and structures requires comprehensive regulation through the implementation of planning and zoning control, and that planning and zoning controls shall be implemented by local government in order to, among other purposes, secure the public safety, promote health and general welfare, and promote the conservation of natural resources. Therefore, the Mayor and City Council of the City of Havre de Grace does hereby adopt the following floodplain management regulations.

§ 78-3. Statement of purpose.

It is the purpose of this chapter to promote the public health, safety and general welfare, and to:

- A. Protect human life, health and welfare;
- B. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future;
- C. Minimize flooding of water supply and sanitary sewage disposal systems;
- D. Maintain natural drainage;

- E. Reduce financial burdens imposed on the community, its governmental units and its residents by discouraging unwise design and construction of development in areas subject to flooding;
- F. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- G. Minimize prolonged business interruptions;
- H. Minimize damage to public facilities and other utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges;
- I. Reinforce that those who build in and occupy special flood hazard areas should assume responsibility for their actions;
- J. Minimize the impact of development on adjacent properties within and near flood-prone areas;
- K. Provide that the flood storage and conveyance functions of floodplains are maintained;
- L. Minimize the impact of development on the natural and beneficial functions of floodplains;
- M. Prevent floodplain uses that are either hazardous or environmentally incompatible; and
- N. Meet community participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations (CFR) at 44 CFR 59.22.

§ 78-4. Areas to which this chapter applies.

This chapter shall apply to all special flood hazard areas within the jurisdiction of the City of Havre de Grace and identified in § 78-5.

§ 78-5. Basis for establishing special flood hazard areas and BFEs.

- A. For the purposes of this chapter, the minimum basis for establishing special flood hazard areas and base flood elevations is the Flood Insurance Study for Harford County, Maryland, and Incorporated Areas, dated April 19, 2016, or the most recent revision thereof, and the accompanying Flood Insurance Rate Map(s) and all subsequent amendments and revisions to the FIRMs. The FIS and FIRMs are retained on file and available to the public at the Havre de Grace City Hall, 711 Pennington Avenue, Havre de Grace.
- B. Where field-surveyed topography or digital topography indicates that ground elevations are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard on the FIRM, the area shall be considered as a special flood hazard area.

- C. To establish base flood elevations in special flood hazard areas that do not have such elevations shown on the FIRM, the Floodplain Administrator may provide the best available data for base flood elevations, may require the applicant to obtain available information from federal, state or other sources, or may require the applicant to establish special flood hazard areas and base flood elevations as set forth in §§ 78-13, 78-14, and 78-15 of this chapter.

§ 78-6. Abrogation and greater restrictions.

This chapter is not intended to repeal or abrogate any existing regulations and ordinances, including subdivision regulations, zoning ordinances, building codes, or any existing easements, covenants, or deed restrictions. In the event of a conflict between this chapter and any other ordinance, the more restrictive shall govern.

§ 78-7. Interpretation.

- A. In the interpretation and application of this chapter, all provisions shall be:
 - (1) Considered as minimum requirements;
 - (2) Liberally construed in favor of the governing body; and
 - (3) Deemed neither to limit nor repeal any other powers granted under state statutes.
- B. Notes referencing publications of the Federal Emergency Management Agency refer to the most recent edition of those publications, are intended only as guidance, and do not bind or alter the authority of the Floodplain Administrator to interpret and apply this chapter.

§ 78-8. Warning and disclaimer of liability.

- A. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur, and flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside of the special flood hazard areas or uses that are permitted within such areas will be free from flooding or flood damage.
- B. This chapter shall not create liability on the part of the City of Havre de Grace, any officer or employee thereof, the Maryland Department of the Environment (MDE) or the Federal Emergency Management Agency (FEMA) for any flood damage that results from reliance on this chapter or any administrative decision lawfully made hereunder.

§ 78-9. Severability.

Should any section or provision of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

ARTICLE II

Definitions

§ 78-10. Terms defined.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted to have the meaning they have in common usage and to give this chapter the most reasonable application.

ACCESSORY STRUCTURE — A building or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure. For the purposes of this chapter, an accessory structure shall be used solely for parking of vehicles and limited storage.

AGREEMENT TO SUBMIT AN ELEVATION CERTIFICATE — A form on which the applicant for a permit to construct a building or structure, to construct certain horizontal additions, to place or replace a manufactured home, or to substantially improve a building, structure, or manufactured home, agrees to have an elevation certificate prepared by a licensed professional engineer or licensed professional surveyor, as specified by the Floodplain Administrator, and to submit the certificate:

- A. Upon placement of the lowest floor and prior to further vertical construction; and
- B. Prior to the final inspection and issuance of the certificate of occupancy.

ALTERATION OF A WATERCOURSE — For the purpose of this chapter, alteration of a watercourse includes, but is not limited to, widening, deepening or relocating the channel, including excavation or filling of the channel. Alteration of a watercourse does not include construction of a road, bridge, culvert, dam, or in-stream pond unless the channel is proposed to be realigned or relocated as part of such construction.

AREA OF SHALLOW FLOODING — A designated Zone AO on the Flood Insurance Rate Map with a one-percent annual chance or greater of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident; such flooding is characterized by ponding or sheet flow.

BASE BUILDING — The building to which an addition is being added. This term is used in provisions relating to additions.

BASE FLOOD — The flood having a one-percent chance of being equaled or exceeded in any given year; the base flood also is referred to as the "one-percent annual chance (one-hundred-year) flood."

BASE FLOOD ELEVATION — The water surface elevation of the base flood in relation to the datum specified on the community's Flood Insurance Rate Map. In areas of shallow flooding, the base flood elevation is the highest adjacent natural grade elevation plus the depth number specified in feet on the Flood Insurance Rate Map, or at least four feet if the depth number is not specified.

BASEMENT — Any area of the building having its floor subgrade (below ground level) on all sides.

BUILDING CODE(S) — The effective Maryland Building Performance Standards (COMAR 05.02.07), including the Building Code, Residential Code, and Existing Building Code.

COASTAL A ZONE — An area within a special flood hazard area, landward of a coastal high hazard area (V Zone) or landward of a shoreline without a mapped coastal high hazard area, in which the principal sources of flooding are astronomical tides and storm surges, and in which, during base flood conditions, the potential exists for breaking waves with heights greater than or equal to 1.5 feet. The inland limit of the Coastal A Zone may be delineated on FIRMs as the "limit of moderate wave action (LiMWA)."

COASTAL HIGH HAZARD AREA — An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms. Coastal high hazard areas also are referred to as "V Zones" and are designated on FIRMs as Zones VE or V1-30.

COMMUNITY — A political subdivision of the State of Maryland (county, city or town) that has authority to adopt and enforce floodplain management regulations within its jurisdictional boundaries.

CRITICAL AND ESSENTIAL FACILITIES — Buildings and other structures that are intended to remain operational in the event of extreme environmental loading from flood, wind, snow or earthquakes. (NOTE: See Maryland Building Performance Standards, Sec. 1602 and Table 1604.5.) Critical and essential facilities typically include hospitals, fire stations, police stations, storage of critical records, facilities that handle or store hazardous materials, and similar facilities.

DECLARATION OF LAND RESTRICTION (NONCONVERSION AGREEMENT) — A form signed by the owner to agree not to convert or modify, in any manner that is inconsistent with the terms of the permit and this chapter, certain enclosures below the lowest floor of elevated buildings and certain accessory structures. The form requires the owner to record it on the property deed to inform future owners of the restrictions.

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, placement of manufactured homes, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

ELEVATION CERTIFICATE — The FEMA form on which surveyed elevations and other data pertinent to a property and a building are identified and which shall be completed by a licensed professional land surveyor or a licensed professional engineer, as specified by the Floodplain Administrator. When used to document the height above grade of buildings in special flood hazard areas for which base flood elevation data are not available, the elevation certificate shall be completed in accordance with the instructions issued by FEMA. (NOTE: FEMA Form 086-0-33 and instructions are available online at <http://www.fema.gov/library/viewRecord.do?id=1383>.)

ENCLOSURE BELOW THE LOWEST FLOOR — An unfinished or flood-resistant enclosure that is located below an elevated building, is surrounded by walls on all sides, and is usable solely for parking of vehicles, building access or storage, in an area other than a basement area, provided that such enclosure is built in accordance with the applicable design requirements specified in this chapter. Also see "lowest floor."

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) — The federal agency with the overall responsibility for administering the National Flood Insurance Program.

FLOOD INSURANCE RATE MAP (FIRM) — An official map on which the Federal Emergency Management Agency has delineated special flood hazard areas to indicate the magnitude and nature of flood hazards, to designate applicable flood zones, and to delineate floodways, if applicable. FIRMs that have been prepared in digital format or converted to digital format are referred to as "digital FIRMs (DFIRM)."

FLOOD INSURANCE STUDY (FIS) — The official report in which the Federal Emergency Management Agency has provided flood profiles, floodway information, and the water surface elevations.

FLOOD OPENING — A flood opening (nonengineered) is an opening that is used to meet the prescriptive requirement of one square inch of net open area for every square foot of enclosed area. An engineered flood opening is an opening that is designed and certified by a licensed professional engineer or licensed architect as meeting certain performance characteristics, including providing automatic entry and exit of floodwaters; this certification requirement may be satisfied by an individual certification for a specific structure or issuance of an evaluation report by the ICC Evaluation Service, Inc. (NOTE: See NFIP Technical Bulletin 1, "Openings in Foundation Walls and Walls of Enclosures.")

FLOOD or FLOODING — A general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of inland or tidal waters; and/or
- B. The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD PROTECTION ELEVATION — The base flood elevation plus two feet of freeboard. Freeboard is a factor of safety that compensates for uncertainty in factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, climate change, and the hydrologic effect of urbanization in a watershed.

FLOOD PROTECTION SETBACK — A distance measured perpendicular to the top of bank of a watercourse that delineates an area to be left undisturbed to minimize future flood damage and to recognize the potential for bank erosion. Along nontidal waters of the state, the flood protection setback is:

- A. One hundred feet, if the watercourse has special flood hazard areas shown on the FIRM, except where the setback extends beyond the boundary of the flood hazard area; or
- B. Fifty feet, if the watercourse does not have special flood hazard areas shown on the FIRM.

FLOOD ZONE — A designation for areas that are shown on Flood Insurance Rate Maps:

- A. Zone A. Special flood hazard areas subject to inundation by the one-percent annual chance (one-hundred-year) flood; base flood elevations are not determined.
- B. Zone AE and Zone A1-30. Special flood hazard areas subject to inundation by the one-percent annual chance (one-hundred-year) flood; base flood elevations are determined; floodways may or may not be determined. In areas subject to tidal flooding, the limit of moderate wave action may or may not be delineated.
- C. Zone AH and Zone AO. Areas of shallow flooding, with flood depths of one to three feet (usually areas of ponding or sheet flow on sloping terrain), with or without BFEs or designated flood depths.
- D. Zone B and Zone X (shaded). Areas subject to inundation by the two-tenths-percent annual chance (five-hundred-year) flood; areas subject to the one-percent annual chance (one-hundred-year) flood with average depths of less than one foot or with contributing drainage area less than one square mile; and areas protected from the base flood by levees.
- E. Zone C and Zone X (unshaded). Areas outside of zones designated A, AE, A1-30, AO, VE, V1-30, B, and X (shaded).
- F. Zone VE and Zone V1-30. Special flood hazard areas subject to inundation by the one-percent annual chance (one-hundred-year) flood and subject to high velocity wave action. (Also see "coastal high hazard area.")

FLOOD-DAMAGE-RESISTANT MATERIALS — Any construction material that is capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. (NOTE: See NFIP Technical Bulletin 2, "Flood Damage-Resistant Materials Requirements.")

FLOODPLAIN — Any land area susceptible to being inundated by water from any source. (See definition of "flood or flooding.")

FLOODPROOFING CERTIFICATE — The FEMA form that is to be completed, signed and sealed by a licensed professional engineer or licensed architect to certify that the design of floodproofing and proposed methods of construction are in accordance with the applicable requirements of § 78-35B of this chapter. (NOTE: FEMA Form 086-0-34 is available online at <http://www.fema.gov/library/viewRecord.do?id=1600>.)

FLOODPROOFING or FLOODPROOFED — Any combination of structural and nonstructural additions, changes, or adjustments to buildings or structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents, such that the buildings or structures are watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. (NOTE: State regulations at COMAR 26.17.04.11B(7) do not allow new nonresidential buildings in nontidal waters of the state to be floodproofed.)

FLOODWAY — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to pass the base flood discharge such that the cumulative increase in the water surface elevation of the base flood discharge is no more than a designated height. When shown on a FIRM, the floodway is referred to as the "designated floodway."

FREE-OF-OBSTRUCTION — A term that describes open foundations (pilings, columns, or piers) without attached elements or foundation components that would obstruct the free passage of floodwaters and waves beneath structures that are elevated on such foundations. (NOTE: See NFIP Technical Bulletin 5, "Free-of-Obstruction Requirements.")

FUNCTIONALLY DEPENDENT USE — A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water; the term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE — The highest natural elevation of the ground surface, prior to construction, next to the proposed foundation of a structure.

HISTORIC STRUCTURE — Any structure that is:

- A. Individually listed in the National Register of Historic Places (a listing maintained by the U.S. Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or
- C. Individually listed on the Maryland Register of Historic Places.

HYDROLOGIC AND HYDRAULIC ENGINEERING ANALYSES — Analyses performed by a licensed professional engineer, in accordance with standard engineering practices that are accepted by the Maryland Department of the Environment (nontidal wetlands and waterways) and FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.

LETTER OF MAP CHANGE (LOMC) — A letter of map change is an official FEMA determination, by letter, that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of map change include:

- A. Letter of map amendment (LOMA): an amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property or structure is not located in a special flood hazard area.
- B. Letter of map revision (LOMR): a revision based on technical data that may show changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. A letter of map revision based on fill (LOMR-F) is a determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer exposed to flooding associated with the base flood. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
- C. Conditional letter of map revision (CLOMR): a formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A conditional letter of map revision based on fill (CLOMR-F) is a determination that a parcel of land or proposed structure that will be elevated by fill would not be inundated by the base flood if fill is placed on the parcel as proposed or the structure is built as proposed. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a letter of map revision may be issued by FEMA to revise the effective FIRM.

LICENSED — As used in this chapter, "licensed" refers to professionals who are authorized to practice in the State of Maryland by issuance of licenses by the Maryland Board of Architects, Maryland Board of Professional Engineers, Maryland Board of Professional Land Surveyors, and the Maryland Real Estate Appraisers and Home Inspectors Commission.

LIMIT OF MODERATE WAVE ACTION (LiMWA) — Inland limit of the area affected by waves greater than 1.5 feet during the base flood. Base flood conditions between the VE Zone and the LiMWA will be similar to, but less severe than, those in the VE Zone.

LOWEST FLOOR — The lowest floor of the lowest enclosed area (including basement) of a building or structure; the floor of an enclosure below the lowest floor is not the lowest floor, provided the enclosure is constructed in accordance with this chapter. The lowest floor of a manufactured home is the bottom of the lowest horizontal supporting member (longitudinal chassis frame beam).

MANUFACTURED HOME — A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a recreational vehicle.

MARKET VALUE — The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. For the purposes of this chapter, the market value of a building is determined by a licensed real estate appraiser or the most recent, full phased-in assessment value of the building (improvement) determined by the Maryland Department of Assessments and Taxation.

MARYLAND DEPARTMENT OF THE ENVIRONMENT (MDE) — A principal department of the State of Maryland that is charged with, among other responsibilities, the coordination of the National Flood Insurance Program in Maryland (NFIP State Coordinator) and the administration of regulatory programs for development and construction that occur within the waters of the state, including nontidal wetlands, nontidal waters and floodplains, and state and private tidal wetlands (tidal wetlands). Unless otherwise specified, "MDE" refers to the Department's Wetlands and Waterways Program.

MIXED-USE STRUCTURE — Any structure that is used or intended for use for a mixture of nonresidential and residential uses in the same structure.

NATIONAL FLOOD INSURANCE PROGRAM (NFIP) — The program authorized by the U.S. Congress in 42 U.S.C. §§ 4001 through 4129. The NFIP makes flood insurance coverage available in communities that agree to adopt and enforce minimum regulatory requirements for development in areas prone to flooding. [See definition of "special flood hazard area (SFHA)."]

NEW CONSTRUCTION — Structures, including additions and improvements, and the placement of manufactured homes, for which the start of construction commenced on or after March 15, 1977, the initial effective date of the City of Havre de Grace Flood Insurance Rate Map, including any subsequent improvements, alterations, modifications, and additions to such structures.

NFIP STATE COORDINATOR — See "Maryland Department of the Environment (MDE)."

NONTIDAL WATERS OF THE STATE — See "waters of the state." As used in this chapter, "nontidal waters of the state" refers to any stream or body of water within the state that is subject to state regulation, including the one-hundred-year frequency floodplain of free-flowing waters. COMAR 26.17.04 states that "The landward boundaries of any tidal waters shall be deemed coterminous with the wetlands boundary maps adopted pursuant to Environment Article, § 16-301, Annotated Code of Maryland." Therefore, the boundary between the tidal and nontidal waters of the state is the tidal wetlands boundary.

PERSON — An individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies.

RECREATIONAL VEHICLE — A vehicle that is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light-duty truck, and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

SPECIAL FLOOD HAZARD AREA (SFHA) — The land in the floodplain subject to a one-percent or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency in Flood Insurance Studies and on Flood Insurance Rate Maps as Zones A, AE, AH, AO, A1-30, and A99, and Zones VE and V1-30. The term includes areas shown on other flood maps that are identified in § 78-5.

START OF CONSTRUCTION — The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit issue date. The "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For substantial improvements, the "actual start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE — That which is built or constructed; specifically, a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE — Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50% of the market value of the building or structure before the damage occurred; also used as "substantially damaged" structures. [NOTE: See "Substantial Improvement/Substantial Damage Desk Reference" (FEMA P-758).]

SUBSTANTIAL IMPROVEMENT — Any reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds 50% of the market value of the building or structure before the start of construction of the improvement. The term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- A. Any project for improvement of a building or structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official prior to submission of an application for a permit and which are the minimum necessary to assure safe living conditions; or
- B. Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.

[Note: See "Substantial Improvement/Substantial Damage Desk Reference" (FEMA P-758).]

TEMPORARY STRUCTURE — A structure installed, used, or erected for a period of less than 180 days from the date the permit was issued.

VARIANCE — A grant of relief from the strict application of one or more requirements of this chapter.

VIOLATION — Any construction or development in a special flood hazard area that is being performed without an issued permit; the failure of a building, structure, or other development for which a permit is issued to be fully compliant with this chapter and the conditions of the issued permit. A building, structure, or other development without the required design certifications, the elevation certificate, or other evidence of compliance required is presumed to be a violation until such time as the required documentation is provided.

WATERCOURSE — The channel, including channel banks and bed, of nontidal waters of the state.

WATERS OF THE STATE — (See Environment Article, Title 5, Subtitle 1, Annotated Code of Maryland.) Waters of the state include:

- A. Both surface and underground waters within the boundaries of the state subject to its jurisdiction;
- B. That portion of the Atlantic Ocean within the boundaries of the state;
- C. The Chesapeake Bay and its tributaries;
- D. All ponds, lakes, rivers, streams, public ditches, tax ditches, and public drainage systems within the state, other than those designed and used to collect, convey, or dispose of sanitary sewage; and
- E. The floodplain of free-flowing waters determined by MDE on the basis of the one-hundred-year flood frequency.

ARTICLE III
Administration

§ 78-11. Designation of Floodplain Administrator.

The Director of the Department of Planning is hereby appointed to administer and implement this chapter and is referred to herein as the "Floodplain Administrator." The Floodplain Administrator may:

- A. Delegate duties and responsibilities set forth in this chapter to qualified technical personnel, plan examiners, inspectors, and other employees.
- B. Enter into a written agreement or written contract with another Maryland community or private sector entity to administer specific provisions of this chapter. Administration of any part of this chapter by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations (CFR) at 44 CFR 59.22.

§ 78-12. Duties and responsibilities of Floodplain Administrator.

The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

- A. Review applications for permits to determine whether proposed activities will be located in flood hazard areas.
- B. Interpret floodplain boundaries and provide available base flood elevation and flood hazard information.
- C. Review applications to determine whether proposed activities will be reasonably safe from flooding and require new construction and substantial improvements to meet the requirements of this chapter.
- D. Review applications to determine whether all necessary permits have been obtained from the federal, state or local agencies from which prior or concurrent approval is required; in particular, permits from MDE for any construction, reconstruction, repair, or alteration of a dam, reservoir, or waterway obstruction (including bridges, culverts, structures), any alteration of a watercourse, or any change of the course, current, or cross section of a stream or body of water, including any change to the one-hundred-year frequency floodplain of free-flowing nontidal waters of the state.
- E. Verify that applicants proposing an alteration of a watercourse have notified adjacent communities and MDE (NFIP State Coordinator) and have submitted copies of such notifications to FEMA.
- F. Advise applicants for new construction or substantial improvement of structures that are located within an area of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act

that federal flood insurance is not available on such structures; areas subject to this limitation are shown on Flood Insurance Rate Maps as "coastal barrier resource system areas (CBRS)" or "otherwise protected areas (OPA)."

- G. Approve applications and issue permits to develop in flood hazard areas if the provisions of this chapter have been met, or disapprove applications if the provisions of this chapter have not been met.
- H. Inspect, or cause to be inspected, buildings, structures, and other development for which permits have been issued to determine compliance with this chapter or to determine if noncompliance has occurred or violations have been committed.
- I. Review elevation certificates and require incomplete or deficient certificates to be corrected.
- J. Submit to FEMA, or require applicants to submit to FEMA, data and information necessary to maintain FIRMs, including hydrologic and hydraulic engineering analyses prepared by or for the City of Havre de Grace, within six months after such data and information become available if the analyses indicate changes in base flood elevations or boundaries.
- K. Maintain and permanently keep records that are necessary for the administration of this chapter, including:
 - (1) Flood Insurance Studies, Flood Insurance Rate Maps (including historic studies and maps and current effective studies and maps) and letters of map change; and
 - (2) Documentation supporting issuance and denial of permits, elevation certificates, documentation of the elevation (in relation to the datum on the FIRM) to which structures have been floodproofed, other required design certifications, variances, and records of enforcement actions taken to correct violations of this chapter.
- L. Enforce the provisions of this chapter, investigate violations, issue notices of violations or stop-work orders, and require permit holders to take corrective action.
- M. Advise the Board of Appeals regarding the intent of this chapter and, for each application for a variance, prepare a staff report and recommendation.
- N. Administer the requirements related to proposed work on existing buildings:
 - (1) Make determinations as to whether buildings and structures that are located in flood hazard areas and that are damaged by any cause have been substantially damaged.

- (2) Make reasonable efforts to notify owners of substantially damaged structures of the need to obtain a permit to repair, rehabilitate, or reconstruct, and prohibit the noncompliant repair of substantially damaged buildings except for temporary emergency protective measures necessary to secure a property or stabilize a building or structure to prevent additional damage.
- O. Undertake, as determined appropriate by the Floodplain Administrator due to the circumstances, other actions which may include but are not limited to: issuing press releases, public service announcements, and other public information materials related to permit requests and repair of damaged structures; coordinating with other federal, state, and local agencies to assist with substantial damage determinations; providing owners of damaged structures information related to the proper repair of damaged structures in special flood hazard areas; and assisting property owners with documentation necessary to file claims for increased cost of compliance (ICC) coverage under NFIP flood insurance policies.
- P. Notify the Federal Emergency Management Agency when the corporate boundaries of the City of Havre de Grace have been modified and:
 - (1) Provide a map that clearly delineates the new corporate boundaries or the new area for which the authority to regulate pursuant to this chapter has either been assumed or relinquished through annexation; and
 - (2) If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in this chapter, prepare amendments to this chapter to adopt the FIRM and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption shall take place within six months of the date of annexation and a copy of the amended chapter shall be provided to MDE (NFIP State Coordinator) and FEMA.
- Q. Upon the request of FEMA, complete and submit a report concerning participation in the NFIP, which may request information regarding the number of buildings in the SFHA, number of permits issued for development in the SFHA, and number of variances issued for development in the SFHA.

§ 78-13. Use and interpretation of FIRMs.

The Floodplain Administrator shall make interpretations, where needed, as to the exact location of special flood hazard areas, floodplain boundaries, and floodway boundaries. The following shall apply to the use and interpretation of FIRMs and data:

- A. Where field-surveyed topography indicates that ground elevations:

- (1) Are below the base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as special flood hazard area and subject to the requirements of this chapter;
 - (2) Are above the base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a letter of map change that removes the area from the special flood hazard area.
- B. In FEMA-identified special flood hazard areas where base flood elevation and floodway data have not been identified and in areas where FEMA has not identified special flood hazard areas, any other flood hazard data available from a federal, state, or other source shall be reviewed and reasonably used.
- C. Base flood elevations and designated floodway boundaries on FIRMs and in FISs shall take precedence over base flood elevations and floodway boundaries by any other sources if such sources show reduced floodway widths and/or lower base flood elevations.
- D. Other sources of data shall be reasonably used if such sources show increased base flood elevations and/or larger floodway areas than are shown on FIRMs and in FISs.
- E. If a Preliminary Flood Insurance Rate Map and/or a Preliminary Flood Insurance Study has been provided by FEMA:
 - (1) Upon the issuance of a letter of final determination by FEMA, if the preliminary flood hazard data is more restrictive than the effective data, it shall be used and shall replace the flood hazard data previously provided from FEMA for the purposes of administering this chapter.
 - (2) Prior to the issuance of a letter of final determination by FEMA, the use of preliminary flood hazard data shall be deemed the best available data pursuant to § 78-5C and used where no base flood elevations and/or floodway areas are provided on the effective FIRM.
 - (3) Prior to issuance of a letter of final determination by FEMA, the use of preliminary flood hazard data is permitted where the preliminary base flood elevations, floodplain or floodway boundaries exceed the base flood elevations and/or designated floodway widths in existing flood hazard data provided by FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.

§ 78-14. Permits required; expiration.

- A. It shall be unlawful for any person to begin any development or construction which is wholly within, partially within, or in contact with any flood hazard area established in § 78-5, including but not limited

to: filling; grading; construction of new structures; the substantial improvement of buildings or structures, including repair of substantial damage; placement or replacement of manufactured homes, including substantial improvement or repair of substantial damage of manufactured homes; erecting or installing a temporary structure; or alteration of a watercourse, until a permit is obtained from the City of Havre de Grace. No such permit shall be issued until the requirements of this chapter have been met.

- B. In addition to the permits required in Subsection A, applicants for permits in nontidal waters of the state are advised to contact MDE. Unless waived by MDE, pursuant to Code of Maryland Regulations 26.17.04, Construction on Nontidal Waters and Floodplains, MDE regulates the one-hundred-year frequency floodplain of free-flowing waters, also referred to as "nontidal waters of the state." To determine the one-hundred-year frequency floodplain, hydrologic calculations are based on the ultimate development of the watershed, assuming existing zoning. The resulting flood hazard areas delineated using the results of such calculations may be different than the special flood hazard areas established in § 78-5, of this chapter. A permit from the City of Havre de Grace is still required in addition to any state requirements.
- C. A permit is valid provided the actual start of work is within 180 days of the date of permit issuance. Requests for extensions shall be submitted in writing and justifiable cause demonstrated. The Floodplain Administrator may grant, in writing, one or more extensions of time, for additional periods not exceeding 90 days each and provided there has been no amendment or revision to the basis for establishing special flood hazard areas and BFEs set forth in § 78-5.

§ 78-15. Application required.

Application for a permit shall be made by the owner of the property or the owner's authorized agent (herein referred to as "the applicant") prior to the start of any work. The application shall be on a form furnished for that purpose.

- A. Application contents. At a minimum, applications shall include:
 - (1) Site plans drawn to scale showing the nature, location, dimensions, and existing and proposed topography of the area in question, and the location of existing and proposed structures, excavation, filling, storage of materials, drainage facilities, and other proposed activities.
 - (2) Elevation of the existing natural ground where buildings or structures are proposed, referenced to the datum on the FIRM.
 - (3) Delineation of flood hazard areas, designated floodway boundaries, flood zones, base flood elevations, and flood protection setbacks. Base flood elevations shall be used to delineate the boundary of

flood hazard areas, and such delineations shall prevail over the boundary of SFHAs shown on FIRMs.

- (4) Where floodways are not delineated or base flood elevations are not shown on the FIRMs, the Floodplain Administrator has the authority to require the applicant to use information provided by the Floodplain Administrator, information that is available from federal, state, or other sources, or to determine such information using accepted engineering practices or methods approved by the Floodplain Administrator. [NOTE: See "Managing Floodplain Development in Approximate Zone A Areas: A Guide for Obtaining and Developing Base (100-Year) Flood Elevations" (FEMA 265).]
- (5) Determination of the base flood elevations, for development proposals and subdivision proposals, each with at least five lots or at least five acres, whichever is the lesser, in special flood hazard areas where base flood elevations are not shown on the FIRM; if hydrologic and hydraulic engineering analyses are submitted, such analyses shall be performed in accordance with the requirements and specifications of MDE and FEMA.
- (6) Hydrologic and hydraulic engineering analyses for proposals in special flood hazard areas where FEMA has provided base flood elevations but has not delineated a floodway; such analyses shall demonstrate that the cumulative effect of proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood by more than one foot, or a lower increase if required by MDE.
- (7) For encroachments in floodways, an evaluation of alternatives to such encroachments, including different uses of the site or portion of the site within the floodway, and minimization of such encroachment.
- (8) If fill is proposed to be placed for a purpose other than to elevate structures, the applicant shall indicate the intended purpose for the fill.
- (9) For proposed buildings and structures, including substantial improvement and repair of substantial damage, and placement and replacement of manufactured homes, including substantial improvement and repair of substantial damage:
 - (a) The proposed elevation of the lowest floor, including basement, referenced to the datum on the FIRM and a signed agreement to submit an elevation certificate.
 - (b) The signed declaration of land restriction (nonconversion agreement) that shall be recorded on the property deed prior to issuance of the certificate of occupancy, if the application

includes an enclosure below the lowest floor or a crawl/underfloor space that is more than four feet in height.

- (c) A written evaluation of alternative methods considered to elevate structures and manufactured homes, if the location is in nontidal waters of the state and fill is proposed to achieve the elevation required in § 78-34A or § 78-35A.
- (10) For accessory structures that are 300 square feet or larger in area (footprint) and that are below the base flood elevation, a variance is required as set forth in Article VII. If a variance is granted, a signed declaration of land restriction (nonconversion agreement) shall be recorded on the property deed prior to issuance of the certificate of occupancy.
- (11) For temporary structures and temporary storage, specification of the duration of the temporary use.
- (12) For proposed work on existing buildings, structures, and manufactured homes, including any improvement, addition, repairs, alterations, rehabilitation, or reconstruction, sufficient information to determine if the work constitutes substantial improvement or repair of substantial damage, including but not limited to:
- (a) If the existing building or structure was constructed after March 15, 1977, evidence that the work will not alter any aspect of the building or structure that was required for compliance with the floodplain management requirements in effect at the time the building or structure was permitted.
 - (b) If the proposed work is a horizontal addition, a description of the addition and whether it will be independently supported or structurally connected to the base building and the nature of all other modifications to the base building, if any.
 - (c) Documentation of the market value of the building or structure before the improvement or, if the work is repair of damage, before the damage occurred.
 - (d) Documentation of the actual cash value of all proposed work, including the actual cash value of all work necessary to repair and restore damage to the before-damaged condition, regardless of the amount of work that will be performed. The value of work performed by the owner or volunteers shall be valued at market labor rates; the value of donated or discounted materials shall be valued at market rates.
- (13) Certifications and/or technical analyses prepared or conducted by a licensed professional engineer or licensed architect, as appropriate, including:

- (a) The determination of the base flood elevations or hydrologic and hydraulic engineering analyses prepared by a licensed professional engineer that are required by the Floodplain Administrator or are required by this chapter in § 78-20, for certain subdivisions and development; § 78-33A, for development in designated floodways; § 78-33C, for development in flood hazard areas with base flood elevations but no designated floodways; and § 78-33E, for deliberate alteration or relocation of watercourses.
 - (b) The floodproofing certificate for nonresidential structures that are floodproofed as required in § 78-35B.
 - (c) Certification that engineered flood openings are designed to meet the minimum requirements of § 78-34C(3) to automatically equalize hydrostatic flood forces.
 - (d) Certification that the proposed elevation, structural design, specifications and plans, and the methods of construction to be used for structures in coastal high hazard areas (V Zones) and Coastal A Zones, are in accordance with accepted standards of practice and meet the requirements of § 78-40C.
- (14) For nonresidential structures that are proposed with floodproofing, an operations and maintenance plan as specified in § 78-35B(3).
- (15) Such other material and information as may be requested by the Floodplain Administrator and necessary to determine conformance with this chapter.

B. New technical data.

- (1) The applicant may seek a letter of map change by submitting new technical data to FEMA, such as base maps, topography, and engineering analyses to support revision of floodplain and floodway boundaries and/or base flood elevations. Such submissions shall be prepared in a format acceptable to FEMA, and any fees shall be the sole responsibility of the applicant. A copy of the submittal shall be attached to the application for a permit.
- (2) If the applicant submits new technical data to support any change in floodplain and designated floodway boundaries and/or base flood elevations but has not sought a letter of map change from FEMA, the applicant shall submit such data to FEMA as soon as practicable, but not later than six months after the date such information becomes available. Such submissions shall be prepared in a format acceptable to FEMA, and any fees shall be the sole responsibility of the applicant.

§ 78-16. Review of application.

The Floodplain Administrator shall:

- A. Review applications for development in special flood hazard areas to determine the completeness of information submitted. The applicant shall be notified of incompleteness or additional information that is required to support the application.
- B. Notify applicants that permits from MDE and the U.S. Army Corps of Engineers, and other state and federal authorities, may be required.
- C. Review all permit applications to assure that all necessary permits have been received from the federal, state or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits, including permits issued by:
 - (1) The U.S. Army Corps of Engineers under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act;
 - (2) MDE pursuant to COMAR 26.23 (Nontidal Wetlands) and Section 401 of the Clean Water Act;
 - (3) MDE for construction on nontidal waters of the state pursuant to COMAR 26.17.04; and
 - (4) MDE pursuant to COMAR 26.24 (Tidal Wetlands).
- D. Review applications for compliance with this chapter after all information required in § 78-15 of this chapter or identified and required by the Floodplain Administrator has been received.

§ 78-17. Inspections.

The Floodplain Administrator shall make periodic inspections of development permitted in special flood hazard areas, at appropriate times throughout the period of construction, in order to monitor compliance. Such inspections may include:

- A. Stake-out inspection, to determine location on the site relative to the flood hazard area and designated floodway.
- B. Foundation inspection, upon placement of the lowest floor and prior to further vertical construction, to collect information or certification of the elevation of the lowest floor.
- C. Inspection of enclosures below the lowest floor, including crawl/underfloor spaces, to determine compliance with applicable provisions.
- D. Utility inspection, upon installation of specified equipment and appliances, to determine appropriate location with respect to the base flood elevation.
- E. Final inspection prior to issuance of the certificate of occupancy.

§ 78-18. Submissions required prior to final inspection.

Pursuant to the agreement to submit an elevation certificate submitted with the application as required in § 78-15A(9), the permittee shall have an elevation certificate prepared and submitted prior to final inspection and issuance of a certificate of occupancy for elevated structures and manufactured homes, including new structures and manufactured homes, substantially improved structures and manufactured homes, and additions to structures and manufactured homes.

ARTICLE IV
Requirements in All Flood Hazard Areas

§ 78-19. Application of requirements.

The general requirements of this article apply to all development proposed within all special flood hazard areas identified in § 78-5.

§ 78-20. Subdivision proposals and development proposals.

A. In all flood zones:

- (1) Subdivision proposals and development proposals shall be consistent with the need to minimize flood damage and are subject to all applicable standards in this chapter.
- (2) Subdivision proposals and development proposals shall have utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- (3) Subdivision proposals and development proposals shall have adequate drainage paths provided to reduce exposure to flood hazards and to guide floodwaters around and away from proposed structures.
- (4) Subdivision proposals and development proposals containing at least five lots or at least five acres, whichever is the lesser, that are wholly or partially in flood hazard areas where base flood elevation data are not provided by the Floodplain Administrator or available from other sources, shall be supported by determinations of base flood elevations as required in § 78-15 of this chapter.
- (5) Subdivision access roads shall have the driving surface at or above the base flood elevation.

B. In special flood hazard areas of nontidal waters of the state:

- (1) Subdivision proposals shall be laid out such that proposed building pads are located outside of the special flood hazard area and any portion of platted lots that include land areas that are below the base flood elevation shall be used for other purposes, deed restricted, or otherwise protected to preserve it as open space.
- (2) Subdivision access roads shall have the driving surface at or above the base flood elevation.

§ 78-21. Protection of water supply and sanitary sewage systems.

- A. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems.

- B. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into systems and discharges from systems into floodwaters.
- C. On-site waste disposal systems shall be located to avoid impairment to or contamination from them during conditions of flooding.

§ 78-22. Buildings and structures.

New buildings and structures (including the placement and replacement of manufactured homes) and substantial improvement of existing structures (including manufactured homes) that are located, in whole or in part, in any special flood hazard area shall:

- A. Be designed (or modified) and constructed to safely support flood loads. The construction shall provide a complete load path capable of transferring all loads from their point of origin through the load-resisting elements to the foundation. Structures shall be designed, connected and anchored to resist flotation, collapse or permanent lateral movement due to structural loads and stresses, including hydrodynamic and hydrostatic loads and the effects of buoyancy, from flooding equal to the flood protection elevation or the elevation required by this chapter or the Building Code, whichever is higher.
- B. Be constructed by methods and practices that minimize flood damage.
- C. Use flood-damage-resistant materials below the elevation of the lowest floor required in § 78-34A or § 78-35A (for A Zones) or § 78-40B (for V Zones and Coastal A Zones).
- D. Have electrical systems, equipment and components, and mechanical, heating, ventilating, air conditioning, and plumbing appliances, plumbing fixtures, duct systems, and other service equipment located at or above the elevation of the lowest floor required in § 78-34A or § 78-35A (A Zones) or § 78-40B (V Zones and Coastal A Zones). Electrical wiring systems are permitted to be located below elevation of the lowest floor provided they conform to the provisions of the electrical part of the Building Code for wet locations. If replaced as part of a substantial improvement, electrical systems, equipment and components, and heating, ventilation, air-conditioning, and plumbing appliances, plumbing fixtures, duct systems, and other service equipment shall meet the requirements of this section.
- E. As an alternative to Subsection D, electrical systems, equipment and components, and heating, ventilating, air-conditioning, and plumbing appliances, plumbing fixtures, duct systems, and other service equipment are permitted to be located below the elevation of the lowest floor provided they are designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding to that elevation.

- F. Have the electric panelboard elevated at least three feet above the BFE.
- G. If located in flood hazard areas (A Zones) that are not identified as "Coastal A Zones" and coastal high hazard areas (V Zones), comply with the specific requirements of Article V.
- H. If located in a Coastal A Zone, comply with the specific requirements of:
 - (1) Article VI (new construction and placement of new manufactured homes); or
 - (2) Article V [substantial improvements (including repair of substantial damage) and replacement manufactured homes].
- I. If located in coastal high hazard areas (V Zones), comply with the specific requirements of Article VI.
- J. Comply with the requirements of the most restrictive designation if located on a site that has more than one flood zone designation (A Zone, designated floodway, Coastal A Zone, V Zone).

§ 78-23. Placement of fill.

- A. Disposal of fill, including but not limited to earthen soils, rock, rubble, construction debris, woody debris, and trash, shall not be permitted in special flood hazard areas.
- B. Fill shall not be placed in Coastal A Zones or coastal high hazard areas (V Zones) except as provided in § 78-39.
- C. Fill proposed to be placed to elevate structures in flood hazard areas (A Zones) that are not Coastal A Zones or coastal high hazard areas (V Zones) shall comply with the floodways requirements in § 78-33A, B, and C, and the limitations of § 78-34B.

§ 78-24. Historic structures.

Repair, alteration, addition, rehabilitation, or other improvement of historic structures shall be subject to the requirements of this chapter if the proposed work is determined to be a substantial improvement, unless a determination is made that the proposed work will not preclude the structure's continued designation as an historic structure. The Floodplain Administrator may require documentation of a structure's continued eligibility and designation as an historic structure.

§ 78-25. Manufactured homes.

- A. New manufactured homes shall not be placed or installed in floodways or coastal high hazard areas (V Zones).

- B. For the purpose of this chapter, the lowest floor of a manufactured home is the bottom of the lowest horizontal supporting member (longitudinal chassis frame beam).
- C. New manufactured homes located outside of floodways and coastal high hazard areas (V Zones), replacement manufactured homes in any flood hazard areas, and substantial improvement (including repair of substantial damage) of existing manufactured homes in all flood hazard areas shall:
 - (1) Be elevated on a permanent, reinforced foundation in accordance with Article V or Article VI, as applicable to the flood zone;
 - (2) Be installed in accordance with the anchor and tie-down requirements of the Building Code or the manufacturer's written installation instructions and specifications; and
 - (3) Have enclosures below the lowest floor of the elevated manufactured home, if any, including enclosures that are surrounded by rigid skirting or other material that is attached to the frame or foundation, that comply with the requirements of Article V or Article VI, as applicable to the flood zone.

[NOTE: See "Protecting Manufactured Homes from Floods and Other Hazards: A Multi-Hazard Foundation and Installation Guide" (FEMA P-85).]

§ 78-26. Recreational vehicles.

Recreational vehicles shall:

- A. Meet the requirements for manufactured homes in § 78-25; or
- B. Be fully licensed and ready for highway use; or
- C. Be on a site for less than 180 consecutive days.

§ 78-27. Critical and essential facilities.

Critical and essential facilities shall:

- A. Not be located in coastal high hazard areas (V Zones), Coastal A Zones or floodways.
- B. If located in flood hazard areas other than coastal high hazard areas, Coastal A Zones and floodways, be elevated to the higher of elevation required by this chapter plus one foot, the elevation required by the Building Code, or the elevation of the two-tenths-percent chance (five-hundred-year) flood.

§ 78-28. Temporary structures and temporary storage.

In addition to the application requirements of § 78-15, applications for the placement or erection of temporary structures and the temporary storage of any goods, materials, and equipment, shall specify the duration of the temporary use. Temporary structures and temporary storage in floodways shall meet the limitations of § 78-33A of this chapter. In addition:

A. Temporary structures shall:

- (1) Be designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic loads and hydrostatic loads during conditions of the base flood;
- (2) Have electric service installed in compliance with the Electric Code; and
- (3) Comply with all other requirements of the applicable state and local permit authorities.

B. Temporary storage shall not include hazardous materials.

§ 78-29. Gas or liquid storage tanks.

- A. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.
- B. Above-ground tanks in flood hazard areas shall be anchored to a supporting structure and elevated to or above the base flood elevation, or shall be anchored or otherwise designed and constructed to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.
- C. In flood hazard areas, tank inlets, fill openings, outlets and vents shall be:
 - (1) At or above the base flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the base flood; and
 - (2) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.

§ 78-30. Functionally dependent uses.

Applications for functionally dependent uses that do not conform to the requirements of this chapter shall be approved only by variances issued pursuant to Article VII. If approved, functionally dependent uses shall be protected by methods that minimize flood damage during the base flood, including measures to allow floodwaters to enter and exit, use of flood-

damage-resistant materials, and elevation of electric service and equipment to the extent practical given the use of the building.

ARTICLE V

Requirements in Flood Hazard Areas (A Zones) That Are Not Coastal High Hazard Areas (V Zones) or Coastal A Zones**§ 78-31. General requirements.**

In addition to the general requirements of Article IV, the requirements of this article shall:

- A. Apply in flood hazard areas that are not identified as coastal high hazard areas (V Zones) and Coastal A Zones. These flood hazard areas, referred to collectively as "A Zones," include special flood hazard areas along nontidal waters of the state, landward of coastal high hazard areas (V Zones), and landward of Coastal A Zones (if delineated).
- B. Apply to all development, new construction, substantial improvements (including repair of substantial damage), and placement, replacement, and substantial improvement (including repair of substantial damage) of manufactured homes.

§ 78-32. Flood protection setbacks.

Within areas defined by flood protection setbacks along nontidal waters of the state:

- A. No new buildings, structures, or other development shall be permitted unless the applicant demonstrates that the site cannot be developed without such encroachment into the flood protection setback and the encroachment is the minimum necessary after consideration of varying other siting standards such as side, front, and back lot line setbacks.
- B. Disturbance of natural vegetation shall be minimized, and any disturbance allowed shall be vegetatively stabilized.
- C. Public works and temporary construction may be permitted.

§ 78-33. Development affecting flood-carrying capacity of nontidal waters of the state.

- A. Development in designated floodways.
 - (1) Proposed development that will encroach into a designated floodway [§ 78-15A(7)] requires the applicant to submit an evaluation of alternatives to such encroachment, including different uses of the site or the portion of the site within the floodway, and minimization of such encroachment. This requirement does not apply to fences that do not block the flow of floodwaters or trap debris.
 - (2) Proposed development in a designated floodway may be permitted only if:
 - (a) The applicant has been issued a permit by MDE; and

- (b) The applicant has developed hydrologic and hydraulic engineering analyses and technical data prepared by a licensed professional engineer reflecting such changes, and the analyses, which shall be submitted to the Floodplain Administrator, demonstrate that the proposed activity will not result in any increase in the base flood elevation; or
 - (c) If the analyses demonstrate that the proposed activities will result in an increase in the base flood elevation, the applicant has obtained a conditional letter of map revision and a letter of map revision from FEMA upon completion of the project. Submittal requirements and fees shall be the responsibility of the applicant.
- B. Development that includes placement of fill in nontidal waters of the state. For proposed development that includes the placement of fill in nontidal waters of the state, other than development that is subject to Subsection D, a hydraulically equivalent volume of excavation is required. Such excavations shall be designed to drain freely.
- C. Development in areas with base flood elevations but no designated floodways. For development in special flood hazard areas of nontidal waters of the state with base flood elevations but no designated floodways:
 - (1) The applicant shall develop hydrologic and hydraulic engineering analyses and technical data reflecting the proposed activity and shall submit such technical data to the Floodplain Administrator as required in § 78-15A(6). The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a conditional letter of map revision and a letter of map revision upon completion of the project. Submittal requirements and fees shall be the responsibility of the applicant.
 - (2) The proposed development may be permitted if the applicant has received a permit by MDE and if the analyses demonstrate that the cumulative effect of the proposed development, when combined with all other existing and potential flood hazard area encroachments, will not increase the base flood elevation more than 1.0 foot at any point.
- D. Construction of roads, bridges, culverts, dams and in-stream ponds. Construction of roads, bridges, culverts, dams, and in-stream ponds in nontidal waters of the state shall not be approved unless they comply with this article and the applicant has received a permit from MDE.
- E. Alteration of watercourse.
 - (1) For any proposed development that involves alteration of a watercourse not subject to Subsection C, unless waived by MDE, the applicant shall develop hydrologic and hydraulic engineering analyses and technical data reflecting such changes, including the

floodway analysis required in § 78-15A, and submit such technical data to the Floodplain Administrator and to FEMA. The analyses shall be prepared by a licensed professional engineer in a format required by MDE and by FEMA for a conditional letter of map revision and a letter of map revision upon completion of the project. Submittal requirements and fees shall be the responsibility of the applicant.

- (2) Alteration of a watercourse may be permitted only upon submission, by the applicant, of the following:
 - (a) A description of the extent to which the watercourse will be altered or relocated;
 - (b) A certification by a licensed professional engineer that the flood-carrying capacity of the watercourse will not be diminished;
 - (c) Evidence that adjacent communities, the U.S. Army Corps of Engineers, and MDE have been notified of the proposal, and evidence that such notifications have been submitted to FEMA; and
 - (d) Evidence that the applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of the watercourse so that the flood-carrying capacity will not be diminished. The Floodplain Administrator may require the applicant to enter into an agreement with the City of Havre de Grace specifying the maintenance responsibilities; if an agreement is required, the permit shall be conditioned to require that the agreement be recorded on the deed of the property which shall be binding on future owners.

§ 78-34. Residential structures and residential portions of mixed-use structures.

New residential structures and residential portions of mixed-use structures, and substantial improvement (including repair of substantial damage) of existing residential structures and residential portions of mixed-use structures shall comply with the applicable requirements of Article IV and this article. See § 78-36 for requirements for horizontal additions.

A. Elevation requirements.

- (1) Lowest floors shall be elevated to or above the flood protection elevation.
- (2) In areas of shallow flooding (Zone AO), the lowest floor (including basement) shall be elevated at least as high above the highest adjacent grade as the depth number specified in feet on the FIRM plus two feet, or at least four feet if a depth number is not specified.

- (3) Enclosures below the lowest floor shall meet the requirements of Subsection C.
- B. Limitations on use of fill to elevate structures. Unless otherwise restricted by this chapter, especially by the limitations in § 78-33A, B, and C, fill placed for the purpose of raising the ground level to support a building or structure shall:
- (1) Consist of earthen soil or rock materials only;
 - (2) Extend laterally from the building footprint to provide for adequate access as a function of use; the Floodplain Administrator may seek advice from the State Fire Marshal's office and/or the local fire services agency;
 - (3) Comply with the requirements of the Building Code and be placed and compacted to provide for stability under conditions of rising and falling floodwaters and resistance to erosion, scour, and settling;
 - (4) Be sloped no steeper than one vertical to two horizontal, unless approved by the Floodplain Administrator;
 - (5) Be protected from erosion associated with expected velocities during the occurrence of the base flood; unless approved by the Floodplain Administrator, fill slopes shall be protected by vegetation if the expected velocity is less than five feet per second, and by other means if the expected velocity is five feet per second or more; and
 - (6) Be designed with provisions for adequate drainage and no adverse effect on adjacent properties.
- C. Enclosures below lowest floor.
- (1) Enclosures below the lowest floor shall be used solely for parking of vehicles, building access, crawl/underfloor spaces, or limited storage.
 - (2) Enclosures below the lowest floor shall be constructed using flood-damage-resistant materials.
 - (3) Enclosures below the lowest floor shall be provided with flood openings which shall meet the following criteria: (NOTE: See NFIP Technical Bulletin 1, "Openings in Foundation Walls and Walls of Enclosures.")
 - (a) There shall be a minimum of two flood openings on different sides of each enclosed area; if a building has more than one enclosure below the lowest floor, each such enclosure shall have flood openings on exterior walls.

- (b) The total net area of all flood openings shall be at least one square inch for each square foot of enclosed area (nonengineered flood openings), or the flood openings shall be engineered flood openings that are designed and certified by a licensed professional engineer to automatically allow entry and exit of floodwaters; the certification requirement may be satisfied by an individual certification or an evaluation report issued by the ICC Evaluation Service, Inc.
- (c) The bottom of each flood opening shall be one foot or less above the higher of the interior floor or grade, or the exterior grade, immediately below the opening.
- (d) Any louvers, screens or other covers for the flood openings shall allow the automatic flow of floodwaters into and out of the enclosed area.
- (e) If installed in doors, flood openings that meet requirements of Subsection C(3)(a) through (d), are acceptable; however, doors without installed flood openings do not meet the requirements of this section.

§ 78-35. Nonresidential structures and nonresidential portions of mixed-use structures.

New nonresidential structures and nonresidential portions of mixed-use structures, and substantial improvement (including repair of substantial damage) of existing nonresidential structures and nonresidential portions of mixed-use structures shall comply with the applicable requirements of Article IV and the requirements of this section. See § 78-36 for requirements for horizontal additions.

A. Elevation requirements. Elevated structures shall:

- (1) Have the lowest floor (including basement) elevated to or above the flood protection elevation; or
- (2) In areas of shallow flooding (Zone AO), have the lowest floor (including basement) elevated at least as high above the highest adjacent grade as the depth number specified in feet on the FIRM plus two feet, or at least four feet if a depth number is not specified; and
- (3) Have enclosures below the lowest floor, if any, that comply with the requirements of § 78-34C; or
- (4) If proposed to be elevated on fill, meet the limitations on fill in § 78-34B.

B. Floodproofing requirements.

- (1) Floodproofing of new nonresidential buildings:

- (a) Is not allowed in nontidal waters of the state [COMAR 26.17.04.11B(7)].
 - (b) Is not allowed in Coastal A Zones.
- (2) Floodproofing for substantial improvement of nonresidential buildings:
- (a) Is allowed in nontidal waters of the state.
 - (b) Is allowed in Coastal A Zones.
- (3) If floodproofing is proposed, structures shall:
- (a) Be designed to be dry floodproofed such that the building or structure is watertight with walls and floors substantially impermeable to the passage of water to the level of the flood protection elevation plus 1.0 foot; or
 - (b) If located in an area of shallow flooding (Zone AO), be dry floodproofed at least as high above the highest adjacent grade as the depth number specified on the FIRM plus three feet, or at least five feet if a depth number is not specified; and
 - (c) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
 - (d) Have floodproofing measures that are designed taking into consideration the nature of flood-related hazards; frequency, depth and duration of flooding; rate of rise and fall of floodwater; soil characteristics; flood-borne debris; at least 12 hours of flood warning time from a credible source; and time necessary to implement any measures that require human intervention;
 - (e) Have at least one door above the applicable flood elevation that allows human ingress and egress during conditions of flooding;
 - (f) Have an operations and maintenance plan that is filed with local emergency management officials and that specifies the owner's/occupant's responsibilities to monitor flood potential; the location of any shields, doors, closures, tools, or other goods that are required for implementation; maintenance of such goods; methods of installation; and periodic inspection; and
 - (g) Be certified by a licensed professional engineer or licensed architect, through execution of a floodproofing certificate that states that the design and methods of construction meet the requirements of this section. The floodproofing certificate shall be submitted with the construction drawings as required in § 78-15A(13).

§ 78-36. Horizontal additions.

- A. A horizontal addition proposed for a building or structure that was constructed after the date specified in § 78-1 shall comply with the applicable requirements of Article IV and this section.
- B. In nontidal waters of the state that are subject to the regulatory authority of MDE, all horizontal additions shall comply with the applicable requirements of Article IV and this section and:
 - (1) If the addition is structurally connected to the base building, the requirements of Subsection C apply.
 - (2) If the addition has an independent foundation and is not structurally connected to the base building, and the common wall with the base building is modified by no more than a doorway, the base building is not required to be brought into compliance.
- C. For horizontal additions that are structurally connected to the base building:
 - (1) If the addition, combined with other proposed repairs, alterations, or modifications of the base building, constitutes substantial improvement, the base building and the addition shall comply with the applicable requirements of Article IV and this section.
 - (2) If the addition constitutes substantial improvement, the base building and the addition shall comply with all of the applicable requirements of Article IV and this section.
- D. For horizontal additions with independent foundations that are not structurally connected to the base building, and in which the common wall with the base building is modified by no more than a doorway, the base building is not required to be brought into compliance.
- E. A horizontal addition to a building or structure that is not substantial improvement, and is not located in nontidal waters of the state, is not required to comply with this section.

[NOTE: See "Substantial Improvement/Substantial Damage Desk Reference" (FEMA P-758).]

§ 78-37. Accessory structures.

- A. Accessory structures shall be limited to not more than 300 square feet in total floor area.
- B. Accessory structures shall comply with the elevation requirements and other requirements of § 78-34, the floodproofing requirements of § 78-35B, or shall:
 - (1) Be usable only for parking of vehicles or limited storage;

- (2) Be constructed with flood-damage-resistant materials below the base flood elevation;
- (3) Be constructed and placed to offer the minimum resistance to the flow of floodwaters;
- (4) Be anchored to prevent flotation;
- (5) Have electrical service and mechanical equipment elevated to or above the base flood elevation; and
- (6) Have flood openings that meet the requirements of § 78-34C.

ARTICLE VI

Requirements in Coastal High Hazard Areas (V Zones) and Coastal A Zones**§ 78-38. General requirements.**

In addition to the general requirements of Article IV, the requirements of this article shall:

- A. Apply in flood hazard areas that are identified as coastal high hazard areas (V Zones) and Coastal A Zones (if delineated).
- B. Apply to all development, new construction, substantial improvements (including repair of substantial damage), and placement, replacement, and substantial improvement (including repair of substantial damage) of manufactured homes.

Exception: In Coastal A Zones, the requirements of Article V shall apply to substantial improvements (including repair of substantial damage), and substantial improvement of manufactured homes (including repair of substantial damage) and replacement manufactured homes.

[NOTE: See "Coastal Construction Manual" (FEMA P-55).]

§ 78-39. Location and site preparation.

- A. The placement of structural fill for the purpose of elevating buildings is prohibited.
- B. Buildings shall be located landward of the reach of mean high tide.
- C. Minor grading, and the placement of minor quantities of fill, shall be permitted for landscaping and for drainage purposes under and around buildings and for support of parking slabs, pool decks, patios and walkways.
- D. Site preparations shall not alter sand dunes unless an engineering analysis demonstrates that the potential for flood damage is not increased.

§ 78-40. Residential and nonresidential structures.

New structures and substantial improvement (including repair of substantial damage) of existing structures shall comply with the applicable requirements of Article IV and the requirements of this section.

A. Foundations.

- (1) Structures shall be supported on pilings or columns and shall be adequately anchored to such pilings or columns. Pilings shall have adequate soil penetrations to resist the combined wave and wind loads (lateral and uplift). Water loading values used shall be those associated with the base flood. Wind loading values shall be

those required by applicable building codes. Pile embedment shall include consideration of decreased resistance capacity caused by scour of soil strata surrounding the piling.

- (2) Slabs, pools, pool decks and walkways shall be located and constructed to be structurally independent of structures and their foundations to prevent transfer of flood loads to the structures during conditions of flooding, scour, or erosion from wave-velocity flow conditions, and shall be designed to minimize debris impacts to adjacent properties and public infrastructure.

B. Elevation requirements.

- (1) The bottom of the lowest horizontal structural member that supports the lowest floor shall be located at or above the flood protection elevation.
- (2) Basement floors that are below grade on all sides are prohibited.
- (3) The space below an elevated building shall either be free-of-obstruction or, if enclosed by walls, shall meet the requirements of Subsection D. (NOTE: See NFIP Technical Bulletin 5, "Free-of-Obstruction Requirements.")

C. Certification of design. As required in § 78-15A(13), the applicant shall include in the application a certification prepared by a licensed professional engineer or a licensed architect that the design and methods of construction to be used meet the requirements of Subsections A, B, and D, and the Building Code.

D. Enclosures below lowest floor.

- (1) Enclosures below the lowest floor shall be used solely for parking of vehicles, building access or limited storage.
- (2) Enclosures below the lowest floor shall be less than 299 square feet in area (exterior measurement).
- (3) Walls and partitions are permitted below the elevated floor, provided that such walls and partitions are designed to break away under flood loads and are not part of the structural support of the building or structure. (NOTE: See NFIP Technical Bulletin 9, "Design and Construction Guidance for Breakaway Walls Below Elevated Coastal Buildings.")
- (4) Electrical, mechanical, and plumbing system components shall not be mounted on or penetrate through walls that are designed to break away under flood loads.
- (5) Walls intended to break away under flood loads shall be constructed with insect screening or open lattice, or shall be designed to break away or collapse without causing collapse, displacement or other structural damage to the elevated portion of

the building or supporting foundation system. Such walls, framing and connections shall have a design safe loading resistance of not less than 10 pounds per square foot and no more than 20 pounds per square foot; or

- (6) Where wind loading values of the Building Code exceed 20 pounds per square foot, the applicant shall submit a certification prepared and sealed by a licensed professional engineer or licensed architect that:
 - (a) The walls and partitions below the lowest floor have been designed to collapse from a water load less than that which would occur during the base flood.
 - (b) The elevated portion of the building and supporting foundation system have been designed to withstand the effects of wind and flood loads acting simultaneously on all building components (structural and nonstructural). Water loading values used shall be those associated with the base flood; wind loading values used shall be those required by the Building Code.
 - (c) In Coastal A Zones, in addition to the requirements of this section, walls below the lowest floor shall have flood openings that meet the requirements of § 78-34C(3).

§ 78-41. Horizontal additions to structures.

- A. A horizontal addition proposed for a building or structure that was constructed after the date specified in § 78-1 shall comply with the applicable requirements of Article IV and this section.
- B. For horizontal additions, whether structurally connected or not structurally connected, to the base building:
 - (1) If the addition, combined with other proposed repairs, alterations, or modifications of the base building, constitutes substantial improvement, the base building and the addition shall comply with the applicable requirements of Article IV and this section.
 - (2) If the addition constitutes substantial improvement, the base building and the addition shall comply with all of the applicable requirements of Article IV and this section. [NOTE: The base building is required to comply; otherwise it is an obstruction that does not comply with the free-of-obstruction requirement that applies to the elevated addition. See § 78-40B(3).]
- C. A horizontal addition to a building or structure that is not substantial improvement is not required to comply with this section.

§ 78-42. Accessory structures.

- A. Accessory structures shall be limited to not more than 300 square feet in total floor area.
- B. Accessory structures shall comply with the elevation requirements and other requirements of § 78-40, or, if not elevated, shall:
 - (1) Be usable only for parking of vehicles or limited storage;
 - (2) Be constructed with flood-damage-resistant materials below the base flood elevation;
 - (3) Be constructed and placed to offer the minimum resistance to the flow of floodwaters;
 - (4) Be anchored to prevent flotation;
 - (5) Have electrical service and mechanical equipment elevated to or above the base flood elevation; and
 - (6) If larger than 100 square feet in size, have walls that meet the requirements of § 78-40D(3) through (6), as applicable for the flood zone; and if located in Coastal A Zones, walls shall have flood openings that meet the requirements of § 78-34C(3).

§ 78-43. Other structures and development.

(NOTE: See NFIP Technical Bulletin 5, "Free-of-Obstruction Requirements.")

- A. Decks and patios. In addition to the requirements of the Building Code or the Residential Code, decks and patios shall be located, designed, and constructed in compliance with the following:
 - (1) A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the flood protection elevation, and any supporting members that extend below the design flood elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck.
 - (2) A deck or patio that is located below the flood protection elevation shall be structurally independent from structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during base flood conditions or to break apart into small pieces that will not cause structural damage to adjacent elevated structures.
 - (3) A deck or patio that has a vertical thickness of more than 12 inches or that is constructed with more than the minimum amount of fill that is necessary for site drainage shall not be approved unless an analysis demonstrates no harmful diversion of floodwaters or wave

runup and wave reflection that would increase damage to adjacent elevated structures.

- (4) A deck or patio that has a vertical thickness of 12 inches or less and that is at natural grade or on fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave runup and wave reflection.
- B. Other development. Other development activities shall be permitted only if located outside the footprint of, and not structurally attached to, structures, and only if an analysis demonstrates no harmful diversion of floodwaters or wave runup and wave reflection onto adjacent elevated structures. Other development includes but is not limited to:
- (1) Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;
 - (2) Solid fences, privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under base flood conditions; and
 - (3) Mounded septic systems.

ARTICLE VII
Variances

§ 78-44. General.

- A. The Board of Appeals shall have the power to consider and authorize or deny variances from the strict application of the requirements of this chapter. A variance shall be approved only if it is determined to not be contrary to the public interest and where, owing to special conditions of the lot or parcel, a literal enforcement of the provisions of this chapter would result in an unnecessary hardship.
- B. Upon consideration of the purposes of this chapter, the individual circumstances, and the considerations and limitations of this section, the Board of Appeals may attach such conditions to variances as it deems necessary to further the purposes of this chapter.
- C. The Board of Appeals shall notify, in writing, any applicant to whom a variance is granted to construct or substantially improve a building or structure with its lowest floor below the elevation required by this chapter that the variance is to the floodplain management requirements of this chapter only, and that the cost of federal flood insurance will be commensurate with the increased risk, with rates up to \$25 per \$100 of insurance coverage.
- D. A record of all variance actions, including justification for issuance, shall be maintained pursuant to § 78-12K of this chapter.

§ 78-45. Application for variance.

- A. The owner of property, or the owner's authorized agent, for which a variance is sought shall submit an application for a variance to the Floodplain Administrator.
- B. At a minimum, the application shall contain the following information: name, address, and telephone number of the applicant and property owner; legal description of the property; parcel map; description of the existing use; description of the proposed use; site map showing the location of flood hazard areas, designated floodway boundaries, flood zones, base flood elevations, and flood protection setbacks; description of the variance sought; and reason for the variance request. Variance applications shall specifically address each of the considerations in § 78-46.
- C. If the application is for a variance to allow the lowest floor (A Zones) or bottom of the lowest horizontal structural member (V Zones and Coastal A Zones) of a building or structure below the applicable minimum elevation required by this chapter, the application shall include a statement signed by the owner that, if granted, the conditions of the variance shall be recorded on the deed of the property.

§ 78-46. Considerations for variances.

- A. The Floodplain Administrator shall request comments on variance applications from MDE (NFIP State Coordinator) and shall provide such comments to the Board of Appeals.
- B. In considering variance applications, the Board of Appeals shall consider and make findings of fact on all evaluations, all relevant factors, requirements specified in other sections of this chapter, and the following factors:
- (1) The danger that materials may be swept onto other lands to the injury of others.
 - (2) The danger to life and property due to flooding or erosion damage.
 - (3) The susceptibility of the proposed development and its contents (if applicable) to flood damage and the effect of such damage on the individual owner.
 - (4) The importance of the services to the community provided by the proposed development.
 - (5) The availability of alternative locations for the proposed use which are not subject to, or are subject to less, flooding or erosion damage.
 - (6) The necessity to the facility of a waterfront location, where applicable, or if the facility is a functionally dependent use.
 - (7) The compatibility of the proposed use with existing and anticipated development.
 - (8) The relationship of the proposed use to the Comprehensive Plan and Hazard Mitigation Plan for that area.
 - (9) The safety of access to the property in times of flood for passenger vehicles and emergency vehicles.
 - (10) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
 - (11) The costs of providing government services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
 - (12) The comments provided by MDE (NFIP State Coordinator).

§ 78-47. Limitations for granting variances.

The Board of Appeals shall make an affirmative decision on a variance request only upon:

- A. A showing of good and sufficient cause. Good and sufficient cause deals solely with the physical characteristics of the property and cannot be based on the character of the improvement, the personal characteristics of the owner/inhabitants, or local provisions that regulate standards other than health and public safety.
- B. A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property. Increased cost or inconvenience of meeting the requirements of this chapter does not constitute an exceptional hardship to the applicant.
- C. A determination that the granting of a variance for development within any designated floodway, or flood hazard area with base flood elevations but no designated floodway, will not result in increased flood heights beyond those which are allowed in this chapter.
- D. A determination that the granting of a variance will not result in additional threats to public safety, extraordinary public expense; or nuisances, fraud or victimization of the public, or conflict with existing local laws.
- E. A determination that the building, structure or other development is protected by methods to minimize flood damages.
- F. A determination that the variance is the minimum necessary to afford relief, considering the flood hazard.

ARTICLE VIII
Enforcement

§ 78-48. Compliance required.

- A. No building, structure or development shall hereafter be located, erected, constructed, reconstructed, improved, repaired, extended, converted, enlarged or altered without full compliance with this chapter and all other applicable regulations.
- B. Failure to obtain a permit shall be a violation of this chapter and shall be subject to penalties in accordance with § 78-50.
- C. Permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the specific activities set forth in such approved plans and applications or amendments thereto. Use, arrangement, or construction of such specific activities that are contrary to that authorization shall be deemed a violation of this chapter.

§ 78-49. Notice of violation and stop-work order.

If the Floodplain Administrator determines that there has been a violation of any provision of this chapter, the Floodplain Administrator shall give notice of such violation to the owner, the owner's authorized agent, and the person responsible for such violation, and may issue a stop-work order. The notice of violation or stop-work order shall be in writing and shall:

- A. Include a list of violations, referring to the section or sections of this chapter that have been violated;
- B. Order remedial action which, if taken, will effect compliance with the provisions of this chapter;
- C. Specify a reasonable period of time to correct the violation;
- D. Advise the recipients of the right to appeal; and
- E. Be served in person; or
- F. Be posted in a conspicuous place in or on the property and sent by registered or certified mail to the last known mailing address, residence, or place of business of the recipients.

§ 78-50. Violations and penalties.

- A. Violations of this chapter or failure to comply with the requirements of this chapter or any conditions attached to a permit or variance shall constitute a misdemeanor. Any person responsible for a violation shall comply with the notice of violation or stop-work order. Alternatively or in addition, the violation may be considered a civil infraction and a fine imposed, but a fine does not excuse the violation. Each day a violation continues shall be considered a separate offense. The violation

must be corrected prior to any further work progressing on the project. Nothing herein contained shall prevent the City of Havre de Grace from taking such other lawful action as is necessary to prevent or remedy any violation.

- B. The Federal Insurance Administrator and the Water Management Administration must be notified by the local permitting official within 30 days after issuance of the citation of any violation which requires a fine or court appearance. New or renewal federal flood insurance may be denied any structure remaining in violation of this chapter. The violation may also violate state law, may be subject to a separate action, and may incur a separate penalty.

ARTICLE IX

Repealer; Subsequent Amendments**§ 78-51. Inconsistent provisions repealed; subsequent amendments.**

All ordinances or parts of ordinances that are inconsistent with the provisions of this chapter are hereby repealed to the extent of such inconsistency. This chapter shall be amended as required by the Federal Emergency Management Agency, Title 44, Code of Federal Regulations. All subsequent amendments to this chapter are subject to the approval of the Federal Emergency Management Agency and the Maryland Department of the Environment.

Chapter 81

FOREST CONSERVATION

GENERAL REFERENCES

Critical areas — See Ch. 49.

Stormwater management — See Ch. 169.

Floodplain management — See Ch. 78.

Trees — See Ch. 186.

Grading and filling — See Ch. 89.

Forest conservation requirements — See Ch. 205, § 205-10.

Site plan approval — See Ch. 155.

§ 81-1. Purpose and general provisions.

- A. Purpose. The Mayor and City Council of Havre de Grace, Maryland, has determined that the provisions of this chapter must be enacted to meet the requirements of Natural Resources Article, §§ 5-1601 through 5-1613, of the Annotated Code of Maryland, as the same may be amended from time to time.
- B. Application and interpretation; subsequent amendments. This chapter may be amended as required. All amendments to this chapter shall be subject to the approval of the Department of Natural Resources. This chapter shall be construed in accordance with all current applicable provisions of Title 5 of the Natural Resources Article of the Annotated Code of Maryland and the applicable provisions of the code of Maryland Regulations, as the same may be amended from time to time. Nothing in this chapter is intended to conflict with, supersede, or otherwise interfere with said provisions of state law.
- C. Incorporation of Model Forest Conservation Ordinance. Set forth below are the provisions of the Maryland Department of Natural Resources Model Forest Conservation Ordinance as contained in Title 8, Subtitle 19, of the Code of Maryland Regulations at the time of adoption of this chapter. This chapter is intended to complement and be fully compatible with the provisions of the Model Forest Conservation Ordinance, as the same may be amended from time to time, and any and all such amendments are hereby deemed to be incorporated by reference into this chapter.

§ 81-2. Forest and tree conservation definitions.

In this chapter the following terms have the meanings indicated.

AFFORESTATION —

- A. Establishment of a forest on an area from which forest cover has been absent for a long period of time; or
- B. Planting of open areas which are not presently in forest cover.

AGRICULTURAL ACTIVITY — Farming activities including plowing, tillage, cropping, installation of best management practices, seeding, cultivating, and harvesting for production of food and fiber products (except commercial logging and timber harvesting operations), the grazing and raising of livestock, aquaculture, sod production, orchards, nursery, and other products cultivated as part of a recognized commercial enterprise.

APPLICANT — A person who is applying for subdivision or project plan approval or a grading or sediment control permit, or who has received approval of a forest stand delineation or forest conservation plan.

APPROVED FOREST MANAGEMENT PLAN — A document:

- A. Approved by the Department of Natural Resources forester assigned to the county or municipality in which the property is located; and
- B. Which operates as a protective agreement for forest conservation as described in the Natural Resources Article, § 5-1607(e) through (f), Annotated Code of Maryland.

CALIPER — The diameter measured at two inches above the root collar.

CHAMPION TREE — The largest tree of its species within the United States, the state, county, or municipality.

COMMERCIAL AND INDUSTRIAL USES — Manufacturing operations, office complexes, shopping centers, and other similar uses and their associated storage areas, yarding and parking areas, and corresponds to City of Havre de Grace Zoning Classifications RO, RB, C and MOE.

COMMERCIAL LOGGING OR TIMBER HARVESTING OPERATIONS — The cutting and removing of tree stems from a site for commercial purposes, leaving the root mass intact.

CRITICAL HABITAT AREA — A critical habitat for an endangered species and its surrounding protection area. A critical habitat area shall:

- A. Be likely to contribute to the long-term survival of the species;
- B. Be likely to be occupied by the species for the foreseeable future; and
- C. Constitute habitat of the species which is considered critical under Natural Resources Article, §§ 4-2A-04 and 10-2A-06, Annotated Code of Maryland.

CRITICAL HABITAT FOR ENDANGERED SPECIES — A habitat occupied by an endangered species as determined or listed under Natural Resources Article, §§ 4-2A-04 and 10-2A-04, Annotated Code of Maryland.

DECLARATION OF INTENT —

- A. A signed and notarized statement by a landowner or the landowner's agent certifying that the activity on the landowner's property:

- (1) Is for certain activities exempted under this chapter or Natural Resources Article, §§ 5-103 and 5-1601 through 5-1612, Annotated Code of Maryland;
- (2) Does not circumvent the requirements of this chapter or Natural Resources Article, §§ 5-103 and 5-1601 through 5-1612, Annotated Code of Maryland; and
- (3) Does not conflict with the purposes of any other declaration of intent; or

B. The document required under COMAR 08.19.01.05 or this chapter.

DEPARTMENT — The department charged with implementing the local forest conservation program.

DEVELOPMENT PROJECT —

- A. The grading or construction activities occurring on a specific tract that is 40,000 square feet or greater.
- B. Includes redevelopment.

DEVELOPMENT PROJECT COMPLETION — For the purposes of afforestation, reforestation, or payment into a fund:

- A. The release of the development bond, if required;
- B. Acceptance of the project's streets, utilities, and public services by the Department; or
- C. Designation by the Department or state that a:
 - (1) Development project has been completed; or
 - (2) Particular stage of a staged development project, including a planned unit development, has been completed.

FOREST —

- A. A biological community dominated by trees and other woody plants covering a land area of 10,000 square feet or greater.
- B. Includes:
 - (1) Areas that have at least 100 live trees per acre with at least 50% of those trees having a two-inch or greater diameter at 4.5 feet above the ground and larger; and
 - (2) Areas that have been cut but not cleared.
- C. Does not include orchards.

FOREST CONSERVANCY DISTRICT BOARD — The forestry board created for each state forest conservancy district under Natural Resources Article, §§ 5-601 through 5-610, Annotated Code of Maryland.

FOREST CONSERVATION — The retention of existing forest or the creation of new forest at the levels set by the state or Department.

FOREST CONSERVATION AND MANAGEMENT AGREEMENT — An agreement as stated in Tax-Property Article, § 8-211, Annotated Code of Maryland.

FOREST CONSERVATION PLAN — A plan approved pursuant to Natural Resources Article, §§ 5-1606 and 5-1607, Annotated Code of Maryland.

FOREST CONSERVATION TECHNICAL MANUAL — The City of Havre de Grace technical manual incorporated by reference, used to establish standards of performance required in preparing forest stand delineations and forest conservation plans.

FOREST COVER — The area of a site meeting the definition of forest.

FOREST MANAGEMENT PLAN — A plan establishing best conservation and management practices for a landowner in assessment of the resource values of forested property.

FOREST MITIGATION BANK — An area of land which has been intentionally afforested or reforested for the express purpose of providing credits for reforestation requirements.

FOREST MITIGATION BANK AGREEMENT — An agreement entered into by an individual owning a forest mitigation bank and the Department or local government which commits the owner to certain procedures and requirements when creating and operating the forest mitigation bank.

FOREST MITIGATION BANK PLAN — A plan submitted for approval of a forest mitigation bank to the Department, or a local government with an approved local program, by an individual proposing to establish a forest mitigation bank.

FOREST STAND DELINEATION — The methodology for evaluating the existing vegetation on a site proposed for development, as provided in the City of Havre de Grace Forest Conservation Technical Manual.

GROWING SEASON — The period of consecutive frost-free days as stated in the current soil survey for Harford County published by the National Cooperative Soil Survey Program, 16 U.S.C. § 590(a) through (f).

HIGH-DENSITY RESIDENTIAL AREAS — Areas zoned for densities greater than one dwelling unit per acre, including both existing and planned development and their associated infrastructure, such as roads, utilities, and water and sewer service, and corresponds to City of Havre de Grace Zoning Classifications of R, R1, R2, RO and RB.

INSTITUTIONAL DEVELOPMENT AREA — Schools, colleges and universities, military installations, transportation facilities, utility and sewer projects, government offices and facilities, golf courses, recreation areas, parks, and cemeteries and corresponds to City of Havre de Grace Zoning Classifications of R, R1, R2, RO, RB, C and MOE.

INTERMITTENT STREAM — A stream in which surface water is absent during a part of the year as shown on the most recent 7.5 minute topographic quadrangle published by the United States Geologic Survey as confirmed by field verification.

LANDSCAPING PLAN — A plan:

- A. Drawn to scale, showing dimensions and details for reforesting an area at least 35 feet wide and covering 2,500 square feet or greater in size;
- B. Using native or indigenous plants when appropriate; and
- C. Which is made part of an approved forest conservation plan.

LINEAR PROJECT — A project which:

- A. Is elongated with nearly parallel sides;
- B. Is used to transport a utility product or public service not otherwise contained in an application for subdivision, such as electricity, gas, water, sewer, communications, trains, and vehicles; and
- C. May traverse fee simple properties through defined boundaries, or established easement rights.

LOCAL AGENCY — Each unit in the municipal government of the City of Havre de Grace, including the Department of Public Works.

LOT — A unit of land, the boundaries of which have been established by subdivision of a larger parcel, and which will not be the subject of further subdivision, as defined by Natural Resources Article, § 5-1601, Annotated Code of Maryland, and this chapter without an approved forest stand delineation and forest conservation plan.

MAINTENANCE AGREEMENT — The short-term management agreement associated with afforestation or reforestation plans required under Natural Resources Article, § 5-1605, Annotated Code of Maryland, and this chapter.

MEDIUM-DENSITY RESIDENTIAL AREAS — Areas zoned for densities greater than one dwelling unit per five acres and less than or equal to one dwelling unit per acre, including both existing and planned development and their associated infrastructure, such as roads, utilities, and water and sewer service, and corresponds to City of Havre de Grace Zoning Classifications of R, R1, R2, RO and RB.

MINOR DEVELOPMENT PROJECT — A project:

- A. On less than five acres of land containing not more than four lots per acre; or
- B. Substantively similar as defined by the Department and approved by the state.

MIXED USE DEVELOPMENT — A single, relatively high-density development project, usually commercial in nature, which includes two or

more types of uses, and corresponds to City of Havre de Grace Zoning Classifications of RO, RB, C and MOE.

NATURAL REGENERATION — The natural establishment of trees and other vegetation with at least 400 woody, free-to-grow seedlings per acre, which are capable of reaching a height of at least 20 feet at maturity.

NET TRACT AREA —

- A. Except in agriculture and resource areas, the total area of a site, including both forested and nonforested areas, to the nearest 1/10 acre, reduced by that area where forest clearing is restricted by another local ordinance or program;
- B. In agriculture and resource areas, the part of the total tract for which land use will be changed or will no longer be used for primarily agricultural activities, reduced by that area where forest clearing is restricted by another local ordinance or program; and
- C. For a linear project:
 - (1) The area of a right-of-way width, new access roads, and storage; or
 - (2) The limits of disturbance as shown on an application for sediment and erosion control approval or in a capital improvements program project description.

NONTIDAL WETLANDS —

- A. An area that is:
 - (1) Inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation; and
 - (2) Considered a nontidal wetland in accordance with the publication known as the "Federal Manual for Identifying and Delineating Jurisdictional Wetlands," published in 1989 and as may be amended and interpreted by the U.S. Environmental Protection Agency.
- B. Does not include tidal wetlands regulated under Natural Resources Article, Title 9, Annotated Code of Maryland.

OFF SITE — Outside of the limits of the area encompassed by the tract.

ONE-HUNDRED-YEAR FLOOD — A flood which has a one-percent chance of being equaled or exceeded in any given year. Except for Class III waters (natural trout streams), a body of water with a watershed less than 400 acres is excluded.

ONE-HUNDRED-YEAR FLOODPLAIN — An area along or adjacent to a stream or body of water, except tidal waters, that is capable of storing or

conveying floodwaters during a one-hundred-year-frequency storm event, or a one-hundred-year flood.

ON SITE — Within the limits of the area encompassed by the tract, including an area classified as a one-hundred-year floodplain.

PERENNIAL STREAM — A stream containing surface water throughout an average rainfall year, as shown on the most recent 7.5 minute topographic quadrangle published by the United States Geologic Survey, as confirmed by field verification.

PERSON — The federal government, the state, a county, municipal corporation, or other political subdivision of the state, or any of their units, or an individual, receiver, trustee, guardian, executor, administrator, fiduciary, or representative of any kind, or any partnership, firm, association, public or private corporation, or any of their affiliates, or any other entity.

PLANNED UNIT DEVELOPMENT — A development comprised of a combination of land uses or varying intensities of the same land use in accordance with an integrated plan that provides flexibility in land use design approved by the City of Havre de Grace with at least 20% of the land permanently dedicated to open space and corresponds to City of Havre de Grace Zoning Classification R, R1, R2, RB, RO, C and MOE.

PROJECT PLAN — A construction, grading, or sediment control activity on an area of 40,000 square feet or greater by a local agency.

PUBLIC UTILITY — Any:

- A. Transmission line or electric generating station; or
- B. Water, sewer, electric, gas, telephone, or television cable service line.

REFORESTATION or REFORESTED —

- A. The:
 - (1) Creation of a biological community dominated by trees and other woody plants containing at least 100 live trees per acre with at least 50% of those trees having the potential of attaining a two-inch or greater diameter measured at 4.5 feet above the ground, within seven years; or
 - (2) Establishment of a forest according to procedures set forth in the City of Havre de Grace's Forest Conservation Technical Manual.
- B. Includes landscaping of areas under an approved landscaping plan establishing a forest at least 35 feet wide and covering 2,500 square feet or more of area.
- C. For a linear project involving overhead transmission lines, may consist of a biological community dominated by trees and woody shrubs with no minimum height or diameter criteria.

REGULATED ACTIVITY — Any of the following activities, when that activity occurs on a unit of land which is 40,000 square feet or greater:

- A. Subdivision;
- B. Grading;
- C. An activity that requires a sediment control permit; or
- D. Project plan of a local agency.

RESOURCE CONSERVATION AREAS — Undeveloped areas zoned for densities of less than or equal to one dwelling unit per 20 acres and corresponds to City of Havre de Grace Zoning Classifications R2, C and RB.

RETENTION — The deliberate holding and protecting of existing trees, shrubs, or plants on the site according to established standards as provided in the City of Havre de Grace Forest Conservation Technical Manual.

SEDIMENT CONTROL PERMIT — The authorization of an activity regulated under a sediment control plan as provided in Environment Article, Title 4, Annotated Code of Maryland.

SEEDLING — An unbranched woody plant, less than 24 inches in height and having a diameter of less than 1/2 inch measured at two inches above the root collar.

SELECTIVE CLEARING — The careful and planned removal of trees, shrubs, and plants using specific standards and protection measures under an approved forest conservation plan.

STREAM BUFFER — All lands lying within 50 feet, measured from the top of each normal bank of a perennial or intermittent stream.

SUBDIVISION — Any division of a unit of land into two or more lots or parcels for the purpose, whether immediate or future, of transfer of ownership, sale, lease, or development.

TIMBER HARVESTING —

- A. A tree-cutting operation affecting one or more acres of forest or developed woodland within a one-year interval that disturbs 5,000 square feet or more of forest floor.
- B. Does not include grubbing and clearing of root mass.

TRACT — Property or unit of land subject to an application for a grading or sediment control permit, subdivision approval, project plan approval, or areas subject to this chapter.

TRACT FOR A PLANNED UNIT DEVELOPMENT — The entire property subject to a planned unit development.

TREE — A large, branched woody plant having one or several self-supporting stems or trunks that reach a height of at least 20 feet at maturity.

VARIANCE —

A. Relief from Natural Resources Article, §§ 5-1601 through 5-1612, Annotated Code of Maryland, or this chapter.

B. Does not mean a zoning variance.

WATERSHED — All land lying within an area described as a subbasin in water quality regulations adopted by the Department of the Environment under COMAR 26.08.02.08.

WHIP — An unbranched woody plant greater than 24 inches in height and having a diameter of less than one inch measured at two inches above the root collar.

§ 81-3. Applicability.

A. Except as provided in Subsection B of this section, this chapter applies to:

- (1) A person making application for a subdivision, project plan, grading, or sediment control approval on units of land 40,000 square feet or greater after the effective date of this chapter;
- (2) A public utility not exempt under Subsection B(5) and (6) of this section;
- (3) A unit of county or municipal government, including a public utility or public works project, making application for a subdivision, project plan, grading, or sediment control approval on areas 40,000 square feet or greater.

B. This chapter does not apply to:

- (1) Highway construction activities under Natural Resources Article, § 5-103, Annotated Code of Maryland;
- (2) Areas governed by the Chesapeake Bay Critical Area Protection Law, Natural Resources Article, §§ 8-1801 through 8-1817, Annotated Code of Maryland, including those areas into which Critical Area forest protection measures have been extended under Natural Resources Article, § 5-1602(c), Annotated Code of Maryland;
- (3) Commercial logging and timber harvesting operations, including harvesting conducted subject to the forest conservation and management program under Tax-Property Article, § 8-211, Annotated Code of Maryland, that are completed:
 - (a) Before July 1, 1991; or
 - (b) After July 1, 1991, on property which:

- [1] Has not been the subject of application for a grading permit for development within five years after the logging or harvesting operation; and
 - [2] Is the subject of a declaration of intent as provided for in Subsection C of this section, approved by the Department;
- (4) Agricultural activities not resulting in a change in land use category, including agricultural support buildings and other related structures built using accepted best management practices, except that a person engaging in an agricultural activity clearing 40,000 square feet or greater of forest within a one-year period, may not receive an agricultural exemption, unless the person files a declaration of intent as provided for in Subsection C of this section which includes:
- (a) A statement that the landowner or landowner's agent will practice agriculture on that portion of the property for five years from the date of the declaration; and
 - (b) A sketch map of the property which shows the area to be cleared.
- (5) The cutting or clearing of public utility rights-of-way licensed under Public Utility Companies, §§ 7-207 and 7-208 or 7-205, Annotated Code of Maryland, or land for electric generating stations licensed under Public Utility Companies, §§ 7-207 and 7-208 or 7-205, Annotated Code of Maryland, if:
- (a) Required certificates of public convenience and necessity have been issued in accordance with Natural Resources Article, § 5-1603(f), Annotated Code of Maryland; and
 - (b) Cutting or clearing of the forest is conducted to minimize the loss of forest;
- (6) Routine maintenance or emergency repairs of public utility rights-of-way licensed under Public Utility Companies, §§ 7-207 and 7-208 or 7-205, Annotated Code of Maryland;
- (7) Except for a public utility subject to Subsection B(6) of this section, routine maintenance or emergency repairs of a public utility right-of-way if:
- (a) The right-of-way existed before the effective date of this chapter; or
 - (b) The right-of-way's initial construction was approved under this chapter;
- (8) A residential construction activity conducted on an existing single lot of any size of record at the time of application, or a linear project not otherwise exempted under this chapter, if the activity:

- (a) Does not result in the cumulative cutting, clearing, or grading of more than 20,000 square feet of forest;
 - (b) Does not result in the cutting, clearing, or grading of a forest that is subject to the requirements of a previous forest conservation plan approved under this chapter; and
 - (c) Is the subject of a declaration of intent filed with the Department, as provided for in Subsection C of this section, stating that the lot will not be the subject of a regulated activity within five years of the cutting, clearing, or grading of forest;
- (9) Strip or deep mining of coal regulated under Environment Article, Title 15, Subtitle 5 or 6, Annotated Code of Maryland;
- (10) Noncoal surface mining regulated under Environment Article, Title 15, Subtitle 8, Annotated Code of Maryland;
- (11) An activity required for the purpose of constructing a dwelling house intended for the use of the owner or a child of the owner, if the activity:
- (a) Does not result in the cutting, clearing, or grading of more than 20,000 square feet of forest; and
 - (b) Is the subject of a declaration of intent filed with the Department, as provided for in Subsection C of this section, which states that transfer of ownership may result in a loss of exemption;
- (12) A preliminary plan of subdivision (The term "site plan" has been removed by DNR from this and all similar applications.) or a grading or sediment control plan approved before July 1, 1991;
- (13) A planned unit development that, by December 31, 1991, has:
- (a) Met all requirements for planned unit development approval; and
 - (b) Obtained initial development plan approval by the Department;
- (14) A real estate transfer to provide a security, leasehold, or other legal or equitable interest, including a transfer of title, of a portion of a lot or parcel, if:
- (a) The transfer does not involve a change in land use, or new development or redevelopment, with associated land-disturbing activities; and
 - (b) Both the grantor and grantee file a declaration of intent, as provided for in Subsection C of this section.

C. Declaration of intent.

- (1) The purpose of the declaration of intent is to verify that the proposed activity is exempt under Natural Resources Article, §§ 5-103 and 5-1601 through 5-1612, Annotated Code of Maryland, and this chapter.
- (2) A person seeking an exemption under Subsection B(3), (4), (8), (11) and (14) of this section shall file a declaration of intent with the Department.
- (3) The declaration of intent is effective for five years.
- (4) The existence of a declaration of intent does not preclude another exempted activity on the property subject to a declaration of intent, if the activity:
 - (a) Does not conflict with the purpose of any existing declaration of intent; and
 - (b) Complies with the applicable requirements for an exempted activity.
- (5) If a regulated activity on the area covered by the declaration of intent occurs within five years of the effective date of the declaration of intent:
 - (a) There shall be an immediate loss of exemption; or
 - (b) There may be a noncompliance action taken by the Department, as appropriate, under this chapter.
- (6) An applicant may apply for a regulated activity on that area of the property not covered under the declaration of intent if the requirements of this chapter are satisfied.
- (7) The Department may require a person failing to file a declaration of intent or found in noncompliance with a declaration of intent to:
 - (a) Meet the retention, afforestation, and reforestation requirements established in §§ 81-3 through 81-13 of this chapter;
 - (b) Pay a noncompliance fee of \$1 per square foot of forest cut or cleared under the declaration of intent;
 - (c) Be subject to other enforcement actions appropriate under Natural Resources Article, §§ 5-1601 through 5-1612, Annotated Code of Maryland, and this chapter; or
 - (d) File a declaration of intent with the Department.
- (8) In its determination of appropriate enforcement action, the Department may consider whether failure to file a declaration of intent by a person required to file is a knowing violation of this chapter.

- (9) Commercial logging and timber harvesting. The requirements for a declaration of intent may be satisfied by a forest management plan for the entire tract, prepared by a forester licensed in Maryland according to Business Occupations and Professions Article, Title 7, Annotated Code of Maryland, which outlines management practices needed to meet the stated objectives for a minimum of five years.
- (10) Agricultural activities or commercial logging and timber harvesting. A declaration of intent may be part of an amended sediment and erosion control plan which ensures that the activity meets the conditions for an exemption as stated in § 81-3B(3) and (4) of this chapter.

§ 81-4. General requirements.

- A. A person making application after the effective date of January 1, 1993, for subdivision or local agency project plan approval, a grading permit, or a sediment control permit for an area of land of 40,000 square feet or greater shall:
 - (1) Submit to the Department a forest stand delineation and a forest conservation plan for the lot or parcel on which the development is located; and
 - (2) Use methods approved by the Department, as provided in the City of Havre de Grace's Forest Conservation Technical Manual, to protect retained forests and trees during construction.
- B. If a local agency or person using state funds makes application to conduct a regulated activity, the provisions of COMAR 08.19.04.01D through G apply.

§ 81-5. Forest stand delineation criteria.

- A. A forest stand delineation shall be submitted at the initial stages of subdivision or project plan approval, before a grading permit application, or before a sediment control application is submitted for the tract being developed.
- B. The delineation shall be prepared by a licensed forester, licensed landscape architect, or a qualified professional who meets the requirements stated in COMAR 08.19.06.01A.
- C. The delineation shall be used during the preliminary review process to determine the most suitable and practical areas for forest conservation and shall contain the following components:
 - (1) A topographic map delineating intermittent and perennial streams, and steep slopes over 25%;

- (2) A soils map delineating soils with structural limitations, hydric soils, or soils with a soil K value greater than 0.35 on slopes of 15% or more;
 - (3) Forest stand maps indicating species, location, and size of trees and showing dominant and codominant forest types;
 - (4) Location of one-hundred-year floodplains;
 - (5) Information required by the City of Havre de Grace's Forest Conservation Technical Manual; and
 - (6) Other information the Department determines is necessary to implement this chapter.
- D. If approved by the Department, a simplified delineation, a concept plan or plat, preliminary plat or plan, sediment control plan, or other appropriate document, verified by a site visit, if appropriate, may substitute for the forest stand delineation if:
- (1) No forest cover is disturbed during a construction activity; and
 - (2) Designated to be under a long term protective agreement.
- E. The Department shall consider a simplified forest stand delineation, or other substitute plan described in Subsection D, complete if it includes:
- (1) All requirements under Subsection C(1), (2), (4), and (5) of this section;
 - (2) A map showing existing forest cover as verified by field inspection; and
 - (3) Other information required by this chapter.
- F. An approved forest stand delineation may remain in effect for a period not longer than five years.
- G. Time for submittal.
- (1) Within 30 calendar days after receipt of the forest stand delineation, the Department shall notify the applicant whether the forest stand delineation is complete and correct.
 - (2) If the Department fails to notify the applicant within 30 days, the delineation shall be treated as complete and correct.
 - (3) The Department may require further information or provide for an additional 15 calendar days under extenuating circumstances.

§ 81-6. Forest conservation plan.

- A. General provisions.

- (1) In developing a forest conservation plan, the applicant shall give priority to techniques for retaining existing forest on the site.
- (2) If existing forest on the site subject to a forest conservation plan cannot be retained, the applicant shall demonstrate to the satisfaction of the Department:
 - (a) How techniques for forest retention have been exhausted;
 - (b) Why the priority forests and priority areas specified in Natural Resources Article, § 5-1607(c)(1), Annotated Code of Maryland, cannot be left in an undisturbed condition;
 - [1] If priority forests and priority areas cannot be left undisturbed, how the sequence for afforestation or reforestation will be followed in compliance with Natural Resources Article, § 5-1607, Annotated Code of Maryland; and
 - [2] Where on the site in priority areas afforestation or reforestation will occur in compliance with Natural Resources Article, § 5-1607, Annotated Code of Maryland.
 - (c) How the disturbance of the priority forests and priority areas specified in Natural Resources Article, § 5-1607(c)(2), Annotated Code of Maryland, qualifies for a variance.
- (3) The applicant shall demonstrate to the satisfaction of the Department that the requirements for afforestation or reforestation on site or off site cannot be reasonably accomplished if the applicant proposes to make a payment into the local forest conservation fund or to purchase credits from a forest mitigation bank.
- (4) Nontidal wetlands. A regulated activity within the net tract area that occurs wholly or partly in areas regulated as nontidal wetlands under Environment Article, Title 9, Annotated Code of Maryland, is subject to both the nontidal wetlands regulatory requirements and the requirements of this chapter, subject to the following:
 - (a) Any area of forest in the net tract area, including forest in nontidal wetlands that is retained, shall be counted towards forest conservation requirements under this chapter;
 - (b) For the purpose of calculating reforestation mitigation under this chapter, a forested nontidal wetland permitted to be cut or cleared and required to be mitigated under Environment Article, Title 9, Annotated Code of Maryland, shall be shown on the forest conservation plan and subtracted on an acre-for-acre basis from the total amount of forest to be cut or cleared as part of a regulated activity;

- (c) Nontidal wetlands shall be considered to be priority areas for retention and replacement;
- (d) Forested nontidal wetland identification and delineation should be included at the earliest stage of planning to assist the applicant in avoidance and reduction of impacts to the nontidal wetlands and to avoid delay in the approval process.

B. Preliminary forest conservation plan.

- (1) A preliminary forest conservation plan shall be prepared by a licensed forester, a licensed landscape architect, or a qualified professional who meets the requirements stated in COMAR 08.19.06.01A.
- (2) A preliminary forest conservation plan shall:
 - (a) Be submitted with the preliminary plan of subdivision or proposed project plan;
 - (b) Include the approved forest stand delineation for the site;
 - (c) Include a table that lists the proposed values of the following, in square feet:
 - [1] Net tract area;
 - [2] Area of forest conservation required; and
 - [3] Area of forest conservation that the applicant proposes to provide, including both on-site and off-site areas;
 - (d) Include a clear graphic indication of the forest conservation provided on the site drawn to scale, showing areas where retention of existing forest or afforestation or reforestation is proposed;
 - (e) Include an explanation of how the provisions of Subsection A of this section have been met;
 - (f) In the case of afforestation or reforestation, include a proposed afforestation or reforestation plan;
 - (g) Include a proposed construction timetable showing the sequence of forest conservation procedures;
 - (h) Show the proposed limits of disturbance;
 - (i) Show proposed stockpile areas;
 - (j) Incorporate a proposed two-year maintenance agreement that shows how areas designated for afforestation or reforestation will be maintained to ensure protection and satisfactory establishment; and

- (k) Other information the Department determines is necessary to implement this chapter.
 - (3) The review of the preliminary forest conservation plan shall be concurrent with the review of the preliminary site plan.
 - (4) During the different stages of the review process, the preliminary forest conservation plan may be modified, provided the Department approves of the changes.
- C. The final forest conservation plan.
- (1) A final forest conservation plan shall be prepared by a licensed forester, a licensed landscape architect, or a qualified professional who meets the requirements stated in COMAR 08.19.06.01A.
 - (2) A final forest conservation plan shall:
 - (a) Be submitted with the following:
 - [1] A final subdivision plan;
 - [2] A final project plan;
 - [3] An application for a grading permit; or
 - [4] An application for a sediment control permit;
 - (b) Show proposed locations and types of protective devices to be used during construction activities to protect trees and forests designated for conservation;
 - (c) In the case of afforestation or reforestation, include an afforestation or reforestation plan, with a timetable and description of needed site and soil preparation, species, size, and spacing to be used;
 - (d) Incorporate a binding two-year maintenance agreement specified in COMAR 08.19.05.01 that details how the areas designated for afforestation or reforestation will be maintained to ensure protection and satisfactory establishment, including:
 - [1] Watering; and
 - [2] A reinforcement planting provision if survival rates fall below required standards, as provided in the City of Havre de Grace Forest Conservation Technical Manual;
 - (e) Incorporate a long-term binding protective agreement as specified in COMAR 08.19.05.02 that:
 - [1] Provides protection for areas of forest conservation, including areas of afforestation, reforestation, and retention; and

- [2] Limits uses in areas of forest conservation to those uses that are designated and consistent with forest conservation, including recreational activities and forest management practices that are used to preserve forest;
 - (f) Include the substantive elements required under Subsection B(2)(b) through (e), (g) through (i), and (k) of this section, as finalized elements of the forest conservation plan; and
 - (g) Other information the Department determines is necessary to implement this chapter.
- (3) Time for submittal.
- (a) Within 45 calendar days after receipt of the final forest conservation plan, the Department shall notify the applicant whether the forest conservation plan is complete and approved.
 - (b) If the Department fails to notify the applicant within 45 calendar days, the plan shall be treated as complete and approved.
 - (c) The Department may require further information or extend the deadline for an additional 15 calendar days under extenuating circumstances.
 - (d) At the request of the applicant, the Department may extend the deadline under extenuating circumstances.
- (4) The Department's review of a final forest conservation plan shall be concurrent with the review of the final subdivision or project plan, grading permit application, or sediment control application associated with the project.
- (5) The Department may revoke an approved forest conservation plan if it finds that:
- (a) A provision of the plan has been violated;
 - (b) Approval of the plan was obtained through fraud, misrepresentation, a false or misleading statement, or omission of a relevant or material fact; or
 - (c) Changes in the development or in the condition of the site necessitate preparation of a new or amended plan.
- (6) The Department may issue a stop-work order against a person who violates a provision of this chapter or a regulation, order, approved forest conservation plan, or maintenance agreement.
- (7) Before revoking approval of a forest conservation plan, the Department shall notify the violator in writing and provide an opportunity for a hearing.

§ 81-7. Afforestation; retention.

A. Afforestation requirement. A person making application after the effective date of this chapter for subdivision or project plan approval, a grading permit, or a sediment control permit for an area of land of 40,000 square feet or greater shall:

(1) Conduct afforestation on the lot or parcel in accordance with the following:

(a) A tract having less than 20% of the net tract area in forest cover shall be afforested up to at least 20% of the net tract area for the following land use categories:

[1] Agriculture and resource areas; and

[2] Medium-density residential areas.

(b) A tract with less than 15% of its net tract area in forest cover shall be afforested up to at least 15% of the net tract area for the following land use categories:

[1] Institutional development areas;

[2] High-density residential areas;

[3] Mixed use and planned unit development areas; and

[4] Commercial and industrial use areas.

(2) Comply with the following when cutting into forest cover that is currently below the afforestation percentages described in Subsection A(1)(a) and (b) of this section:

(a) The required afforestation level shall be determined by the amount of forest existing before cutting or clearing begins; and

(b) Forest cut or cleared below the required afforestation level shall be reforested or afforested at a two-to-one ratio and added to the amount of afforestation necessary to reach the minimum required afforestation level, as determined by the amount of forest existing before cutting or clearing began.

B. Retention.

(1) The following trees, shrubs, plants, and specific areas are considered priority for retention and protection and shall be left in an undisturbed condition unless the applicant has demonstrated, to the satisfaction of the Department that reasonable efforts have been made to protect them and the plan cannot reasonably be altered:

(a) Trees, shrubs, and plants located in sensitive areas including the one-hundred-year floodplain, intermittent and perennial

streams and their buffers, coastal bays and their buffers, steep slopes, nontidal wetlands, and critical habitats; and

- (b) Contiguous forest that connects the largest undeveloped or most vegetated tracts of land within and adjacent to the site.
- (2) The following trees, shrubs, plants, and specific areas are considered priority for retention and protection and shall be left in an undisturbed condition unless the applicant has demonstrated, to the satisfaction of the Department, that the applicant qualifies for a variance in accordance with § 81-14 of this chapter.
 - (a) Trees, shrubs, or plants determined to be rare, threatened, or endangered under:
 - [1] The federal Endangered Species Act of 1973 in 16 U.S.C. §§ 1531 through 1544 and in 50 CFR 17;
 - [2] The Maryland Nongame and Endangered Species Conservation Act, Natural Resources Article, §§ 10-2A-01 through 10-2A-09, Annotated Code of Maryland; and
 - [3] COMAR 08.03.08;
 - (b) Trees that:
 - [1] Are part of an historic site;
 - [2] Are associated with an historic structure; or
 - [3] Have been designated by the state or the Department as a national, state, or county champion tree; and
 - (c) Any tree having a diameter measured at 4.5 feet above the ground of:
 - [1] Thirty inches or more; or
 - [2] Seventy-five percent or more of the diameter, measured at 4.5 feet above the ground, of the current state champion tree of that species as designated by the Department of Natural Resources.

§ 81-8. Reforestation; forest conservation threshold.

- A. There is a forest conservation threshold established for all land use categories, as provided in Subsection B of this section. The forest conservation threshold means the percentage of the net tract area at which the reforestation requirement changes from a ratio of 1/4 acre planted for each acre removed above the threshold to a ratio of two acres planted for each acre removed below the threshold.
- B. After reasonable efforts to minimize the cutting or clearing of trees and other woody plants have been exhausted in the development of a

subdivision or project plan, grading and sediment control activities, and implementation of the forest conservation plan, the forest conservation plan shall provide for reforestation, purchase of credits from a forest mitigation bank, or payment into the forest conservation fund, according to the formula set forth in Subsections B and C of this section and consistent with § 81-6A of this chapter, and the following forest conservation thresholds for the applicable land use category:

Category of Use	Threshold Percentage
Agricultural and resource areas	50%
Medium-density residential areas	25%
Institutional development areas	20%
High-density residential areas	20%
Mixed use and planned unit development areas	15%
Commercial and industrial use areas	15%

C. Calculations.

- (1) For all existing forest cover measured to the nearest 1/10 acre cleared on the net tract area above the applicable forest conservation threshold, the area of forest removed shall be reforested at a ratio of 1/4 acre planted for each acre removed.
- (2) Each acre of forest retained on the net tract area above the applicable forest conservation threshold shall be credited against the total number of acres required to be reforested under Subsection C(1) of this section. The calculation of the credit shall be according to the criteria provided in the City of Havre de Grace Forest Conservation Technical Manual.
- (3) For all existing forest cover measured to the nearest 1/10 acre cleared on the net tract area below the applicable forest conservation threshold, the area of the forest removed shall be reforested at a ratio of two acres planted for each acre removed below the threshold.

§ 81-9. Sequence for afforestation and reforestation.

- A. After techniques for retaining existing forest on the site have been exhausted, the preferred sequence for afforestation and reforestation, as determined by the Department, is as follows:
- (1) Forest creation in accordance with a forest conservation plan using one or more of the following:
 - (a) Transplanted or nursery stock;
 - (b) Whip and seedling stock; or

- (c) Natural regeneration where it can be adequately shown to meet the objective of the State Forest Conservation Technical Manual;
 - (2) In a municipal corporation with a tree management plan and in an existing population center designated in a county master plan that has been adopted to conform with the Economic Growth, Resource Protection, and Planning Act of 1992, or in any other designated area approved by the Department, the use of:
 - (a) Street trees as a permissible step in the priority sequence for afforestation or reforestation and with a mature canopy coverage may be granted full credit as a mitigation technique; and
 - (b) Acquisition of an off-site protection easement on existing forested areas not currently protected in perpetuity as a mitigation technique, in which case the afforestation or reforestation credit granted may not exceed 50% of the area of forest cover protected;
 - (3) When all other options, both on site and off site, have been exhausted, landscaping as a mitigation technique conducted under an approved landscaping plan that establishes a forest at least 35 feet wide and covering at least 2,500 square feet of area.
- B. A sequence other than the one described in Subsection A of this section may be used for a specific project, if necessary, to achieve the objectives of the City's land use plan or the City's land use policies, or to take advantage of opportunities to consolidate forest conservation efforts.
- C. The following are considered a priority for afforestation and reforestation:
- (1) Those techniques that enhance existing forest and involve selective clearing or supplemental planting on site;
 - (2) On-site afforestation or reforestation where the retention options have been exhausted, using methods selected in accordance with Subsection F of this section, and the location being selected in accordance with this subsection;
 - (3) Off-site afforestation or reforestation in the same watershed or in accordance with an approved master plan where the applicant has demonstrated that no reasonable alternative on site exists, or where:
 - (a) Any on-site priority areas for afforestation or reforestation have been planted in accordance with this subsection; and
 - (b) The applicant has justified to the Department's satisfaction that environmental benefits associated with off-site

afforestation or reforestation exceed those derived from on-site planting.

- D. In the cases cited in Subsection C of this section, the method shall be selected in accordance with Subsection F of this section and the location shall be selected in accordance with Subsection C of this section.
- E. Off-site afforestation or reforestation may include the use of forest mitigation banks which have been so designated in advance by the Department.
- F. Standards for meeting afforestation or reforestation requirements shall be established using one or more of the following methods:
 - (1) Establish or enhance forest buffers adjacent to intermittent and perennial streams, and coastal bays and their buffers, to widths of at least 50 feet;
 - (2) Establish or increase existing forested corridors to connect existing forests within or adjacent to the site and, where practical, forested corridors should be a minimum of 300 feet in width to facilitate wildlife movement;
 - (3) Establish or enhance forest buffers adjacent to critical habitats where appropriate;
 - (4) Establish or enhance forested areas in the one-hundred-year floodplains;
 - (5) Establish plantings to stabilize slopes of 25% or greater and slopes of 15% or greater with a soil K value greater than 0.35 including the slopes of ravines or other natural depressions;
 - (6) Establish buffers adjacent to areas of differing land use when appropriate, or adjacent to highways or utility rights-of-way;
 - (7) Establish forest areas adjacent to existing forests to increase the overall area of contiguous forest cover, when appropriate; and
 - (8) Use native plant materials for afforestation or reforestation, when appropriate.
- G. A person required to conduct afforestation or reforestation under this section shall accomplish it within one year or two growing seasons, whichever is a greater time period, following development project completion.

§ 81-10. Payment in lieu of afforestation and reforestation.

- A. Forest Conservation Fund.
 - (1) There is established a Forest Conservation Fund in the local program.

- (2) If a person subject to this chapter demonstrates to the satisfaction of the Department that requirements for reforestation or afforestation on site or off site cannot be reasonably accomplished, the person shall contribute money into the City's Forest Conservation Fund:
 - (a) For a project inside a priority funding area, as defined in Natural Resources Article § 5-1610, Annotated Code of Maryland, at a rate of 30 cents per square foot of the area of required planting until September 30, 2014, when the amount shall be adjusted for inflation as determined by the Department annually by regulation; and
 - (b) For a project outside a priority funding area, at a rate of 36 cents per square foot of the required planting until September 30, 2014, when the amount shall be 20% higher than the rate established for a project inside a priority funding area.
- (3) Money contributed instead of afforestation or reforestation under this section shall be paid within 90 calendar days after development project completion.
- (4) The City shall accomplish the reforestation or afforestation for which the money is deposited within two years or three growing seasons, whichever is a greater time period, after receipt of the money.
- (5) Money deposited in the local Forest Conservation Fund:
 - (a) May be spent on the costs directly related to reforestation and afforestation, including site identification, acquisition, preparation, maintenance of existing forests, and achieving urban canopy goals;
 - (b) Shall be deposited in a separate forest conservation fund; and
 - (c) May not revert to the general fund.
- (6) Sites for afforestation or reforestation using fund money.
 - (a) Except as provided in Subsection A(6)(b) of this section, the reforestation or afforestation requirement under this section shall occur in the City and watershed in which the project is located.
 - (b) If the reforestation or afforestation cannot be reasonably accomplished in the City and watershed in which the project is located, then the reforestation or afforestation shall occur in Harford County or watershed in the state in which the project is located.

B. Payment by credits from a forest mitigation bank.

- (1) Use of forest mitigation bank.
 - (a) If a person subject to this chapter demonstrates to the satisfaction of the Department that requirements for reforestation or afforestation on site or off site cannot be reasonably accomplished, the person may contribute credits from a forest mitigation bank. A credit is required for each tenth of an acre of an area of required planting.
 - (b) The credits shall be debited from an approved forest mitigation bank within 90 calendar days after development project completion.
- (2) Establishing forest mitigation banks.
 - (a) A person may create a forest mitigation bank from which applicants may purchase credits to meet the afforestation and reforestation requirements of this chapter.
 - (b) The forest mitigation bank shall:
 - [1] Afforest or reforest an area of land in accordance with a forest mitigation bank agreement;
 - [2] Be protected by an easement, deed restrictions, or covenants which require the land in the bank to remain forested in perpetuity and are enforceable by the Department and the Department of Natural Resources;
 - [3] Limit the use of the land in the bank to those activities which are not inconsistent with forest conservation such as recreational activities, forest management under a forest conservation and management program under Tax-Property Article, § 8-211, Annotated Code of Maryland, or activities specified in a forest management plan prepared by a licensed forester and approved by the Department;
 - [4] Use native plant materials for afforestation or reforestation unless inappropriate; and
 - [5] Cause trees to be planted which:
 - [a] Establish or enhance forested buffers adjacent to intermittent and perennial streams and coastal bays to widths of at least 50 feet;
 - [b] Establish or increase existing forested corridors, which, where practical, should be a minimum of 300 feet in width to facilitate wildlife movement, to connect existing forests within or adjacent to the site;
 - [c] Establish or enhance forest buffers adjacent to critical habitats where appropriate;

- [d] Establish or enhance forested areas in one-hundred-year floodplains;
 - [e] Stabilize slopes of 25% or greater;
 - [f] Stabilize slopes of 15% or greater with a soil K value greater than 0.35 including the slopes of ravines or other natural depressions;
 - [g] Establish buffers adjacent to areas of differing land use where appropriate, or adjacent to highways or utility rights-of-way; or
 - [h] Establish forest areas adjacent to existing forests to increase the overall area of contiguous forest cover, when appropriate.
- (c) A person proposing to create a forest mitigation bank shall submit to the Department a:
- [1] Completed application on a form approved by the Department which has been signed by an authorized individual in conformance with COMAR 08.19.04.02I;
 - [2] Forest mitigation bank plan which contains a:
 - [a] Vicinity map of the proposed mitigation bank site;
 - [b] Simplified forest stand delineation which meets the criteria in COMAR 08.19.04.02;
 - [c] Detailed afforestation or reforestation plan, which shall include a timetable and description of the site and soil preparation needed, species, size, and spacing to be utilized, prepared by a licensed Maryland forester, a licensed landscape architect, or a qualified professional who meets the requirements stated in COMAR 08.19.06.01A; and
 - [d] Proposed two-year maintenance agreement that:
 - [i] Sets forth how the areas afforested or reforested will be maintained to ensure protection and satisfactory establishment;
 - [ii] Complies with COMAR 08.19.04.05C(4)(a); and
 - [iii] Includes watering and reinforcement planting provisions if survival falls below required standards;
 - [3] Copy of the deed to the property;

- [4] Survey or other legally sufficient description of the bank site for inclusion in the deeds of easement, deed restrictions, or covenants;
 - [5] Title report or other assurance that:
 - [a] The property is not encumbered by any covenants or other types of restrictions which would impair the property's use as a forest mitigation bank; and
 - [b] There is legally sufficient access to the forest mitigation bank site which can be used by the Department and its assignees to inspect the forest mitigation bank; and
 - [6] Description of the system to be used by the person owning and operating the forest mitigation bank to identify and keep track of which portions of the bank have been debited to meet an applicant's off-site afforestation or reforestation requirements.
- (d) The owner of an approved forest mitigation bank shall enter into an agreement with the Department which contains:
- [1] The approved reforestation or afforestation plan;
 - [2] The approved system for marking and tracking which portions of the bank have been debited; and
 - [3] An acknowledgment that the bank may not debit any portion of the afforested or reforested land until two years of successful growth has been achieved unless the owner has posted a bond or alternate form of security.

§ 81-11. Recommended tree species list.

- A. Tree species used for afforestation or reforestation shall be native to Harford County when appropriate, and selected from a list of approved species established by the Department.
- B. The Department shall adopt a list of tree species to be used for any required afforestation or reforestation and incorporate it into the City of Havre de Grace's Forest Conservation Technical Manual.

§ 81-12. Financial security/bonding for afforestation and reforestation.

- A. A person required to conduct afforestation or reforestation under this section shall furnish financial security in the form of a bond, an irrevocable letter of credit, or other security approved by the Department. The surety shall:

- (1) Assure that the afforestation, reforestation, and the associated maintenance agreement are conducted and maintained in accordance with the approved forest conservation plan;
 - (2) Be in an amount equal to the estimated cost, as determined by the Department, of afforestation and reforestation; and
 - (3) Be in a form and of a content approved by the Department.
- B. After one growing season, the person required to file a bond under Subsection A of this section may request reduction of the amount of the bond or other financial security by submitting a written request to the Department with a justification for reducing the bond or other financial security amount, including estimated or actual costs to ensure afforestation or reforestation requirements are met.
- C. The Department shall determine whether a lesser amount is sufficient to cover the cost of afforestation or reforestation, taking into account the following:
 - (1) The number of acres;
 - (2) The proposed method of afforestation or reforestation;
 - (3) The cost of planting materials or replacement materials;
 - (4) The cost of maintenance of the afforestation or reforestation project; and
 - (5) Other relevant factors.
- D. If, after two growing seasons, the plantings associated with the afforestation or reforestation meet or exceed the standards of the City of Havre de Grace Forest Conservation Technical Manual, the amount of the cash bond, letter of credit, surety bond, or other security shall be returned or released.
- E. A local forest conservation program may incorporate the financial security set forth in Subsections A through D of this section or in COMAR 08.19.05.01B.

§ 81-13. Standards for protecting trees from construction activities; protection devices.

- A. The City shall require standards for the protection of trees from construction activity as effective as the standards provided in the Department of Natural Resources Forest Conservation Manual.
- B. Before cutting, clearing, grading, or construction begins on a site for which a forest conservation plan is required by this chapter, the applicant shall demonstrate to the Department that protective devices have been established.

§ 81-14. Variance procedure.

- A. A person may request a variance from this chapter or the requirements of Natural Resources Article, §§ 5-1601 through 5-1612, Annotated Code of Maryland, if the person demonstrates that enforcement would result in unwarranted hardship to the person.
- B. An applicant for a variance shall:
 - (1) Describe the special conditions peculiar to the property which would cause the unwarranted hardship;
 - (2) Describe how enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas;
 - (3) Verify that the granting of the variance will not confer on the applicant a special privilege that would be denied to other applicants;
 - (4) Verify that the variance request is not based on conditions or circumstances which are the result of actions by the applicant;
 - (5) Verify that the request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; and
 - (6) Verify that the granting of a variance will not adversely affect water quality.
- C. The Department shall make findings that the applicant has met the requirements in Subsections A and B of this section before the Department may grant a variance.
- D. Notice of a request for a variance shall be given to the Department of Natural Resources within 15 days of receipt of a request for a variance.
- E. There is established by this chapter the right and authority of the Department of Natural Resources to initiate or intervene in an administrative, judicial, or other original proceeding or appeal in the state concerning an approval of a variance under Natural Resources Article, §§ 5-1601 through 5-1612, Annotated Code of Maryland, or this chapter.

§ 81-15. Violations and penalties; enforcement.

- A. Noncompliance fees.
 - (1) A person found to be in noncompliance with this chapter, regulations adopted under this chapter, the forest conservation plan, or the associated two-year maintenance agreement, shall be assessed by the Department the penalty of \$1 per square foot of the area found to be in noncompliance with required forest conservation.

- (2) Money collected under Subsection A(1) of this section shall be deposited in the forest conservation fund as required by § 81-10 of this chapter, and may be used by the Department for purposes related to implementing this chapter.

B. Violation.

- (1) In addition to the provisions under Subsection A of this section, a person who violates a provision of this chapter or a regulation or order adopted or issued under this chapter is liable for a penalty not to exceed \$1,000, which may be recovered in a civil action brought by the Department.
 - (2) Each day a violation continues is a separate violation.
- C. The Department may seek an injunction requiring the person to cease violation of this chapter and take corrective action to restore or reforest an area.
- D. The local program may adopt the enforcement provisions under COMAR 08.19.06.03.
- E. The local program shall provide to the Department notice of an enforcement action within 15 days after the commencement of enforcement by the local program.

§ 81-16. Annual report.

On or before March 1 of each year, the Department shall submit to the Department of Natural Resources a report which contains the:

- A. Number, location, and type of projects subject to the provisions of this chapter;
- B. Amount and location of acres cleared, conserved, and planted, including any areas located in the one-hundred-year floodplain, in connection with a development project;
- C. Amount of reforestation and afforestation fees and noncompliance penalties collected and expended;
- D. Costs of implementing the forest conservation program;
- E. Location and size of all forest mitigation banks approved during the past year with a description of the priority areas afforested or reforested by the bank;
- F. Number of acres debited from each forest mitigation bank since the last annual report;
- G. Forest mitigation banks inspected since the last annual report;
- H. Number, location and types of violations and types of enforcement activities conducted; and

- I. The size and location of all conserved and planted forest areas shall be submitted in an electronic geographic information system or computer-aided design format if possible. If not possible, the location shall be given by Maryland State Plane Grid Coordinates and eight-digit subwatershed.

§ 81-17. Biennial review by Department of Natural Resources.

The Department shall submit the necessary documentation to comply with COMAR 08.19.02.04. as the same may be amended from time to time.

§ 81-18. Adoption of Forest Conservation Manual.

The City of Havre de Grace hereby adopts the Forest Conservation Manual, 1997 Third Edition, prepared by the Metropolitan Washington Council of Governments for the Maryland Department of Natural Resources, as revised, as the City's Forest Conservation Technical Manual.

§ 81-19. Amendments; severability; repealer.

- A. This chapter may be amended as required. All amendments to this chapter are subject to the approval of the Department of Natural Resources.
- B. If any section, sentence, clause or phrase of this chapter is held invalid or unconstitutional by any court of competent jurisdiction, than said ruling shall not affect the validity of the remaining portions of this chapter.
- C. All prior ordinances and resolutions inconsistent herewith are hereby repealed to the extent of the inconsistency, but in all other respects shall remain in full force and effect.

Chapter 84

FORTUNE TELLING

GENERAL REFERENCES

Criminal sanctions — See Ch. 1, Art. I.

§ 84-1. Fortune telling prohibited. [Amended 12-6-2010 by Ord. No. 922]

It shall be unlawful for any person to ask, demand, charge or accept any remuneration, gratuity or anything of value for forecasting or foretelling or for pretending to forecast or foretell the future of another by cards, palm reading or any other scheme, practice or device with a person under the

age of 18 in the City of Havre de Grace, unless with the written consent of a parent or guardian.

§ 84-2. Violations and penalties.

Any person convicted of committing any unlawful act as provided in this chapter shall be guilty of a misdemeanor. If any unlawful act is continuing, then each day during which such violation continues shall be considered a separate offense. In addition to any criminal penalty which may be imposed, all the provisions of this chapter may be enforced by petition for injunction filed on behalf of the Mayor and City Council of Havre de Grace.

Chapter 89

GRADING AND FILLING

GENERAL REFERENCES

Criminal sanctions — See Ch. 1, Art. I

Forest conservation — See Ch. 81.

Critical areas — See Ch. 49.

Stormwater management — See Ch. 169.

Floodplain management — See Ch. 78.

§ 89-1. Definitions. [Amended 6-6-1988 by Ord. No. 719]

The words and phrases as used in this chapter shall have the following meanings:

APPLICANT — Any person, firm or governmental agency who executes the necessary forms to procure official approval of a proposed plan for a project or permit to carry out construction of a project.

CRITICAL AREA — The Chesapeake Bay Critical Area shall be that area within approximately 1,000 feet of the mean high-water mark along the Susquehanna River and Chesapeake Bay within the boundary of the City of Havre de Grace as more particularly defined in a map at a scale of one inch equals 50 feet on file in the Department of Public Works titled "Official-Chesapeake Bay Critical Area Map."

DEVELOPER — A person, firm or governmental agency undertaking or proposing the construction of a building, a project consisting of inter-related building or other construction, and who is primarily financially responsible for the proposal.

EROSION — The process by which the ground surface is worn away by the action of wind and/or water.

EROSION AND SEDIMENT CONTROL PLAN — A plan to minimize the movement of sediment from the land of a property owner. This does not require detailed grading plans for individual lots in subdivisions.

FLOODPLAIN — That area which would be inundated by accumulated stormwater runoff from a rainfall of fifty-year frequency in a totally developed watershed, plus an additional one-foot water elevation, and within which no development may take place unless consistent with this chapter.

GRADING — Any stripping, excavation, fill (including hydraulic fill), stockpiling or other movement or disposition of earth materials or any combination thereof, and shall include the land in its excavated or filled condition.

GRADING PERMIT — Written authorization to proceed with the provisions of this chapter.

SEDIMENT — Soils or surficial materials transported by wind or surface water as a product or result of erosion.

WATERCOURSE — Any natural or constructed waterway in which waters flow in a more or less definite direction or course, either continuously or intermittently, and including the floodplain as herein defined.

§ 89-2. Permit required.

It shall be unlawful for any developer, person, firm or governmental agency to do any clearing, grading or filling of land or create borrow pits, quarries, facilities for processing earthy materials or any other facility involving the movement of earth unless a permit has been issued therefor and such work is in conformance with the permit.

§ 89-3. Exceptions.

No grading permits shall be required for activities such as normal agricultural practices, tillage or cultivation of the soil in production of crops, trenching for utility work on public rights-of-way or in the space on abutting lot(s) needed to accommodate the respective house connections; provided, however, that the grading or trenching involved does not modify the natural terrain.

§ 89-4. Review and approval of sediment control plans; fees. [Amended 6-6-1988 by Ord. No. 719]

A. Permit and procedures.

- (1) The applicant will be required to provide erosion and sediment control plans, specification and/or special provisions in accordance with the standards established by the Director of Public Works. The Soil Conservation Service handbook, "Standards and Specifications for Soil Erosion and Sediment Control in Urbanizing Areas," shall serve as a technical guide for erosion and sediment control in the City. Plans shall be reviewed and approved by the Director of Public Works. Comments pertinent to each project, in written form, shall be transmitted through the Director of Public Works to the applicant.

- (2) The applicant shall meet all development criteria and requirements set out in §§ 49-2 and 49-3 of Chapter 49, Critical Areas, as contained in the Code of the City of Havre de Grace.
 - (3) Erosion and sediment control plans shall be approved by the Soil Conservation District.
 - (4) Approval or disapproval action on final sediment control plans must be taken by approval authorities within 30 days from receipt of plan unless the time is extended by the Mayor and City Council of Havre de Grace.
- B. Fees. Fees may be established by the Mayor and City Council from time to time.

§ 89-5. Other approvals.

- A. Whenever erosion and sediment control measures are necessary, no grading permit or building permit may be issued until erosion and sediment control plans are approved by the Soil Conservation District and Director of Public Works.
- B. Whenever a project is required to submit an application under Chapter 81, Forest Conservation, no grading permit shall be issued until the forest stand delineation and forest conservation plan for the project have been approved by the Department of Economic Development and Planning. **[Amended 12-21-1992 by Ord. No. 768]**
- C. Nothing under this chapter shall be construed to relieve the applicant from securing any additional permits required by law.

§ 89-6. Floodplain hazard.

No grading permit shall be issued for work within the fifty-year floodplain of any stream or watercourse with a watershed of greater than 400 acres unless such work is authorized or permitted by the State Department of Natural Resources.

§ 89-7. Conditions of approval.

The Director of Public Works may impose such conditions on the grading permit as may be reasonable to prevent creation of a nuisance or conditions adverse to the public health, safety and welfare.

§ 89-8. Bond or cash deposits.

- A. A grading permit shall be issued to the permittee by the Mayor and City Council of Havre de Grace, and the issuing authority may require a cash deposit or performance bond from an approved corporate surety or other collateral, if determined to be accepted by the Mayor and City Council of Havre de Grace, or sufficient amounts to guarantee and assure, in event of failure to satisfactorily complete all work of

the permit within the time specified, that the site will be restored to a condition meeting minimum requirements of this chapter.

- B. Bonds covering sediment control measures shall be separate from those for other construction work and will be returned when the work has been satisfactorily completed.

§ 89-9. Time limitation.

A grading permit shall be valid for one year from the date of issuance or for such longer period of time as may be specified therein.

§ 89-10. Inspection.

Inspection is the responsibility of the Director of Public Works. Final inspection reports will be forwarded to the office of the Soil Conservation District. A copy of the notice of any violation will also be forwarded to the Department of Natural Resources and will be in accordance with published established practices.

§ 89-11. Violations and penalties.

Any person convicted of committing any unlawful act as provided in this chapter shall be guilty of a misdemeanor. If any unlawful act is continuing, then each day during which such violation continues shall be considered a separate offense. In addition to any criminal penalty which may be imposed, all the provisions of this chapter may be enforced by petition for injunction filed on behalf of the Mayor and City Council of Havre de Grace.

Chapter 93

GUEST REGISTRATION

GENERAL REFERENCES

Criminal sanctions — See Ch. 1, Art. I.

§ 93-1. Definitions.

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

HOTEL — A building or part thereof which has a common entrance and which contains seven or more living and sleeping rooms without individual food preparation areas associated with each living unit, designed to be occupied by individuals or groups of individuals for compensation.

MOTEL — A building, or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units, designed primarily for transient automobile travelers and provided with accessory

off-street parking facilities. The term "motel" includes buildings designed as tourist courts, motor lodges and auto courts which shall not be construed to include mobile or immobile trailers or mobile homes.

ROOMING HOUSES — A building or part thereof which has a common entrance and which contains at least two but not more than six living and sleeping rooms without individual food preparation areas associated with each living unit, designed to be occupied or used by individuals or groups of individuals for compensation.

§ 93-2. Registration requirements.

The owner, manager or proprietor of any of hotel, motel, or rooming house as defined in § 93-1 of this chapter shall obtain the following information from any person or persons registering for a hotel, motel or rooming house room:

- A. Full name of the person registering verified through credit card, driver's license, military identification or other identifying material or document, and the full name of any other persons in the party with the registrant.
- B. Permanent home address of the registrant verified through credit card, driver's license, military identification or other identifying material or document and the permanent home address of any other person in the registrant's party.
- C. Description of any motor vehicle driven by the registrant or any other person in the registrant's party including license number and state of registration of said motor vehicle or motor vehicles.
- D. Date and time arriving and departing.

§ 93-3. Registration records.

- A. The owner, manager or proprietor of any hotel, motel or rooming house shall maintain permanent written registration records containing the information required by § 93-2 of this chapter including the number of any identifying material or document, if any, produced by a registrant or any of other person in the registrants party for a period of three years.
- B. The owner, manager or proprietor of any hotel, motel or rooming house shall provide and make available to bona fide police officers of the Mayor and City Council of Havre de Grace, Maryland State Police, Harford County Sheriff's Office or any other bona fide law enforcement agency said registration records upon their request.

§ 93-4. Prohibited acts.

It shall be unlawful for the owner, manager or proprietor of any hotel, motel or rooming house to allow registration of any person in any hotel, motel or

rooming house without obtaining the information set forth in § 93-2 of this chapter above.

§ 93-5. Violations and penalties.

Any person convicted of committing any unlawful act as provided in this chapter shall be guilty of a misdemeanor. If any unlawful act is continuing then each day during which such violation continues shall be considered a separate offense. In addition to any criminal penalty which may be imposed, all the provisions of this chapter may be enforced by a petition for injunction filed on behalf of the Mayor and City Council of Havre de Grace.

Chapter 97

HISTORIC PRESERVATION

GENERAL REFERENCES

Civil sanctions — See Ch. 1, Art. I.

Appearance and Preservation
Commission — See Ch. 25, Art. II.

Historic structures in floodplains — See Ch.
78.

Trees associated with historic sites — See Ch.
81, § 81-10B(4).

Installing water-conserving fixtures at
historic sites — See Ch. 134, § 134-19C.

Historic sites — See Ch. 205, § 205-4.

§ 97-1. Statutory authority.

The Mayor and City Council of the City of Havre de Grace derives authority for this chapter by virtue of its conformance with provisions of the State of Maryland Enabling Act for Historic Area Zoning (Article 66B, § 8.01-8.17, Annotated Code of Maryland, as amended).

§ 97-2. Purpose.

- A. The preservation of sites, structures and districts of historical or architectural significance, together with their appurtenances and environmental settings, is a public policy in the City of Havre de Grace.
- B. It is the further purpose of this chapter to:
 - (1) Preserve and enhance the quality of life and to safeguard the historical and cultural heritage of Havre de Grace by preserving sites, structures, and districts which reflect elements of cultural, social, economic, political, or architectural history;
 - (2) Strengthen the local economy;
 - (3) Stabilize and improve property values of such sites, structures, and districts;
 - (4) Foster civic beauty; and

- (5) Promote the preservation and appreciation of such sites, structures, and districts for the education and welfare of the residents of Havre de Grace.

§ 97-3. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them:

ALTERATION — Any exterior change that would affect the historic or architectural significance of a designated site or structure, any portion of which is visible or intended to be visible from a public way, including, but not limited to, construction, reconstruction, moving, or demolition.

APPURTENANCES AND ENVIRONMENTAL SETTINGS — All that space of grounds and structures thereon which surrounds a designated site or structure and to which it relates physically or visually. Appurtenances and environmental settings shall include but not be limited to walkways and driveways (whether paved or not), fences, freestanding signs, trees, landscaping, pastures, croplands, waterways, open space, setbacks, parks, public spaces, and rocks.

DEMOLITION BY NEGLECT — Any willful neglect in the maintenance and repair of an individually designated landmark, site, or structure, or a site or structure within a designated preservation district, not including any appurtenances and environmental settings, that does not result from an owner's financial inability to maintain and repair such landmark, site, or structure, and which results in any of the following conditions:

- A. The deterioration of the foundations, exterior walls, roofs, chimneys, doors, or windows, so as to create or permit a hazardous or unsafe condition to exist; or
- B. The deterioration of the foundations, exterior walls, roofs, chimneys, doors, windows, or the lack of adequate waterproofing which would or could result in permanent damage, injury, or loss of or loss to foundations, exterior walls, roofs, chimneys, doors, or windows.

HISTORIC PRESERVATION DISTRICT — A significant concentration, linkage, or continuity of sites, structures, or objects united historically, architecturally, or culturally by plan or physical development. An historic preservation district shall include all property within its boundaries as defined and designated by the Mayor and City Council of Havre de Grace.

EXTERIOR FEATURES — The architectural style, design, and general arrangement of the exterior of an historic structure, including the nature and texture of building material, and type and style of all roofs, windows, doors, light fixtures, signs, or similar items found on or related to the exterior of an historic structure.

LANDMARK — Any designated site or structure outside the boundaries of an historic preservation district that is of exceptional historic or architectural significance.

RECONSTRUCTION — The process of reproducing by new construction the exact form and detail of a vanished structure, or part thereof, as it appeared at a specific period of time.

RESTORATION — The process of accurately recovering the form and details of a property as it appeared at a specific period of time by means of removal of later work and the replacement of work missing from that specific period.

SITE — The location of an event of historic significance or a structure, whether standing or ruined, which possesses historic, architectural, or cultural significance.

STRUCTURE — A combination of material to form a construction that is stable, including but not limited to buildings, stadiums, reviewing stands, platforms, stagings, observation towers, radio towers, water tanks and towers, trestles, bridges, piers, paving, bulkheads, wharves, sheds, coal bins, shelters, fences, and display signs visible or intended to be visible from a public way. The term "structure" shall be construed as if followed by the words "or part thereof."

§ 97-4. Historic Preservation Commission.

- A. Creation of Historic Preservation Commission. The Mayor and City Council of Havre de Grace hereby creates a commission to be called the "Havre de Grace Historic Preservation Commission."
- B. Membership. The Historic Preservation Commission shall consist of nine members and two alternates appointed by the Mayor with the approval of the City Council. A majority of the members of the Commission shall be residents of the City of Havre de Grace. Each member shall possess a demonstrated special interest, specific knowledge, or professional or academic training in such fields as history, architecture, architectural history, planning, archaeology, anthropology, curation, conservation, landscape architecture, historic preservation, urban design, or related disciplines. Nonresident appointees to the Commission must possess professional or academic qualifications as further defined in Subsection C of this section. At least two members of the Commission shall possess professional or academic training in one or more of the above-listed fields in accordance with the minimum professional requirements of the United States Department of the Interior for certifying local governments under 36 CFR Part 61.
[Amended 5-7-2007 by Ord. No. 888]
- C. Commission membership qualification criteria. The requirement for Commission membership under the category of "demonstrated special interest" may be satisfied either by formal training in one or more of the fields listed in Subsection B of this section or active membership in a preservation-related organization. The requirement for membership under the category of "specific knowledge" may be satisfied by formal post-secondary education, employment, or practical experience in one or more of the above-related fields. The requirement for Commission membership under the category of "profession or academic training"

may be satisfied by, at a minimum, two years' experience as a professional or a bachelor's degree in one or more of the above-related fields.

- D. Terms. Commission members shall be appointed for terms of three years. Commission members may be reappointed for an indefinite number of terms. Members shall serve until a successor has been appointed.
- E. Commission officers. The Commission shall elect from its membership a Chairperson, a Vice Chairperson, and a Secretary. They shall serve for one-year terms and shall be eligible for reelection.
- F. Vacancy. Any vacancy in the membership of the Commission caused by the expiration of a term, resignation, death, incapacity to discharge duties, removal for cause, or any other reason, shall be filled for a new term, or for the remainder of the term for which there is a vacancy, as the case may be, in the same manner as provided herein for the appointment of the initial members of the Commission. Any vacancy on the Commission shall be filled by one of the two alternate members. Unexcused absence at three consecutive regularly scheduled meetings shall constitute resignation by the member and shall create a vacancy. **[Amended 5-7-2007 by Ord. No. 888]**
- G. Removal for cause. A member may be removed from the Commission for cause, upon written charges, and after a public hearing, by the Mayor and City Council of Havre de Grace.
- H. Compensation. Commission members shall serve without compensation, but may be reimbursed for actual expenses incurred in the performance of their duties, provided said expenses are permitted by the budget and approved in advance by the Mayor and City Council of Havre de Grace.
- I. Meetings. The Commission shall hold such regular meetings and hearings as necessary to discharge its duties. The Chairperson may call special meetings as needed. A majority of the members shall constitute a quorum. If a quorum is unable to be attained due to a vacancy of one or two members, any alternate in attendance may act as a substitute for the absent member. All regular meetings shall be announced in City Hall and open to the public. Minutes of the proceedings shall be kept preserved by the Commission. **[Amended 5-7-2007 by Ord. No. 888]**
- J. Staff. Consistent with the City of Havre de Grace's policies and procedures, City employees may be assigned to the Commission, and such services and facilities shall be made available as the City deems necessary or appropriate for the proper performance of the Commission.

§ 97-5. Powers and duties of Historic Preservation Commission.

The Historic Preservation Commission shall have the following powers and duties:

- A. To conduct or direct studies, reports, and surveys to identify historical or culturally significant site(s), structure(s), and district(s) that exemplify the cultural, social, economic, political, or architectural history of Havre de Grace, the state, or the nation;
- B. Consistent with the City's charter, ordinances, resolutions, policies, and procedures regarding the acceptance and use of gifts by public officials, to accept and use gifts for the exercise of its duties;
- C. To prescribe appropriate rules and regulations for transaction of its business;
- D. To propose for adoption by the Mayor and City Council of Havre de Grace rehabilitation and new construction design guidelines and criteria for construction, alteration, reconstruction, moving, and demolition of designated landmarks, sites, structures, and districts which are consistent with the Secretary of the Interior's Standards for Rehabilitation. Guidelines may include design characteristics intended to meet the needs of particular types of designated landmarks, sites, structures, and districts, and also may identify categories of changes that do not require review by the Commission, because the changes are minimal in nature and do not affect historic or architectural significance. Where a conflict occurs between the City Building Code²⁰ and the Secretary of the Interior's Standards for Rehabilitation, the Secretary of the Interior's Standards for Rehabilitation will prevail.
- E. Consistent with the City's charter, ordinances, resolutions, policies, and procedures governing the acquisition of easements, to accept or otherwise acquire historic preservation easements on designated landmarks, sites, or structures and, when deemed appropriate by the Commission, sites or structures located in, or adjacent to, a designated district; and
- F. To undertake any other action or activity necessary or appropriate to the implementation of its powers and duties or the implementation of this chapter.
- G. The Historic Preservation Commission shall appear before the Mayor and City Council at a regular City Council meeting at least once each year and report on the Commission's activities, present copies of the prior year's meeting minutes, and account for any funds raised, including funding received from the City and expenses paid, and any other information requested by the Mayor and City Council related to its operations. In addition, the Commission by its chairman or designee shall attend at least one annual joint public work session with the

20. Editor's Note: See Ch. 31, Building Construction.

Mayor and City Council along with all of the other City boards, commissions and committees to facilitate the coordination of activities and other goals or concerns of the Mayor and City Council. **[Added 3-17-2014 by Ord. No. 954]**

H. Photo documentation. **[Added 3-17-2014 by Ord. No. 954]**

- (1) The Commission in conjunction with the Director of Planning shall use photo documentation to make a record of and preserve photo street scapes of the City of Havre de Grace in not less than ten-year intervals beginning in 2015. Photo documentation shall also take place upon any annexation or upon significant renovations; demolitions or new construction that alters the street scape.
- (2) The Department of Planning shall store, preserve and make available for public display the photo documentation of the street scapes.

§ 97-6. Designation of site boundaries.

- A. Designation. The Mayor and City Council of Havre de Grace may designate boundaries for landmarks, sites, structures, or districts of historic or architectural significance consistent with adopted criteria for such designation.
- B. Designation procedure. The Historic Preservation Commission may, after making full and proper study and receiving property owner(s) concurrence(s), recommend any area within the limits of the City for designation as a landmark, site, structure, or district of historic or architectural significance. The Commission may also recommend boundaries for such landmarks, sites, structures, or districts. The recommendations shall be submitted to the Mayor and City Council for approval, amendment, or disapproval.
- C. Declaration of historic designation. Upon approval of historic designation by the Mayor and City Council, a declaration of historic designation shall be prepared by the City administration, signed by the owners of the property and the Mayor and City Council, and recorded among the land records of Harford County for the purpose of notifying all current and future interested parties that such designation has been placed on the property, and said property shall comply with the provisions of this chapter in perpetuity.

§ 97-7. Application for certificate of appropriateness and Commission Review.

- A. Application for certificate of appropriateness. Before the construction, alteration, reconstruction, moving, or demolition is undertaken of a designated landmark, site, or structure, or site or structure within a designated district, if an exterior change is involved which would affect the historic or architectural significance of a designated landmark,

site, or structure, or site or structure within a designated district, any portion of which is visible or intended to be visible from a public way, the person, individual, firm, or corporation proposing to make the construction or change shall file an application for certificate of appropriateness with the Commission for approval to proceed with the construction, alteration, reconstruction, moving, or demolition of the landmark, site, or structure. Every application shall be referred to and considered by the Commission and accepted or rejected by the Commission. An application, which is identical to a rejected application, may not be resubmitted within a period of one year after the rejection. No certificate of appropriateness shall be granted until the Commission has acted thereon as hereinafter provided.

B. Application review.

- (1) In reviewing applications, the Commission shall give consideration to:
 - (a) The historic or architectural significance of the landmark, site, or structure and its relationship to the historic or architectural significance of the surrounding area;
 - (b) The relationship of the exterior architectural features of a landmark or structure to the remainder of the landmark or structure and to the surrounding area;
 - (c) The general compatibility of proposed exterior design, scale, proportion, arrangement, texture, and materials to the landmark, site, or structure and to the surrounding area; and
 - (d) Any other factors including aesthetic factors which the Commission deems to be pertinent.
- (2) The Commission shall consider only exterior features of a landmark or structure and shall not consider any interior arrangements.
- (3) The Commission shall not disapprove an application except with respect to the several factors specified in § 97-7B(1) above.
- (4) The Commission shall be strict in its judgment of plans for sites or structures determined by research to be of historic or architectural significance. The Commission shall be lenient in its judgment of plans for sites or structures of little historic or architectural significance, or of plans involving new construction, unless in the Commission's judgment such plans would seriously impair the historic or architectural significance of surrounding sites or structure. The Commission is not required to limit construction, reconstruction, or alteration to the architectural style of any one period.
- (5) Special considerations.

- (a) If an application is submitted for construction, reconstruction, or alteration affecting a site or the exterior of a structure or for the moving or demolition of a structure, the preservation of which the Commission considers to be of unusual importance to the City of Havre de Grace or of unusual importance to the state or the nation, the Commission shall attempt to formulate an economically feasible plan with the owner(s) of the site or structure for the preservation of the site or structure. Unless the Commission is satisfied that the proposed construction, alteration, or reconstruction will not materially impair the historic or architectural significance of the site or structure, the Commission shall reject the application, filing a copy of its rejection with the Director of Economic Development and Planning of the City of Havre de Grace.
 - (b) If an application is submitted for construction, reconstruction, or alteration, or for the moving or demolition of a site or structure that the Commission considers to be of unusual importance and no economically feasible plan can be formulated, the Commission shall have 90 days, from the time it concludes that no economically feasible plan can be formulated, to negotiate with the owner(s) and other parties in an effort to find a means of preserving the site or structure.
 - (c) In the case of a site or structure considered to be valuable for its historic or architectural significance, the Commission may approve the proposed construction, reconstruction, alteration, moving, or demolition despite the provisions of § 97-7B(5) of this chapter if:
 - [1] The site or structure is a deterrent to a major improvement program which will be of substantial benefit to the City of Havre de Grace; or
 - [2] Retention of the site or structure would cause undue financial hardship to the owner(s).
- C. Commission decision. The Commission shall file with the Director of Economic Development and Planning of the City of Havre de Grace a certificate of appropriateness certifying its approval, modification, or rejection of each application and plans submitted to it for review. Work shall not be commenced on any project until such a certificate of approval has been filed, and the Director of Economic Development and Planning shall not issue a building permit or historic work permit for such change or construction unless it has received such a certificate of appropriateness. The failure of the Commission to act upon a completed application within 45 days from the date the completed application was filed shall be deemed to constitute automatic approval of the proposed changes unless an extension of this forty-five-day period is agreed upon mutually by the applicant and the Commission or the application has been withdrawn.

- D. Expiration. A certificate of appropriateness shall expire automatically, unless extended by the Commission, if:
- (1) In the case of an application for the demolition, moving, or alteration of a structure, the work has not commenced within six months and has not been completed within one year from the date of issuance of the certificate; or
 - (2) In the case of an application for the construction of a new structure, the work has not commenced within one year from the date of issuance of the certificate and has not been completed within three years.
- E. Routine maintenance. Nothing in this chapter shall be taken or construed to prevent maintenance that does not alter the exterior fabric or features of a designated landmark, site, or structure, or landscaping and which will have no material effect on the historic or architectural significance of a designated landmark, site, structure, or district.

§ 97-8. Demolition by neglect.

- A. In the event of demolition by neglect, the Commission may request the Director of Economic Development and Planning to notify, in writing, the property owner of record, any person having a right, title, or interest therein, and the occupant or other person responsible for the maintenance of the property, of the deterioration. The notice shall specify the minimum items of repair or maintenance necessary to correct the deterioration or prevent further deterioration.
- B. Prior to the issuance of a written notice, the Commission may request the Director of Economic Development and Planning to establish a record of demolition by neglect. Such record may include dated materials such as photographs and written reports of the condition of the property so as to record or measure the deterioration.
- C. The notice shall provide that corrective action shall commence within 30 days of the receipt of said notice and be complete within a reasonable time thereafter. The notice shall state that the owner(s) of record of the property, or any person of record, title, or interest therein, may, within 10 days after the receipt of the notice, request a hearing on the necessity of the items and conditions contained in the notice. In the event a public hearing is requested, it shall be held by the Commission upon 30 days' written notice being mailed to all persons of record with any right, title, or interest in the property and to all citizens and organizations which the Commission determines may have an interest in the proceedings.
- D. If, after the public hearing, the Commission determines that the corrective actions remain necessary, the Commission may request the Director of Economic Development and Planning to issue a second and final notice to the property owner or other responsible person to have

corrective action taken to comply with the Commission's determination within 30 days of the receipt of the final notice.

- E. Upon failure, neglect, or refusal of the property owner or other responsible person, duly notified to take corrective action specified in the final notice within the time required, the Commission may request that the Director of Economic Development and Planning institute any of the remedies and penalties provided by law for such violations.

§ 97-9. Assistance on behalf of Commission.

The Commission may designate any other organizations or individuals qualified by interest, training, or experience to make an analysis of and report recommending the preservation of sites, structures, or districts of historical, architectural, or cultural significance within the City of Havre de Grace. The report may include proposed boundaries of sites, structures, or districts, as well as recommendations for the identification and designation of particular sites, structures, or districts to be preserved. The Commission may designate any other organizations or individuals qualified by interest, training, or experience to assist in achieving the purposes of this chapter.

§ 97-10. Appeals.

In the event that any party is aggrieved by a decision of the Commission, the party has the right of appeal to the Board of Appeals of the City of Havre de Grace, in accordance with the terms of Article III, Board of Appeals, of Chapter 25, Boards, Committees and Commissions, of the Code of the City of Havre de Grace, within 30 days from the date of the Commission's decision.

§ 97-11. Violations and penalties.

Any willful violation of the provisions of this chapter shall be deemed a municipal infraction punishable by a fine of \$100. Each and every day that the violation continues shall be deemed a separate violation.

Chapter 108

LOITERING

GENERAL REFERENCES

Criminal sanctions — See Ch. 1, Art. I.

Curfew — See Ch. 52.

Minors in places of amusement — See Ch. 15.

ARTICLE I
Unlawful Assembly
[Derived from 1988 Codified Ordinances]

§ 108-1. Definitions.

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

LAWFUL BUSINESS — The act of conducting, going to or returning from any social, educational, recreational, religious, business or any other activity not prohibited by law.

LOITER — To idle, stand around, tarry, remain or wander on foot, or to idle or tarry without being engaged in lawful business. "Loiter" also means to collect, gather, congregate or be a member of a group or crowd of people who are gathered together in any public place or place open to the public without engaging in any lawful business at such place or, having concluded any lawful business, to remain in such place an undue length of time without further lawful business.

PLACE OPEN TO THE PUBLIC — Any place open to the public or any place to which the public is invited, and in, on or around any privately owned place of business, private parking lot or private institution, including places of worship, cemetery or any place of amusement and entertainment, whether or not a charge of admission or entry thereto is made. It includes the elevator, lobby, halls, corridors and areas open to the public of any store, office or apartment building.

PUBLIC PLACE — Any public street, road, highway, alley, lane, sidewalk, crosswalk, or other public way, or any public resort, place of amusement, park, playground, public building or grounds appurtenant thereto, school building or school grounds, public parking lot or any public vacant lot.

§ 108-2. Prohibited conduct.

- A. It shall be unlawful for any person to disobey the direction or order of a uniformed police officer to desist in loitering at, on or near a public place or place open to the public when such loitering is impeding or hindering or may impede or hinder the free passage of pedestrian or vehicular traffic to, from or within such places.
- B. It shall be unlawful for any person to disobey the direction or order of a uniformed police officer to desist in loitering at, on or near a public place or a place open to the public when such loitering constitutes a clear and present danger to the public peace.
- C. It shall be unlawful for any person to loiter, without the consent of the owner, operator or person in control, on or about any place open to the public after said premises have been closed for business purposes and after said person has been directed or ordered to leave by a uniformed police officer.

- D. It shall be unlawful for any person to loiter on or about any place open to the public during business hours, after having been requested to leave by the owner, operator or person in control of said premises and after having been directed or ordered to leave by a police officer.

§ 108-3. Unlawful assembly on streets and sidewalks and near entrances to buildings.

It shall be unlawful for any person or persons to congregate or assemble at the corner or corners of any of the streets, lanes or alleys or on any of the sidewalks or approaches thereto in said City, so as to obstruct the same, or at the entrance of any public or private building within the limits of said City, and to be engaged in loud and boisterous laughing or talking, or making any rude, obscene or insulting comments, remarks or observations on persons passing by the same, or in their hearing, or to so crowd or obstruct the sidewalks or approaches thereto so as to prevent the free and uninterrupted passage thereto, therefrom or through the same.

§ 108-4. Unlawful assembly by persons or vehicles on thoroughfares and in parking areas.

It shall be unlawful for any person or persons to congregate themselves or vehicles owned, operated or controlled by them at or on any public or private thoroughfare or parking area so as to obstruct the same or the free use thereof or in any disorderly manner as would tend to cause obstruction, loud or boisterous noise, rude, obscene or insulting comments or that might tend in any way to cause to promote violence, and said assembly shall immediately disperse upon the order of the owner of any such property or the person in control thereof or upon the order of any police officer.

§ 108-5. Violations and penalties.

Any person convicted of committing any unlawful act as provided in this chapter shall be guilty of a misdemeanor. If any unlawful act is continuing, then each day during which such violation continues shall be considered a separate offense. In addition to any criminal penalty which may be imposed, all the provisions of this chapter may be enforced by petition for injunction filed on behalf of the Mayor and City Council of Havre de Grace.

ARTICLE II
Drug-Free Zones
[Adopted 3-3-2003 by Ord. No. 833]

§ 108-6. Definitions.

As used herein, the following terms shall have the meanings indicated:

CERTIFY and CERTIFICATION — Include the certification and recertification of drug-free zones.

CHIEF OF POLICE — The Chief of Police or acting Chief of Police of the Havre de Grace Police Department, as the designated agent of the Mayor.

DISPERSE — To depart from the designated drug-free zone and not to reassemble within the drug-free zone with anyone from the group ordered to depart for the duration of the zone.

DRUG-FREE ZONE — Public space on public property that is established pursuant to § 108-7 in an area not to exceed 1,000 feet in length and 1,000 feet in width and specifically described as set forth in § 108-8, including but not limited to identifiable segments of streets, lanes, alleys, walkways, parks, recreation centers, schools, bus stations, train depots, taxi stands, public and commercial parking lots, places of public accommodation and convenience, public housing complexes, and public access areas in residential apartment structures.

ILLEGAL DRUG — Has the same meaning as the term "controlled dangerous substance" stated in Section 5-101 of the Criminal Law Article of the Annotated Code of Maryland, as the same may be amended from time to time, including "look-alike" drugs that are intended to simulate the appearance of illegal drugs.

KNOWN UNLAWFUL DRUG USER, POSSESSOR, OR SELLER — A person who has, within the knowledge of the arresting law enforcement officer, been convicted in any court of any violation involving the use, possession, or distribution of any illegal drug; or is a person who displays physical or behavioral characteristics of drug intoxication or drug use, including, but not limited to, "needle tracks."

POLICE DEPARTMENT — The Havre de Grace Police Department.

§ 108-7. Procedure for certification of drug-free zones.

- A. The Chief of Police may certify a public area as a drug-free zone for a period not to exceed 90 consecutive days for any single period of certification, subject to earlier decertification as set forth in Subsection C below. **[Amended by Ord. No. 854]**
- B. In determining whether to certify an area as a drug-free zone, the Chief of Police shall consider any one or more of the following:

- (1) The occurrence of a disproportionately high number of arrests for the possession or distribution of illegal drugs in the proposed drug-free zone within the preceding six-month period;
 - (2) Any homicide or number of homicides, serious assaults, robberies, and weapons violations related to the possession or distribution of illegal drugs that were committed in the proposed drug-free zone within the preceding six-month period;
 - (3) Objective evidence or verifiable information that shows that illegal drugs are being sold and distributed on public space or public property within the proposed drug-free zone, including documented calls and reports from citizens that such activities are taking place in the specified area; or
 - (4) Any other verifiable information from which the Chief of Police may ascertain whether the health or safety of residents who live, work, or are present in the proposed drug-free zone are endangered by the purchase, sale, or use of illegal drugs or other illegal activity, directly adversely affecting the quality of life in the specified area or surrounding neighborhood.
- C. The Chief of Police may decertify a drug-free zone at any time during a period of certification. In determining whether to decertify an area as a drug-free zone, the Chief of Police shall consider whether the reasons for certifying the drug-free zone have been alleviated, and, in making this determination, shall make a reasonable attempt to canvass the property owners and residents in the area and consider any and all objective evidence or verifiable information provided by such residents.

§ 108-8. Notice of drug-free zones.

- A. Upon certifying a drug-free zone, the Chief of Police shall:
- (1) Cause to be published at least one week prior to the effective date of certification a listing of the boundaries of the specific area or areas to be certified, and the date and time when each certification will begin and end, in one or more newspapers of general circulation in the City of Havre de Grace;
 - (2) Provide written notice not less than one week prior to the effective date of such certification to the Mayor and City Council of Havre de Grace of the specific area or areas to be certified, including the boundaries of each area and the date and time when each certification will begin and end;
 - (3) At least three days prior to the effective date of the certification, post a conspicuous written notice in the area to be certified stating the boundaries of the certified drug-free zone, the date certification will begin and end, and a phone number to call for additional information; and

- (4) Take any other steps necessary and reasonable to inform the community in and surrounding the area to be certified of such certification, including by way of example: use of mass media, publication in community newsletters or newspapers, meetings with community groups and citizens, notification at community relations councils, or any other means deemed appropriate.
- B. Upon the date and time the certification of a drug-free zone is to become effective, the Chief of Police shall:
 - (1) Post the following information in the immediate area of, and borders around, the drug-free zone:
 - (a) A statement that it is unlawful for a person to congregate in a group of two or more persons with the intent or for the purposes of participating in the use, purchase, or sale of illegal drugs within the boundaries of a drug-free zone, and to fail to disperse after being instructed to disperse by a uniformed law enforcement officer who reasonably believes the person is congregating for the purpose of participating in the use, purchase, or sale of illegal drugs;
 - (b) The boundaries of the drug-free zone;
 - (c) A statement of the effective dates of the drug-free zone designation; and
 - (d) Any other additional notice to inform the public of the drug-free zone, including a warning that no criminal activity will be tolerated in the drug-free zone.
- C. The Chief of Police shall also cause a current list of certified drug-free zones to be disseminated to all local law enforcement agencies, including the Harford County Sheriff and the local Maryland State Police barracks.

§ 108-9. Prohibitions.

- A. It shall be unlawful for a person to congregate in a group of two or more persons in public space on public property within the perimeter of a drug-free zone established pursuant to § 108-8 and to fail to disperse after being instructed to disperse by a uniformed law enforcement officer who reasonably believes the person is congregating with the intent and for the purpose of participating in the use, purchase, or sale of illegal drugs.
- B. In making a determination that a person is congregating in a drug-free zone with the intent and for the purpose of participating in the use, purchase, or sale of illegal drugs, the totality of the circumstances involved shall be considered. Among the circumstances which may be considered in determining whether such purpose is manifested are:

- (1) The conduct of a person being observed, including, but not limited to, that such person is behaving in a manner raising a reasonable belief that the person is engaging or is about to engage in illegal drug activity, such as the observable distribution of a package or packages to other persons, the receipt of currency for the exchange of a package or packages, operating as a lookout, warning others of the arrival of police, concealing himself or herself or any object which reasonably may be connected to unlawful drug-related activity, or engaging in any other conduct normally associated by law enforcement agencies with the illegal distribution or possession of drugs;
 - (2) Information from a reliable source indicating that a person being observed has or is routinely distributing illegal drugs within the drug-free zone;
 - (3) Information from a reliable source indicating that the person being observed is currently engaging in illegal drug-related activity within the drug-free zone;
 - (4) Such person is physically identified by the officer as a member of a gang or association which engages in illegal drug activity;
 - (5) Such person is a known unlawful drug user, possessor, or seller;
 - (6) Such person has no other apparent lawful reason for congregating in the drug-free zone, such as waiting for a bus or being near one's own residence; and
 - (7) A vehicle involved in the observed circumstances is registered to a known unlawful drug user, possessor, or seller, or a person for whom there is an outstanding arrest warrant for a crime involving drug-related activity.
- C. Destruction, etc., of posted order. No person may destroy, remove, or deface a notice or order posted by the Chief of Police under this article.

§ 108-10. Violations and penalties.

Any person who intentionally violates § 108-9A shall, upon conviction, be guilty of a misdemeanor and subject to a fine not to exceed \$1,000 and imprisonment for no more than six months. Any person who intentionally violates § 108-9C shall, upon conviction, be guilty of a misdemeanor and subject to a fine not to exceed \$300.00 and imprisonment for no more than 30 days. Imprisonment in default of fine and costs shall be regulated by the provisions of Article 38, Section 4 of the Annotated Code of Maryland, as the same may be amended from time to time.

§ 108-11. Applicability and interpretation.

- A. The provisions of this article shall apply generally to all public property throughout the City of Havre de Grace.

- B. The enforcement procedures by the Chief of Police and the penalties imposed pursuant to this article:
- (1) Constitute an additional method of law enforcement in response to the proliferation of the above described drug-related activity; and
 - (2) Are an exercise of the municipal police powers that are reasonable and necessary in order to protect the health, safety, and general welfare of the people of the City of Havre de Grace.
- C. Nothing in this article shall be construed to prohibit the lawful exercise by any person of any constitutional rights protected by the Constitution of the United States or the State of Maryland.

§ 108-12. Severability.

If any section, sentence, clause or phrase of this article is held invalid or unconstitutional by any court of competent jurisdiction, then said ruling shall not affect the validity of the remaining portions of this chapter.

Chapter 116**NOISE****GENERAL REFERENCES**

Civil sanctions — See Ch. 1, Art. I.

Loitering — See Ch. 108.

Mufflers on boats — See Ch. 28, Art. I.

§ 116-1. Definitions.

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

NOISE DISTURBANCE — Any sound which annoys or disturbs a reasonable person of normal sensibilities or jeopardizes the value of property and erodes the integrity of the environment or causes actual or imminent interference with the peace or good order.

RESIDENTIAL DISTRICT — An area designated as R-1 Residential District, R-2 Residential District, RB Residential Business District, or RO Residential Office District, as shown on the Zoning Map of Havre de Grace, Maryland.

§ 116-2. Noises prohibited.

- A. General prohibitions. It shall be unlawful for any person or persons to make, continue or cause to be made or to create a noise disturbance within the limits of the City of Havre de Grace after having been directed or ordered by a police officer to desist in creating such disturbances except as provided in this chapter.
- B. Specific prohibitions.
 - (1) Horns and signaling devices. The sounding of any horn or signaling device on any automobile, motorcycle, boat or other vehicle in the City of Havre de Grace in such a manner as to cause a noise disturbance shall be unlawful.
 - (2) Radios, television sets, phonographs, musical instruments and similar devices.
 - (a) Operating or permitting the use or operation of any such device for the production or reproduction of sound in such a manner as to cause a noise disturbance shall be unlawful.
 - (b) Operating any such device in a manner as to be plainly audible across real property boundaries and/or through partitions common to parties within a building or plainly audible at 50 feet from such device when operated on a street, way, avenue, lane or any public property shall be unlawful.

- (3) Motor vehicles. Operating any motor vehicle which is out of repair or does not have a muffler operating within the manufacturer's specifications in such a manner as to cause a noise disturbance shall be unlawful.
- (4) Construction equipment. Operating or causing to be operated any equipment used in commercial construction, repair, alteration or demolition work on buildings, structures, streets, alleys, lanes or appurtenances thereto between the hours of 10:00 p.m. and 7:00 a.m. the following day in such a manner as to cause a noise disturbance shall be unlawful except as permitted or sanctioned by the Mayor and City Council of Havre de Grace.
- (5) Power equipment. Operating or causing to be operated any power saw, sander, drill, grinder, garden equipment or tools of a similar nature outdoors in a residential district between the hours of 10:00 p.m. and 7:00 a.m. the following day in such a manner as to create a noise disturbance shall be unlawful.
- (6) Unamplified human voice. Using the unamplified human voice by yelling, shouting or by any other means in such a manner as to cause a noise disturbance shall be unlawful.
- (7) Security alarms. Activation of an audible security alarm for a period in excess of 15 minutes shall be unlawful.²¹

§ 116-3. Exemptions.

The following shall be exempt from the provisions of this chapter:

- A. The sounding of safety signals and warning devices as a danger warning in such a manner as would otherwise cause a noise disturbance.
- B. The operation by the United States Government, the State of Maryland, Harford County, Maryland, the Mayor and City Council of Havre de Grace, a volunteer fire company, a volunteer ambulance corps or other local government agency or a public service company as defined by Article 78 of the Maryland Annotated Code of a vehicle or equipment in response to an emergency in such a manner as would otherwise cause a noise disturbance.
- C. Producing or emitting noises generated from the provision of municipal services by the Mayor and City Council of Havre de Grace or its agents in such a manner as would otherwise cause a noise disturbance.
- D. Producing or emitting noise generated by parades, public gatherings and any other activity which is permitted or sanctioned by the Mayor and City Council of Havre de Grace in such a manner as would otherwise cause a noise disturbance.

21. Editor's Note: See also Ch. 9, Alarm Systems.

- E. The sounding of bells, chimes or carillons while being used for religious purposes or in conjunction with religious services or for national or state celebrations or public holidays and those bells, chimes, carillons that are presently installed and in use for any purpose in such a manner as would otherwise cause a noise disturbance.
- F. Operation of lawn maintenance equipment when it is functioning within manufacturer's specifications and with all mufflers and noise-reducing equipment in use and in proper operating condition between the hours of 7:00 a.m. and 10:00 p.m. in such a manner as would otherwise cause a noise disturbance.
- G. The production or generation of nonamplified crowd noises resulting from the activities such as those conducted by day-care centers, schools, governmental or community groups in such a manner as would otherwise cause a noise disturbance.
- H. The production or generation of electronically amplified announcements at athletic events in such a manner as would otherwise cause a noise disturbance.

§ 116-4. Variances.

The Board of Appeals shall have the authority to grant variances from the literal enforcement of this chapter.

- A. Written application. Any person seeking a variance from this chapter shall file a written application with the Director of Administration.
- B. Factors to be considered in the decision of the Board of Appeals. The Board of Appeals shall consider the factors set forth in § 25-17B of Article III, Board of Appeals, of Chapter 25, Boards, Committees and Commissions, in granting or denying the variance.
- C. Appeals. Any party aggrieved by a decision of the Board of Appeals may appeal to the Circuit Court for Harford County in the manner set forth in the applicable sections of the Annotated Code of Maryland, as amended.

§ 116-5. Violations and penalties.

Violations of this chapter shall constitute a municipal infraction.

Chapter 120**NUISANCES****GENERAL REFERENCES****Alarm systems — See Ch. 9.****Grading and filling — See Ch. 89.****Alcoholic beverages — See Ch. 12.****Loitering — See Ch. 108.****Animals — See Ch. 18.****Noise — See Ch. 116.****Outdoor burning — See Ch. 35.****Property maintenance — See Ch. 140.****§ 120-1. Definitions.**

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

CHIEF OF POLICE — The Chief of Police or Acting Chief of Police of the City of Havre de Grace.

CONVICTION — An adjudication of guilt in a criminal proceeding, including probation before judgment.

OWNER — The title owner of the premises, and any person having a legal or equitable, ownership right, or interest in the premises, as recorded in the Land Records of Harford County.

PERSON — An individual, joint owner, receiver, guardian, mortgagee, trustee, lien creditor, personal representative, fiduciary, or representative of any kind, and any corporation, partnership, firm, association, or other legal entity.

PREMISES — Any land, building, or other structure, or part thereof located within the limits of the City of Havre de Grace.

PUBLIC NUISANCE — A premises constitutes a public nuisance where:

- A. Criminal violations have occurred on, or emanated from, the premises, including any portion of the laws governing controlled dangerous substances, firearms, stolen property, prostitution, gambling, disorderly conduct, or any other violation of laws, including state, county, or City ordinances, constituting an unreasonable interference with a right common to the general public involving a significant interference with the public health, the public safety, the public peace, the public comfort or the public convenience; and
- B. Violations of such laws have occurred, on or emanating from the premises, on two or more occasions within a twenty-four-month period of time prior to the commencement of a proceeding pursuant to §§ 120-3 through 120-6 of this chapter, which have resulted in two or more criminal convictions.

§ 120-2. Obligations of owners.

- A. Every premises owner within the City of Havre de Grace is responsible for monitoring his or her premises and is required to take timely and appropriate action to prevent and eliminate a public nuisance from existing thereon, whether that public nuisance is created by existing physical conditions or by nuisance-creating behaviors.
- B. Every premises owner within the City of Havre de Grace is presumed to have constructive knowledge of the facts that can be discovered by a reasonable inquiry concerning the condition of his or her premises and activities taking place on his or her premises. Every owner is required to manage and control his or her premises, tenants, and other occupants in a manner so as not to create or allow a public nuisance, or to create or allow his or her premises, tenants, or other occupants to have an adverse impact on adjoining properties or the neighborhood, or to violate the provisions of this chapter. Every owner shall remain liable for violations of this chapter occurring on or emanating from his or her premises regardless of any contract or agreement with any party regarding the premises.
- C. Limitations and restrictions on scope of abatement authority. If the premises consist entirely of residential units or mixed residential and other use units, and the public nuisance has occurred solely within one or more units, abatement authority under this chapter is restricted to the units in which the public nuisance has occurred, and does not extend to any other unit in the premises.

§ 120-3. Public nuisance abatement authorized.

- A. Cease and desist order. Upon a finding by the Chief of Police, through proof of certified court records, that two convictions have occurred under the circumstances described under Subsection B of the definition of "public nuisance" in § 120-1 of this chapter, the Chief of Police shall prepare a written notice, directed to the owner, setting forth the following:
 - (1) A description of the proof demonstrating that two convictions have occurred under the circumstances described under Subsection B of the definition of "public nuisance" in § 120-1 and the violation(s) of this chapter being charged; and
 - (2) An order requiring the owner to abate the nuisance in or on the premises where the public nuisance exists, within 30 days following the service of the notice, by discontinuing, ceasing, and desisting the public nuisance and the behavior, activities, and other circumstances giving rise to the public nuisance.
 - (3) The order issued pursuant to this subsection shall be immediately posted on the premises and served on the owner as provided in § 120-3D.

- B. Additional orders. In the event the behavior, activities, and other circumstances giving rise to the public nuisance have not been discontinued within the thirty-day period provided in § 120-3A(2) above, the Chief of Police shall file a written report with the Mayor of the City of Havre de Grace. The Mayor shall order the Chief of Police to abate the public nuisance through the use of such other means within the City's powers, including ordering the closing of the premises to the extent necessary to abate the public nuisance. In determining the appropriate order to be issued, the Mayor shall use reasonable discretion and consider the circumstances present in each case, including the nature and severity of the underlying convictions, any efforts by the owner of the premises to comply with the cease and desist order, any irreparable loss or detriment that might occur to the owner of the premises, and the interests of the public.
- C. Notice and opportunity to be heard. Prior to carrying out the order authorized by § 120-3B, the City shall prepare a written notice setting forth the following:
- (1) The violations being charged and the underlying convictions;
 - (2) The proposed abatement remedy ordered to be taken by the Chief of Police;
 - (3) The owner's opportunity to request a prompt hearing to determine whether a public nuisance exists in or from the premises, and if so, to determine the appropriate abatement remedy to be taken;
 - (4) That the request for hearing must be made to the City, in writing, within 10 days from the date of service of the notice; and
 - (5) Such other particulars as may be appropriate.
- D. Service and posting of notice.
- (1) The notice prescribed by § 120-3C shall be served in accordance with the Maryland Rules of Procedure on the owner, any tenant, any person in actual possession or occupancy of the premises, and any other person having an interest in the premises, as disclosed by the Land Records of Harford County, or that is otherwise known or readily ascertainable.
 - (2) In addition, the notice shall be immediately posted in a conspicuous place on the premises.
- E. Scheduling of a requested hearing.
- (1) If an owner requests a hearing under § 120-3C, the City shall prepare a written notice setting forth the following:
 - (a) That a hearing will be held to determine whether a public nuisance exists in or from the premises, and if so, to determine the appropriate abatement remedy to be taken;

- (b) The date, place, and time of the hearing, which shall be set no more than 30 days following the date of the notice;
 - (c) The right of the owner or any person having an interest in the premises to be heard and to be represented by an attorney at the hearing, to present evidence, and cross-examine witnesses;
 - (d) The possible consequences of failure to appear; and
 - (e) Such other particulars as may be appropriate.
- (2) The notice prescribed by this section shall be served by first class mail or hand delivered to the owner, any tenant, any person in actual possession or occupancy of the premises, and any other person having an interest in premises, as disclosed by the Land Records of Harford County, or that is otherwise known or readily ascertainable. In addition, the notice shall be immediately posted in a conspicuous place on the premises.

F. Stay of proceedings.

- (1) Except as provided in § 120-3F(2) below, a request for hearing stays the enforcement of the Mayor's order.
- (2) If the Chief of Police or an administrative officer of the City certifies to the presiding officer facts stated in the certificate that indicate to the presiding officer that a stay would cause imminent peril to life or property, the presiding officer may stay the enforcement of the Mayor's order only for due cause shown by the owner.

§ 120-4. Conduct of hearings; evidentiary matters.

- A. All contested hearings held under this chapter shall be held in City Hall and shall be open to the public. A record of such hearings shall be kept by typed transcript or transcribeable audiotape. The presiding officer may postpone or continue the hearing if the interests of justice so require.
- B. An independent individual designated by the Mayor shall serve as presiding officer, who shall apply the law and determine the facts. The existence of the public nuisance shall be proved by a preponderance of the evidence.
- C. The following evidentiary rules apply to all contested hearings held under this chapter:
 - (1) In general. Each party in a contested case shall offer all of the evidence that the party wishes to have made part of the record.
 - (2) Probative evidence. The presiding officer may admit probative evidence that reasonable and prudent individuals commonly accept in the conduct of their affairs and give probative effect to that evidence.

- (a) It shall be prima facie evidence that a public nuisance exists on a premises upon the second conviction for a violation of any of the provisions of the laws governing the offenses enumerated in, and under the circumstances described in, § 120-1A(6) above. Convictions may be proved by certified or true test copies of court records.
 - (b) Evidence of the general reputation of the premises is admissible to corroborate testimony based on personal knowledge or observation, or evidence seized during the execution of a search and seizure warrant, but shall not, in and of itself, be sufficient to establish the existence of a public nuisance under this subsection.
 - (c) Evidence that the public nuisance had been discontinued at the time of the filing of the notice under § 120-3C or at the time of the hearing does not bar the imposition of appropriate relief.
 - (d) The existence of a public nuisance may be established, and appropriate relief ordered under this chapter, without proof that an owner had actual knowledge of the existence of the facts constituting the public nuisance, or that the owner acquiesced or participated therein.
- (3) Hearsay. Evidence may not be excluded solely on the basis that it is hearsay.
 - (4) Exclusions. The presiding officer may exclude evidence that is incompetent, irrelevant, immaterial, unduly repetitious, or governed by a privilege recognized by law.
 - (5) Scope of evidence. On any genuinely contested material issue, each party is entitled to call witnesses, offer evidence, including rebuttal evidence, cross-examine any witness that another party calls, present summation, and argument.
 - (6) Documentary evidence. The presiding officer may receive documentary evidence in the form of copies or excerpts.
 - (7) Sequestration of witnesses. The presiding officer shall have the power to sequester witnesses at the request of any party to the proceeding.
 - (8) Compulsory attendance of witnesses. If in the event it becomes necessary in the interests of justice that a material witness be required to attend the hearing by subpoena, the presiding officer may postpone or continue the hearing if the interest of justice so require to allow the party a reasonable time to obtain the attendance of such witness through any proper available legal channels.

§ 120-5. Findings and enforcement.

- A. Following the conclusion of the hearing, the presiding officer shall promptly render a decision and the reasons therefor. The presiding officer shall immediately notify all parties to the proceeding of the decision, including the Mayor and the Chief of Police. The decision shall be made orally at the conclusion of the hearing and transcribed as part of the record. The presiding officer may also issue the reasons articulated for the decision in written form within no more than 10 days following the conclusion of the hearing.
- B. No public nuisance established. If the presiding officer finds that the existence of a public nuisance has not been established by a preponderance of the evidence at the hearing, the proceeding shall be closed.
- C. Public nuisance established. If the presiding officer finds that the existence of a public nuisance has been established by a preponderance of the evidence at the hearing, an order of the Mayor shall be issued providing for the abatement of the public nuisance, which shall be posted on the premises and given to those persons listed, and in the manner set forth, in § 120-3D of this chapter. On and after the 10th business day following the posting, and upon the written directive of the Mayor, the order may be enforced by the Chief of Police.
- D. Closing order. If the order directs the closing of the premises, such closing shall be for such period and to the extent necessary to abate the public nuisance as the Mayor reasonably may direct, but in no event shall the closing be for a period of more than one year from the date of the closing. Prior to such closing, the premises shall be inspected by the City Code Inspector and a written inventory made of the contents of the premises. The proper representatives of the City may enter the premises during the closing to inspect the premises.
- E. Owner's continuing obligations during closing. During the closing, the owner of the premises shall be required to maintain the premises in accordance with all City Codes, keep the premises safe and orderly, and secure, and continue to keep and maintain all insurance on the premises in effect prior to the cease and desist order with proof of such insurance to be provided to the City Director of Administration.
- F. Banishment option for elderly and disabled persons. If the presiding officer finds that the owner of the premises, due to age or disability, is without actual knowledge of the existence of the public nuisance on the premises, such owner may obtain a stay of the closing order by causing the public nuisance to be permanently abated by causing the person or persons who are or were responsible for maintaining the public nuisance on the owner's premises to permanently leave and not return to the premises. By so doing, the owner shall be deemed to consent to allow the proper representatives of the City to enter the premises and to inspect the premises during reasonable hours and upon prior notice. If the public nuisance is abated to the reasonable satisfaction of

the Chief of Police for a period of one (1) year, the proceeding shall be closed.

- G. Nature of closing. A closing directed pursuant to this chapter is not an act of possession, ownership, or control by the City of Havre de Grace.
- H. Use and occupancy permit. Prior to the termination of a closing order, the owner of the premises shall apply for and obtain an applicable use and occupancy permit from the City before the premises may be occupied.

§ 120-6. Vacating order to close.

The Chief of Police shall vacate the closing provisions of the order if an interested person:

- A. Posts a bond for the period of the ordered closing in an amount of the full assessed value of the premises as shown in the tax assessment records of the Maryland State Department of Assessments and Taxation, prorated for the proportional assessment of units closed if less than all units therein are closed, but not to exceed \$1,000,000 in any case; and
- B. Submits adequate proof sufficient in the judgment and discretion of the Chief of Police that the behavior, activities, and other circumstances giving rise to the public nuisance have been discontinued and will not be maintained or permitted in any unit of the premises during the period of the ordered closing.

§ 120-7. Notice to owners and tenants.

Prior to the effective date of this chapter, the Mayor and City Council of Havre de Grace shall prepare a written notice outlining the provisions of this chapter. Such notices shall be contained on the City's Web site, distributed to all property owners in the City, and a reasonable number of copies shall be made available for free to the public at City Hall, the City Police Station, the public library, and disseminated through the media.

§ 120-8. Rules and regulations.

Prior to the effective date of this chapter, the Chief of Police shall promulgate procedures, rules, and regulations that may be necessary or proper to effectuate the purpose and the provisions of this chapter, including reasonable means of advising premises owners or their agents of any first or second arrest or conviction for the criminal conduct defined in § 120-1 of this chapter occurring in those premises which the Chief of Police determines will or may be subject to this chapter, and the procedures and terms for the posting of bonds.

§ 120-9. Judicial review.

Any person aggrieved by any final decision made pursuant to this chapter, has the right of appeal to the Circuit Court for Harford County as may be provided by law for appeals from municipal administrative actions.

§ 120-10. Prohibited conduct; penalties.

- A. Destruction, etc., of posted order. Any person who intentionally destroys, removes, or defaces an order posted by the Chief of Police, shall upon conviction, be guilty of a misdemeanor punishable by a fine of not more than \$300 or imprisonment for not more than 30 days, or both.
- B. Failure to obey order.
 - (1) Any person: (i) who intentionally disobeys any proper order issued by the Chief of Police or his designee under this chapter; or (ii) who uses or occupies or permits any other person to use or occupy any premises ordered closed, shall, upon conviction, be guilty of a misdemeanor punishable by a fine of \$1,000 or imprisonment for not more than one year, or both.
 - (2) Each day a violation of this subsection continues is a separate offense.
- C. Imprisonment in default of fine and costs. Imprisonment in default of fine and costs shall be regulated by the provisions of Article 38, Section 4 of the Annotated Code of Maryland, as the same may be amended from time to time.

§ 120-11. Applicability and interpretation.

- A. Application. The provisions of this chapter shall apply generally to all property throughout the City of Havre de Grace wherein any of the nuisances hereinafter specified are found to exist; provided, however, that any condition which would constitute a violation of this chapter, but which is duly authorized under any City, state or federal law, shall not be deemed to violate this chapter.
- B. Chapter to provide needed law enforcement tools. The enforcement of abatement procedures by the Chief of Police and the penalties imposed pursuant to this chapter:
 - (1) Constitute additional methods of law enforcement in response to the proliferation of the above described public nuisances; and
 - (2) Are an exercise of the municipal police powers that are reasonable and necessary in order to protect the health, safety, and general welfare of the people of the City of Havre de Grace.
- C. Construction. This chapter shall be construed liberally in accordance with its remedial purposes. The definition of public nuisances herein

shall not be subject to any restrictions or limitations upon public or private nuisance actions at common law. This chapter is civil in nature and none of its provisions should be interpreted as punishment. This chapter is intended to complement and be compatible with the provisions of § 14-120 of the Real Property Article of the Annotated Code of Maryland, as the same may be amended from time to time. Nothing in this chapter is intended to conflict with, supersede, or otherwise interfere with the provisions of § 14-120 of the Real Property Article of the Annotated Code of Maryland.

§ 120-12. Severability.

If any section, sentence, clause or phrase of this chapter is held invalid or unconstitutional by any court of competent jurisdiction, then said ruling shall not affect the validity of the remaining portions of this chapter.

§ 120-13. Availability of other remedies.

This chapter does not limit the availability of any other legal or equitable remedies, including, but not limited to, those existing legal and equitable remedies for nuisance abatement of any type under City, state, or federal law.

Chapter 122

PARKING, OFF-STREET

GENERAL REFERENCES

Criminal sanctions — See Ch. 1, Art. I.

Residential permit parking areas — See Ch. 190, § 190-86.

Site plan approval requirements — See Ch. 155.

Zoning — See Ch. 205.

Parking spaces for taxicabs — See Ch. 180.

§ 122-1. Off-street parking spaces required for new or modified buildings.

On and after the effective date of this chapter, no building permit shall be issued for the construction of any new building and no use and occupancy permit shall be issued for any existing building or structure, the use or nature of occupancy of which is significantly changed or modified, unless such building, structure or property is provided with off-street parking spaces as hereinafter set forth.

§ 122-2. Exclusion of certain property.

The provisions of this chapter shall not apply to any building, structure or property within the area of the City which is enclosed by the following

boundaries: Beginning at the intersection of Green Street and Union Avenue, running south on Union Avenue to its intersection with Bourbon Street; running east on Bourbon Street and a projection thereof to the shoreline of the Susquehanna River then north following the shoreline of the Susquehanna River to a point where Otsego Street, if projected to the Susquehanna River, would reach the river; then following Otsego Street west to its intersection with Freedom Lane; then south on Freedom Lane to its intersection with Green Street; then east on Green Street to the point of beginning, except buildings and structures with more than three dwelling units.

§ 122-3. Location of parking area.

The required parking area shall be located within the confines and boundaries of the lot or tract of land on which the building, structure or use is located.

§ 122-4. Compliance required.

It shall be unlawful for any property owner or tenant to fail to maintain less than the number of parking spaces required by this chapter or required by a decision of the Board of Appeals.

§ 122-5. Design standards for driveways and off-street parking areas.

- A. Driveways required. All off-street parking areas shall be connected to a public street or lane by at least one driveway.
- B. Driveway width.
 - (1) Single-family dwellings: All driveways connecting public streets or lanes to off-street parking areas serving single-family dwellings shall be a minimum of nine feet in width.
 - (2) All other uses: All driveways connecting public streets or lanes to off-street parking areas serving users other than single-family dwellings shall be designed in accordance with the following:
 - (a) Single driveways: Single driveways shall provide for simultaneous ingress and egress and shall be a minimum of 16 feet in width.
 - (b) Multiple driveways: When multiple driveways connect public streets or lanes to off-street parking areas, in order to provide separate ingress to and egress from said off-street parking areas, each driveway shall be a minimum of nine feet in width.
- C. Driveway surface. Every required driveway shall be surfaced with portland cement or bituminous concrete unless the driveway is located within the Critical Area as defined in Chapter 49, Critical Areas, contained in this Code. Driveways located within the Critical Area may

be constructed of permeable materials, provided such materials are approved by the Director of Public Works and the City Council.

D. Parking area design requirements.

- (1) Surface: Every required parking area shall be surfaced with portland cement or bituminous concrete unless the parking area is located within the Critical Area as defined in Chapter 49, Critical Areas, contained in this Code. Parking areas located within the Critical Area may be constructed of permeable materials, provided such materials are approved by the Director of Public Works and the City Council.
- (2) Striping: Parking areas serving single-family dwellings need not be striped. Parking areas serving all other uses shall be striped.
- (3) Parking space access: Single-family dwelling parking spaces and designated employee parking spaces may be blocked by other parking spaces. All other parking spaces shall not be blocked by any other parking space.
- (4) Parking space dimensions: Each parking space shall have a stall width of at least nine feet. For all angle parking spaces, including perpendicular parking, a stall depth of at least 18 feet shall be required. For parallel parking, a stall depth of at least 22 feet is required. Handicap accessible parking spaces shall meet the dimensional requirements of ADA, as regulated by the State of Maryland. In parking areas of 50 or more spaces, up to 20% of the total parking spaces required may be designed and designated for compact cars. Parking spaces for compact cars shall have a dimension of at least eight feet by 16 feet, be grouped in specific areas and marked accordingly.
- (5) Parking aisle requirements: Each aisle providing access to stalls for two-way traffic shall be at least 22 feet in width, except a width of 20 feet may be allowed for areas of long-term employee parking. For aisles providing access for one-way traffic only, the following minimum aisle widths shall apply:

Angle of Parking (degrees)	Minimum Aisle Width (feet)
Parallel	12
30	12
45	14
60	18
90	20

§ 122-6. Number of spaces required. [Amended 11-16-2015 by Ord. No. 974]

The applicant for any building permit or use and occupancy permit shall demonstrate that off-street parking spaces are provided as follows:

- A. Residential use in designated area. In the area hereinafter designated, new construction of residential complexes or developments consisting of more than three dwelling units shall provide three parking spaces per dwelling unit. The parking space requirement shall apply to all residential units within the designated area without regard to the nature of such units, i.e., apartment complexes, condominium complexes, townhome complexes, detached single-family homes, etc. The designated area subject to this subsection is as follows:
 - (1) Throughout the municipal boundaries of the City.
- B. Except for those uses as set forth in Subsection A, the applicant for any building permit or use and occupancy permit shall demonstrate that off-street parking spaces are provided as set forth in Table I.²² In the case of any building, structure or premises, the use of which is not specifically mentioned therein, the provisions for a use which is mentioned and is most similar shall apply.

§ 122-7. Board of Appeals.

Any owner of property upon which a building or structure is located or any applicant for a building or use permit who desires to appeal a decision made pursuant hereto, who requests a variance from the terms hereof or who requests an interpretation of the terms hereof may file an appropriate application with the Board of Appeals of Havre de Grace in accordance with the terms of Article III, Board of Appeals, of Chapter 25, Boards, Committees and Commissions, contained in this Code.

§ 122-8. Violations and penalties.

Any person convicted of committing any unlawful act as provided in this chapter shall be guilty of a misdemeanor. If any unlawful act is continuing, then each day during which such violation continues shall be considered a separate offense. In addition to any criminal penalty which may be imposed, all the provisions of this chapter may be enforced by petition for injunction filed on behalf of the Mayor and City Council of Havre de Grace.

22. Editor's Note: Table I is included as an attachment to this chapter.

TABLE I

Use or Use Category	Spaces Required for Basic Measuring Unit	Additional Requirements
One-, two- or three-family dwelling	2 per family unit	§ 122-6 may apply if in the designated area
Church or temple, auditorium or place of assembly	1 per 4 seats or bench spaces in main auditorium only	
College or high school	1 per 5 seats in main auditorium or 1 per 8 classroom seats, whichever is greater	
Nursery, kindergarten, elementary school or middle school	1 per 10 seats in main assembly room or 1 per 10 classroom seats, whichever is greater	
Country club	1 per 400 square feet of floor area	
Golf course	5 per hole	
Public library, museum, art gallery or community center	10 spaces plus 1 additional space for each 300 square feet in excess of 1,000 square feet	
Multiple-family dwelling, more than three dwelling units	2 per family unit	§ 122-6 may apply if in the designated area
Private clubs, fraternities, lodges with no sleeping rooms	1 per 3 permitted occupants	
Auditorium, theater, gymnasium, stadium, arena or convention hall	1 per 3 seats or seating spaces	
Bowling alley	5 per lane	
Swimming pool	1 per 100 square feet of actual swimming pool area	
Amusement place, dance hall, skating rink and auditorium or exhibition hall, without fixed seats	1 per 100 square feet of floor area	Does not apply to accessory use

TABLE I

Use or Use Category	Spaces Required for Basic Measuring Unit	Additional Requirements
General service or repair establishment, printing, publishing, plumbing, heating, broadcasting station	1 per employee on premises plus 1 space per 200 square feet	Auditorium for broadcasting station requires space as above
Manufacturing or industrial establishment, research or testing laboratory, creamery, bottling plant, wholesale warehouse or similar establishment	1 per 2 employees on maximum working shift	Plus space for storage of trucks or other vehicles used in connection with business/industry
Physician's office or medical clinic	1 per 200 square feet of total space including basement and attached garage	
Dentist's office or dental clinic	1 per 200 square feet of total space including basement and attached garage	
Nursing home, convalescent home or similar institution	1 per 4 patient beds	
Motel, motor hotel, motor lodge or hotel	1 per sleeping room or suite plus 1 additional space for employee	
Hotel and conference center	1 per sleeping room in hotel plus 1 per 200 square feet of floor space in conference center	
Rooming, boarding or lodging house	1 per 2 sleeping rooms	
Hospital	1.5 per patient beds (includes staff parking)	
Office or office building, post office or studio	1 per 300 square feet of floor space studio	3 spaces minimum
Funeral home	1 per 50 square feet of floor area excluding storage and work area	30 spaces minimum

TABLE I

Use or Use Category	Spaces Required for Basic Measuring Unit	Additional Requirements
Restaurant or other establishment for consumption of food or beverages on the premises	1 per 100 square feet of floor area	3 spaces minimum
Retail store, personal service establishment or bank	1 per 200 square feet of retail floor area	
Furniture or appliance store, machinery, equipment, automobile and boat sales and service	1 per 300 square feet of floor area	2 spaces minimum; automobile sales and service, 10 minimum

Chapter 127**PEDDLING AND SOLICITING****GENERAL REFERENCES**

Criminal sanctions — See Ch. 1, Art. I.

§ 127-1. Definitions.

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

HAWKER — A peddler who sells his wares by outcry in the streets and public places.

ITINERANT VENDOR or TRANSIENT MERCHANT — A person who establishes himself in business in the City with the intention and determination to remain for a short period of one or more weeks or months, or until a particular stock of merchandise is disposed of or until the local market for the commodity handled by the dealer has been exhausted, and who, for such limited period, engages or occupies a lot of ground or the improvements thereon or a part thereof for the exhibition and sale of his goods or wares.

PEDDLER — A person who goes from place to place and/or from house to house carrying for sale and/or exposing for sale goods, wares and merchandise which he carries; or a vendor of goods who sells and delivers to customers the identical goods which he carries with him.

PERSON — An individual, corporation, business trust, estate trust, partnership, association, two or more persons having a joint or common interest or any legal or commercial entity.

SOLICITOR — A person who, going from person to person, house to house, or place to place, seeks orders, subscriptions, contributions or any other kind of support, or who, without necessarily having the intention of making a direct sale, distributes literature, pamphlets, handbills, samples and the like for commercial purposes.

§ 127-2. Licenses required.

- A. It shall be unlawful for any peddler, hawker, itinerant vendor, transient merchant or solicitor to operate within the limits of the City without a license issued by the Mayor and City Council of Havre de Grace.
- B. It shall be unlawful for any peddler, hawker, itinerant vendor, transient merchant or solicitor to operate within any area for which an area license has been granted unless such person operates pursuant to the area license. Area licenses shall be issued in accordance with § 127-6B of this chapter.

§ 127-3. Application and issuance of licenses.

- A. Application requirements.
 - (1) Applications for a vendor's or solicitor's license may be obtained from the City Manager.
 - (2) Application for a vendor's or solicitor's license may require such information and proof of identification as the Chief of Police and the City Manager may deem appropriate.
 - (3) Applications may require the disclosure of location of the permanent residence of all persons operating pursuant to the license.
- B. The Director of Economic Development and Planning shall issue the license applied for after:
 - (1) The applicant provides the information as requested by the application and any further information requested by the Chief of Police as may be necessary in the judgment of the Chief of Police to identify persons or vehicles operating pursuant to the herein required license.
 - (2) The applicant pays the required license fee.
 - (3) The application is approved by the Mayor and City Council.

§ 127-4. Form of license; display upon demand.

The license shall be in a form to be determined by the City Manager. The form of the license may vary with the type or class of license. The license shall state the date of issue, the date of expiration and the limits of the area of operation. Anyone to whom a license is issued shall present the license to any person for inspection upon demand.

§ 127-5. Fees; bond.

Fees for such licenses shall be as set by the Mayor and City Council from time to time. Fees shall be based upon the number of persons, vehicles and days of operation. The Mayor and City Council may require the posting of cash or other appropriate bond to insure compliance with the provisions of this chapter.

§ 127-6. Classification of licenses.**A. Individual licenses.**

- (1) A one-year license shall permit up to two persons and one vehicle to operate within the City for a period of one year. Additional persons and vehicles may operate pursuant to any such license for an additional fee.
- (2) A six-month license shall permit up to two persons and one vehicle to operate within the City for a period of six months. Additional persons and vehicles may operate pursuant to any such license for an additional fee.
- (3) A daily license shall permit up to two persons and one vehicle to operate within the City for a period of one day. Additional persons and vehicles may operate pursuant to such license for an additional fee.

B. Area licenses. An area license shall be issued for three or more itinerant vendors or transient merchants who will operate in a defined area for the period specified in the license. The license shall be issued to a person, the licensee, who shall determine and make available to the Chief of Police the name and address of all merchants operating pursuant to the license. The licensee shall be responsible for any violation of this chapter.**C. Group licenses.** A group license shall be issued for 20 or more persons who will operate within the City limits for a period specified in the license. The license shall be issued to a person, the licensee, who shall determine and furnish the names and addresses of all persons to operate pursuant to the license prior to the issuance of the license. The licensee shall be responsible for any violation of this chapter.**§ 127-7. Exceptions.**

- A. All persons engaged in a business or occupation for which they are required to obtain a state license shall be exempt from the fees imposed under § 127-5 hereof provided that application is made for a license, and the requisite state license is presented for inspection by the Director of Economic Development and Planning prior to issuance of the license required herein.
- B. Nothing in this chapter shall apply to hawkers, peddlers, itinerant vendors, transient merchants or solicitors while dealing in oysters and fish in their unpreserved and natural condition or fresh fruits, vegetables or other country produce or home produce, provided that the seller is the grower, harvester or home producer thereof.

§ 127-8. Hours of operation.

It shall be unlawful for any peddler, hawker, itinerant vendor, transient merchant or solicitor to operate within the City of Havre de Grace between the hours of 8:00 p.m. and 8:00 a.m.

§ 127-9. Violations and penalties.

Any person convicted of committing any unlawful act as provided in this chapter shall be guilty of a misdemeanor. If any unlawful act is continuing, then each day during which such violation continues shall be considered a separate offense. In addition to any criminal penalty which may be imposed, all the provisions of this chapter may be enforced by petition for injunction filed on behalf of the Mayor and City Council of Havre de Grace.

Chapter 130

PERSONNEL

GENERAL REFERENCES

Ethics — See Ch. 67.

ARTICLE I
Scope

§ 130-1. Classes of employment.

All offices and positions of employment of the City are divided into the career service and the exempt service.

§ 130-2. Career service.

The career service shall comprise all tenured positions in the City service now existing or hereafter established, except positions expressly placed in the exempt service. All positions not specifically placed in the exempt service are in the career service.

§ 130-3. Exempt service.

The exempt service shall be comprised of the following:

- A. All elected officials and the members of boards and commissions.
- B. Persons employed as consultants rendering temporary professional services.
- C. Volunteer personnel and personnel appointed to serve without pay.
- D. Positions involving seasonal or part-time employment, unless specifically placed in the career service by personnel regulation.
- E. The City Attorney.
- F. Any position which by virtue of the City Charter is subject to an annual or periodic appointment.
- G. All contractual employees.

§ 130-4. Filling positions in exempt service.

Nothing in this chapter shall be construed as precluding the City from filling any position within the exempt service in a manner in which positions in the career service are filled.

§ 130-5. Existing employees.

When this chapter becomes effective, employees holding positions in the career service shall have career status if they have held their present positions for at least one year immediately preceding the effective date of this chapter. Employees with less than one year of service on the effective date of this chapter shall continue in a probationary status until they have served one year, at which time career status may be conferred, if they can qualify under the policies and procedures contained in the City's personnel rules and regulations handbook.

ARTICLE II
Administration

§ 130-6. Responsibility for administration.

The personnel system established by this chapter shall be administered by the Director of Administration.

§ 130-7. Duties of Director of Administration.

The Director of Administration shall:

- A. Advise the Mayor on the effective utilization of human resources.
- B. Evaluate the operations and effect of this chapter and of the policies made thereunder and report findings and recommendations to the Mayor and City Council.
- C. Prepare and, from time to time, revise the position classification plan for career service positions to be submitted to the Mayor for approval. (This plan shall be based upon similarity of duties performed and responsibilities assumed so that the same pay schedule may be equitably applied to all positions in the same class.)
- D. Prepare and, from time to time, revise the pay plan for career service positions to be submitted to the Mayor for approval. There shall be a uniform and equitable pay plan consisting of minimum, intermediate and maximum rates of pay for each class or position. Every employee in the career service will be assigned a specific rate of pay in accordance with the pay plan and with rules, regulations and procedures established.
- E. Administer the plans established in accordance with the policies of the Mayor.

§ 130-8. Rules, regulations and procedures.

The Director of Administration shall recommend to the Mayor the adoption of rules, regulations and procedures which:

- A. Establish qualifications for all career service positions.
- B. Establish objective methods of recruiting, examining, investigating and determining the relative qualifications of all applicants.
- C. Establish probationary and tenure requirements for employees in the career service.
- D. Establish conditions of employment such as duty hours, holidays, annual and sick leave, fringe benefits, and retirement plans.
- E. Establish procedures for evaluating employee performance for consideration in granting salary increases and promotions, for

determining order of layoffs, and for consideration in demoting, discharging and transferring employees.

- F. Establish a system of maintaining employee records.
- G. Establish a disciplinary procedure to provide a means for presenting charges and establishing hearing and appeal procedures.
- H. Establish procedures for resolving employee grievances and complaints.
- I. Establish training and safety programs.
- J. Establish procedures to attract and utilize persons with minimal qualifications, but with development potential, in order to provide opportunities to all citizens. Such programs may provide for career status upon satisfactory completion of training and probation.
- K. Establish procedures for personnel lay-offs.
- L. Establish other policies and procedures not inconsistent with this chapter as may be proper and necessary for its implementation and enforcement.

ARTICLE III

Administrative Committee**§ 130-9. Membership and duties of Committee.**

The Administrative Committee, comprised of three Councilmembers, shall recommend to the Mayor and City Council the appointment and re-employment of the Director of Administration, Director of Public Works, Chief of Police, Director of Economic Development and Planning and the Director of Finance, who are defined as contractual employees.

ARTICLE IV
Agreements Authorized

§ 130-10. Reciprocal agreements.

The City is authorized and empowered to enter into reciprocal agreements, upon such terms as may be agreed upon for the use of equipment, materials, facilities, and services with any public agency or body for purposes deemed of benefit to the public personnel system.

§ 130-11. Personnel, testing, recruiting and training.

After obtaining appropriate authority from the Mayor, the Director of Administration may cooperate with other governmental agencies charged with public personnel administration in conducting personnel tests, recruiting and training personnel.

Chapter 134
PLUMBING STANDARDS

GENERAL REFERENCES

Criminal sanctions — See Ch. 1, Art. I.

Building construction — See Ch. 31.

**Installation of plumbing above flood
elevation — See Ch. 78, § 78-24.**

Water and sewers — See Chs. 196 and 198.

ARTICLE I

Adoption of Standards by Reference**§ 134-1. Adoption of Plumbing Code.**

The National Standard Plumbing Code, 2000 Edition, a copy of which is on file with the Department of Economic Development and Planning, Havre de Grace, Maryland, is hereby adopted as the Plumbing Code of the City of Havre de Grace, Maryland, for the control of plumbing practice, design and installation, including the establishment of performance criteria predicated on the need for protection of health and safety through proper design, installation and maintenance of plumbing systems. Each and all of the provisions and terms of the National Standard Plumbing Code, Chapters 1 through 16, 1978 Edition, and the 1979 Supplement to that edition, are hereby referred to, adopted and made a part hereof, as if fully set forth in this chapter, except for such changes, amendments and revisions as are specified in this chapter.

§ 134-2. Adoption of Gas Fitting Code.

The American National Standard for Installation of Gas Appliances and Gas Piping (NFPA 54-1980), as published by the American Gas Association, American Society of Mechanical Engineers and the National Fire Protection Association, a copy of which is on file with the Department of Public Works, Havre de Grace, Maryland, is hereby adopted as the Gas Fitting Code by the Mayor and City Council of Havre de Grace, Maryland, with the same force and effect as though set out in full herein, except for such changes, amendments and revisions as are specified in this chapter.

§ 134-3. Administrative authority.

The Harford County Department of Licensing and Inspections shall administer and enforce the provisions of the Plumbing and Gas Fitting Codes.

§ 134-4. Additions, corrections and deletions.

The following additions, corrections and/or deletions are hereby made to the National Standard Plumbing Code (the "code") as adopted.

- A. Conformance with code. The following is to be added to the code as new Section 1.11:

All plumbing materials, and plumbing systems or parts thereof installed hereafter shall meet or exceed the minimum provisions of the code.

- B. Conformance with other regulations. The following is to be added to the code as new Section 1.12:

Nothing in this code shall be construed to prevent the application of other legal requirements.

- C. Freezing. Section 2.16 of the code is amended to read as follows:

Water service piping and sewers shall be installed below recorded frost penetration but not less than below grade depth of three feet six inches. Water, soil or waste piping is not permitted outside of a building or in an exterior wall unless complete and proper provision is made to protect such pipe from freezing.

- D. Connection to water and sewer system. Section 2.19.1 of the code is amended to read as follows:

The water distribution and drainage system of any building in which plumbing fixtures are installed shall be connected to a public water supply system and sewer system if available. A public water supply system or public sewer system shall be deemed available to a premises used for human occupancy if such a premises is within 300 feet of the public water supply or sewer system and a connection conforming with the standards set forth in the code may be made thereto. These premises shall be connected to the public systems regardless of the operating condition of any private installations.

- E. Fire rating. The following is to be added to the code as new Section 3.3.6:

- (1) All thermoplastic pipe penetrating a fire-rated wall or ceiling shall meet the integrity of the wall or ceiling. Conformance to this requirement shall be evidenced by a test report from a nationally recognized fire testing laboratory.
- (2) It shall be stated by the testing laboratory that the plastic pipe will not spread either fire or significant quantities of smoke from one floor to another during a two-hour fire, provided the material is installed in accordance with the results of the test.

- F. Grease interceptors. The following is to be added to the code as new Section 6.2.6:

Commercial buildings. A grease interceptor shall be required in restaurants and other similar establishments.

- G. Permitted floor drains. The following is to be added to the code as new Section 7.16.3:

When approved by the administrative authority, floor drains may be installed in basements, utility rooms, commercial kitchens, food-processing establishments, public rest rooms, and in other locations where they may help promote the cleanliness of the building.

- H. Connections to boilers. The following is to be added to the code as new Section 10.4.9:

Potable water connections to boiler-feed water systems, in which boiler water conditioning chemicals are introduced, shall be made through an air gap, or the system shall be provided with an approved backflow preventer located in the potable waterline prior to the point where such chemicals are introduced. Boilers shall be equipped with twin check valves, and supplied with appropriate testing arrangements in the cold water supply to the boiler. If toxic materials are to be used in the boiler, additional protection must be installed.

- I. Water service pipe. Section 10.10.1 is amended as follows:

Water service pipe to point of entrance to the building shall be made of brass pipe, copper tube or copper pipe, cast-iron water pipe, galvanized wrought iron pipe, galvanized open-hearth iron pipe, or galvanized steel pipe, or approved plastic pipe, tested to withstand a minimum pressure of 160 pounds per square inch. Copper tubing, when used underground, shall not have a wall thickness less than type "L." All threaded ferrous pipe and fittings shall be galvanized or cement lined, and when used underground in corrosive soil or filled ground, they shall be coal-tar enamel coated, and threaded joints shall be coated and wrapped when installed.

- J. Excessive pressures. Section 10.14.6 is amended as follows: **[Amended 3-5-1990 by Ord. No. 739]**

When street main pressure exceeds 60 pounds per square inch, an approved pressure-reducing valve shall be installed in the water service pipe near its entrance to the building to reduce the water pressure to 60 pounds per square inch or lower, except where the water pipe supplies water directly to a water pressure booster system, an elevated water gravity tank, or to pumps provided in connection with a hydropneumatic or elevated gravity water supply tank system. Pressure at any fixture shall be limited to no more than 60 pounds per square inch under no-flow conditions.

- K. Building sewer. Section 11.2.1 is to be amended as follows:

- (1) In a trench separate from water service: If the building sewer line is installed in a trench separate from the water service line, the sewer pipe material shall be of either asbestos cement; cast iron; soil pipe, bell and spigot, service weight or heavier; soil pipe, concrete or vitrified clay or other approved material. Joints shall be watertight and root-proof. ABS or PVC schedule 80 plastic pipe or heavier, PSM SDR 35 (PVCSP) plastic pipe may also be used.
- (2) In a trench with water service: If the building sewer is installed in the same trench as the water service line, the sewer pipe material shall be durable, corrosion resistant, and so installed as to remain

watertight and waterproof. The sewer line shall be tested with a ten-foot head of water or equivalent and found to be tight. The conditions in Section 10.6.1 shall also be met.

§ 134-5. Gas fittings.

All gas fittings shall be done in accordance with the requirements of the National Fire Protection Association 54-1980 and the American National Standards Institute 2223.1 of 1980, known as the "National Fuel Gas Code."

- A. This standard code shall apply to the installation of all types of gas appliances and to the design, fabrication, installation and tests of all piping systems for fuel gases such as natural gas, manufactured gas, undiluted liquefied petroleum gas-air mixtures or mixtures of any of these gases as follows:
- (1) Low-pressure gas systems [not in excess of 1/2 pound per square inch or 14 inches water column] extending from the outlet of the meter set assembly, or the outlet of the service regulator when a meter is not provided, to the inlet connections of appliances.
 - (2) The installation of appliances supplied at pressure of 1/2 pound per square inch or less.
- B. Part 2 of this standard code shall apply to:
- (1) Gas piping systems for industrial installation and any other gas piping system operating at pressures greater than 1/2 pound per square inch.
 - (2) Gas equipment designed and installed for specific manufacturing, production, processing and power generating application.

ARTICLE II
Licensing of Plumbers

§ 134-6. Types of licenses.

- A. Master plumber licenses. The holder of a master plumber license issued by either the State of Maryland or Harford County, Maryland, is eligible to secure permits and has authority to perform plumbing, on-site sewer, water system and disposal systems in the City of Havre de Grace, and may employ registered journeymen and apprentices.
- B. Journeyman plumber license. The holder of a journeyman plumber license is eligible for employment in the plumbing business for, and under the direction of, a registered master plumber.
- C. Master limited plumber license. When issued by the State of Maryland, this license shall permit a corporation, firm or company not primarily engaged in the plumbing business to do plumbing work limited to maintenance and repair, alterations and minor extension of existing plumbing systems on the premises occupied by it in connection with its primary business.
- D. Master gas-fitter license. The holder of a master gas-fitter license issued by Harford County, Maryland, or the State of Maryland is eligible to secure permits and has authority to perform gas-fitting work and may employ journeyman gas fitters and apprentices.
- E. Journeyman gas-fitter license. The holder of a journeyman gas-fitter license is eligible for employment in the gas-fitting business for and under the direction of a registered master gas fitter.
- F. Water pump contractor's license. When issued by the State of Maryland or Harford County, Maryland, this license shall permit a person to install water pumps in wells, springs and cisterns and to connect such pumps to the water system of any building used for human occupancy and to secure permits for such work.

§ 134-7. Suspension and revocation of licenses.

- A. The administrative authority may, in its discretion, suspend or revoke the business privileges of any person who shall make any false or misleading statement in an application, or who shall sell, lend or otherwise permit any improper use of a license, or who shall obtain permits for others to do plumbing or gas-fitting work, or who shall fail to maintain a regular place of business.
- B. Upon receipt of written requests directed to the administrative authority, the administrative authority, in its discretion, may suspend or revoke the business privileges of any person who has been found guilty of committing any violation specified in this § 134-6 of this chapter or any other law or regulation governing the conduct of the plumbing and gas-fitting business.

- C. No such business privileges shall be suspended or revoked except after public hearing before the administrative authority, of which the license holder shall receive at least five days' notice in writing, together with a statement of the charges. Upon such hearing, the administrative authority may suspend any such privileges for such a period of time as it may find proper, or revoke the same.
- D. In the event of a revocation, no application for the reinstatement of such business privileges shall be entertained until the expiration of six months from the date of such revocation. At the end of such six-month period, the administrative authority may, in its discretion, reinstate revoked privileges.

§ 134-8. Practice of plumbing.

- A. No person shall engage in plumbing or gas fitting as defined in this chapter in Havre de Grace, Maryland, unless that person has been duly authorized to do so by the issuance of one of the foregoing licenses. No person shall do or perform any plumbing or gas-fitting work not authorized under an issued license.
- B. The provisions of this section shall not apply to persons working under the supervision of a master limited plumber - gas fitter on its premises, to persons working on on-site utility work under the supervision of a registered professional engineer, to persons working on disposal systems under a permit issued by the Harford County Health Department, or to persons working on water pumping systems under the supervision of a water pump contractor.
- C. A plumbing permit required by the administrative authority may be issued to a bona fide owner of a single-family dwelling occupied exclusively by the owner to do any plumbing work regulated by this code on the dwelling, on condition that such work is done in compliance with this code.

ARTICLE III
Permits and Inspections

§ 134-9. Permits.

- A. No work authorized under this chapter, unless excepted in this chapter, shall be undertaken without a permit therefor issued by the Department of Public Works of Havre de Grace, Maryland. Only master plumber - gas fitter, master gas fitter and water pump contractors shall be eligible to receive permits and then only to the extent that they are authorized to do work under this chapter.
- B. This section shall not apply to work done by the holder of a master limited plumber - gas-fitter license on the premises of such holder and provided that an annual inspector permit has been obtained. No work shall be commenced by the holder of a master limited plumber - gas-fitter's license prior to the issuance of an annual inspection permit from the Department of Public Works of Havre de Grace, Maryland.
- C. Permits not required.
 - (1) General repairs. No permit shall be required for the replacement of faucets, ball cocks, exposed fixture traps, or shutoff valves.
 - (2) Stoppages and leaks. No permit shall be required for the clearing of stoppages or repairing of leaks, when such repairs do not require the replacement of plumbing fixtures or any portion of the drainage system.
- D. Fixtures below grade. Permits may be issued by the administrative authority or an authorized assistant, when proper application is made, for the installation of plumbing fixtures or floor drains in a building or structure where the fixtures are located below the elevation of the curb at the point where the building sewer crosses under the curb at the property lines.
- E. Permit fees. The schedule of fees for the issuance of permits for plumbing and gas-fitting work shall be as designated by the Mayor and City Council of Havre de Grace from time to time.
- F. Plans and specifications. All plans and specifications required herein may be designed by a registered professional engineer licensed to do business in the State of Maryland. A master plumber - gas fitter or master gas fitter registered to do business in Harford County may design plumbing systems for his own installation. Each set of plans and specifications submitted shall have thereon the name and address of the designer, and a certification by the designer that the plans and specifications have been prepared in accordance with this chapter. The plans and specifications shall be submitted in the form and quantities required by the administrative authority and shall have thereon complete design and calculation criteria.

- G. Private water systems. No property served by a private water system shall be directly or indirectly connected to any public water supply until it is disconnected from its original source of supply, inspected and approved by the administrative authority, and connected in accordance with the provisions of this chapter.
- H. Permits required for tapping sewers. No person shall tap sewers or drains in public or private streets, alleys or rights-of-way unless a permit is first obtained from the Department of Public Works, Havre de Grace, Maryland.

§ 134-10. Bond.

- A. Before any permit to do plumbing or gas-fitting work in Havre de Grace, Maryland, is issued, the applicant shall post a bond in favor of the Mayor and City Council of Havre de Grace, Maryland, in an amount not less than \$3,000.
- B. The bonds provided for herein must be issued by bonding companies authorized to do business in the State of Maryland and such bonds shall be conditioned upon the fact that the holder thereof shall comply, in all respects, with each and every applicable provision of this chapter, and all laws and regulations of the Mayor and City Council of Havre de Grace, Harford County and the State of Maryland.
- C. Should the bond holder fail or refuse to remove or replace any materials or correct any work which shall have been found not to be in accordance with the provisions of this chapter, the administrative authority shall have the authority to cause such defective material or work to be removed or replaced or such repairs to be made as may be deemed necessary, at the expense of the bond holder. Any work performed by or for the administrative authority shall not relieve the bond holder in any way from the responsibility for any work, and any remedies or penalties herein mentioned are in addition to any other remedies or penalties provided by the laws of Maryland and the laws of Harford County.
- D. The liability of the surety on any bond given pursuant to this chapter and the liability of any bond holder for materials furnished or work performed under this chapter shall not extend to defects in materials or workmanship discovered more than 12 months after completed work has been inspected and approved by the administrative authority.

§ 134-11. Emergency work.

When work of an emergency nature must be performed to rectify a possible health or hazardous condition, the master plumber - gas fitter, master gas fitter or water pump contractor, as the case may be, may undertake such work prior to the issuance of a permit, but it will be their responsibility to notify the administrative authority of the emergency and obtain a permit for doing such work within a reasonable time.

§ 134-12. Inspection of plumbing and gas fitting.

- A. The administrative authority may inspect all plumbing for which a plumbing or gas-fitting permit other than an annual inspection permit is required during the course of construction and upon the completion of the construction. If any defects are found, the administrative authority shall have the authority to order such plumbing or gas fitting to be corrected to comply with the provisions of this chapter. It shall be unlawful for any person to cover or enclose from view any portions of such plumbing or gas fitting prior to the time that the administrative authority has inspected and approved it. The administrative authority shall prepare a written report of all such inspections and will maintain such report in an appropriate file.
- B. No potable well water service line or well for potable water supply shall be covered or enclosed from view prior to inspection by the proper authority. The service line and all underground fittings connected thereto shall be tested for leaks and overall integrity prior to covering and enclosing the line.

§ 134-13. Revocation of permits.

The administrative authority may, at any time, revoke for good cause any plumbing or gas-fitting permit previously issued. The owner of a property may, at any time, in writing, request the revocation of a permit previously issued for work to be performed on such property.

§ 134-14. Transfer of permits.

A permit may be transferred from one plumber or gas fitter to another licensed plumber or gas fitter with the permission of the owner of the property or the owner's agent. The new plumber or gas fitter shall then make application for the reissuance of the permit for the part of the work which remains to be completed, and the new plumber or gas fitter will be held responsible in all respects for the work done under the new permit.

§ 134-15. Piping through adjacent property.

Plumbing, sewer, water and gas piping shall not be connected or installed on property other than the property to be served. Plumbing or gas piping connections which cannot be made except by the crossing of nonserviced property may, with the permission of the administrative authority, be carried through a right-of-way or easement across nonserviced property, provided that:

- A. All privileges of such right-of-way or easement are obtained by the property owner desiring service, without any cost, liability or damage to the City of Havre de Grace.
- B. Such easement or right-of-way shall meet all regulatory requirements of the administrative authority.

- C. Such easement or right-of-way shall be granted and conveyed by formal deed recorded in the Land Records of Harford County.

§ 134-16. Permits required for connection to public water; damages.

- A. A permit shall be obtained from the Department of Public Works prior to a connection being made to a public water line.
- B. Any person making any connections to a public water or sewer line, or operating excavation machinery in the vicinity thereof, shall be fully responsible for any damage done to those lines during the construction or connection activity.

ARTICLE IV
Water-Conserving Fixtures

§ 134-17. Definitions. [Amended 3-5-1990 by Ord. No. 739]

The following words shall have the meanings indicated:

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 head of 60 pounds per square inch, under no-flow conditions.

APPROVED SINK FAUCET FOR A PUBLIC FACILITY — Any faucet with spring-loaded valves or other devices that stop the flow of water upon release of the handle or that stop the flow of water after more than one gallon of water has flowed through the fitting.

APPROVED KITCHEN SINK FAUCET FOR PRIVATE USE — Any sink faucet, located in a private kitchen, using no more than 2.5 gallons of water per minute, with the rate based on a pressure at the fixture head of 60 pounds per square inch, under no-flow conditions.

APPROVED LAVATORY SINK FAUCET FOR PRIVATE USE — Any sink faucet, located in a private lavatory, using no more than two gallons per minute, with the rate based on a pressure at the fixture head of 60 pounds per square inch, under no-flow conditions.

APPROVED WATER CLOSET — Any water closet using no more than 1.6 gallons of water per flush, with the rate based on a pressure at the fixture head of 60 pounds per square inch, under no-flow conditions.

APPROVED URINAL — Any single flush-type urinal using no more than 1.5 gallons of water per flush, with the rate based on a pressure at the fixture head of 60 pounds per square inch, under no-flow conditions.

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

CONSTRUCTED — The building, inspecting and supervising of new structures and the installing of equipment required in connection with the new structure.

DIRECTOR — The Director of the Department of Public Works.

LOCAL PLUMBING INSPECTORS — The inspectors of the appropriate agencies or units of the City who inspect the installation of plumbing fixtures and devices and water, drainage, and sewage systems.

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

§ 134-18. Sale of unapproved fixtures; enforcement.

- A. A person may not sell any plumbing fixture which is not an approved plumbing fixture as defined in § 134-17.

- B. The local plumbing inspectors shall enforce the prohibition against the sale of any plumbing fixtures which are not water-conserving fixtures in the interests of ensuring that the capacities for wastewater treatment of municipal sewage treatment facilities and private on-site wastewater disposal systems are not exceeded.

§ 134-19. Required water-conserving fixtures and devices.

Except as provided under § 134-20, the following fixtures or devices shall be installed as necessary in buildings constructed or remodeled after the effective date of this chapter:

- A. Approved water closets, in every building.
- B. Approved urinals, in every building.
- C. Approved sink faucets for private residences and in buildings with rest rooms not intended for public use except in hotels, motels and dormitories.
- D. Approved sink faucets for a public facility, in buildings with rest rooms intended for public use except in hotels, motels and dormitories.
- E. Approved shower heads, in every building.

§ 134-20. Suspension of enforcement.

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

- A. There is an inadequate supply of approved water closets, approved sink faucets or approved shower heads, or water-conserving devices intended for attachment to water closets, sink faucets or shower heads to allow the fixtures to qualify as approved fixtures, under § 134-17; or
- 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.

ARTICLE V
Enforcement

§ 134-21. Unlawful conduct.

It shall be unlawful for any person, firm or corporation individually, collectively, or through others to construct, erect, alter or repair any plumbing or gas-fitting work in violation of any provision of this chapter.

§ 134-22. Violations and penalties.

Any person convicted of committing any unlawful act as provided in this chapter shall be guilty of a misdemeanor. If any unlawful act is continuing, then each day during which such violation continues shall be considered a separate offense. In addition to any criminal penalty which may be imposed, all the provisions of this chapter may be enforced by petition for injunction filed on behalf of the Mayor and City Council of Havre de Grace.

Chapter 138

PROMENADE

GENERAL REFERENCES

Fees — See Ch. 70.

ARTICLE I

Promenade Fund**[Adopted 3-1-2004 by Ord. No. 851]****§ 138-1. Fund established.**

A separate enterprise fund is hereby established, which shall be known as the "Havre de Grace Promenade Fund" (the "Promenade Fund").

§ 138-2. Purpose of fund.

The purpose of the Promenade Fund is to receive and administer funds to be used to assist the City government with the maintenance and repair of the waterfront promenade owned by the City of Havre de Grace.

§ 138-3. Management of fund.

The management of the Promenade Fund shall be vested in the Mayor and City Council of Havre de Grace (the "Mayor and City Council"), who shall receive, apply, use and disburse the funds paid and other property transferred to the Promenade Fund for the purposes of the Promenade Fund, and to invest, reinvest or otherwise deal with the principal or the income thereof in such manner as, in the judgment of the Mayor and City Council, will best promote the purposes of the Promenade Fund. All expenditures of funds shall first be approved by the City Council DPW Committee.

§ 138-4. Payment of building permit fees into Promenade Fund.

One hundred dollars of each fee collected by the City for each building permit associated with dwellings and all other occupied structures shall be paid into and become a part of the Promenade Fund.

§ 138-5. Other contributions by City.

The Mayor and City Council may, in the exercise of its discretion, direct that other monies be paid into the Promenade Fund.

§ 138-6. Other contributions.

The Mayor and City Council may accept contributions into and grants to the Promenade Fund in any form and from all sources, including private individuals or entities, governments, institutions, and others, and to that end the Mayor and City Council may take and hold, by distribution, bequest, devise, gift, grant, or otherwise, any funds or other property for such purpose.

Chapter 140**(RESERVED)**

[Former Ch. 140, Property Maintenance, adopted 12-18-1995 by Ord. No. 795, as amended, was repealed 12-7-2015 by Ord. No. 975. For current provisions, see Ch. 31, Art. I, Property Maintenance Code.]

Chapter 144**PROPERTY, UNCLAIMED****§ 144-1. Disposition of unclaimed property.**

- A. The Chief of Police or his designated agent is hereby authorized and empowered to sell at public auction unclaimed property, such as but not limited to any and all lost, abandoned, stolen, lawfully seized or other property of every kind and description remaining unclaimed for 30 days or more in the possession or under the control of the City of Havre de Grace
- (1) The Chief of Police or his designated agent shall, prior to any such sale, advertise no less than once in one or more newspapers circulated in the City that on a date named in the advertisement, which date shall be not less than 10 days after the publication thereof, the Havre de Grace Police Department will offer for sale, at public auction, such lost, abandoned, stolen, lawfully seized or unclaimed property.
 - (2) The advertisement shall set forth the time, place and terms of the sale, together with a detailed description of the property to be sold.
 - (3) The Havre de Grace Police Department, prior to any sale of such property, shall make reasonable efforts to ascertain the owner thereof and shall, if any person believed to be the owner of such property has a known address, send a notice by registered mail, return receipt requested, to the owner, or shall cause police personnel to hand deliver such notice, at least 10 days prior to the date of the sale. Any person receiving notice pursuant to this subsection who fails to make a written claim prior to the time of sale shall be deemed to have waived any right that they may have to the ownership and possession of such property. In the event that any person shall establish to the satisfaction of the Chief of Police or his designated agent ownership of any such item of property prior to sale, such item of property shall be returned to the owner, at the owner's sole cost and expense.
- B. If the property described in Subsection A is a bicycle, the Havre de Grace Police Department is authorized to dispose of the bicycle, either by public sale, as provided herein, or by gift to any charitable, nonprofit agency or institution located in Harford County.

- C. If any property described in Subsection A is to be used as evidence in a judicial or administrative proceeding, it shall not be sold or otherwise disposed of until the proceeding is completed and the period of time for an appeal has expired.
- D. If any property described in Subsection A is suitable for official use by the Havre de Grace Police Department or, in its opinion, is a threat to the public health, welfare or safety, the Chief of Police shall establish regulations for the use or disposal of such property.
- E. The gross proceeds of any sale under this section shall first be applied to all unpaid, reasonable expenses associated with the sale, including but not limited to advertising and the auctioneer's fee or commissions, and the remainder shall be deposited in the special investigation account of the Havre de Grace Police Department in the general fund of the City of Havre de Grace.

§ 144-2. Local forfeited property revenue account.

- A. There is hereby established a local forfeited property revenue account within the general fund of the City of Havre de Grace.
- B. All money received by the city under the Havre de Grace Police Department drug enforcement efforts or programs shall be credited to that account.
- C. All personal property received by the Havre de Grace Police Department under the drug enforcement efforts or programs shall be transferred to the Havre de Grace Police Department for its use in law enforcement purposes or disposed of under the disposition of unclaimed property provisions in § 144-1 herein, except that the gross proceeds shall be credited to the local forfeited property revenue account.
- D. All money received by the Havre de Grace Police Department pursuant to this section shall be deposited in the account for use solely by the Havre de Grace Police Department and shall be accumulated in the account until a supplemental appropriation is made to a special account in the grants fund for use by the Havre de Grace Police Department.
- E. Money deposited in the account shall not be used as a source of financing for the annual current expense operating budget of the Havre de Grace Police Department.

Chapter 147

RENTAL PROPERTY

GENERAL REFERENCES

Building construction — See Ch. 31.

Property maintenance — See Ch. 140.

ARTICLE I

**Registration of Residential Rental Property
[Adopted 3-1-2004 by Ord. No. 853]****§ 147-1. Purpose.**

It is declared to be the policy and intent of the City of Havre de Grace that all dwellings, rooms, and other residential structures, units, and premises let or rented for human habitation shall be regulated in accordance with this chapter for the purpose of ensuring the protection of the public health, safety and general welfare of all City residents by establishing registration, inspection, and enforcement provisions for existing property maintenance code in connection with rental housing units; fixing the responsibilities of property owners, operators, and tenants of rental housing structures and premises; and providing for administration and penalties.

§ 147-2. Definitions.

Unless otherwise expressly defined herein, all terms defined in or incorporated into Chapter 31, Building Construction, shall have the meanings indicated for purposes of this chapter. When terms are not specifically defined, they shall have their ordinarily accepted meanings such as the context may imply.

CODE — The Havre de Grace Property Maintenance Code now or hereafter adopted by the City.

CODE OFFICIAL — The official or any duly authorized agent or designee of the City who is authorized to enforce this chapter.

HABITABLE AREA — The space in a housing unit, structure, or premises used for living, sleeping, eating, or cooking, including bathrooms and toilet compartments. Closets, halls, storage or utility space, and similar areas are not considered habitable areas.

HOUSING UNIT — A single unit of a structure, including but not limited to all dwellings, rooms, and other residential structures, units, and premises let or rented for human habitation (whether located in a single dwelling or multiple dwelling, rooming house, boardinghouse, or other structure), providing or intended to provide complete living and sleeping facilities for one or more persons. The definition of "housing unit," as used in this chapter, does not include any single-family housing units that are solely occupied by the property owner or by the property owner and members of the property owner's family, or any hotel, motel, or bed-and-breakfast establishment.

MAYOR AND CITY COUNCIL — When used in connection with the taking of any action under this chapter, such action shall be taken in accordance with the City Charter.

MEMBERS OF THE PROPERTY OWNER'S FAMILY — Shall be limited to a property owner's spouse, siblings, parents, grandparents, and children or grandchildren of any age.

OCCUPANT — An individual having possession of a space within a housing unit.

OPERATOR — A person who has charge, care, or control of a housing unit, structure or premises which is offered for occupancy.

PERSON — Includes an individual, partnership, trust, estate, association, corporation, limited liability company, or any other entity.

PREMISES — A lot, plot, or parcel of land containing a housing unit, including the structures on it.

PROPERTY OWNER — A person, other than a tenant, having a legal or equitable ownership interest in the premises.

STRUCTURE — A residential structure used for human habitation.

TENANT — An occupant other than a property owner.

§ 147-3. Applicability.

- A. This chapter shall apply to housing units, structures, and premises used for human habitation and located within the corporate municipal limits of the City of Havre de Grace. The following housing units, structures, and premises shall be exempt from the inspection provisions of this chapter:
 - (1) Government-sponsored housing projects.
 - (2) Housing units occupied by persons whose rent is government subsidized, and which are required to be inspected by another governmental agency.
 - (3) Housing specifically exempted by law by the Maryland Department of Housing and Community Development.
- B. Repairs, improvements, or alterations to a structure, or changes of use to it, which may be caused directly or indirectly by the enforcement of this chapter shall be performed in accordance with the procedures and provisions of the code.
- C. The provisions in this chapter do not abolish or impair any remedies available to the City or its officers or agencies relating to the protection, preservation, removal or demolition of any structures which are deemed to be dangerous, unsafe, unsanitary, or otherwise in violation of the code.

§ 147-4. Registration.

- A. Every person that lets or allows for human occupancy or use any housing unit existing on or after the effective date of this chapter shall register each housing unit with the City. The failure to apply for registration shall constitute a municipal infraction and shall subject the violator to a per-unit fine of \$1,000. Any person convicted of willfully failing or refusing to apply for registration of any housing unit shall

be guilty of a misdemeanor, punishable by a fine of not more than \$1,000 and by imprisonment of up to six months for each violation. At least 10 days prior to instituting a charge for any violation under this § 147-4, the Code Official shall use all reasonable efforts to give notice of the violation to the person responsible for the violation. Notice may be given by hand delivery, certified mail, posting on the property, or other means reasonably calculated to give notice of the charge. Notwithstanding the foregoing, actual receipt of such notice is not a condition precedent to instituting a charge, prosecution, liability, or conviction under this § 147-4. **[Amended 5-21-2007 by Ord. No. 886]**

- B. Every person that lets or allows for human occupancy or use any housing unit after the effective date of this chapter shall register each housing unit with the City for the specific named housing unit or housing units before letting or allowing any such housing unit for human occupancy.
- C. No registration shall be issued or renewed unless the property owner first has made application on a registration form provided by the City. The registration form shall provide that the property owner agrees to the inspections of the housing unit provided in this chapter. The initial registration form provided by the City is attached as Exhibit A to this chapter.²³ This form may be revised by the City from time to time without the necessity of amending this chapter. The City shall make registration forms available to the public.
- D. Upon receipt of a completed registration form, the City shall issue a registration certificate for the housing unit.
- E. Once issued, registration shall continue in force unless revoked in accordance with this chapter.
- F. No registration is transferable to another person, or to another housing unit or premises. Every property owner shall give notice in writing to the Code Official within 72 hours of the transfer of any legal ownership interest or control of any registered housing unit. The notice shall include the name and address of the person succeeding to the ownership interest or control of the housing unit.

§ 147-5. Inspections.

- A. Initial inspection by property owner. Initial inspections of housing units, premises, and structures for code compliance shall be preformed by the property owner or the property owner's designated agent in the presence of the tenant. The results of the inspection shall be signed by the landlord and tenant and submitted to the City within 60 days of registration of the housing unit. The inspection shall be conducted using the forms provided by the City. The initial inspection form provided by the City is attached as Exhibit B to this chapter.²⁴ This form

23. Editor's Note: Exhibit A is on file in the City offices.

may be revised by the City from time to time without the necessity of amending said chapter. The City shall make inspection forms available to the public.

- B. Subsequent inspections by property owner. Upon the vacancy of any housing unit or upon each change in tenant, inspections of housing units, premises, and structures for code compliance shall be preformed by the property owner or the property owner's designated agent in the presence of the prospective new tenant (if any). The results of the inspection shall be signed by the landlord and tenant and submitted to the City within 60 days of reregistration of the housing unit. The inspection shall be conducted using the forms provided by the City. The initial inspection form provided by the City is attached as Exhibit B to this chapter. This form may be revised by the City from time to time without the necessity of amending said chapter. The City shall make inspection forms available to the public.
- C. Tenant-requested inspections. After the beginning of the lease, City inspections of housing units, premises, and structures for code compliance may be requested in writing by tenants by completing and submitting a complaint form provided by the City. The complaint form shall require the tenant to describe the efforts the tenant has made to have the property owner correct the violation(s), but that the property owner failed to do so. The initial complaint form provided by the City is attached to this chapter as Exhibit C.²⁵ This form may be revised by the City from time to time without the necessity of amending said chapter. The City shall make complaint forms available to the public. The inspection of housing units, structures, and premises requested by tenants, the issuance of notices and orders under this chapter, and their enforcement, shall be the responsibility of the Code Official. The Code Official is authorized to enter a housing unit, structures, and premises at any reasonable time with the consent and in the presence of both the property owner (or their designee) and the tenant, for the purpose of making the inspections and performing the duties of the Code Official under this chapter. The Code Official shall disclose his credentials for the purpose of inspecting the housing unit or premises.
- D. Whenever a Code Official involved in an inspection of a housing unit, structure, or premises under this chapter becomes aware that an inspection of the same housing unit, structure, or premises is to be made by any other governmental official or agency, the Code Official shall make a reasonable effort to arrange for the coordination of the inspections so as to minimize the number of visits by inspectors.
- E. The Code Official shall confer with any other governmental official or agency for the purpose of eliminating conflicting orders before any are issued. The Code Official may not, however, cause the delay of the issuance of any emergency orders by any governmental official or

24. Editor's Note: Exhibit B is on file in the City offices.

25. Editor's Note: Exhibit C is on file in the City offices.

agency which the governmental official or agency determines must be issued.

- F. The property owner shall be responsible for notifying all tenants in writing that City inspections may take place. Property owners are encouraged to obtain the tenant's written consent to such inspections, either by lease provision or other written document demonstrating the tenant's consent.

§ 147-6. Enforcement and waiver.

- A. It shall be the duty and responsibility of the City to enforce the provisions of this chapter.
- B. The Mayor and City Council may, by resolution, waive applicability of the procedures set forth in this chapter, in whole or part, to a housing unit on application of the property owner if:
 - (1) Except in an emergency situation, not less than 30 days' notice has been given to the tenant;
 - (2) The tenant consents to the waiver either in writing or in person; and
 - (3) The waiver would not threaten the health or safety of a tenant.
- C. Enforcement and waiver application are not intended to supersede any state or county laws, including:
 - (1) State fire laws, Article 38A of the Annotated Code of Maryland.
 - (2) State elevator laws, Article 89 of the Annotated Code of Maryland.
 - (3) State boiler laws, Article 48 of the Annotated Code of Maryland.
 - (4) State landlord-tenant laws, Subtitle 8 of the Real Property Article of the Annotated Code of Maryland.
 - (5) State and county plumbing, mechanical, and electrical codes.

§ 147-7. Duties and powers of Code Official.

- A. The Code Official shall enforce the provisions of this chapter, as well as such other powers as may be specifically provided by the code.
- B. The Code Official shall issue all notices and orders necessary to insure compliance with this chapter, or specifically provided by other law.
- C. Nothing in this chapter shall abolish or impair any emergency powers or remedies available to the City under this code relating to the protection of life and safety of persons, or relating to the protection, preservation, removal or demolition of any structures which are deemed to be dangerous, unsafe, unsanitary, or otherwise in violation of the code, nor may the Code Official delay of the issuance of any

emergency orders that must be issued regardless from whom a complaint is received, and regardless of whether the complaint is written or oral.

§ 147-8. Alterations and repairs necessitated by inspections.

- A. Whenever an inspection is performed, or an inspection form submitted pursuant to this chapter reveals any code violation, the Code Official has the authority to require and approve any alterations or repairs necessary to bring a housing unit, structure, or premises into compliance with the code. The determination of what may be necessary to bring a housing unit, structure, or premises into compliance shall take into consideration the use of alternatives and equivalent approaches as provided for in the code.
- B. The Code Official shall have the authority to approve changes in alterations or repairs in the field when conditions are encountered which make the originally approved work impractical, if the changes in approved work can be readily determined to be in compliance with the code and are requested by the property owner before the changes are made.
- C. The changes shall be specifically documented by the property owner, describing the change in work and the reasons and justification for the change, and shall be filed with the record for the premises, housing unit, or structure.
- D. A tenant of a housing unit or premises shall give the property owner or operator, or agent or employee, access to any part of the housing unit, structure, and premises at reasonable times upon being given reasonable notice for the purpose of making the maintenance, repairs, or alterations (and subsequent inspections thereof) as are necessary to comply with the provisions of this chapter.

§ 147-9. Notices and orders.

- A. In general.
 - (1) Whenever the Code Official determines that there has been a violation of this chapter or has reasonable grounds to believe that a violation has occurred, notice shall be given to the property owner and to the tenant in the manner prescribed in this chapter.
 - (2) Any order or notice issued or served as provided in this chapter shall be complied with by the property owner or other person responsible for the condition or violation to which the order or notice pertains. Every order or notice shall set forth a time limit for compliance dependent upon the hazard and danger created by the violation. In cases of extreme danger to persons or property, immediate compliance shall be required.

- B. Service of notice. All property owners, as part of the registration application, shall designate a natural person residing within the City as their resident agent for service of notice under this chapter. All notices shall be deemed to be properly served by one of the following methods:
- (1) By delivering to the person to be served or his resident agent a copy of the notice and all other necessary papers;
 - (2) By mailing to the person to be served at his last known address or to his resident agent by certified mail with return receipt requested a copy of the notice and all other necessary papers; or
 - (3) If the certified mailing is returned with receipt showing that it has not been delivered, notice shall be served by posting a copy of it in a conspicuous place in or about the dwelling unit and the premises affected by the notice.
- C. Transfer of ownership pending violation. A property owner who has received an order or upon whom a notice of violation has been served may not sell, transfer, mortgage, lease, or otherwise dispose of the premises (or of any ownership in any entity owning the premises) until:
- (1) The provisions of the order or notice have been complied with; or
 - (2) The property owner has first furnished the grantee, transferee, mortgagee or lessee a true copy of the order or notice and shall furnish to the Code Official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, in which he acknowledges the receipt of the order or notice and states that he fully accepts and assumes the responsibility without condition for making the corrections or repairs required by the order or notice.
- D. Removal of notice. No person may deface or remove a notice without the approval of the Code Official.

§ 147-10. Violations and penalties.

- A. In addition to those penalties set forth in § 147-4 concerning registration, any person who shall be adjudged to have violated any of the provisions of this chapter; or permitted or maintained such a violation; or violated or failed to comply with any order made hereunder; or to have built in violation of any details, statements, specifications or plans submitted or approved hereunder; or failed to operate in accordance with the provisions of any certificate, permit, or approval issued hereunder; or filed a false complaint of a code violation against a property owner shall, severally for each violation and noncompliance respectively, be guilty of a municipal infraction, for which a fine not to exceed \$1,000 may be imposed for each such infraction, payable to the City of Havre de Grace, with costs imposed in the discretion of the court. The imposition of a fine for any violation shall not excuse the violation nor shall the violation be permitted to continue. Prosecution or lack thereof of either the property owner,

occupant, or the person in charge shall not be deemed to relieve any of the others. All provisions of Article 23A, Section 3, of the Annotated Code of Maryland relating to municipal infractions, as the same may be amended from time to time, are incorporated herein. **[Amended 5-21-2007 by Ord. No. 886]**

- B. Any person who shall be convicted of willfully violating any of the provisions of this chapter; or permitting or maintaining such a violation; or violating or failing to comply with any order made hereunder; or building in violation of any details, statements, specifications or plans submitted or approved hereunder; or failing to operate in accordance with the provisions of any certificate, permit, or approval issued hereunder; or filing a false complaint of a violation of this chapter against a property owner shall, severally for each violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine not to exceed \$1,000 and imprisonment not exceeding six months for each violation, with costs imposed in the discretion of the court. The imposition of punishment for any violation shall not excuse the violation nor shall the violation be permitted to continue. Prosecution or lack thereof of either the property owner, occupant, or the person in charge shall not be deemed to relieve any of the others. Imprisonment in default of fine and costs shall be regulated by the provisions of Article 38, Section 4, of the Annotated Code of Maryland, as the same may be amended from time to time. **[Amended 5-21-2007 by Ord. No. 886]**
- C. In addition to the other provisions of this chapter, the City of Havre de Grace may suspend, revoke, or otherwise terminate a registration certificate for the purpose of enforcement of this chapter or to correct violations of the code. The City may also institute injunctive, mandamus or any other appropriate action or proceedings at law or equity for the enforcement of this chapter or to correct violations of the code, and may seek and obtain in any court of competent jurisdiction administrative search warrants, restraining orders, temporary or permanent injunctions, mandamus, to restrain, correct or abate such violations, or to require the removal or termination of the unlawful occupancy of the housing unit, structure, or premises in violation of the provisions of this chapter or of the order or direction made pursuant thereto, or to order other appropriate forms of remedy or relief. **[Amended 5-21-2007 by Ord. No. 886]**
- D. In the event violations remain uncorrected for 30 days and the responsible party fails to comply with the lawful order of the Code Official to maintain, make safe and healthy any unsafe and unhealthy structure, to correct a dangerous condition or to eliminate any infestation of rodents, vermin or insects, the Code Official may proceed with whatever emergency action is required to abate unsafe conditions or infestations by any and all legal remedies available to the City. The means may include, but shall not be limited to, revocation of the registration of the housing unit, closing of the housing unit, substantial rehabilitation, pest extermination, condemnation and demolition. The

City may use public and private resources as required and available. All costs incurred for such emergency action, as well as all costs of condemnation, shall be recovered from the property owner by whatever appropriate action is necessary, including but not limited to certification of a tax lien on the property and collectible in the same manner as delinquent taxes. **[Amended 5-21-2007 by Ord. No. 886]**

- E. A penalty ordered under this chapter is in addition to and is not a substitute for any other penalty authorized under any federal, state, or county law.
- F. Any provision of this chapter notwithstanding, no person may be prosecuted for a misdemeanor offense or municipal infraction under this chapter for lawfully exercising their rights under the United States Constitution or the Maryland Constitution, Declaration of Rights.

§ 147-11. Right to appeal.

A person aggrieved by a decision, order, or action by the City or its agents which has been made in connection with the enforcement of any provision of this chapter or of a regulation adopted pursuant to this chapter may appeal in writing to the Circuit Court for Harford County in the manner prescribed by 7-201 et seq. of the Maryland Rules of Procedure. No such appeal shall operate to stay any decision, order or action of the Code Official or the City, except as ordered by the Circuit Court upon the posting of a bond by the appellant sufficient under the circumstances to protect the City and the occupant(s) pursuant to Rule 7-205 and Rule 1-401 et seq. of the Maryland Rules of Procedure.

§ 147-12. Interpretation; rules and regulations.

- A. This chapter is enacted pursuant to the provisions of Section 2 of Article 23A of the Annotated Code of Maryland (1957 Edition, 2001 Replacement Volume) as well as Title 12, Subtitle 2 of the Public Safety Article of the Annotated Code of Maryland (2003), titled "Statewide Building and Housing Codes." This chapter is based in part on the Minimum Livability Code provisions set forth in Title 05.02.03 et seq. of the Code of Maryland Regulations. In the event of any conflict between this chapter and the Minimum Livability Code, the provisions of this chapter shall govern. This chapter shall be construed liberally and justly to protect public health, safety, and welfare insofar as they are affected by the continued use and maintenance of residential housing units, structures and premises.
- B. Words used in the present tense include the future. Words in the masculine gender include the feminine and neuter. The singular number includes the plural and the plural the singular.
- C. The Mayor and City Council shall have power as may be necessary in the interest of public safety, health, and general welfare, and after a public hearing, to adopt by resolution and promulgate rules and

regulations to interpret and implement the provisions of this chapter to further its intent.

- D. Nothing in this chapter or the code shall be construed to constitute a waiver of any governmental immunity of the Mayor and City Council of Havre de Grace or its agents, in whole or in part.

Chapter 151

SIGNS

GENERAL REFERENCES

Civil sanctions — See Ch. 1, Art. I.

Marking of signs on site plans — See Ch. 155, § 155-3C.

Traffic control signs — See Ch. 190.

Signs in the MOE District — See Ch. 205, § 205-35J.

§ 151-1. Definitions.

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

BUILDING CODE — The Building Code currently in effect in the City of Havre de Grace.²⁶

BUILDING SIGNS — All signs, including their supports and appurtenances, which are not ground signs. The term "building sign" includes, but is not limited to, roof signs, wall signs, projecting signs and marquee signs.

ELECTRIC SIGN — Any sign containing electric wiring.

GROUND SIGNS — Signs, including their supports and appurtenances, which stand upon the ground structurally independent of other structures.

MARQUEE — A permanent roofed structure projecting from and attached to a building and supported by either the building or column supports from grade or a combination of both.

MARQUEE SIGN — A sign which is attached to a marquee.

PERSON — 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.

PROJECTING SIGN — A building sign which extends out, over or away from the wall of a building.

ROOF SIGN — A building sign attached to the roof of a building.

SIGN — Includes every visually communicative display external to any building used to advertise or promote the interest of any person.

SIGN STRUCTURE — The supports, uprights, braces and framework of the sign.

TEMPORARY SIGN — A sign erected or posted for a limited period of time not exceeding 127 days.

26. Editor's Note: See Ch. 31, Building Construction, Art. II, Building Code.

WALL SIGN — A building sign which is attached to the walls of a building.

§ 151-2. Permit required; fees.

- A. It shall be unlawful to erect, re-erect, construct, place, replace or alter any sign unless a building permit has been issued therefor or no permit is required pursuant to the terms of this chapter.
- B. Permit fees for signs shall be established from time to time by the Mayor and City Council.

§ 151-3. Signs for which no permit is required.

- A. No permit shall be required for the following signs if such signs otherwise conform with the requirements of this chapter and the Building Code.
 - (1) One sign which advertises either the sale or rental of the premises upon which the sign is erected if the sign does not exceed 12 square feet in area.
 - (2) Signs erected by order of the Mayor and City Council of Havre de Grace or the State Highway Administration.
 - (3) Temporary signs if all the following conditions are met:
 - (a) The sign announces a public, charitable, educational or religious event or function; and
 - (b) The sign is located on the premises upon which the event or function is to take place; and
 - (c) The sign does not exceed 24 square feet; and
 - (d) The sign is not erected more than 21 days prior to the event or function and will not remain more than seven days after the termination of the event; and
 - (e) The sign is not illuminated; and
 - (f) If a ground sign, the top of the sign is not more than six feet above ground level.
 - (4) Signs which are to be an integral part of the building or structure which the sign identifies by name, date of construction or history. Such signs shall include, but not be limited to, commemorative tablets and cornerstones incorporated into a structure or a permanent, monolithic, metal or stone tablet securely affixed to the structure. Such signs shall not include those which are painted on the exterior surfaces of a building.
 - (5) Signs announcing the candidacy of persons seeking public political office and other information pertinent to municipal, county, state and federal elections if all the following conditions are met:

- (a) The sign does not exceed six square feet in area; and
- (b) The sign is not erected more than 60 days prior to the election to which it relates and the sign will not remain more than seven days after the election to which it relates, except that a sign lawfully erected prior to a primary election may remain more than seven days after the primary election if the sign relates to a general election which will occur within 60 days of the primary election and the sign will be removed within seven days after the general election.

- (6) Single-family residential name and street address signs, not exceeding two square feet in area per single-family dwelling, if such signs are attached to a mailbox or building or, if a ground sign, it is not over five feet in height.

B. No permit shall be required to paint, repaint, clean or repair any sign.

§ 151-4. Structural and fire safety.

Signs shall be designed and constructed in accordance with the structural and fire safety provisions of the Building Code except as specifically provided in this section.

- A. The roofs of all marquees shall be properly guttered and connected by downspouts to the street gutter or storm sewer so that water will not drop onto other private or public property.
- B. No sign shall be exempted from the provisions of this chapter or the permit requirements contained herein unless such exemption is expressly stated herein, and to this end any exemption contained in the Building Code is hereby repealed.
- C. All electrical signs shall be designed and constructed in accordance with the National Electrical Code listed in Appendix B of the Building Code.
- D. No sign shall have blinking, flashing or fluttering lights or other illuminating devices which have a changing light intensity, brightness or color or which are so constructed and operated as to create an appearance or illusion of motion or writing. Nothing contained in this chapter shall, however, be construed as preventing the use of lights or decorations related to religious and patriotic festivities. Beacon lights or search lights shall not be permitted as a sign or for advertising purposes.

§ 151-5. Installation and location.

- A. It shall be unlawful to install, erect or maintain any sign on or over any public right-of-way or other property of the Mayor and City Council of Havre de Grace without the written consent of the Mayor and City Council of Havre de Grace, except signs announcing the candidacy of

persons seeking public political office or other information pertinent to municipal, county, state or federal elections located more than 12 feet from the curbline of the following streets:

- (1) Union Avenue.
 - (2) Congress Avenue.
- B. No person shall install, erect or maintain any sign, other than a temporary sign, which projects more than 12 inches over any sidewalk located in a public right-of-way. All signs which project over any sidewalk shall have a minimum vertical clearance of 10 feet. All signs located in a public right-of-way, other than temporary signs, shall have a maximum depth of 12 inches measured horizontally, perpendicular to the right-of-way line.
- C. No person shall install, erect or maintain any sign, other than a temporary sign, on or over any paved or traveled portion of any avenue, street or lane. All temporary signs which are on or over the paved portion of any avenue, street or lane shall have a minimum vertical clearance of 16 feet.
- D. No person shall install, erect or maintain any ground sign within 12 feet of the paved or traveled portion of any avenue, street or lane.
- E. No building sign may extend above the highest part of the roof.
- F. No sign shall be erected in such a manner as to confuse or obstruct the view or interpretation of any official traffic sign, signal or device.
- G. No sign which projects over any sidewalk located in a public right-of-way shall be attached to or erected against the wall of a building or structure unless the exposed face of the sign is located in a plane parallel to the plane of the wall to which it is attached and the right-of-way line of which it projects.

§ 151-6. Appeals and variances.

Any owner of property upon which a building or structure is located or any applicant for a building permit who desires to appeal a decision made pursuant hereto, who requests a variance from the terms hereof or who requests an interpretation of the terms hereof may file an appropriate application with the Board of Appeals of Havre de Grace in accordance with the terms of Article III, Board of Appeals, of Chapter 25, Boards, Committees and Commissions, of this Code.

§ 151-7. Violations and penalties.

Any person convicted of committing any unlawful act as provided in this chapter shall be guilty of a misdemeanor. If any unlawful act is continuing, then each day during which such violation continues shall be considered a separate offense. In addition to any criminal penalty which may be imposed,

all the provisions of this chapter may be enforced by petition for injunction filed on behalf of the Mayor and City Council of Havre de Grace.

Chapter 155

SITE PLAN APPROVAL

GENERAL REFERENCES

Building construction — See Ch. 31.

Signs — See Ch. 151.

Critical areas — See Ch. 49.

Stormwater management — See Ch. 169.

Floodplain management — See Ch. 78.

Subdivision of land — See Ch. 173.

Forest conservation — See Ch. 81.

Water and sewers — See Ch. 198.

Grading and filling — See Ch. 89.

Zoning — See Ch. 205.

§ 155-1. Site plans required. [Amended 12-21-1992 by Ord. No. 769]

Site plans shall be required prior to the issuance of any building permit for a building in excess of 5,000 square feet on the ground floor, any project occurring on a site larger than 40,000 square feet regardless of building size and prior to the approval of subdivision plats for subdivisions in excess of two lots in accordance with the terms and conditions set forth herein.

§ 155-2. Submission of forest plans and road plans required. [Added 12-21-1992 by Ord. No. 769; amended 5-7-2012 by Ord. No. 937]

Prior to submitting their site plans for review, for all projects that are required to submit an application under Chapter 81, Forest Conservation, applicants shall have submitted to the Director of Planning their forest stand delineation and preliminary forest conservation plan. In addition, for any project that will include construction of a new roadway, the applicant shall submit a concept plan to the Director of the Department of Public Works, the Director of Planning and the Mayor of the City of Havre de Grace that portrays the road plan. Any concept plan reflecting construction of a public or a private road shall reflect a design in accordance with the specifications and requirements of the Harford County Road Code Book II, effective December 2, 2008, (hereinafter "Road Code") without any variance therefrom by administrative decision or by the Board of Appeals. Any variance request from the Road Code shall be made in writing by the applicant for consideration by the Mayor and City Council of Havre de Grace and may only be granted pursuant to a written public works agreement approved by the Mayor and City Council by ordinance. Failure to submit these documents prior to site plan submission will result in the site plan being returned due to the lack of sufficient information.

§ 155-3. Site plan requirements.

The following information shall be included on the site plan:

- A. An area or vicinity map at a scale of not smaller than one inch equals 2,000 feet showing such information as the names and numbers of adjoining roads, streams, bodies of waters, railroads, subdivisions, election districts or other landmarks sufficient to clearly identify the location of the property.
- B. A boundary survey plat of the entire site at a scale not smaller than one inch equals 100 feet showing the following:
 - (1) Topography of the property in five-foot contour intervals.
 - (2) Slopes of 10% or greater.
 - (3) Existing and proposed topography.
 - (4) Location of natural features and drainage patterns.
 - (5) Location and names of water features including rivers, streams and their drainage areas.
 - (6) Floodplain boundaries for the one-hundred-year flood.
 - (7) Soil types.
 - (8) Other cover types such as barren areas, filled areas and excavated areas.
 - (9) Location of all areas of shore erosion and annual erosion rates, if available.
 - (10) Habitat protection areas as shown on the City's Critical Areas program maps.
 - (11) Location of Critical Area boundaries as shown on the City's Critical Areas maps.
- C. A detailed drawing showing the location of existing and proposed improvements including, but not limited to, the following:
 - (1) Location, proposed use and height of all buildings.
 - (2) Location of all parking, loading areas, driveways, roads, rights-of-way, sidewalks, walking trails and bike paths. **[Amended 5-7-2012 by Ord. No. 937]**
 - (3) Location of outdoor storage, if any.
 - (4) Location and type of recreational facilities, if any.
 - (5) Location of all existing and proposed site improvements including bulkheads, piers, sanitary sewers, storm drains, culverts, retaining

walls, fire plugs, fences, lighting, stormwater management facilities, sediment facilities and erosion control structures.

- (6) Description, method and location of water supply and sewage disposal facilities.
- (7) Location of open space areas, if any, and landscaping.
- (8) Location, size and type of all signs.²⁷
- (9) Location, size and type of vehicular entrances to the site.
- (10) Location of utilities.

D. Computations of:

- (1) Total area.
- (2) Building floor area for each type of proposed use.
- (3) Building ground coverage by percentage.
- (4) Road area.
- (5) Number and area of off-street parking and loading spaces.
- (6) Total area of impervious surfaces, including structures.
- (7) Permanent open space area.
- (8) Total forested or wooded area to be cleared, and areas to be replanted and forest covered.
- (9) Pre- and post-development nonpoint source pollution loadings.
- (10) Area of site within the Critical Area if not the total site.

E. Commercial or industrial uses shall also include the following:

- (1) Specific uses proposed.
- (2) A maximum number of employees for which each building is designed.
- (3) Type of energy to be used for any manufacturing processes.
- (4) Wastes or by-products to be produced by manufacturing processes, including a list of all hazardous substances, chemicals, caustics, etc., that will be stored on the site.
- (5) Proposed method of disposal of such waste or by-products.
- (6) Local of outdoor lighting facilities.

27. Editor's Note: See Ch. 151, Signs.

- F. The location of on-site public service facilities and any connection with off-site public service facilities that will provide adequate public facilities to or through the property to be developed, whether the property is subdivided or not. A notation on the site plan shall address the requirement of a public works agreement and, if authorized by legislative authority by the Mayor and City Council by ordinance, any recoupment agreement related to the public service facilities required for the site plan approval. **[Added 12-19-2016 by Ord. No. 985]**
- G. A notation on the site plan that the owner shall be responsible for all costs of construction or development on-site and off-site related to the provision of adequate public facilities for the project shown on the site plan, where new service is being provided or where any new connections to the City's water or sewer system shall increase the demand on the City's water and sewer system, as determined by the City Director of DPW by a fixture unit calculation. **[Added 12-19-2016 by Ord. No. 985]**

§ 155-4. Preparation by professional engineer. [Amended 5-7-2012 by Ord. No. 937]

Site plans shall be prepared by a professional engineer registered in the State of Maryland. In addition to other notations relating to the applicable ordinances or requirements, the site plan shall contain the notation that the roads shown thereon comply with the Harford County Road Code without any variance therefrom unless approved by the Mayor and City Council of Havre de Grace by ordinance.

§ 155-5. Review; approval or rejection. [Amended 5-7-2012 by Ord. No. 937]

Upon receipt of the site plan, the Department of Public Works shall review such plan, solicit comments as appropriate and refer the plan to the Planning Commission for review. The applicant's engineer is responsible for the representations shown on the site plan meeting the minimum requirements of the Road Code and preparing the list of requested variances from the Road Code. The Planning Commission shall approve or reject the plan based upon compliance with land use regulations in this Code within 30 days after submission. If the plan is rejected, the reasons therefor shall be stated. Any site plan requiring consideration of a variance from the Road Code by the Mayor and City Council may be recommended for approval pending action by the Mayor and City Council or rejected.

§ 155-6. Development in Critical Area.

All site plans submitted for land development in the Critical Area must conform to the requirements outlined in the City of Havre de Grace, Critical Area Program as amended April 1988.

§ 155-7. Expiration of approval; extension. [Amended 5-7-2012 by Ord. No. 937]

Approval of a site plan shall be for a one-year period and shall expire at the end of each one-year period unless the Planning Commission specifically extends such approval for an additional one year. The number of times the approval can be extended cannot exceed nine times. Upon written request by the applicant, the approval of any such plan may be extended on a yearly basis by the Planning Commission.

Chapter 162**SOLID WASTE****GENERAL REFERENCES**

Civil sanctions — See Ch. 1, Art. I.

Disposal of solid waste in sewer system — See Ch. 198.

Property maintenance — See Ch. 140.

ARTICLE I
Refuse Collection
[Adopted 6-20-1994 by Ord. No. 784]

§ 162-1. Definitions.

The following terms, phrases, words and their derivatives shall have the meaning given herein. The word "shall" is mandatory and not merely directory.

ASH — The residue from the burning of wood, coal, coke or other combustible materials.

BULK ITEMS — A class of material containing furniture, television sets and similar items.

CITY — The Mayor and City Council of Havre de Grace, Maryland.

COMMERCIAL ESTABLISHMENT — The use of property by any person, firm or corporation for business, cemetery, church, club, hospital, industrial, lodge, multifamily dwelling, office or school use. A residential use combined with a commercial establishment shall be considered a commercial establishment, as shall a federal, state or county government use.

CONTRACTOR — Any person, firm or corporation holding a contract with the City and/or with property owners or tenants in Havre de Grace for the collection and disposal of refuse accumulated in the City of Havre de Grace.

DWELLING UNIT — One or more rooms with the provision for cooking, living, sanitary and sleeping facilities, arranged for the use of one family.

GARBAGE — Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

MULTIFAMILY DWELLING — A structure or combination of residential structures situated on one property where more than two dwelling units exist.

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

RECYCLABLE — A member of a family of materials, which is designated as acceptable by resolution.

REFUSE — All putrescible and nonputrescible solid wastes (except body waste, explosives, lead acid batteries, or household batteries) including, without limitation, garbage, rubbish, ashes, street cleaning, dead animals, abandoned automobiles, industrial waste, and recyclables.

RUBBISH — Nonputrescible solid wastes (excluding ashes) including, without limitation, combustible wastes (such as paper and cardboard), tin cans, yard waste, wood, glass, crockery and similar materials.

WHITE GOODS — A class of material containing refrigerators, washers, dryers, dishwashers, metal items and mattresses.

YARD WASTE — Consists of grass clippings, leaves, brush, tree trimmings, and hedge clippings.

§ 162-2. Refuse containers.

Refuse containers shall be provided by the tenant, owner or occupant of the premises. Refuse containers shall be maintained in good condition. It shall be unlawful to use or place out for collection any container that does not conform to the provisions of this article or that may have ragged or sharp edges or any other defect liable to hamper or injure the person collecting the contents thereof. The contractor shall have the right to refuse collection services for failure to comply with the provisions of this article.

§ 162-3. Specifications for containers.

- A. Trash cans shall be made of metal, rubber or plastic and shall have suitable handles and tight-fitting covers. Trash cans shall have a capacity of not more than 30 gallons and shall be rodentproof. Rubber or plastic cans shall not become brittle at temperatures of minus 10° F. and above.
- B. Plastic bags for other than recyclable materials must be impermeable to moisture and made of materials having a total wall thickness of at least 1.5 mil.
- C. Bags or containers acceptable for recyclable materials shall be as designated by resolution.
- D. Dumpsters shall be of a type approved by the Department of Public Works. Dumpsters shall be maintained in a sanitary condition, free of holes which permit the leakage of liquids.

§ 162-4. Accumulation of refuse prohibited.

It shall be unlawful to accumulate refuse on any premises.

§ 162-5. Refuse prohibitions.

- A. It shall be unlawful to cast, place, sweep or deposit any refuse, including leaves, in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway or other public place or into any premises.
- B. It shall be unlawful for any person to place refuse or refuse containers on any premises other than those occupied by the tenant, owner, or occupant of those premises.
- C. It shall be unlawful to include body waste, explosives; lead acid batteries or household batteries, poisons, acids, caustics, toxic materials, automotive products such as motor oil, gasoline, and antifreeze, waste material resulting from the repair or alterations of any building or other structure and such other waste material as may

cause damage to collection equipment or personal injury to collectors with refuse.

- D. It shall be unlawful for all, other than commercial establishments, to include any items not listed as acceptable by resolution with materials for collection on days of recyclable item pickup. Commercial establishments shall include items as agreed upon between the property owner or tenant and the contractor with concurrence of the City.

§ 162-6. Location of containers on City streets.

Except for collection, no container, including dumpsters, shall be kept or maintained on a City street or within a City right-of-way without the express written consent of the City.

§ 162-7. Placing containers for pickup.

No earlier than 6:00 p.m. on the day preceding the day designated for collection, all containers, other than dumpsters, shall be placed for collection at ground level at or near the curblin or at other locations approved by the contractor with concurrence of the City. Refuse containers shall be removed from the curb by 8:00 p.m. of the collection day. It shall be unlawful to locate or place containers in such a way as to obstruct either pedestrian or vehicular traffic or create a safety hazard thereto.

§ 162-8. Maximum number of containers.

The number of containers per pickup shall be limited as designated by the City by resolution.

§ 162-9. Preparation of refuse.

- A. Garbage shall be drained free of liquids prior to being placed in trash cans or dumpsters. Garbage shall not be placed in a dumpster unless the dumpster is equipped with a tight-fitting cover and is otherwise rodentproof. Garbage shall not be placed in plastic bags unless the bags are placed in a trash can or a dumpster. The combined weight of trash can and garbage shall not exceed 50 pounds.
- B. Ashes shall be placed only in metal cans having a capacity of not more than 20 gallons. Ashes shall be cool prior to setting out for collection. The combined weight of ashes and can shall not exceed 50 pounds.
- C. Refuse shall be drained free of liquids prior to being placed in an authorized or approved container. Refuse other than garbage and ashes may be placed in trash cans, dumpsters or plastic bags. The combined weight of refuse and trash can shall not exceed 50 pounds. Refuse placed in plastic bags shall not puncture the bag or exceed 50 pounds or the safe capacity of the bag. Plastic bags containing refuse shall be securely tied to preclude the loss or scattering of the contents.

- D. Tree trimmings, hedge clippings and similar material shall be cut to a length not to exceed four feet and securely tied in bundles not more than two feet thick and 50 pounds in weight.
- E. Leaves or grass clippings shall be placed in suitable containers for pickup by the contractor on the specified day of collection.
- F. All cans and bottles which have contained food shall be thoroughly drained before being deposited for collection.
- G. Tires on rims will not be collected by the City or the City's contractor. Disposal of tires on rims is a responsibility of the property owner or tenant.
- H. Recyclables shall be prepared and acceptable for collection as designated by resolution.
- I. White goods shall be placed at ground level at or near the curblineline or at other locations approved by the contractor with the concurrence of the City. Notification for collection shall be as designated by resolution.
- J. Bulk item removal and disposal shall be the responsibility of the property owner or tenant of all properties.

§ 162-10. Ownership of refuse.

Ownership of refuse set out for collection shall be vested in the City.

§ 162-11. Collection policies.

Refuse collection policies shall be designated by resolution of the Mayor and City Council from time to time.

§ 162-12. Refuse collection oversight.

The Department of Public Works shall oversee and administer refuse collection.

§ 162-13. Refuse charges.

The City may establish and collect such charges and fees for the disposal of refuse as the City deems necessary from time to time. Such charges may be applied to any one or more class of persons or uses for the purpose of offsetting any refuse disposal costs and charges as may be incurred by the City and are as described by resolution.

§ 162-14. Vehicle specifications for certain collectors; removal and cleaning of spills.

The actual producers of refuse or the owners of premises upon which refuse is accumulated who desire personally to collect and dispose of such refuse, persons who desire to dispose of waste material not included in the

definition of refuse, and collectors of refuse from outside the City of Havre de Grace who desire to haul over the streets of the City of Havre de Grace shall use a watertight vehicle provided with a tight cover and so operated as to prevent offensive odors from escaping therefrom and refuse from being blown, dropped or spilled. If spillage does occur, the spillage shall be removed and the street and properties affected by the spillage shall be cleaned at the expense of the persons responsible for the spillage. Removal and cleaning of any spillage shall be accomplished in a manner to eliminate odors and in compliance with appropriate state and county regulations.

§ 162-15. Violations and penalties.

Any person convicted of committing any unlawful act as provided in this article shall be guilty of a municipal infraction as described in Chapter 1, General Provisions, Article I, Fines, Penalties and Imprisonment. If any unlawful act is continuing, then each day during which such violation continues shall be considered a separate offense. In addition to any civil penalty which may be imposed, all the provisions of this article may be enforced by petition for injunction filed on behalf of the Mayor and City Council of Havre de Grace.

Chapter 166

SPECIAL ASSESSMENTS

GENERAL REFERENCES

Special assessments — See Charter Sec. 35.

Special assessment for tree planting — See Ch. 186.

§ 166-1. Procedure.

The procedure for special assessments shall be as provided herein.

§ 166-2. Cost.

The cost of the project being charged for shall be assessed according to the front-foot rule of apportionment or some other equitable basis determined by the Mayor and City Council.

§ 166-3. Restriction on amount assessed.

The amount assessed against any property for any project or improvement shall not exceed the value of the benefits accruing to the property therefrom, nor shall any special assessment be levied which shall cause the total amount of special assessments levied by the City and outstanding against any property at any time, exclusive of delinquent installments, to exceed 25% of the assessed value of the property after giving effect to the benefit accruing thereto from the project or improvement for which assessed.

§ 166-4. Uniform rates.

When desirable, the affected property may be divided into different classes to be charged different rates, but, except for this, any rate shall be uniform.

§ 166-5. Hearing; notice; levy of assessment.

A. All special assessment charges shall be levied by the Mayor and City Council by ordinance. Before levying any special assessment charges, the Mayor and City Council shall hold a public hearing. The Director of Administration shall cause notice to be given stating:

- (1) The nature and extent of the proposed project;
- (2) The kind of materials to be used;
- (3) The estimated cost of the project;
- (4) The portion of the cost to be assessed;
- (5) The number of installments in which the assessment may be paid;

- (6) The method to be used in apportioning the cost; and
 - (7) The limits of the proposed area of assessment.
- B. The notice shall also state the time and place at which all persons interested, or their agents or attorneys, may appear before the Mayor and City Council and be heard concerning the proposed project and special assessment.
 - C. Such notice shall be given by sending a copy thereof by mail to the owner of record of such parcel of property proposed to be assessed and to the person in whose name the property is assessed for taxation and by publication of a copy of the notice at least once in a newspaper of general circulation in the City.
 - D. The Director of Administration shall present at the hearing a certificate of publication and mailing of copies of the notice, which certificate shall be deemed proof of notice, but failure of any to receive the mailed copy shall not invalidate the proceedings.
 - E. The date of hearing shall be set at least 10 and not more than 30 days after the Director of Administration shall have completed publication and service of notice as provided in this section.
 - F. Following the hearing, the Mayor and City Council in its discretion may vote to proceed with the project and may levy the special assessment.

§ 166-6. Installment payments; interest.

Special assessments may be made payable in annual or more frequent installments over such period of time, not to exceed 30 years, and in such manner as the Mayor and City Council may determine. The Mayor and City Council shall determine on what date installments shall be due and payable; interest may be charged in installments at the rate to be determined by the Mayor and City Council.

§ 166-7. Overdue installment payments; lien.

All special assessment installments shall be overdue six months after the date on which they become due and payable. All special assessments shall be liens on the property, and all overdue special assessments shall be collected in the same manner as City taxes or by suit at law.

§ 166-8. Billing and collection.

All special assessments shall be billed and collected by the Director of Administration.

Chapter 169

STORMWATER MANAGEMENT

GENERAL REFERENCES

Property maintenance — See Ch. 31, Art. I.

Site plan approval — See Ch. 155.

Critical Areas — See Ch. 49.

Subdivision of land — See Ch. 173.

Floodplain management — See Ch. 78.

Water and sewers — See Ch. 198.

Forest conservation — See Ch. 81.

Zoning — See Ch. 205.

Grading and filling — See Ch. 89.

ARTICLE I
Purpose and Authority

§ 169-1. Purpose and authority.

- A. The purpose of this chapter is to protect, maintain, and enhance the public health and control the adverse impacts associated with increased stormwater runoff. The goal is to manage stormwater by using environmental site design (ESD) to the maximum extent practicable (MEP) to maintain after development, as nearly as possible, the predevelopment runoff characteristics, and to reduce stream channel erosion, pollution, siltation and sedimentation, and local flooding, and use appropriate structural best management practices (BMPs) only when necessary. This will restore, enhance, and maintain the chemical, physical, and biological integrity of streams, minimize damage to public and private property, and reduce the impacts of land development.
- B. The provisions of this chapter, pursuant to the Environment Article, Title 4, Subtitle 2, Annotated Code of Maryland, 2009 replacement volume, are adopted under the authority of the Mayor and City Council of the City of Havre de Grace Code and shall apply to all development occurring within the incorporated area of the City of Havre de Grace. 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 the state statute. The City of Havre de Grace Department of Planning – Inspection Services shall be responsible for the coordination and enforcement of the provisions of this chapter. This chapter applies to all new and redevelopment projects that have not received final approval for erosion and sediment control and stormwater management plans by May 4, 2010, and comply with § 169-30B of this chapter.

§ 169-2. 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, are incorporated by reference by the Mayor and City Council of Havre de Grace and the Department of Planning – Inspection Services and shall serve as the official guide for stormwater management principles, methods, and practices.
- B. USDA Natural Resource Conservation Service Maryland Conservation Practice Standard Pond Code 378 (January 2000).

ARTICLE II
Definitions

§ 169-3. Terms defined.

- A. The following definitions are provided for the terms used in this chapter:

ADMINISTRATION — The Maryland Department of the Environment (MDE) Water Management Administration (WMA).

ADVERSE IMPACT — Any deleterious effect on waters or wetlands, including their quality, quantity, surface area, species composition, aesthetics or usefulness for human or natural uses, which is or may potentially be harmful or injurious to human health, welfare, safety or property, to biological productivity, diversity, or stability or which unreasonably interferes with the enjoyment of life or property, including outdoor recreation.

AGRICULTURAL LAND MANAGEMENT PRACTICES — Those methods and procedures used in the cultivation of land in order to further crop and livestock production and conservation of related soil and water resources.

APPLICANT — Any person, firm, or governmental agency which executes the necessary forms to procure official approval of a project or a permit to carry out construction of a project. The applicant must be the owner of the land to be developed or an authorized agent of the owner (e.g., an engineering firm or contract purchaser).

APPROVED PLAN — A set of representative drawings or other documents submitted by an applicant as a prerequisite to obtaining a grading and/or stormwater management permit, which have been determined by the Department of Planning, Department of Public Works, the Harford Soil Conservation District and any state and/or federal agency to contain sufficient evidence and information to satisfy the requirements of this chapter.

APPROVING AGENCY — The entity responsible for the review and approval of stormwater management plans.

AQUIFER — Porous water-bearing geologic formation generally restricted to materials capable of yielding an appreciable supply of water.

AS-BUILT PLAN — A set of approved plans and other documents submitted by the engineer in charge which have been noted with actual construction information for approval by the Department of Planning - Inspection Services and/or the Director of the Department of Public Works for the City and are sealed and signed by the engineer in charge.

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.

BOND — A cash bond, corporate bond, irrevocable letter of credit or other security approved by the City and required of the applicant by the Department of Public Works before issuance of any stormwater management permit or grading permit. Each permit will require a separate individual and independent performance bond.

BUILDING PERMIT — An official document or certificate issued by the City of Havre de Grace Department of Planning, authorizing construction of a structure as provided for in Chapter 31 of the Code of the City of Havre de Grace.

CHANNEL PROTECTION STORAGE VOLUME (CPV) — The volume used to design structural management practices to control stream channel erosion. Methods for calculating the channel protection storage volume are specified in the 2000 Maryland Stormwater Design Manual, Volumes I and II.

CITY — The City of Havre de Grace and/or Department of Planning - Inspection Services and/or the Department of Public Works.

CLEAN WATER ACT — The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments. **[Added 4-18-2016 by Ord. No. 977]**

CLEARING — Any activity which removes the vegetative surface cover, including removal of trees, brush and/or grass, stripping, grubbing and storage or removal of topsoil, from the land, but shall not include the ordinary mowing of grass.

COMAR — The Code of Maryland Regulations.

CONCEPT PLAN — The first of three required plan approvals that includes the information necessary to allow an initial evaluation of a proposed project.

CONSTRUCTION ACTIVITY — Activities subject to NPDES construction permits. These include construction projects resulting in land disturbance of one acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition. **[Added 4-18-2016 by Ord. No. 977]**

DEPARTMENT — The Department of Public Works - Director or designees. **[Amended 4-18-2016 by Ord. No. 977]**

DESIGN MANUAL — The 2000 Maryland Stormwater Design Manual, Volumes I and II, and all subsequent revisions, that serve as the official guide for stormwater management principles, methods, and practices.

DETENTION STRUCTURE — A permanent structure for the temporary storage of runoff which is designed so as not to create a permanent pool of water.

DEVELOP LAND — To change the runoff characteristics of a parcel of land in conjunction with the construction, reconstruction, conversion, erection, alteration, relocation or enlargement of any residential, commercial, industrial, recreational or institutional building, structure, roadway or paving; any mining or landfill; or any land-disturbing activities in preparation for any of the above.

DEVELOPMENT — The construction of any residential, commercial, industrial, recreational or institutional building, structure, roadway or paving; any mining or landfill; or any land-disturbing activities in preparation for any of the above.

DIRECT DISCHARGE — The concentrated release of stormwater to tidal waters or vegetated tidal wetlands from new development or redevelopment projects in the Critical Area.

DISTRICT — The Harford Soil Conservation District.

DRAINAGE AREA — That area contributing runoff to a single point measured in a horizontal plane, which is enclosed by a ridgeline.

EASEMENT — A grant or reservation by the owner of land for the use of such land by others for a specific purpose or purposes and which must be included in the conveyance of land affected by such easements.

ENGINEER IN CHARGE — The professional engineer who is responsible for assuring that stormwater management facilities are built in accordance with the approved plans and in accordance with the assumptions made during the design and certified same to the City.

ENVIRONMENT 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.

EROSION — The process by which the land surface is worn by the action of wind, water, ice or gravity.

EXCAVATION — Any act by which soil is cut into, dug, quarried, uncovered, removed, displaced or relocated.

EXEMPTION — Those land development activities that are not subject to the stormwater management requirements contained in this chapter. Exemptions are considered on an individual basis for each article. An exemption for one article does not constitute an exemption from other articles.

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 (Qr) — 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.

FEES — As referenced throughout this chapter, will be assessed and collected by the Department at a rate of \$1.25 per square foot of impervious area untreated by a MDE-approved stormwater management system. All monies collected will be deposited into a separate account held by the City and shall be used to fund the investigation, design, construction, acquisition of easements or property, or maintenance of projects for quantitative or qualitative stormwater management or stream restoration as approved by MDE and the Department. The assessment of fees is a last resort, if, and only if, all possible options for implementing ESD to the MEP have been exhausted to the satisfaction of MDE and the Department. Grading permit fees are excluded from this definition.**[Added 11-15-2010 by Ord. No. 920]**

FILLING — Any act by which soil is deposited, dropped, placed, pushed, pulled or transported to a location different from its original position, and shall include the conditions resulting therefrom.

FINAL GRADING — The process by which soil is cut into, dug, quarried, uncovered, removed, displaced or relocated within, to or from a site to achieve the desired finished elevation.

FINAL STORMWATER MANAGEMENT PLAN — The last of three required plan approvals that includes the information necessary to allow all approvals and permits to be issued by the approving agency.

FINISHED GRADE — The elevation of the ground surface on a site which will not have any further excavation.

FLOODPLAIN, ONE-HUNDRED-YEAR — That land which is theoretically inundated by the stormwater runoff created by a one-hundred-year frequency rainfall event (which is an event having a one-percent chance of occurrence in any year) calculated using current standards approved by the Department based on a maximum development of the watershed as currently zoned.

FLOW ATTENUATION — Prolonging the flow time of runoff to reduce the peak discharge.

FOREST HARVEST OPERATION — The commercial logging or harvesting of timber by cutting trees at or above ground level, including but not limited to the associated haul road, skid trails and staging areas. The removal of stumps or roots is not considered a forest harvest operation.

FOREST HARVEST PERMIT — A certificate, issued by Harford County, authorizing a forest harvest operation in accordance with the requirements of Harford County Article I.

GRADING — Any act by which soil is cleared, stripped, stockpiled, excavated, scarified, filled, or any combination thereof.

GRADING PERMIT — A certificate, issued by the Department of Planning, authorizing land-disturbing activities in accordance with the requirements of Chapter 89 of the Code of the City of Havre de Grace.

GRADING PERMIT HOLDER — Any person to whom a grading permit is issued pursuant to Chapter 89 of the Code of the City of Havre de Grace.

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.**[Added 4-18-2016 by Ord. No. 977]**

ILLEGAL DISCHARGE — Any direct or indirect nonstormwater discharge to the storm drain system, except as exempted in this chapter.**[Added 4-18-2016 by Ord. No. 977]**

ILLICIT CONNECTIONS — Either of the following:**[Added 4-18-2016 by Ord. No. 977]**

- (1) Any drain or conveyance, whether on the surface or subsurface, that allows an illegal discharge to enter the storm drain system, including but not limited to any conveyances that allow nonstormwater discharge, including sewage, process wastewater, and washwater to enter the storm drain system, and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or
- (2) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system that has been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

IMPERVIOUS AREA — Any surface that does not allow stormwater to infiltrate into the ground.

INDUSTRIAL ACTIVITY — Activities subject to NPDES industrial stormwater permits as defined in 40 CFR 122.26(b)(14).**[Added 4-18-2016 by Ord. No. 977]**

INFILTRATION — The passage or movement of water into the soil surface.

LAND-DISTURBING ACTIVITY — Any tilling, clearing, grubbing or grading of the land, or any artificial movement of the soil, or the covering of land surfaces with an impermeable layer.

MAINTENANCE BOND — A cash bond, corporate bond, irrevocable letter of credit or other security approved by the City and required of the applicant by the Department of Public Works for a predetermined

maintenance period. Each permit will require a separate individual and independent maintenance bond.

MARYLAND 378 SPECS — The United States Department of Agriculture, Natural Resources Conservation Service, "Maryland Conservation Practice Standard, Pond Code 378," latest edition.

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.

MUNICIPAL SEPARATE STORMWATER SYSTEM (MS4) — The system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned and operated by the City of Havre de Grace and designed or used for collecting or conveying stormwater, and that is used for collecting or conveying sewage.**[Added 4-18-2016 by Ord. No. 977]**

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT — A permit issued by the EPA [or by a state under authority delegated pursuant to 33 U.S.C. § 1342(b)] that authorizes the discharge of pollutants to waters of the state, whether the permit is applicable on an individual-, group-, or general-area-wide basis.**[Added 4-18-2016 by Ord. No. 977]**

NONPOINT SOURCE POLLUTION — Pollution that is generated by diffuse land use activities rather than from an identifiable or discrete source and is conveyed to waterways through natural processes, such as rainfall, stormwater runoff or groundwater seepage, rather than by direct discharge.

NONSTORMWATER DISCHARGE — Any discharge to the storm drain system that is not composed entirely of stormwater.**[Added 4-18-2016 by Ord. No. 977]**

OFF-SITE STORMWATER MANAGEMENT — The design and construction of a facility necessary to control stormwater from more than one development.

ON-SITE STORMWATER MANAGEMENT — The design and construction of systems necessary to control stormwater within an immediate development.

OVERBANK FLOOD PROTECTION VOLUME (Qp) — The volume controlled by structural practices to prevent an increase in the frequency of out-of-bank flooding generated by development. Methods for calculating the overbank flood protection volume are specified in the Design Manual.

PERFORMANCE BOND — A cash bond, corporate bond, irrevocable letter of credit or other surety approved by the City and required of the applicant by the Department of Public Works before issuance of any

stormwater management permit or grading permit. Each permit will require a separate individual performance bond.

PERMANENT BORROW AREA — An excavation yielding soil in excess of 1,500 cubic yards, which will not be filled in or restored to the approximate contours existing before the excavation. This definition shall not apply to areas within a surface mine's affected land, as defined in the Environment Article of the Annotated Code of Maryland.

PERMANENT STABILIZATION — A practice where vegetative cover and/or structural methods are applied to a site per requirements of the standards and specifications for soil erosion and sediment control of the Maryland Department of the Environment which will result in a permanent cover to prevent erosion or other adverse impacts from occurring.

PERMANENT STOCKPILE AREA — An area where excess soil over 1,000 cubic yards is placed and will not be removed or restored to the approximate contours existing before the placement. This definition shall not apply to areas within a surface mine's affected land, as defined in the Environment Article of the Annotated Code of Maryland.

PERSON — The federal government, the state, any county, municipal corporation, or other political subdivision of the state, or any of their units, or an individual receiver, trustee, guardian, executor, administrator, fiduciary, or representative of any kind, or any partnership, firm, association, public or private corporation, or any other entity.

PLANNING TECHNIQUES — A combination of strategies employed early in project design to reduce the impact from development and to incorporate natural features into a stormwater management plan.

POINT SOURCE POLLUTION — Pollution discharge through any discernible, confined and discrete conveyance, including any pipe, ditch, channel, tunnel, conduit, well or discrete fissure.

POLLUTANT — Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; petroleum hydrocarbons and other automotive fluids; cooking grease; detergents (biodegradable or otherwise); nonhazardous liquid and solid wastes; yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations that may cause or contribute to pollution; flatables, 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.**[Added 4-18-2016 by Ord. No. 977]**

POST-DEVELOPMENT — Those conditions that exist after development.

PRE-DEVELOPMENT — Those conditions that exist prior to any development occurring on the land.

PREMISES — Any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking stripes. **[Added 4-18-2016 by Ord. No. 977]**

PROFESSIONAL ARCHITECT — An architect duly registered by the State of Maryland to practice professional architecture in accordance with the provisions of the Annotated Code of Maryland, Business Occupations and Professions Article, Title 3, as amended.

PROFESSIONAL ENGINEER — Any engineer duly licensed by the State of Maryland to practice professional engineering in accordance with the provisions of the Annotated Code of Maryland, Business Occupations and Professions Article, Title 14, as amended.

PROFESSIONAL FORESTER — A forester duly registered by the State of Maryland to practice forestry in accordance with the provisions of the Annotated Code of Maryland, Business Occupations and Professions Article, Title 7, as amended.

PROFESSIONAL LANDSCAPE ARCHITECT — A landscape architect duly registered by the State of Maryland to practice professional landscape architecture in accordance with the provisions of the Annotated Code of Maryland, Business Occupations and Professions Article, Title 9, as amended.

PROFESSIONAL LAND SURVEYOR — A land surveyor duly registered by the State of Maryland to practice land surveying in accordance with the provisions of the Annotated Code of Maryland, Business Occupations and Professions Article, Title 15, as amended.

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%.

RESPONSIBLE PERSONNEL — Any foreman, superintendent or project engineer or combination thereof carrying a valid certificate of training for erosion and sediment control (green card), issued by the State of Maryland, who is responsible for and is present during all land-disturbing activities within a site.

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.

ROUGH GRADING — Any grading prior to the final grading of the site.

RULES AND REGULATIONS — The State of Maryland, Harford County and/or City of Havre de Grace rules and regulations for stormwater management and/or erosion and sediment control, the more stringent of which will be applied to the matter in question.

SEDIMENT — Soils or other surficial materials transported or deposited by the action of wind, water, ice, or gravity as a product of erosion.

SEDIMENT CONTROL MEASURE/DEVICE — A measure, device, structure or system used during development to control erosion and sediment deposition.

SEDIMENT TRAPPING DEVICE — An area or structure where sediment runoff is concentrated and sediment content is reduced through detention, filtration or a combination thereof. Most commonly, a sediment trap or sediment basin.

SENSITIVE AREAS — Tidal and nontidal wetland areas, natural resource districts and the buffers associated with each.

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.

SITE DEVELOPMENT PLAN — The second of three required plan approvals that includes the information necessary to allow a detailed evaluation of a proposed project.

SLOPE — The deviation of the land surface from the horizontal. Expressed either as a ratio of horizontal distance to vertical distance or as a percentage (vertical distance divided by horizontal distance, multiplied by 100).

SOIL — Earth, sand, gravel, rock or other surficial material.

SOIL CONSERVATION WATER QUALITY PLAN — A plan for agricultural properties prepared by the District to protect the productivity of the land base, preserve or enhance water quality, conserve fish and wildlife and plant habitat by incorporating ESD practices to control runoff from nutrients, animal wastes, toxins, sediments and other runoff.

STABILIZATION — The prevention of soil movement by any of various vegetative and/or structural means.

STANDARD PLAN — Harford County's or the City's form authorizing land-disturbing activities between 5,000 and 30,000 square feet of disturbed area or involving between 100 and 1,000 cubic yards of earth movement.

STANDARDS AND SPECIFICATIONS — The current Maryland standards and specifications for soil erosion and sediment control.

STOP-WORK ORDER — An order issued by the Department of Planning - Inspection Services, due to the existence of a violation of this chapter on the site, to cease all work with the exception of work required to correct or abate the violation until the site is brought into compliance to the satisfaction of the Director of Planning and/or the Director of Public Works and/or Inspection Services.

STORMWATER — Water that originates from a precipitation event.

STORMWATER BANKING OR TRADING — Providing stormwater quality and/or quantity management at an off-site location in lieu of on-site treatment using an accounting system of credits and debits to track the overall level of water quality and/or quantity control in each watershed. Banking or trading is permitted if and only if all methods and practices to provide adequate stormwater quality and/or quantity at the original development site have been exhausted.

STORMWATER MANAGEMENT — A system of vegetative and structural measures that control the volume and rate of surface runoff and that which reduces or eliminates pollutants that might otherwise be carried by surface runoff.

STORMWATER MANAGEMENT CONCEPT PLAN — The first of three required plan submittals that includes the information necessary to allow an initial evaluation and approval of a proposed project.

STORMWATER MANAGEMENT FINAL PLAN — The last of three required plan submittals that includes the information necessary to allow for the approval by the Department.

STORMWATER MANAGEMENT MAINTENANCE AGREEMENT — A signed agreement between the City and the property owner(s), recorded in the land records of Harford County, to ensure maintenance of privately owned stormwater management facilities.

STORMWATER MANAGEMENT SITE DEVELOPMENT PLAN — The second of three required plan submittals that includes the information necessary to allow a detailed evaluation and approval of a proposed project.

STORMWATER MANAGEMENT SYSTEM — Any storm drainage system, including any natural areas, ESD practices, stormwater management measures, facilities or any other structure, natural or man-made, through which, by which, or in which stormwater flows, infiltrates, is conveyed or discharged from, through, over or around a site, property, road, driveway, parking area, building or structure, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, drainage channels, reservoirs, swales or any other drainage structure.**[Amended 4-18-2016 by Ord. No. 977]**

STREAM — Those perennial and intermittent watercourses identified through site inspection and as approved by the Department. The most recent Harford County photogrammetric maps may be used as a guide for the preliminary establishment of possible watercourses.

STREAM ORDER — A classification system of streams based on stream hierarchy; the smaller the stream, the lower its numerical classification. A first-order stream does not have tributaries and normally originates from springs and/or seeps. At the confluence of two first-order streams, a second-order stream begins. Similarly, a third-order stream begins at the confluence of two second-order streams and so on.

STREAM SYSTEM — A watercourse together with the one-hundred-year floodplain and/or hydrologically connected nontidal wetlands.

STRIPPING — Any activity that removes the vegetative surface cover, including tree removal, clearing, grubbing, and storage or removal of topsoil.

SURFACE WATER DESIGNATED USES — Uses designated for the surface waters of the State of Maryland as set forth in COMAR 26.08.02.02.

TEMPORARY BORROW AREA — An excavation yielding soil in excess of 1,500 cubic yards, which will be filled in or restored to approximate contours existing before the excavation within two years from the date of excavation. This definition shall not apply to areas within a surface mine's affected land, as defined in the Environment Article of the Annotated Code of Maryland.

TEMPORARY STABILIZATION — A practice where vegetative cover and/or structural methods are applied per requirements of the standards and specifications for soil erosion and sediment control, which result in a temporary cover to prevent erosion or other adverse impacts from occurring.

VARIANCE — The modification of the minimum stormwater management requirements for specific circumstances such that strict adherence to the requirements would result in unnecessary hardship and not fulfill the intent of this chapter. The review for a variance for each article is independent of the remaining article(s).

WAIVER — The reduction or complete relinquishment of stormwater management requirements by the City of Havre de Grace for a specific development on a case-by-case review basis. The review for a waiver for each article is independent of the remaining article(s).

- (1) A qualitative stormwater management waiver includes water quality volume and recharge volume design parameters.
- (2) A quantitative stormwater management waiver includes channel protection storage volume, overbank flood protection volume and extreme flood volume design parameter.

WASTEWATER — Any water or liquid, other than uncontaminated stormwater, discharged from a facility.**[Added 4-18-2016 by Ord. No. 977]**

WATERCOURSE — Any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine or wash, in and including any adjacent area that is subject to inundation from overflow or floodwater.

WATER QUALITY VOLUME (WQv) — The volume needed to capture and treat 90% of the average annual rainfall events at a development site. Methods for calculating the water quality volume are specified in the Design Manual.

WATERSHED — The total drainage area contributing runoff to a single point.

WATERS OF THE STATE — Both surface and underground watercourses within the boundaries of the State of Maryland subject to its jurisdiction, including that part of the Atlantic Ocean within the boundaries of the state, the Chesapeake Bay and its tributaries, and all ponds, lakes, watercourses, tidal and nontidal wetlands and public drainage systems within this state, other than those designed and used to collect, convey or dispose of sanitary sewage; and the floodplain of free-flowing waters determined by the Department of the Environment on the basis of the one-hundred-year floodplain.

ARTICLE III
Applicability

§ 169-4. Scope.

No person shall develop any land for residential, commercial, industrial, or institutional uses without providing stormwater management measures that control or manage runoff from such developments, except as provided within this section. Stormwater management measures must be designed consistent with the Design Manual and constructed according to an approved plan for new development or the policies stated in § 169-7 of this chapter for redevelopment. In all cases of conflicting requirements, the provision that represents the greatest restriction(s) or highest standard(s) shall govern.

§ 169-5. Responsibility for administration. [Added 4-18-2016 by Ord. No. 977²⁸]

The Department of Public Works shall administer, implement, and enforce the provisions of this chapter. Any powers granted or duties imposed upon the Department of Public Works may be delegated in writing by the Director of the Department of Public Works, or his or her duly authorized agent, to persons or entities acting in the beneficial interest of or in the employ of the Department.

§ 169-6. Compatibility with other regulations. [Added 4-18-2016 by Ord. No. 977²⁹]

This chapter is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this chapter are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this chapter imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

§ 169-7. Limitations on liability. [Added 4-18-2016 by Ord. No. 977³⁰]

The standards set forth herein and promulgated pursuant to this chapter are minimum standards; therefore, this chapter does not intend or imply that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants.

28. Editor's Note: This ordinance also provided for the renumbering of former § 169-5 as § 169-10.

29. Editor's Note: This ordinance also provided for the renumbering of former § 169-6 as § 169-11.

30. Editor's Note: This ordinance also provided for the renumbering of former § 169-7 as § 169-12.

§ 169-8. Discharge and connection prohibitions. [Added 4-18-2016 by Ord. No. 977³¹]

A. Prohibition of illegal discharges.

- (1) No person shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the City separate stormwater sewer system or watercourses any pollutants or waters containing any pollutants, that cause or contribute to a violation of applicable water quality standards, other than stormwater.
- (2) The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:
 - (a) The following discharges are exempt from discharge prohibitions established by this chapter:
 - [1] Water line flushing, landscape irrigation, diverted stream flows, rising groundwaters, uncontaminated groundwater infiltration, uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, air-conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, and dechlorinated swimming pool discharges.
 - [2] Discharges or flow from firefighting, and other discharges specified in writing by the Department of Public Works as being necessary to protect public health and safety.
 - [3] Discharges associated with dye testing; however, this activity requires a verbal notification to the Department of Public prior to the time of the test.
 - (b) The prohibition shall not apply to any nonstormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the United States Environmental Protection Agency (EPA), provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.
- (3) If any drainage contained within the above exemptions causes an adverse impact, as determined by the Department of Public

31. Editor's Note: This ordinance also provided for the renumbering of former § 169-8 as § 169-13.

Works, then the discharge shall not be considered exempt from this chapter.

B. Prohibition of illicit connections.

- (1) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
- (2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (3) A person is considered to be in violation of this chapter if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.
- (4) Improper connections in violation of this chapter must be disconnected and redirected, if necessary, to an approved on-site wastewater management system or the sanitary sewer system upon approval of the Health Department.
- (5) Any drain or conveyance that has not been documented in plans, maps or the equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the Department of Public Works requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as a storm sewer, sanitary sewer or other discharge point, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the Department of Public Works.

§ 169-9. Watercourse protection. [Added 4-18-2016 by Ord. No. 977³²]

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

32. Editor's Note: This ordinance also provided for the renumbering of former Art. IV, §§ 169-9 through 169-11, as Art. IV, §§ 169-16 through 169-18, respectively, and former Art. V, §§ 169-12 and 169-13, as Art. V, §§ 169-19 and 169-20, respectively.

§ 169-10. Exemptions.

The following development activities are exempt from the provisions of this chapter and the requirements of providing stormwater management:

- A. Agricultural land management practices;
- B. Additions or modifications to existing single-family detached residential structures if they comply with § 169-5C of this chapter;
- C. Any developments that do not disturb over 5,000 square feet of land area; and
- D. Land development activities that the Administration determines will be regulated under specific state laws, which provide for managing stormwater runoff.

§ 169-11. Waivers/watershed management plans.

- A. The City of Havre de Grace Department of Planning - Director or designees shall grant stormwater management quantitative control waivers only to those projects within areas where watershed management plans have been developed consistent with § 169-6F of this chapter. Written requests for quantitative stormwater management waivers shall be submitted that contain sufficient descriptions, drawings, and any other information that is necessary to demonstrate that ESD has been implemented to the MEP. A separate written waiver request shall be required in accordance with the provisions of this section if there are subsequent additions, extensions, or modifications to a development receiving a waiver.
- B. Stormwater management quantitative control waivers.
 - (1) If watershed management plans consistent with § 169-9F of this chapter have not been developed, stormwater management quantitative control waivers may be granted to the following projects provided that it has been demonstrated the ESD has been implemented to the MEP:
 - (a) That have direct discharges to tidally influenced receiving waters; or
 - (b) When the Department determines that circumstances exist that prevent the reasonable implementation of quantity control practices. **[Amended 11-15-2010 by Ord. No. 920]**
 - (c) Where underground utilities are to be installed and the existing drainage patterns will not be changed and there is no increase in impervious area.³³

33. Editor's Note: Former Subsection B(2), regarding money collected as fees, which immediately followed, was repealed 11-15-2010 by Ord. No. 920.

- C. Stormwater management qualitative waivers: **[Amended 11-15-2010 by Ord. No. 920]**
- (1) Stormwater management qualitative control waivers consistent with § 169-6D of this chapter apply only to:
 - (a) In-fill development projects where the Department has determined stormwater management implementation is not feasible, provided that ESD has been implemented to the MEP and it has been demonstrated that other BMPs are not feasible; or
 - (b) Redevelopment projects if the requirements of § 169-7 of this chapter are satisfied; or
 - (c) Sites where the approving agency determines that circumstances exist that prevent the reasonable implementation of ESD to the MEP.
- D. Waivers shall only be granted when it has been demonstrated that ESD has been implemented to the MEP and must:
- (1) Be on a case-by-case basis;
 - (2) Consider the cumulative effects of the City of Havre de Grace waiver policy; and
 - (3) Reasonably ensure the development will not adversely impact stream quality and one of the following requirements is satisfied:
 - (a) Off-site ESD implementation for a drainage area comparable in size and percent increased imperviousness to that of the project;
 - (b) Watershed stream restoration as approved by the Department;
 - (c) Retrofitting of an existing stormwater management system to meet or exceed the current design criteria;
 - (d) Fees, as defined in § 169-3A of this chapter, in lieu of where physical constraints do not allow implementation of a MDE-approved stormwater management system; or
 - (e) Other practices approved by MDE and the Department.
- E. If the City of Havre de Grace has established an overall watershed management plan for a specific watershed, then the City may develop quantitative waiver and redevelopment provisions that differ from §§ 169-6B and 169-7 of this chapter.
- F. A watershed management plan developed for the purpose of implementing different stormwater management policies for waivers and redevelopment shall:

- (1) Include detailed hydrologic and hydraulic analysis to determine hydrograph timing;
- (2) Evaluate both quantity and quality management and opportunities for ESD implementation;
- (3) Include a cumulative impact assessment of current and proposed watershed development;
- (4) Identify existing flooding and receiving stream channel conditions;
- (5) Be conducted at a reasonable scale;
- (6) Specify where on-site or off-site quantitative and qualitative stormwater management practices are to be implemented;
- (7) Be consistent with the General Performance Standards for Stormwater Management in Maryland found in Section 1.2 of the Design Manual; and
- (8) Be approved by the Administration.

§ 169-12. Redevelopment.

- A. Stormwater management plans are required by the Department for all redevelopment, unless otherwise specified by watershed management plans developed according to § 169-6F of this chapter. Stormwater management measures must be consistent with the Design Manual, the rules and regulations and Maryland 378 Specs (as required).
- B. All redevelopment designs shall:
 - (1) Reduce impervious area within the limit of disturbance (LOD) by at least 50% according to the Design Manual;
 - (2) Implement ESD to the MEP to provide water quality treatment for at least 50% of the existing impervious area within the LOD; or
 - (3) Use a combination of § 169-7B(1) and (2) of this chapter for at least 50% of the existing site impervious area.
- C. Alternative stormwater management measures may be used to meet the requirements in § 169-7B of this chapter if the owner/developer satisfactorily demonstrates to the Department that impervious area reduction has been maximized and ESD has been implemented to the MEP. Alternative stormwater management measures include, but are not limited to:
 - (1) An on-site structural, Department-approved BMP;
 - (2) An off-site structural, Department-approved BMP to provide water quality treatment for an area equal to or greater than 50% of the existing impervious area; or

- (3) A combination of impervious area reduction, ESD implementation, and an on-site or off-site structural, Department-approved, BMP for an area equal to or greater than 50% of the existing site impervious area within the LOD.³⁴
- D. The City of Havre de Grace may develop separate policies for providing water quality treatment for redevelopment projects if the requirements of § 169-7A and B of this chapter cannot be met to the satisfaction of the Department and MDE. Any separate redevelopment policy shall be reviewed and approved by the Administration and the City and may include, but not be limited to: **[Amended 11-15-2010 by Ord. No. 920]**
- (1) MDE-approved retrofitting of existing BMP(s) to meet current standards for those areas in which it was originally designed, as well as any additional areas which cannot meet the above-mentioned requirements of § 169-7A and B;
 - (2) Stream or shoreline restoration, whereby a list of stream and shorelines in need of restoration will be presented to the developer by the Department. The positive impact to water quality, aesthetics and/or bank erosion must meet or exceed the calculated pollution impact of the redevelopment site, as determined by the Administration and the Department;
 - (3) Design criteria based on watershed management plans developed according to § 169-6F of this chapter;
 - (4) Fees in lieu of where physical constraints do not allow implementation of a stormwater management system and considered as a last resort by MDE and the Department;
 - (5) Watershed or stream restoration, as identified by the Department to reduce pollutant loading comparable to the proposed project;
 - (6) Other practices approved by MDE and the Department.
- E. Stormwater management shall be addressed according to the new development requirements in the Design Manual for any net increase in impervious area. **[Amended 11-15-2010 by Ord. No. 920]**
- F. Existing impervious areas that drain to an existing BMP are considered treated, provided the facility was designed and constructed in accordance with the Design Manual since its adoption, along with any revisions. The facility must be certified by the design engineer and properly maintained. **[Amended 11-15-2010 by Ord. No. 920]**

34. Editor's Note: Former Subsection C(4), (5), (6), (7) and (8), which immediately followed, was repealed 11-15-2010 by Ord. No. 920.

§ 169-13. Variances.

The Department may grant written variance from any requirement of Article IV, Stormwater Management Criteria, if there are exceptional circumstances applicable to the site such that strict adherence will result in unnecessary hardship and not fulfill the intent of this chapter. A written request for variance shall be provided to the Department and shall state the specific variances sought and reasons for their granting. The Department shall not grant a variance unless and until sufficient justification is provided by the person developing land that the implementation of ESD to the MEP has been investigated thoroughly.

§ 169-14. Compliance monitoring. [Added 4-18-2016 by Ord. No. 977³⁵]

- A. Right of entry; inspections and sampling. The Department of Public Works shall be permitted to enter and inspect facilities subject to regulation under this chapter as often as may be necessary to determine compliance with this chapter, subject to the following: prior to entering the property, the Department of Public Works will obtain written permission from the property owner; or the Department of Public Works will obtain consent in conformance with Subsection B.
- (1) If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the Department of Public Works.
 - (2) Facility operators shall allow the Department of Public Works ready access to all parts of the premises for the purposes of inspections, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.
 - (3) The Department of Public Works shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the Department of Public Works to conduct monitoring and/or sampling of the facility's stormwater discharge.
 - (4) The Department of Public Works has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at the discharger's expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

35. Editor's Note: This ordinance also provided for the renumbering of former Art. V, § 169-14, as Art. V, § 169-21.

- (5) Any temporary or permanent obstruction that prohibits safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the Department of Public Works and shall not be replaced. The costs of clearing such access shall be borne by the operator.
 - (6) Unreasonable delays in allowing the Department of Public Works access to a permitted facility are a violation of a stormwater discharge permit and of this chapter. A person who is the operator of a facility with an NPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the Department of Public Works reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this chapter.
- B. Search warrants. If the Department of Public Works has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of routine inspections and a sampling program designed to verify compliance with this chapter or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the Department of Public Works may seek issuance of a search warrant from any court of competent jurisdiction.

§ 169-15. Notification of spills. [Added 4-18-2016 by Ord. No. 977³⁶]

- A. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operations, or responsible for emergency response for a facility or operations, has information of any known or suspected release of materials which is resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system, or waters of the state, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials, said person shall notify the Department of Public Works in person or by phone and shall be confirmed by written notice addressed and mailed to Department of Public Works within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the

36. Editor's Note: This ordinance also provided for the renumbering of former Art. V, § 169-15, as Art. V, § 16-22; former Art. VI, §§ 169-16 through 169-19, as Art. VI, §§ 169-23 through 169-26, respectively; former Art. VII, § 169-20, as Art. VII, § 169-27; former Art. VIII, §§ 169-21 and 169-22, as Art. VIII, §§ 169-28 and 169-29, respectively; and former Art. IX, §§ 169-23 through 169-26 as Art. IX, §§ 169-30 through 169-33, respectively.

discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

- B. Failure to provide notification of release as provided above is a violation of this chapter.

ARTICLE IV
Stormwater Management Criteria

§ 169-16. Minimum control requirements.

- A. The minimum control requirements established in this section and the Design Manual are as follows:
- (1) The City of Havre de Grace 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 sizing 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 and agreed upon by the Department. **[Amended 11-15-2010 by Ord. No. 920]**
 - (2) Control of the two-year- and ten-year-frequency storm event is required according to the Design Manual and all subsequent revisions if the Department determines that additional stormwater management is necessary because historical flooding problems exist and downstream floodplain development and conveyance system design cannot be controlled.
 - (3) The Department may require more than the minimum control requirements specified in this chapter if hydrologic or topographic conditions warrant or if flooding, stream channel erosion, or water quality problems exist downstream from a proposed project.
- B. Alternate minimum control requirements may be adopted subject to Administration approval. The Administration shall require a demonstration that alternative requirements will implement ESD to the MEP and control flood damages, accelerated stream erosion, water quality, and sedimentation. Comprehensive watershed studies may also be required.
- C. Stormwater management and development plans, where applicable, shall be consistent with adopted and approved watershed management plans or flood management plans as approved by the Maryland Department of the Environment in accordance with the Flood Hazard Management Act of 1976.

§ 169-17. 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 developing a stormwater management plan. The applicant shall demonstrate that ESD has been implemented to the MEP before the use of a structural BMP is considered in developing the stormwater management plan.

A. ESD Planning techniques and practices.

- (1) The following planning techniques shall be applied according to the Design Manual to satisfy the applicable minimum control requirements established in § 169-9 of this chapter:
 - (a) Preserving and protecting natural resources;
 - (b) Conserving natural drainage patterns;
 - (c) Minimizing impervious area;
 - (d) Reducing runoff volume;
 - (e) Using ESD practices to maintain 100% of the annual predevelopment groundwater recharge volume;
 - (f) Using green roofs, permeable pavement, reinforced turf, and other alternative surfaces;
 - (g) Limiting soil disturbance, mass grading, and compaction;
 - (h) Clustering development; and
 - (i) Any practices approved by the Administration and the Department.
- (2) The following ESD treatment practices shall be designed according to the Design Manual to satisfy the applicable minimum control requirements established in § 169-9 of this chapter:
 - (a) Disconnection of rooftop runoff;
 - (b) Disconnection of nonrooftop runoff;
 - (c) Sheetflow to conservation areas;
 - (d) Rainwater harvesting;
 - (e) Submerged gravel wetlands;
 - (f) Landscape infiltration;
 - (g) Infiltration berms;
 - (h) Dry wells;

- (i) Microbioretenion;
- (j) Rain gardens;
- (k) Swales;
- (l) Enhanced filters; and
- (m) Any practices approved by the Administration and the Department.

B. Structural stormwater management measures.

- (1) The following structural stormwater management measures shall be designed according to the Design Manual to satisfy the applicable minimum control requirements established in § 169-9 of this chapter:
 - (a) Stormwater management ponds;
 - (b) Stormwater management wetlands;
 - (c) Stormwater management infiltration;
 - (d) Stormwater management filtering systems; and
 - (e) Stormwater management open channel systems.
- (2) The performance criteria specified in the Design Manual and the rules and regulations with regard to general feasibility, conveyance, pretreatment, treatment and geometry, environment and landscaping, and maintenance shall be considered when selecting structural stormwater management practices.
- (3) Structural stormwater management practices shall be selected to accommodate the unique hydrologic or geologic regions of the City and county.

C. Easements and maintenance agreements necessary for the ESD planning techniques and treatment practices and structural stormwater management measures used to satisfy the minimum requirements in § 169-9 of this chapter must be recorded in the land records of Harford County and remain unaltered by subsequent property owners. Prior written approval from the Department shall be obtained before any stormwater management practice is altered.

D. Alternative ESD planning techniques and treatment practices and structural stormwater measures may be used for new development runoff control if they meet the performance criteria established in the Design Manual and all subsequent revisions and are approved by the Administration. Practices used for redevelopment projects shall be approved by the Department.

- E. For the purposes of modifying the minimum control requirements or design criteria, the owner/developer shall submit to the Department an analysis of the impacts of stormwater flows downstream in the watershed. The analysis shall include hydrologic and hydraulic calculations necessary to determine the impact of hydrograph timing modifications of the proposed development upon a dam, highway, structure, or natural point of restricted stream flow. The point of investigation is to be established with the concurrence of the City, downstream of the first downstream tributary whose drainage area equals or exceeds the contributing area to the project or stormwater management facility.

§ 169-18. Specific design criteria.

- A. The basic design criteria, methodologies, and construction specifications, subject to the approval of the Department and the Administration, shall be those of the Design Manual.
- B. The use of an off-site facility for channel protection storage volume (Cpv), overbank flood protection volume (Qp) and extreme flood volume (Qr) is acceptable, provided that the site has implemented ESD to the MEP according to the Design Manual and the runoff is conveyed to the off-site facility via a closed storm drain or similarly engineered system. It is not acceptable to subject natural stream systems to erosive conditions for conveying unmanaged stormwater runoff to downstream regional facilities. The engineer shall submit proof that the facility was designed to control runoff from the proposed development in question and that the facility has the capacity to control the additional runoff caused by the proposed development in question. An agreement allowing such use of an off-site facility shall be executed between the developer and the owner of the off-site facility and shall be recorded in the land records of Harford County.

ARTICLE V

Stormwater Management Plans**§ 169-19. Review and approval of stormwater management plans.**

- A. For any proposed development, the owner/developer shall submit phased stormwater management plans to the City of Havre de Grace Department of Planning - Inspection Services for review and approval. At a minimum, plans shall be submitted for the concept, site development, and final stormwater management construction phases of project design. Each plan submittal shall include the minimum content specified in § 169-13 of this chapter and meet the requirements of the Design Manual and Article IV of this chapter.
- B. The Department shall perform a comprehensive review of the stormwater management plans for each phase of site design. Coordinated comments will be provided for each plan phase that reflects input from all appropriate agencies, including, but not limited, to the Soil Conservation District (SCD) and the Departments of Planning - Inspection Services, and Public Works. All comments from the Department and other appropriate agencies shall be addressed and approval received at each phase of project design before subsequent submissions.

§ 169-20. Contents and submission of stormwater management plans.

- A. The owner/developer shall submit a concept plan that provides sufficient information for an initial assessment of the proposed project and whether stormwater management can be provided according to § 169-10 of this chapter and the Design Manual. Plans submitted for concept approval shall include, but are not limited to:
 - (1) A map at a scale of one inch equals 100 feet, one inch equals 50 feet, one inch equals 20 feet or as specified by the Department and allowing the necessary detail to show site location, existing natural features, water and other sensitive resources, topography, and natural drainage patterns;
 - (2) The anticipated location of all proposed impervious areas, buildings, roadways, parking, sidewalks, utilities, and other site improvements;
 - (3) The location of the proposed limit of disturbance, erodible soils, steep slopes, and areas to be protected during construction;
 - (4) Preliminary estimates of stormwater management requirements, the selection and location of ESD practices to be used, and the location of all points of discharge from the site;
 - (5) A narrative that supports the concept design and describes how ESD will be implemented to the MEP;

- (6) Any other information required by the Department.
- B. Following the stormwater management concept plan approval by the Department, the owner/developer shall submit site development plans that reflect comments received during the previous review phase. Plans submitted for site development approval shall be of sufficient detail to allow site development to be reviewed and include but not be limited to:
 - (1) All information provided during the stormwater management concept plan review phase;
 - (2) Final site layout, exact impervious area locations and acreages, proposed topography, delineated drainage areas at all points of discharge from the site, and stormwater volume computations for ESD practices and quantity control structures;
 - (3) A proposed erosion and sediment control plan that contains the construction sequence, and phasing necessary to limit earth disturbances and impacts to natural resources and an overlay plan showing the types and locations of ESD and erosion and sediment control practices to be used;
 - (4) A narrative that supports the site development design, describes how ESD will be used to meet the minimum control requirements, and justifies any proposed structural stormwater management measure; and
 - (5) Any other information required by the Department.
- C. Following stormwater management site development approval by the Department, the owner/developer shall submit final erosion and sediment control and stormwater management plans that reflect the comments received during the previous review phase. Plans submitted for final approval shall be of sufficient detail to allow all approvals and permits to be issued according to the following:
 - (1) Final erosion and sediment control plans shall be submitted according to COMAR 26.17.01.05; and
 - (2) Final stormwater management plans shall be submitted for approval in the form of construction drawings and be accompanied by a report that includes sufficient information to evaluate the effectiveness of the proposed runoff control design.
- D. Reports submitted for final stormwater management plan approval shall include, but are not limited to:
 - (1) Geotechnical investigations, including soil maps, borings, site-specific recommendations; and any additional information necessary for the final stormwater management design;

- (2) Drainage area maps depicting pre-development and post-development runoff flow path segmentation and land use;
 - (3) Hydrologic computations of the applicable ESD and unified sizing criteria according to the Design Manual for all points of discharge from the site;
 - (4) Hydraulic and structural computations for all ESD practices and structural stormwater management measures to be used;
 - (5) A narrative that supports the final stormwater management design;
 - (6) The owner shall certify on the drawings that all clearing, grading, drainage, construction and development shall be conducted in strict accordance with the plan.
 - (7) Any other information required by the Department.
- E. Construction drawings submitted for final stormwater management plan approval shall include, but are not limited to:
- (1) A vicinity map;
 - (2) Existing and proposed topography and proposed drainage areas, including areas necessary to determine downstream analysis for proposed stormwater management facilities;
 - (3) Any proposed improvements, including location of buildings or other structures, impervious surfaces, storm drainage facilities, and all grading;
 - (4) The location of existing and proposed structures and utilities;
 - (5) Any easements and rights-of-way;
 - (6) The delineation, if applicable, of the one-hundred-year floodplain and any on-site wetlands;
 - (7) Structural and construction details, including representative cross sections for all components of the proposed drainage system or systems, and stormwater management facilities;
 - (8) All necessary construction specifications;
 - (9) A sequence of construction;
 - (10) Data for total site area, disturbed area, new impervious area, and total impervious area;
 - (11) A table showing the ESD and unified sizing criteria volumes required in the Design Manual;
 - (12) A table of materials to be used for stormwater management facility planting;

- (13) All soil boring logs and locations;
 - (14) An inspection and maintenance schedule;
 - (15) Certification by the owner/developer that all stormwater management construction will be done according to this plan;
 - (16) An as-built certification signature block to be executed after project completion; and
 - (17) Any other information required by the Department.
- F. If a stormwater management plan involves direction of some or all runoff from the site, it is the responsibility of the developer to obtain from adjacent property owners any easements or other necessary property interests concerning flowage of water. Approval of a stormwater management plan does not create or affect any right to direct runoff onto adjacent property without that property owner's permission. An agreement allowing use of any off-site stormwater management facility shall be recorded in the land records of Harford County.

§ 169-21. Preparation of stormwater management plans.

- A. The design of stormwater management plans shall be prepared by any individual whose qualifications are acceptable to the Department. The Department requires that the design be prepared by a professional engineer, professional land surveyor, or landscape architect licensed in the state, as necessary to protect the public and the environment.
- B. If a stormwater BMP requires either a dam safety permit from MDE or small pond approval from the Harford Soil Conservation District, the Department shall require that the design be prepared by a professional engineer licensed in the state.³⁷

§ 169-22. Modification of stormwater management plans.

- A. Any modification of the approved plans either prior to plan implementation or after original plan approval shall be submitted to the Department and will be reprocessed in the same manner as the original plan when: **[Amended 11-15-2010 by Ord. No. 920]**
 - (1) Inspection has revealed the inadequacy of the plan to accomplish the stormwater management objectives of the plan. Cost for modification shall be borne by the owner if such inadequacy is or was the responsibility of the owner, and further development of the site shall be prohibited until the modifications are made.
 - (2) The person responsible for carrying out the approved plan finds that, because of changed circumstances or for other reasons, the

37. Editor's Note: Former Subsections C and D, which immediately followed, were repealed 11-15-2010 by Ord. No. 920. See now § 169-24F and G.

approved plan cannot be effectively executed and proposes revisions to the plan that are consistent with the requirements of this chapter.

- B. The Department may, in emergency situations and at its discretion, order repairs or modifications in order to protect watercourses, other properties or the general public from damage, to remain in effect until such modifications or revisions to the plan shall have been approved and implemented. Further development of the site shall be prohibited until the modifications are made.³⁸

38. Editor's Note: Former Subsection C, regarding field modifications of a minor nature, which immediately followed, was repealed 11-15-2010 by Ord. No. 920.

ARTICLE VI

Permits**§ 169-23. Permit requirement.**

A grading or building permit may not be issued for any parcel or lot unless final erosion and sediment control and stormwater management plans have been approved by the Department as meeting all the requirements of the Design Manual and this chapter. Where appropriate, a building permit will not be issued without:

- A. Recorded easements for the stormwater management facility and easements to provide adequate access for inspection and maintenance from a public right-of-way to an off site stormwater management facility;
- B. A recorded stormwater management maintenance agreement, which complies with and as described in § 169-24 of this chapter;
- C. A performance bond, which complies with and as described in § 169-20 of this chapter;
- D. Written permission from adjacent property owners as required; and
- E. A signed statement by the property owner(s) stating their understanding of the state requirements for stormwater management maintenance, specific for all stormwater devices contained within the permitted area.

§ 169-24. Permit conditions.

When stormwater management facilities are required, it shall be the responsibility of the owner/applicant of the affected property or such authorized agent to file an application for a grading permit with the Department of Planning. The application shall be accompanied by plans approved by the Department and the District and the performance bond.

- A. Work required by a stormwater management plan may not be conducted unless a grading permit has been issued by the Department.
- B. For stormwater management plans which require an update review and reapproval, a new application for a grading permit shall be submitted.
- C. The approved stormwater management plan shall be a part of the grading permit. Issuance of building permits and/or use and occupancy permits shall be withheld pending approval of the final stormwater management plan, unless stormwater management has been otherwise waived or exempted for the site.
- D. If a proposed stormwater management facility requires a permit from the Administration or any other federal, state or county agency, the Department will not issue the grading permit until the necessary

federal, state, and/or county agencies' permits pertaining to the site have been approved and forwarded to the Department.

- E. In granting any permit, the Department may attach such conditions thereto as may be deemed reasonably necessary to ensure public health and safety and the mitigation of environmental impact.
- F. Stormwater management plan approval shall be valid for a period of 24 consecutive months. For sites on which work has not been completed within this time frame, the plan shall be subject to an update review and reapproval by the Administration and the Department and is subject to any and all amendments or revisions of the Design Manual and this chapter which have taken effect since the prior plan approval. **[Added 11-15-2010 by Ord. No. 920]**
- G. Stormwater management plans which specify the design and construction of structures which are subject to Maryland 378 Specs must receive District and/or Administration dam safety approval prior to receiving approval from the City. **[Added 11-15-2010 by Ord. No. 920]**

§ 169-25. Permit fee.

Nonrefundable permit fees will be collected at each phase of stormwater management plan submittal. Permit fees will provide for the cost of plan review, administration, and management of the permitting process of all projects subject to this chapter. Routine site inspections during the construction and as a result of storm events shall be charged according to the Fee Schedule as contained in Chapter 70 of the City Code. Site inspections and additional management, resulting from faulty workmanship, delays or suspension of work or work practices, shall be charged according to the Fee Schedule as contained in Chapter 70 of the City Code. A permit fee schedule shall be established by the City of Havre de Grace based upon the relative complexity of the project and may be amended from time to time.

§ 169-26. Permit suspension and revocation.

- A. Any grading or building permit issued by the Department of Planning may be suspended or revoked after written notice is given to the permittee and a permit resubmission fee may be charged for any of the following reasons:
 - (1) Any violation(s) of the conditions of the stormwater management plan approval;
 - (2) Changes in site runoff characteristics upon which an approval or waiver was granted;
 - (3) Site runoff characteristics on the final grading plans which contradict characteristics on the approved stormwater management plans;

- (4) Construction is not in accordance with the approved plan;
 - (5) Noncompliance with correction notice(s) or stop-work order(s) issued for the construction of any stormwater management practice; and
 - (6) An immediate danger exists in a downstream area in the opinion of the Department.
- B. Nothing in this section shall be interpreted as prohibiting the Department from immediately suspending or revoking any permit or waiver issued by the Department, without written notice, if, in the sole discretion of the Department, it is determined that an immediate danger to person or property exists as a result of the development for which the permit was issued or that the action is warranted by the frequency or severity of the violation(s).
- C. Nothing contained in this section shall be interpreted as restricting the Department from proceeding directly with a stop-work order or with alternative enforcement procedures as established by law.
- D. The Department of Planning may withhold the issuance of building permits or use and occupancy permits in a development that does not comply with the requirements of this chapter.

ARTICLE VII
Performance Bond

§ 169-27. Performance bond.

- A. The City of Havre de Grace shall require from the developer a surety or cash bond, irrevocable letter of credit, or other means of security acceptable to the City prior to the issuance of any building and/or grading permit for the construction of a development requiring stormwater management. The amount of the security shall not be less than the total estimated construction cost of all stormwater management facilities and the management of those facilities throughout the construction process until complete. The bond required in this section shall include provisions relative to forfeiture for failure to complete work specified in the approved stormwater management plan, compliance with all of the provisions of this chapter, and other applicable laws and regulations, and any time limitations. The bond shall not be fully released without a final inspection of the completed work by the Department, or its designee, submission and acceptance of as-built plans, and certification of completion by the Department, or its designee, that all stormwater management facilities comply with the approved plan and the provisions of this chapter. A procedure may be used to release parts of the bond held by the City after various stages of construction have been completed and accepted by the City. The procedures used for partially releasing performance bonds must be specified by the City of Havre de Grace in writing prior to final stormwater management plan approval.
- B. Whenever the Department shall find that a default has occurred in the performance of any term or condition of the permit, written notice thereof shall be given to the principal and to the surety of the bond or security. Such notice shall state the work to be done, the estimated cost thereof and the period of time deemed by the Department to be reasonably necessary for the completion of such work.
- C. If a cash bond has been posted, notice of default, as provided by the preceding subsections, shall be given to the principal. If compliance is not obtained within the time specified, the Department shall proceed, without delay and without further notice or proceedings whatsoever, to use the cash deposited or any portion of such deposit to cause the required work to be completed by contract or otherwise at the discretion of the Department.
- D. In the event of any default in the performance of any term or condition of the permit or bond or other approved security, the City, the surety or any person employed or engaged on his/her behalf shall have the right to go upon the site to complete the required work necessary to control stormwater runoff or to make the site safe. In the event that the Department undertakes the required work or makes the site safe with the funds from the forfeited cash or corporate bond or security, such funds shall be used to pay the cost of contracting, including

engineering and administration, for necessary restoration of the site to control stormwater runoff within the requirements of the plan, permit, bond, security or this chapter. If the cost of the work necessary to manage stormwater or to make it safe exceeds the amount of the cash or corporate bond or security, the permittee shall continue to be firmly bound under a continuing obligation for payment of all excess costs and expenses incurred by the City. The cost and expenses shall be a lien upon all property and all rights to property, real or personal, of any person liable to pay the same from and after the time said cost is due and payable. The cost shall be listed on the tax bill and shall be collected in the manner of ordinary taxes, plus interest.

- E. No person shall interfere with or obstruct the ingress or egress to or from any such sites or premises by an authorized representative or agent of any surety or of the Department engaged in completing the work required to be performed under the permit or in complying with the terms or conditions thereof.
- F. The posted bond or other security shall remain in full force and effect until final inspection of the facility or facilities has been conducted and as-built plans, where required, have been reviewed and approved by the Department or its authorized representative regardless of whether the permit has expired or been revoked or suspended. The bond or other security shall be returned to the depositor or the depositor's successors or assigns within 90 days of the approval, except for any portion of the bond which may have been used. Failure to maintain the required surety shall automatically cause a temporary revocation of any and all permits issued by the City of Havre de Grace to the permittee or the permittee's successors and assigns in interest.
- G. Where a stormwater management pond has been constructed and is providing sediment control for the site, the performance bond may be reduced to an amount not less than 70% of the approved estimated cost of construction, provided that the following conditions are met:
 - (1) An active grading permit is in force for the site;
 - (2) Department approval of a preliminary as-built plan which has been submitted by the engineer in charge certifying that the construction of the embankment, spillways and excavated volume meets the requirements of the approved final plan.

ARTICLE VIII
Inspection

§ 169-28. Inspection schedule and reports.

- A. The developer shall notify the Department at least two business days (48 hours) before commencing any work in conjunction with site development, the stormwater management plan, and upon completion of the project.
- B. Regular inspections shall be made and documented for each ESD planning technique and practice at the stages of construction specified in the Design Manual by the Department, its authorized representative, or certified by a professional engineer licensed in the State of Maryland and approved by the Department. At a minimum, all ESD and other nonstructural practices shall be inspected upon completion of final grading, the establishment of permanent stabilization, and before issuance of use and occupancy approval. Any and all costs associated with any additional, unscheduled inspections required to insure compliance with the approved plans will be borne by the developer/owner, and such fees shall be recovered by the City before the next scheduled inspection occurs.
- C. Written inspection reports shall include:
 - (1) The date and location of the inspection;
 - (2) Whether construction was in compliance with the approved stormwater management plan;
 - (3) Any variations from the approved construction specifications; and
 - (4) Any violations that exist.
- D. The owner/developer and on-site personnel shall be notified in writing when violations are observed. Written notification shall describe the nature of the violation and the required corrective action.
- E. No work shall proceed on the next phase of development until the Department 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.

§ 169-29. Inspection requirements during construction.

- A. The engineer in charge or their authorized representative shall inspect the construction of all stormwater management facilities.
- B. Construction of all stormwater management facilities may be observed and reviewed by the Department or its authorized representative.

- C. The permit holder shall notify the Department 48 hours before commencing any work in conjunction with the approved stormwater management plan.
- D. At the time of the commencement of work, the Department shall be provided with an updated timing schedule and sequence reflecting proposed time frames for each phase of construction requiring inspection. The permit holder shall be required to inform the Department of any deviation from this proposed schedule 24 hours in advance. Failure to submit an updated timing schedule and sequence or to comply with the schedule may result in the issuance of a stop-work order or forfeiture of the bond.
- E. Any portion of the work which does not comply with any requirements of this chapter will be promptly corrected by the permittee after written notice is given by the Department. The notice shall set forth the nature of corrections required and the time within which corrections shall be made.
- F. An inspection report shall be completed for each inspection conducted. Inspection reports for inspections conducted by the engineer in charge or his authorized representative shall be forwarded to the Department. Should the Department conduct a site visit, a copy of the Department's report shall be available to the engineer in charge. A permanent file of all inspections shall also be maintained by the Department.
- G. Upon completion of the project, the permittee shall immediately notify the Department. The Department shall make a final inspection and shall prepare a final inspection report, a copy of which shall be submitted to the engineer in charge. If, upon final inspection, it is found by the Department that the work has been satisfactorily completed in accordance with the requirements of this article, the permit, conditions, plans, drawings and specifications, and the required inspection reports and as-built certification have been submitted, a completion certificate covering such work shall be issued to the owner by the Department, and the performance bond shall be returned. **[Amended 11-15-2010 by Ord. No. 920]**
- H. Inspections shall be conducted in accordance with the Design Manual, rules and regulations or COMAR 26.17.02.10 (whichever is more restrictive).
- I. At a minimum, regular inspections shall be made and documented at the following specified stages of construction:
 - (1) For ponds:
 - (a) Upon completion of excavation to subfoundation and when required, installation of structural supports or reinforcement for structures, including but not limited to:
 - [1] Core trenches for structural embankments;

- [2] Inlet and outlet structures, antiseep collars or diaphragms, and watertight connectors on pipes; and
 - [3] Trenches for enclosed storm drainage facilities;
 - (b) During placement of structural fill, concrete, and installation of piping and catch basins;
 - (c) During backfill of foundations and trenches;
 - (d) During embankment construction; and
 - (e) Upon completion of final grading and establishment of permanent stabilization.
- (2) Wetlands: at the stages specified for pond construction in § 169-22I(1) of this chapter, during and after wetland reservoir area planting, and during the second growing season to verify a vegetation survival rate of at least 70%.
- (3) For infiltration trenches:
- (a) During excavation to subgrade;
 - (b) During placement and backfill of underdrain systems and observation wells;
 - (c) During placement of geotextiles and all filter media;
 - (d) During construction of appurtenant conveyance systems such as diversion structures, pre-filters and filters, inlets, outlets, and flow distribution structures; and
 - (e) Upon completion of final grading and establishment of permanent stabilization.
- (4) For infiltration basins: at the stages specified for pond construction in § 169-22I(1) of this chapter and during placement and backfill of underdrain systems.
- (5) For filtering systems:
- (a) During excavation to subgrade;
 - (b) During placement and backfill of underdrain systems;
 - (c) During placement of geotextiles and all filter media;
 - (d) During construction of appurtenant conveyance systems such as flow diversion structures, pre-filters and filters, inlets, outlets, orifices, and flow distribution structures; and
 - (e) Upon completion of final grading and establishment of permanent stabilization.
- (6) For open channel systems:

- (a) During excavation to subgrade;
 - (b) During placement and backfill of underdrain systems for dry swales;
 - (c) During installation of diaphragms, check dams or weirs; and
 - (d) Upon completion of final grading and establishment of permanent stabilization.
- J. The Department may, for enforcement purposes, use any one or a combination of the following actions:
 - (1) A notice of violation shall be issued specifying the need for corrective action if stormwater management plan noncompliance is identified;
 - (2) A stop-work order shall be issued for the site by the Department if a violation persists;
 - (3) Fines shall be issued to the developer/owner by the Department if a violation persists;
 - (4) Bonds or securities shall be withheld or the case may be referred for legal action if, in the opinion of the Department, reasonable efforts to correct the violation have not been undertaken; or
 - (5) In addition to any other sanctions, a civil action or criminal prosecution may be brought against any person in violation of the Stormwater Management Subtitle, the Design Manual, or this chapter.
- K. Any step in the enforcement process may be taken at any time, depending on the severity of the violation.
- L. Once construction is complete, as-built plan certification shall be submitted by either a professional engineer or professional land surveyor licensed in the State of Maryland to ensure that ESD planning techniques, treatment practices, and structural stormwater management measures and conveyance systems comply with the specifications contained in the approved plans. At a minimum, as-built certification shall include a set of mylars and two sets of drawings comparing the approved stormwater management plan with what was constructed. The Department may require additional information.
- M. The Department shall submit notice of construction completion to the Administration on a form supplied by the Administration for each structural stormwater management practice within 45 days of construction completion. The type, number, total drainage area, and total impervious area treated by all ESD techniques and practices shall be reported to the Administration on a site-by-site basis. If BMPs requiring District approval are constructed, notice of construction completion shall also be submitted to the District. A two-year

maintenance bond shall be posted for any BMPs, along with the manufacturer's recommended maintenance schedule and manufacturer contact information for ordering any parts or supplies for the BMP(s), as well as the BMP(s) specifications.

ARTICLE IX
Maintenance

§ 169-30. Maintenance inspection.

- A. The Department shall ensure that preventive maintenance is performed by inspecting all ESD treatment systems and structural stormwater management measures. Inspection shall occur during the first year of operation and at least once every year thereafter and after each major storm event or upon receiving a citizen complaint. In addition, a maintenance agreement between the owner and the City shall be executed for privately owned ESD treatment practices and structural stormwater management measures as described in § 169-24 of this chapter.
- B. Inspection reports shall be maintained by the Department for all ESD treatment systems and structural stormwater management measures in accordance with the rules and regulations or COMAR 26.17.01.11.
- C. Inspection reports for ESD treatment systems and structural stormwater management measures shall include the following:
 - (1) The date of inspection;
 - (2) Name of inspector;
 - (3) An assessment of the quality of the stormwater management system related to ESD treatment practice efficiency and the control of runoff to the MEP;
 - (4) The condition of:
 - (a) Vegetation or filter media;
 - (b) Fences or other safety devices;
 - (c) Spillways, valves, or other control structures;
 - (d) Embankments, slopes, and safety benches;
 - (e) Reservoir or treatment areas;
 - (f) Inlet and outlet channels or structures;
 - (g) Underground drainage;
 - (h) Sediment and debris accumulation in storage and forebay areas;
 - (i) Any nonstructural practices to the extent practicable; and
 - (j) Any other item(s); including brush, fill, rubbish or garbage that could affect the proper function of the stormwater management system.

(5) Description of needed maintenance.

- D. Upon notifying an owner of the inspection results, the owner shall have the time frame mutually agreed to between the Department and the owner, but no more than 45 days to correct the deficiencies discovered. The Department shall conduct subsequent inspections to ensure completion of the repairs. In the event of a violation, the owner will be charged for any and all compliance inspection fee(s) at the rate prescribed in the City's Fee Schedule.³⁹
- E. If repairs are not properly undertaken and completed, enforcement procedures following §§ 169-24D and 169-29 of this chapter shall be followed by the Department.
- F. If, after an inspection by the Department, the condition of a stormwater management facility is determined to present an immediate danger to public health or safety because of an unsafe condition, improper construction, or poor maintenance, the Department shall take such action as may be necessary to protect the public and make the facility safe. Any and all costs incurred by the Department shall be assessed against the owner(s), as provided in § 169-24D of this chapter.

§ 169-31. Maintenance agreement.

- A. Prior to the issuance of any building permit for which stormwater management is required, the City shall require the applicant or owner to execute an inspection and maintenance agreement binding on all subsequent owners of land served by a private stormwater management facility. Such agreement shall provide for access to the facility at reasonable times for regular inspections by the Department, or its authorized representative(s), to ensure that the facility is maintained in proper working condition to meet design standards. The agreement shall include a map with the addresses of all beneficial users of the stormwater management facility. The map will be approved by the Department prior to recordation of the agreement.
- B. The agreement shall be recorded by the applicant or owner in the land records of Harford County.
- C. The agreement shall be transferable; in the event of the selling of the property which contains the stormwater management facility, and the Department shall be notified of the new owner(s) and their contact information at time of sale.
- D. The agreement shall also provide that if, after notice by the Department to correct a violation requiring maintenance work, satisfactory corrections are not made by the owner(s) within a reasonable period of time (45 days maximum), the Department may have the work performed to place the facility in proper working condition. The

39. Editor's Note: See Ch. 70, Fees.

owner(s) of the facility shall be assessed any and all costs for the work, all inspection fees 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. In addition, the City may institute, at its discretion:

- (1) Revocation of all existing permits issued to the owner(s) of the stormwater management facility in the City, until the problem has been corrected.
- (2) Denial of all future City permits to the owner(s) of the stormwater management facility until the problem has been corrected.

§ 169-32. Maintenance responsibility.

- A. The owner of a property that contains private stormwater management facilities installed pursuant to this chapter, or any other person or agent in control of such property, shall maintain in good condition and promptly repair and restore all ESD practices, grade surfaces, walls, drains, dams and structures, vegetation, erosion and sediment control measures, and other protective devices in perpetuity. Such repairs or restoration and maintenance shall be in accordance with the approved plans.
- B. A maintenance schedule shall be developed for the life of any structural stormwater management facility or system of ESD practices and shall state the maintenance to be completed, the time period for completion, and the responsible party that will perform the maintenance. This maintenance schedule shall accompany and become apart of the approved stormwater management plan and become apart of the aforementioned agreement that is recorded at the land records of Harford County.

§ 169-33. Maintenance bond.

- A. A maintenance bond or other approved security, in a form and manner prescribed by the City Attorney, shall be posted for a minimum period of 24 months following the approval of the as-built plan. The bond or other security shall cover latent defects in labor and/or material required to maintain all grade surfaces, walls, drains, dams, structures, slopes, vegetation, stormwater control measures and other protective devices and/or damages resulting from construction equipment and vehicles doing work in that portion of the area covered by the terms of the permit. The amount of the bond or security shall be determined by the Department and be not less than 25% of the construction cost.
- B. Prior to the end of the twenty-four-month period covered by the bond, the Department will perform a final inspection of the facility.
 - (1) Should this inspection determine that the facility is in good working order and repair, the bond shall be returned.

- (2) Should this inspection find fault with any of the work, the bond shall remain in force. Notice shall be given to the permit holder as to the remedial work required and the time frame allotted for completion.
 - (3) If compliance is not made within the time specified, the Department shall proceed, without delay and without further notice or proceeding whatsoever, to use the maintenance bond or any portion thereof to complete the required work by contract or otherwise at the discretion of the Department.
- C. Prior to the release of the maintenance bond, the developer shall deed, to the person(s) responsible for the maintenance of the facility, title to the open space or parcel where the facility is located. The title, along with the maintenance requirements, to be assumed by the person(s) to whom the facility is to be deeded must be recorded in the land records of Harford County.

ARTICLE X

Appeals**[Amended 4-18-2016 by Ord. No. 977]****§ 169-34. Appeals of notice of violation.**

Any person aggrieved by the action of any official charged with the enforcement of this chapter, as the result of 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 Circuit Court of Harford County. The appeal must be filed in writing within five business days from the date of the notice of violation or determination to the applicant and shall clearly state the grounds on which the appeal is based.

- A. Enforcement measures after appeal. If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within 10 business days of the decision of the Circuit Court of Harford County, upholding the decision of the Department of Public Works, then representatives of the Department of Public works shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.
- B. Within 30 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within 10 days. If the amount due is not paid within a timely manner as determined by the decision of the Department of Works or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. Any person violating any of the provisions of this chapter shall become liable to the City by reason of such violation. The liability shall be paid in not more than 12 equal payments. Interest at the rate of 10% per annum shall be assessed on the balance beginning on the 30th day after an invoice for the cost of abatement, including administrative costs, has been presented to the owner of the affected property.

ARTICLE XI
Severability

§ 169-35. Severability.⁴⁰

If any portion of this chapter is held invalid or unconstitutional by 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 Havre de Grace that this chapter shall stand, even if a section, subsection, sentence, clause, phrase, or portion may be found invalid.

40. Editor's Note: Ordinance No. 977 provided for the renumbering of this section from § 169-28 to § 169-35.

ARTICLE XII
Penalties
[Amended 4-18-2016 by Ord. No. 977]

§ 169-36. Violations, penalties and enforcement.

A. Violations.

- (1) It shall be unlawful for any person to violate any provision, or fail to comply with any of the requirements, of this chapter. Any person who has violated or continues to violate the provisions of this chapter may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise abated in a manner provided by law.
- (2) In the event the violation constitutes an immediate danger to public health or public safety, the Department of Public Works is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate and to seek costs of the abatement as outlined in the City Code.

B. Warning notice.

- (1) When the Department of Public Works finds that any person has violated, or continues to violate, any provision of this chapter, or any order issued hereunder, the Department of Public Works may serve upon that person a written warning notice, specifying the particular violation believed to have occurred and requesting the discharger to immediately investigate the matter and to seek a resolution whereby any offending discharge will cease.
- (2) Investigation and/or resolution of the matter in response to the warning notice in no way relieves the alleged violator of liability for any violations occurring before or after receipt of the warning notice. Nothing in this subsection shall limit the authority of the Department of Public Works to take any action, including emergency action or any other enforcement action, without first issuing a warning notice.

C. Notice of violation. Whenever the Department of Public Works finds that a person has violated a prohibition or failed to meet a requirement of this chapter, the Department of Public Works may order compliance by written notice of violation to the responsible person.

- (1) The notice of violation shall contain:
 - (a) The name and address of the alleged violator;
 - (b) The address, when available, or a description of the building, structure or land upon which the violation is occurring, or has occurred;

- (c) A statement specifying the nature of the violation;
 - (d) A description of the remedial measures necessary to restore compliance with this chapter and a time schedule for the completion of such remedial action;
 - (e) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
 - (f) A statement that the determination of violation may be appealed to the Circuit Court of Harford County by filing a written notice of appeal within five business days of service of the notice of violation; and
 - (g) A statement specifying that, should the violator fail to restore compliance within the established time schedule, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.
- (2) Such notice may require, without limitation:
 - (a) The performance of monitoring, analyses, and reporting;
 - (b) The elimination of illicit connections or discharges;
 - (c) That violating discharges, practices, or operations shall cease and desist;
 - (d) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
 - (e) Payment of a fine to cover administrative and remediation costs; and
 - (f) The implementation of source control or treatment BMPs.
- D. Compensatory action. In lieu of enforcement proceedings, penalties, and remedies authorized by this chapter, the Department of Public Works may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.
- E. Suspension of MS4 access.
 - (1) When the Department of Public Works finds that any person has violated, or continues to violate, any provision of this chapter, or any order issued hereunder, or that the person's past violations are likely to recur, and that the person's violation(s) has (have) caused or contributed to an actual or threatened discharge to the MS4 or waters of the state which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the Department of Public Works

may issue an order to the violator directing it immediately to cease and desist all such violations and directing the violator to:

- (a) Immediately comply with all ordinance requirements; and
 - (b) Take such appropriate preventive action as may be needed to properly address a continuing or threatened violation, including immediately halting operations and/or terminating the discharge.
- (2) Any person notified of an emergency order directed to it under this subsection shall immediately comply and stop or eliminate its endangering discharge. In the event of a discharger's failure to immediately comply voluntarily with the emergency order, the Department of Public Works may take such steps as deemed necessary to prevent or minimize harm to the MS4 or waters of the state, and/or endangerment to persons or to the environment, including immediate termination of a facility's water supply, sewer connection, or other municipal utility services. The Department of Public Works may allow the person to recommence its discharge when it has demonstrated to the satisfaction of the Department of Public Works that the period of endangerment has passed, unless further termination proceedings are initiated against the discharger under this chapter. A person who is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful discharge and the measures taken to prevent any future occurrence, to the Department of Public Works within 30 days of receipt of the emergency order. Issuance of an emergency cease-and-desist order shall not be a bar against, or a prerequisite for, taking any other action against the violator.
- F. Suspension due to illicit discharges in emergency situations. The Department of Public Works may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or waters of the state. If the violator fails to comply with a suspension order issued in an emergency, the Department of Public Works may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the state, or to minimize danger to persons.
- G. Suspension due to detection of illicit discharge. Any person discharging to the MS4 in violation of this chapter may have his/her MS4 access terminated if such termination would abate or reduce an illicit discharge. The Department of Public Works will notify a violator of the proposed termination of its MS4 access. The violator may petition the Department of Public Works for a reconsideration and hearing. A person commits an offense if the person reinstates MS4 access to

premises terminated pursuant to this section without the prior approval of the Department of Public Works.

- H. Civil penalties. In the event the alleged violator fails to take the remedial measure set forth in the notice of violation or otherwise fails to cure the violations described therein within 10 days, or such greater period as the Department of Public Works shall deem appropriate, after the Department of Public Works has taken one or more of the actions described above, the Department of Public Works may impose a penalty not to exceed \$1,000 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation. All penalties collected will be turned over to an Environmental Restoration Fund, to be created by and held by the City.
- I. Criminal prosecution. Any person who has violated or continues to violate this chapter shall be liable to criminal prosecution to the fullest extent of the law, and shall be subject to a criminal penalty of \$1,000 per violation per day and/or imprisonment for a period of time not to exceed 60 days, or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

ARTICLE XIII

Conformance; Effective Date**§ 169-37. Conformance required; effective date.⁴¹**

- A. Except as specifically exempted by this chapter, all development activity within the City limits of the City of Havre de Grace shall conform to the requirements of these documents.
- B. Developments with stormwater management and erosion and sediment control plans approved as of June 17, 2010, shall be exempt from the revised design requirements of this chapter, provided that:
 - (1) Construction is actively progressing on the site in accordance with the approved erosion and control plan; and
 - (2) The erosion and sediment control plan(s) remain active and all necessary approvals for updates and revisions are obtained through the District; and
 - (3) The original site design and total impervious area have not been altered from the original plan submission.
- C. Be it further enacted that this chapter shall take effect June 17, 2010.

41. Editor's Note: Pursuant to Ord. No. 977, this section was renumbered from § 169-30 to § 169-37.

Chapter 173

SUBDIVISION OF LAND

GENERAL REFERENCES

Criminal sanctions — See Ch. 1, Art. I.	Grading and filling — See Ch. 89.
Planning Commission — See Ch. 25, Art. IV.	Historic preservation — See Ch. 97.
Building construction — See Ch. 31.	Off-street parking — See Ch. 122.
Critical Areas — See Ch. 49.	Site plan approval — See Ch. 155.
Floodplain management — See Ch. 78.	Stormwater management — See Ch. 169.
Forest conservation — See Ch. 81.	Zoning — See Ch. 205.

§ 173-1. Definitions.

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

DIRECTOR — The Director of Planning or the Director of the Department of Public Works of the City of Havre de Grace or their designee. **[Amended 5-7-2012 by Ord. No. 936]**

PLANNING COMMISSION — The Municipal Planning Commission for the City of Havre de Grace as provided by ordinance of the Mayor and City Council.⁴²

SUBDIVISION — The division of a lot, tract or parcel of land into two or more lots, parcels, sites or other divisions of land for the purpose, whether immediate or future, of sale or of building development.

§ 173-2. Review by Director. **[Amended 5-7-2012 by Ord. No. 936]**

All plats intended to subdivide land within the City of Havre de Grace shall be submitted to the Director of Planning and the Director of Public Works who shall each review the plats for the purpose of determining if public service facilities are adequate to serve each property within the proposed subdivision and whether the plats are in compliance with applicable codes or laws. The applicant's engineer is responsible for the representations shown on the subdivision plan meeting the minimum requirements of the applicable codes.

§ 173-3. Public service facilities required.

- A. Prior to the approval of any subdivision plat, the applicant for approval shall demonstrate to each Director that all public service facilities

42. Editor's Note: See Ch. 25, Boards, Committees and Commissions, Art. IV, Planning Commission.

specified herein are adequate or that provisions have been made for the construction of adequate facilities. **[Amended 5-7-2012 by Ord. No. 936]**

B. Public service facilities shall include:

- (1) Water.
- (2) Sewer.
- (3) Roads.
- (4) Storm drainage.
- (5) Stormwater management.
- (6) Sediment control.
- (7) Streetlighting.
- (8) Street signs.
- (9) Rights-of-way and easements for future utilities.
- (10) Electric, gas. **[Amended 5-7-2012 by Ord. No. 936]**
- (11) Telephone, cable. **[Amended 5-7-2012 by Ord. No. 936]**
- (12) Sidewalks. **[Added 5-7-2012 by Ord. No. 936]**
- (13) Walking trails, bike paths. **[Added 5-7-2012 by Ord. No. 936]**

§ 173-4. Determination of adequacy facilities.

- A. In the event public facilities providing service or abutting a subdivision lot exist, then the adequacy of the facilities shall be determined by the capacity of the facilities to serve the lot and not by compliance with specifications for new construction.
- B. In the event a public facility does not provide service or abut a subdivision lot, then the adequacy of the facility to be constructed shall be determined by the capacity of the proposed facility to serve the lot and compliance with specifications adopted by the Mayor and City Council of Havre de Grace from time to time.

§ 173-5. Assurance for construction of adequate facilities.

- A. If the aforesaid facilities are not adequate at the time each Director reviews the plat, the plat shall not be approved unless each Director receives assurance that adequate public facilities will be constructed in accordance with the aforesaid specifications prior to the issuance of a use and occupancy permit for any structure in the subdivision. **[Amended 5-7-2012 by Ord. No. 936]**

- B. Assurances shall include, but not be limited to, statements of availability by public utility companies, bonds and written agreements.

§ 173-6. Report of Directors. [Amended 5-7-2012 by Ord. No. 936]

Upon completion of the review required herein, each Director shall report their findings to the Planning Commission. The reports shall state:

- A. That public facilities are adequate; or
- B. The public facilities are not adequate but assurance that adequate facilities will be constructed have been provided; or
- C. That public facilities are not adequate or conflict with the City's Comprehensive Plan.

§ 173-7. Review by Planning Commission. [Amended 5-7-2012 by Ord. No. 936]

- A. The Planning Commission shall not approve a plat if either Director reports facilities are not adequate or conflict with the City's Comprehensive Plan. A plat may be recommended for approval pending action by the Mayor and City Council.
- B. If the Director of Public Works reports that facilities are adequate or that public facilities are not adequate but assurances that adequate facilities will be constructed have been provided, then the Planning Commission shall review the report and shall review the subdivision for compliance with the ordinances of the Mayor and City Council relating thereto, including, without limitation, Chapter 122, Off-Street Parking, Chapter 78, Floodplain Management, Chapter 155, Site Plan Approval and this chapter.

§ 173-8. Additional data.

It shall be the responsibility of the applicant for subdivision approval to submit to the Planning Commission all additional data which the Planning Commission may reasonably require in order to determine if the proposed subdivision is in compliance with the ordinances of the Mayor and City Council of Havre de Grace.

§ 173-9. Community association for areas held in common ownership.

- A. If the plat shows any areas to be held in common ownership by a community association or other resident association, then the documents creating such association shall be submitted to the Planning Commission and reviewed and approved prior to approval of the plat and shall be recorded concurrently with the plat.
- B. In reviewing the resident association documents, the Planning Commission may give consideration to the following:

- (1) Suitability of the documents to accomplish any stated purpose and to insure the maintenance and preservation of all open space, common areas and privately held community facilities.
 - (2) Consistency and compatibility of the association with the project as defined by the applicant and the association documents.
 - (3) Financial ability of the association to assume the responsibilities which will be placed on it.
- C. All portions of a development shall be subjected to the jurisdiction of the association prior to approval of the plat.
- D. At a minimum, the documents shall provide that:
- (1) Every lot owner shall be a member of the association.
 - (2) Each lot or parcel shall be assessed.
 - (3) Assessments shall be a lien upon the lot or parcel from which it is due.
 - (4) The assessments shall be sufficient to provide for the maintenance and preservation of all open space, common areas and privately held facilities.
 - (5) The association shall have an affirmative duty to maintain and preserve all open space, common areas and privately held community facilities.

§ 173-10. Standards for recorded subdivision plat.

The subdivision plat shall be recorded by the developer and shall comply with the following standards:

- A. The plat shall be drawn at a scale of one inch equals 50 feet or one inch equals 100 feet.
- B. The plat shall be a clear and legible print.
- C. The dimensions shall be in feet and decimals to the nearest hundredth of a foot; the bearings in degrees, minutes and seconds.
- D. The size of the plat shall be 20 inches by 24 inches, including a one-and-one-half-inch margin for binding along the left-hand edge and a one-half-inch margin on all other sides.
- E. The name of the subdivision shall be clearly indicated on the plat. The name and address of the owner shall be indicated on the plat. The name and address of the engineer or surveyor and the engineer's or surveyor's seal shall be shown on the plat.
- F. The plat shall be dated and have a scale and a North arrow.

- G. There shall be an approval block for the Director of Public Works and the Chairperson of the Planning Commission. The plat shall clearly indicate the names of the owners and a deed reference for all adjoining properties.
- H. A complete outline survey of the property to be subdivided showing all courses and distances shall be indicated on the subdivision plat.
- I. The plat shall indicate the location of all existing improvements on the property to be subdivided.
- J. The plat shall clearly indicate the names and width of all streets, lanes, thoroughfares, easements and rights-of-way within the subdivided property or abutting upon the subdivided property.
- K. All lots shall be numbered and fully dimensioned with bearings.
- L. The area of each lot shall be stated in square feet.
- M. The plat shall represent that the roads shown thereon shall comply with the specifications and requirements of the Harford County Road Code Book II, effective December 2, 2008, without any variance therefrom unless approved by the Mayor and City Council of Havre de Grace by ordinance. **[Added 5-7-2012 by Ord. No. 936]**
- N. The requirement that the roads comply with the Harford County Road Code applies whether the developer plans public roads or private roads. **[Added 5-7-2012 by Ord. No. 936]**

§ 173-11. Conveyance of property to increase size of parcel.

The provisions of this chapter shall not apply to the conveyance of a portion of an existing lot or parcel of land to the owner of an adjoining lot or parcel of land for the purpose of increasing the size of the latter parcel.

§ 173-12. Fees.

Fees covering the cost of consideration and review shall be as provided by resolution of the Mayor and City Council from time to time.

§ 173-13. Subdivision approval required.

It shall be unlawful to subdivide any parcel unless the subdivision is in compliance with the terms of this chapter or is expressly exempted herefrom.

§ 173-14. Subdivisions prohibited in Critical Area. [Added 6-6-1988 by Ord. No. 713]

It shall be unlawful to subdivide any parcel of land located within the Critical Area Resource Conservation Zone.

§ 173-15. Violations and penalties.

Any person convicted of committing an unlawful act as provided in this chapter shall be guilty of a misdemeanor. If any unlawful act is continuing, then each day during which such violation continues shall be considered a separate offense. In addition to any criminal penalty which may be imposed, all the provisions of this chapter may be enforced by a petition for injunction filed on behalf of the Mayor and City Council of Havre de Grace.

Chapter 174**SWIMMING, FISHING AND CAMPING****GENERAL REFERENCES**

Criminal sanctions — See Ch. 1, Art. I.

§ 174-1. Swimming and camping on City land.

It shall be unlawful to swim or camp on or from any City-owned land except where specifically permitted by the Mayor and City Council.

§ 174-2. Fishing.

It shall be unlawful to fish in any area designated as "No Fishing" by the Mayor and City Council.

§ 174-3. Violations and penalties.

Any person convicted of committing any unlawful act as provided in this chapter shall be guilty of a misdemeanor. If any unlawful act is continuing, then each day during which such violation continues shall be considered a separate offense. In addition to any criminal penalty which may be imposed, all the provisions of this chapter may be enforced by petition for injunction filed on behalf of the Mayor and City Council of Havre de Grace.

Chapter 177**TAXATION****GENERAL REFERENCES**

Amusement devices — See Ch. 15.

Special assessments — See Ch. 166.

Critical Areas — See Ch. 49.

ARTICLE I

**Homestead Property Tax Credit
[Adopted 12-3-1990 by Ord. No. 746]****§ 177-1. Purpose**

This establishes the homestead property tax credit percentage for owner-occupied residential properties required by the Tax-Property Article, § 9-105, of the Annotated Code of Maryland, as enacted by Chapter 12 of the Property Tax Reform Act of 1990.

§ 177-2. Amount of credit. [Amended 10-19-2009 by Ord. No. 909]

The homestead credit percentage for the City of Havre de Grace on owner-occupied residential real property for the tax year beginning July 1, 2010, is 105%.

§ 177-3. Change of percentage by ordinance.

The Mayor and City Council of Havre de Grace may change the homestead property tax credit percentage on owner-occupied residential real property for any subsequent tax year only by enacting an ordinance amending § 177-2 of this article.

§ 177-4. Percentage for subsequent years.

Unless changed under § 177-3 of this article, the City homestead credit percentage on owner-occupied residential real property for any subsequent tax year shall remain at that percentage last adopted.

ARTICLE II
Utility Tax
[Adopted 6-16-2003 by Ord. No. 844]

§ 177-5. Annual fee for utility poles.

- A. No person shall construct or maintain any poles to carry electrical, telephone, telegraph or other communication wires or cables over or across any public sidewalk, street, alley, way, easement, right-of-way or other public property within the City of Havre de Grace unless said person shall first have paid to the City an annual fee for each such pole so constructed or maintained.
- B. The annual fee for each such pole so constructed or maintained shall be as follows:

Period	Rate
From July 1, 1992 through June 30, 2003	\$19.80
July 1, 2003 through June 30, 2005	\$21.78
July 1, 2005 through June 30, 2007	\$22.43
July 1, 2007 through June 30, 2009	\$23.10
July 1, 2009 through June 30, 2011	\$23.79
July 1, 2011 through June 30, 2013, and each year thereafter	\$24.47

§ 177-6. Annual fee for underground conduit.

- A. No person shall construct or maintain any underground conduit for the erection and maintenance of electrical, telephone, telegraph or other communication wires or cables under or across any public sidewalk, street, alley, way, easement, right-of-way or other public property within the City of Havre de Grace unless such person shall first have paid to the City an annual fee per linear foot for each conduit so constructed or maintained.
- B. The fee per linear foot for each such conduit so constructed or maintained shall be as follows:

Period	Rate
From July 1, 1992 through June 30, 2003	\$0.66
July 1, 2003 through June 30, 2005	\$0.73
July 1, 2005 through June 30, 2007	\$0.75
July 1, 2007 through June 30, 2009	\$0.77
July 1, 2009 through June 30, 2011	\$0.79
July 1, 2011 through June 30, 2013, and each year thereafter	\$0.81

§ 177-7. Annual payment of fees.

The fees imposed by §§ 177-5 and 177-6 shall be payable annually on or before August 1 at the office of the City Director of Finance.

§ 177-8. Statement of number of poles and amount of conduit.

Any person maintaining such poles, wires, cables or conduits shall file with the City Director of Finance during the month of July of each year a sworn statement verifying the number of poles maintained and the number of linear feet of all such cables or conduits and shall identify the name of the street, alley or way on, under, over or across which said poles, cables or conduits are located.

ARTICLE III

**Penalty for Overdue Taxes; Critical Area Taxing District
[Adopted 8-2-1993 by Ord. No. 777]****§ 177-9. Definitions.**

For the purpose of this article, the following definition shall apply:

CITY — The Mayor and City Council of Havre de Grace.

COLLECTOR — The Director of Finance of the Mayor and City Council of Havre de Grace.

IN ARREARS — Due and unpaid as of the first day of October next proceeding the day upon which ordinary City real estate taxes first became due.

PROPERTY — Real property located in the City of Havre de Grace, Maryland, improved or unimproved held in fee or by lease.

TAX — Real estate taxes assessed by the Mayor and City Council of Havre de Grace against real property located within the City of Havre de Grace, Maryland.

§ 177-10. Penalties for overdue taxes.

- A. In addition to interest imposed pursuant to Article 81, § 48 of the Maryland Annotated Code, a penalty shall be applied to all taxes overdue, in arrears and payable to the City of Havre de Grace, Maryland, on October 1 of each year. The aforesaid penalty shall be equal to 1 1/2% of the unpaid base amount for each month or fraction of a month taxes remain overdue, in arrears and payable after October 1 in each taxable year.
- B. An additional penalty in the amount of \$80 shall be applied to all taxes overdue, in arrears and payable to the City of Havre de Grace on April 1 in each taxable year.

§ 177-11. Sale of property.

During the month of June in each tax year, the Collector shall have the power to sell all property upon which taxes remain overdue, in arrears and payable. The time and place of the sale shall be established by the Collector. The sale shall be in accordance with the provisions of the public general laws of the State of Maryland as they may regulate tax sales from time to time.

§ 177-12. Rate of redemption.

The rate of redemption shall be as fixed by resolution of the Harford County Council from time to time.

§ 177-13. Critical Area Tax District established; amount of tax.

Pursuant to the authority conferred upon the Mayor and City Council of Havre de Grace, by the general assembly of Maryland, the City of Havre de Grace hereby creates within the corporate limits of the City of Havre de Grace a special taxing district for the purpose of financing the design, construction, establishment, extension, alteration, acquisition and maintenance of adequate storm drainage systems. A special taxing district is hereby created to be known as the "Critical Area Taxing District." An ad valorem tax shall be levied on all real property located within this special taxing district at a rate not exceeding \$1 per \$100 of assessed value sufficient to provide adequate annual revenues to pay the principal and interest on any bonds or other obligations of the Mayor and City Council of Havre de Grace issued for the purposes provided herein as the principal and interest thereon may become due and to pay the cost of operating and maintaining such facilities and activities from time to time. The tax levied pursuant hereto shall be levied in the same manner, upon the same assessments, for the same period or periods, and as of the same date or dates of finality as are now or may hereafter be prescribed for ad valorem taxes within the City of Havre de Grace.

§ 177-14. Critical Area Taxing District boundaries.

The critical area taxing district shall have the following boundary that is to say:

Beginning at the point where the center line of the right-of-way of United States Route 40, otherwise known as Pulaski Highway, crosses the shoreline of the Susquehanna River within the City of Havre de Grace and continuing southerly along the shoreline of the Susquehanna River to the point where a southerly projection of the center line of Concord Street crosses the shore line of the Susquehanna River, then north along the center line of Concord Street to its intersection with Revolution Street, west along the center line of Revolution Street to its intersection with Market Street, north along the center line of Market Street to its intersection with St. John Street, then in a generally northwesterly direction along the center line of St. John Street to its intersection with Union Avenue, then north along the center line of Union Avenue to its intersection with Water Street, then north along the center line of Water Street to its intersection with Erie Street, then west along the center line of Erie Street to its intersection with Conestee Street, then north along the center line of Conestee Street to its intersection with a projection of Superior Street, then west along the center line of a projection of Superior Street to its intersection with United States Route 40, then northeasterly along the center line of United States Route 40 to the point at beginning at the shore of the Susquehanna River.

§ 177-15. Use of revenues.

Revenues generated by the special tax authorized herein shall be used for the purpose of achieving the water quality objectives and policies set forth in the Chesapeake Bay Critical Area Law⁴³ as amended from time to time and more specifically for the purpose of designing, constructing or modifying one or more stormwater management facilities having the capacity to treat or otherwise reduce stormwater pollutant discharges to a degree such that, when fully developed, such pollutant discharge shall be at least 10% less than that from the Critical Area Taxing District as of July 1, 1988. Reductions in stormwater pollutant loadings may be achieved by the treatment of stormwater originating either inside or outside the district so long as such facilities are reasonably designed to contribute to meeting the goals stated herein.

43.Editor's Note: See Natural Resources Article, § 8-1801 et seq., of the Annotated Code of Maryland.

ARTICLE IV
Amusement Tax
[Adopted 9-18-1995 by Ord. No. 794]

§ 177-16. Amount of tax.

Pursuant to the authorization of § 4-102(b)(1) of the Tax-General Article of the Annotated Code of Maryland, as amended or recodified from time to time, a tax is imposed on the gross receipts derived from any admissions and amusement charge as defined in § 4-101(b) of the Tax-General Article of the Annotated Code of Maryland, as amended or recodified from time to time, at the rate of 5%; except that gross receipts derived from coin-operated amusement devices shall be taxed at the rate of 10%.

§ 177-17. Additional tax on reduced charges or free admissions.

Pursuant to the authorization of § 4-102(b)(2) of the Tax-General Article of the Annotated Code of Maryland, as amended or recodified from time to time, an additional tax is imposed on reduced charges or free admissions as admissions as set forth in § 4-105(f) of the Tax-General Article of the Annotated Code of Maryland, as amended or recodified from time to time.

§ 177-18. Exemptions.

Exception for exemption may be accomplished on a case-by-case basis by the adoption of a resolution by the Mayor and City Council.

ARTICLE V

Tax Credit for Approved Fire Department and Ambulance Corps Members⁴⁴**[Adopted 3-1-2010 by Ord. No. 911⁴⁵]****§ 177-19. Amount of credit.**

Each bona fide active or lifetime member of the Susquehanna Hose Company, Inc. (SHCO), or the Havre de Grace Ambulance Corps., Inc. (HDGAC), shall be eligible for an annual credit from taxation of real property for City purposes in the amount of \$500 on the member's real property, which real property is the primary residence of the member, the maximum credit per household being \$1,000.

§ 177-20. Eligibility.

Determination as to whether or not a member or his or her surviving spouse is eligible for said tax credit shall be made annually by the Board of Directors of the Susquehanna Hose Company, Inc. (SHCO), or the Havre de Grace Ambulance Corps., Inc. (HDGAC), and a list of all eligible members is required to be submitted to the Director of Finance by April 1 each year.

§ 177-21. Surviving spouse.

Upon the death of a qualifying life member of the Susquehanna Hose Company, Inc. (SHCO), or the Havre de Grace Ambulance Corps., Inc. (HDGAC), the surviving spouse of said member shall thereafter be eligible for an annual tax credit of \$500 on real property, which real property is the primary residence of the surviving spouse. If the qualifying member sustains a line-of-duty death, the surviving spouse shall be exempt from paying the City real property tax on his or her primary residence for real property owned solely by the surviving spouse.

44. Editor's Note: Former Art. V, Property Tax Rates, was renumbered as Art. VI.

45. Editor's Note: This ordinance provided an effective date of 4-15-2010.

ARTICLE VI
Property Tax Rates
[Adopted 5-16-2016 by Ord. No. 980⁴⁶]

§ 177-22. Real property tax rate.

The tax rate generally applicable throughout the City of Havre de Grace for the fiscal year beginning July 1, 2016, and ending June 30, 2017, be and is hereby fixed at \$0.5697 on each \$100 of assessable real property on the assessment books of the City of Havre de Grace, Maryland.

§ 177-23. Personal property tax rate.

The tax rate generally applicable throughout the City of Havre de Grace for the fiscal year beginning July 1, 2016, and ending June 30, 2017, be and is hereby fixed at \$1.705 on each \$100 of assessable personal property on the assessment books of the City of Havre de Grace, Maryland, and to grant a one-time tax credit of \$500 for personal property taxpayers for this year.

§ 177-24. Additional tax in Critical Area Taxing District.

The tax rate generally applicable throughout the City of Havre de Grace for the fiscal year beginning July 1, 2016, and ending June 30, 2017, be and is hereby fixed to be an additional \$0.044 on each \$100 of assessable real property (but not personal property) on the assessment books of the City of Havre de Grace, located within the Critical Area Taxing District.

§ 177-25. Service charge.

The service charge applicable to the semiannual property tax payment option shall be 1.00% of the amount of tax due at the second installment.

§ 177-26. Effective date; enforcement.

This article shall take effect as of July 1, 2016, and the Director of Finance be and is hereby authorized to enforce payment of the aforesaid taxes in accordance with applicable law.

46. Editor's Note: This ordinance also superseded former Art. VI, Property Tax Rates, adopted 6-1-2015 by Ord. No. 968.

Chapter 180**TAXICABS****GENERAL REFERENCES**

Parking in taxicab stands — See Ch. 190, § 190-47A(9).

§ 180-1. Definitions.

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

CHIEF — The Chief of Police of the City of Havre de Grace.

CITY — The City of Havre de Grace.

COUNTY — Harford County or the entity or county department responsible for enforcing Harford County Code Chapter 232, Taxicabs.

COMPANY — Every corporation, association, partnership, group of individuals or individual owning, controlling, operating or managing one or more taxicabs.

DRIVER — The same meaning as "operator" in this section.

MARYLAND DRIVER'S LICENSE — A valid Maryland driver's license issued from the Maryland Motor Vehicle Administration, excluding a learner's permit and provisional license.

OPERATOR — Any person engaging in driving a taxicab for which a permit has been issued.

OWNER — The individual, partnership or company to whom a permit has been issued.

OWNER'S PERMIT — A permit issued by the county to the owner of the company.

REGISTRATION CARD OR PERMIT — A card or permit issued by the county to the owner for each taxicab registered with the county.

STATE — The State of Maryland.

TAXICAB — The same definition as provided in the Maryland Transportation Article of the Annotated Code of Maryland, including any vehicle used in a sedan and/or van service, but excluding airport shuttles and limousines.

TAXICAB DRIVER PERMIT — A permit issued by the county to each driver of a taxicab operating in the city or county.

TAXICAB PERMIT — A permit issued by the county for each taxicab operating in the City or county.

§ 180-2. Duties of county; delegation of authority.

Except as hereinafter provided, the county is hereby designated with the authority over taxicabs in the city. The county may delegate all or any part of the county's authority to such person or persons on the City Police Department staff as the county may deem necessary, provided that the same be done by and with the approval of the Mayor and City Council.

§ 180-3. Permits required.

No person shall operate a taxicab company within the City without first obtaining a permit from the county. No person shall drive or operate a taxicab within the City without first obtaining a permit from the county.

§ 180-4. Issuance of taxicab driver permit; defacing of taxicab driver permit.

All drivers shall have their taxicab driver permits visibly displayed in the taxicab at all times while operating the vehicle. Any permit holder who intentionally defaces, removes or obliterates any official entry made upon the permit shall be reported to the county.

§ 180-5. Records to be kept in Police Department.

There shall be maintained by the Chief and kept in the Police Department a complete record of all permits issued to taxicab drivers received from the county and all renewals, suspensions and revocations thereof by the county.

§ 180-6. Inspections by Chief.

Representatives of the Chief when authorized by the county may make routine inspections of taxicabs and report violations to the county.

§ 180-7. Reckless operation of taxicab; discharge of passengers.

No driver of any taxicab shall operate such taxicab recklessly, in an unsafe manner or with disregard to the public, general or local laws governing the operation of a motor vehicle. No placards or other obstructions to view shall be attached to or rest against the windshield or rear window, except such certificate or sticker as may be required by law. No driver shall take or discharge passengers within the limits of street intersections nor when it is possible for another vehicle moving in the same direction to pass between the taxicab and the right-hand curb, nor receive or discharge passengers through the left-hand doors of the taxicab except on one-way streets. A violation of this rule or of duly prescribed traffic regulations shall be reported to the county.

§ 180-8. Approved designated parking required.

Any taxicab business operating more than one taxicab within the City of Havre de Grace, must provide a designated off-street parking space for each

taxicab. Only one vehicle assigned to a permitted taxicab driver may be parked overnight on a City street at his or her residence. All other taxicabs shall utilize the parking space designated and approved for them when not actually in operation on the streets or highways of the City. All designated parking shall be off-street and must be approved by the Havre de Grace Police Department.

§ 180-9. Violations and penalties.

Any person or persons who violate the provisions of this chapter or any part hereof, shall be charged with a municipal infraction subject to a civil fine of \$250 for a first offense and for any subsequent violation shall be subject to another civil fine of \$500 and charged with a misdemeanor, and upon conviction thereof shall be fined not more than \$1,000 or confined in the Harford County Detention Center for a period of not more than 90 days, or both, as the court may see fit.

Chapter 186

TREES

GENERAL REFERENCES

Civil sanctions — See Ch. 1, Art. I.

Forest conservation — See Ch. 81.

Tree trimmings as yard waste — See Ch. 162, Art. I.

Special assessments — See Ch. 166.

§ 186-1. Purpose.

It is the purpose of this chapter to promote and protect the beauty, public health, safety, and general welfare of the City by providing for the regulation of the planting, maintenance, and removal of trees, shrubs and other woody plants within the City.

§ 186-2. Definitions.

For the purpose of this chapter, the following terms, phrases, words, and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural. The word "shall" is mandatory and not merely directory.

CITY — The City of Havre de Grace, Maryland.

LARGE TREES — Shall be designated as those attaining a height of more than 40 feet.

MEDIUM TREES — Shall be designated as those attaining a height of 30 feet to 40 feet.

PARK — Shall include all public parks located in the City.

PARK TREES — Trees, shrubs, and other woody plants in public parks having individual names, or to which the public has free access as a park, plus all facilities, parking lots, open spaces and all other areas owned by the City.

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

PROPERTY LINE — The outer edge of the right-of-way associated with any street, lane or highway.

PUBLIC PLACES — Shall include all other grounds owned by the City.

PUBLIC TREE — Shall include all shade and ornamental trees now or hereafter growing on any street or any public areas where otherwise indicated.

SMALL TREES — Shall be designated as those attaining a height of 20 feet to 30 feet.

STREET — The entire width of every public way or right-of-way when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular and pedestrian traffic.

STREET TREES — Trees, shrubs, and other woody plants on land lying between property lines on either side of all streets, avenues, lanes or ways within the City.

TREE CARE —

- A. Any removal or planting of a tree;
- B. Any maintenance to trim, shape, or sever the stem, branches, or roots of a tree;
- C. Any treatment to protect a tree from insects or disease or to improve the growth of a tree with direct application of fertilizers or insecticides; or
- D. Any other treatment that may affect the health or growth of a tree.

§ 186-3. Creation and composition of Municipal Tree Commission.

- A. There is hereby created and established a Municipal Tree Commission for the City. The Commission shall consist of six members. One member shall be a staff person from the Department of Public Works and the remaining five members who have been recommended by the Director of the Department of Public Works shall be appointed by the Mayor, with the approval of City Council. Each member should have a demonstrated special interest, specific knowledge, or professional or academic training in such fields as horticulture, arboriculture, forestry or related field. At least one of the members should have professional or academic training in one or more of the above-listed fields.

- B. "Special interest" shall refer to training (such as gardening or plant identification workshops) or active organizational membership (such as Garden Club, Master Gardeners, Native Plant Society or Forestry Board) in one or more of the above-listed fields. "Specific knowledge" shall refer to formal training (such as vocational-technical school, community college, college, or university coursework) or employment or practical experience in one or more of the above-listed fields. The requirement for Commission membership under the category of professional or academic training may be satisfied by, at a minimum, two years' experience as a professional or a Bachelor's or advanced degree in one or more of the above-listed fields.

§ 186-4. Tree Commission terms of office; vacancies; removal.

The term of the five persons to be appointed shall be three years. In the event that a vacancy shall occur during the term of any member, a successor shall be appointed and approved for a term of three years. Unexcused absence at three consecutive meetings shall constitute resignation by the member and shall create a vacancy. Members may be removed by the Mayor and City Council for inefficiency, neglect of duty, or malfeasance in office. Members may be reappointed upon recommendation of the Director of Public Works and approval by the Mayor and City Council.

§ 186-5. Compensation of Tree Commission members.

Members of the Municipal Tree Commission shall serve without compensation for their services.

§ 186-6. Commission officers: proceedings; quorum.

- A. The Commission shall be chaired by the staff person from the Department of Public Works. The staff person shall not be a voting member of the Commission. The voting members of the Commission shall elect a Recording Secretary.
- B. The Commission shall adopt its own rules of procedure and keep a journal of the proceedings.
- C. A quorum at any meeting shall be three members.

§ 186-7. Duties and responsibilities of Tree Commission.

It shall be the responsibility of the Municipal Tree Commission to:

- A. Study, investigate, counsel, develop and/or update annually, and recommend to the Mayor and City Council a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees, shrubs and other woody plants in public parks, along streets, and in other public places. Such plan will be presented annually to the Mayor and City Council at the first regular meeting of the City Council in April. Upon its review, the Mayor and City Council may modify and

amend such proposed plan and adopt it by resolution as the official Comprehensive Municipal Tree Plan.

- B. Recommend the type and kind of trees, shrubs and other woody plants to be planted upon such streets, parts of streets, parks, or public places, as is designated.
- C. Upon the request of the Mayor and City Council, consider, investigate, make findings, reports and recommendations upon any special matter or questions coming within the scope of the Commission's responsibilities.
- D. Conduct regular and special meetings at which the subject of trees, shrubs and other woody plants insofar as it relates to the City may be discussed by the members of the Commission, the Mayor and City Council, personnel of the City and all others interested in the tree program.

§ 186-8. Implementation of provisions.

- A. It shall be the responsibility of the Director of the Department of Public Works to implement, administrate, and execute the requirements of this chapter and the Comprehensive Municipal Tree Plan in a consistent manner with the Natural Resources Article, Sections 5-401 through 5-406 of the Annotated Code of Maryland and its accompanying regulations under Title 08, Subtitle 07, Chapter 2, Sections 01-10.
- B. The Director of Public Works may use appropriate Department of Public Works personnel or designated agents in the implementation of this chapter.

§ 186-9. Tree species to be planted.

- A. To ensure compliance with Maryland Roadside Tree Regulations, Section .09, the Municipal Tree Commission will utilize the Maryland Department of Natural Resource's Forest Service Recommended Tree List, as revised, as the official list of permissible street tree species for the City.
- B. Trees, shrubs and other woody plants planted in parks or other public places will be selected based on characteristics of the site, soil conditions and the site master plan. Maryland native species are preferred, but nonnative species may be introduced to enhance diversity and meet approved site goals.

§ 186-10. Spacing.

- A. Small street trees, as defined in § 186-2, shall be spaced so that they are no closer than 20 feet to any other small street tree and no closer than 30 feet to any medium street tree. The minimum distance small trees may be planted from any curb or sidewalk is two feet in order to allow a minimum two-foot growing space.

- B. Medium street trees, as defined in § 186-2, shall be spaced so that they are no closer than 20 feet to any small street tree and no closer than 30 feet to any other medium street tree. The minimum distance medium trees may be planted from any curb or sidewalk is three feet in order to allow a minimum four-foot growing space.
- C. Large street trees, as defined in § 186-2, shall be spaced so that they are no closer than 35 feet to any other street tree. The minimum distance large trees may be planted from any curb or sidewalk is four feet in order to allow a minimum six-foot growing space.
- D. No trees, shrubs or other woody plants shall be planted along streets that do not have curbing without prior approval and guidance of the Director of Public Works.

§ 186-11. Distance from street corners and fire hydrants.

No street tree shall be planted closer than 35 feet to any street corner, measured from the point of nearest intersecting curbs or curblines. No street tree shall be planted closer than 20 feet to any fire hydrant.

§ 186-12. Utilities.

No street trees other than those species listed as small trees in the Recommended Tree List shall be planted under or within 10 linear feet of any overhead utility wire, or over or within five linear feet of any underground water line, sewer line, transmission line or other utility.

§ 186-13. Public tree care.

- A. The City shall have the right to plant, prune, maintain, and remove trees, plants, and shrubs within the property lines of all streets, parks, and other public places which may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds. The City may remove or cause or order to be removed any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is infected with any injurious disease, insect or other pest.
- B. This section does not prohibit the planting of street trees by adjacent property owners, providing that the selection and location of said trees is in accordance with §§ 186-9 through 186-12 of this chapter and provided that 30 days' advance notice of any such planting is given to the Commission.

§ 186-14. Tree topping.

Except as permitted in emergency situations by the American National Standards Institute (ANSI) and as outlined in the ANSI A300 Manual, it shall be unlawful for any person, firm or entity to perform tree topping on

any street tree, park tree, or other tree on public property. As used in this section, "topping" means the cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree.

§ 186-15. Dead or diseased tree removal on private property.

The City shall have the right to cause the removal of any dead or diseased trees on private property within the City when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the City. The City will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within 60 days after the date of service of notice. In the event of failure of the owners to comply with such provisions, the City shall have the authority to remove such trees and charge the cost of removal to the property owner. Said cost shall be a lien on the property upon which the trees are located and may be collected in the same manner as the collection of delinquent taxes.

§ 186-16. Removal of stumps.

All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground unless the Commission authorizes an alternative method of removal.

§ 186-17. Interference.

It shall be unlawful for any person to prevent, delay, or interfere with the Municipal Tree Commission, Department of Public Works, or any of its agents, while engaging in and about the planting, replanting, cultivating, mulching, pruning, spraying, or removing of any street tree, park tree, or tree on private property as authorized in this chapter.

§ 186-18. Tree experts.

No person or firm shall engage in the business or occupation of pruning, treating, or removing street or park trees within the City without having a valid tree expert license issued by the Maryland Department of Natural Resources as well as proof of liability and property damage insurance consistent with State of Maryland requirements. A license shall not be required of any public service company or City employee performing such work, provided the employee is supervised by a Maryland Department of Natural Resources Forest Service Forest Warden or a certified tree care expert on the City's staff. However, all permits required by the Maryland Department of Natural Resources and the City shall be obtained prior to performing such work.

§ 186-19. Municipal infractions.

Any violation of §§ 186-9, 186-10, 186-11, 186-12, 186-14, 186-16, 186-17, and 186-18 is declared to be a municipal infraction. The penalty for violations shall be a fine of \$40 for each offense and \$100 for each repeat offense.

§ 186-20. Cost of planting, removing, maintaining and protecting trees, shrubs and other woody plants.

- A. When a street tree is requested by an adjacent property owner and such request is approved by the Commission, the cost of planting trees on the public right-of-way shall be financed jointly by the adjacent property owner and the City of Havre de Grace. That adjacent property owner shall pay to the City the sum of \$30 per tree. The City shall assume the remaining costs for the purchase and planting of the tree.
- B. A special annual assessment on property owners, not to exceed \$0.05 per linear foot of street frontage, may be imposed by the Mayor and City Council. The funds generated by the imposition of the assessment shall be used only for the planting, maintenance, and removal of trees, shrubs and other woody plants in public areas.

§ 186-21. Appeals.

Any applicant seeking Commission approval under §§ 186-9, 186-13 and 186-15 may appeal an unfavorable decision of the Commission to the Mayor and City Council within 10 days after receipt of the Commission's decision. After its review, the Mayor and City Council may affirm, reverse, or modify the Commission's decision by resolution within a sixty-day period from the date of the appeal. The decision of the Mayor and City Council shall be final.

Chapter 190**VEHICLES AND TRAFFIC****GENERAL REFERENCES**

Off-street parking — See Ch. 122.

ARTICLE I
Administration and Enforcement

§ 190-1. Power of City to adopt rules, orders and regulations.

The City, for the safety and convenience of the public and for the purpose of keeping the roads and highways in the City from becoming congested by automobiles, motorcars, and other vehicles and to permit the free and unobstructed use of the roads, highways, and public parking lots, etc., shall have power, from time to time and whenever in its judgment it becomes necessary, to pass and adopt such reasonable rules, orders, and regulations as it may deem proper, regulating, restricting, and/or limiting the parking or movement of automobiles or other vehicles on any public highway of the City, and such orders, rules, and regulations, when the same shall have been so passed, shall have the force and effect of law, and any violation thereof shall subject the person so violating the same to the penalties prescribed in this chapter, provided, that after the passage and adoption of any such rules, orders, and regulations, the City shall cause to be placed and thereafter maintained in conspicuous places along such roads or highways signs or markers appropriately describing the rules and regulations as may be applicable to the particular road or highway; provided, further, that the City shall keep in its office a separate docket or journal containing all such rules, orders, and regulations passed and adopted pursuant to this section, which journal or docket shall at all times be open to inspection and examination by the public; provided, further, that in the cause of public fairs, games, parades, and/or other public events being held in the City where a large gathering of people or vehicles along any such road, street, or highway in the City is anticipated, the City may pass and adopt such reasonable rules and regulations governing the traffic and the movement of vehicles in the vicinity of any such fair, game, parade, or other public event as the City may deem necessary to prevent the congestion of such traffic and the obstruction of such streets, roads, or highways, and such rules and regulations shall have the same force and effect as other rules and regulations passed pursuant to this section. The presence along any such highway, road, or street of the signs or markers mentioned in this section shall be prima facie evidence of the passage of the rules, orders, and/or regulations herein provided for.

§ 190-2. Authority of Chief of Police to make rules and regulations; restrictions on authority.

A. In order to provide for the safe and expeditious movement of traffic in the City and to protect the safety of the citizens using the roads, streets, lanes, public parking areas and highways in the City, either public or private, the Chief of Police or the Chief's designee is hereby granted full power and authority to do any and all of the following subject to the limitations imposed by Subsection B of this section:

- (1) Conduct analyses of traffic accidents and investigations of traffic conditions.

- (2) Establish and determine the design, timing, type, size, and location of any and all signs, signals, markings, pylons, channels, and other devices for guiding, directing, or otherwise regulating and controlling vehicular and pedestrian traffic.
 - (3) Designate any intersections as stop intersections or through highways.
 - (4) Approve or disapprove the location of bus stops and taxicab stands or rescind or modify any prior approval heretofore given.
 - (5) Adopt and promulgate rules, regulations, orders, and directives relating to or in connection with the movement of vehicular and pedestrian traffic in the City.
 - (6) Make recommendations to the Mayor and Council for the improvement of traffic conditions in the City.
 - (7) Prohibit parking on any portion or portions of any public highway.
 - (8) Prohibit parking and designate one-way streets (by posting) in the event of an emergency for a period not to exceed 45 days.
 - (9) Pass and adopt reasonable rules and regulations governing parking, traffic, and the movement of vehicles in the vicinity of any fair, game, parade, or other public event where a large gathering of people or vehicles is anticipated.
- B. The Chief of Police or the Chief's designee shall not have the power to adopt and promulgate rules, regulations, orders, or directives in the nature of general permanent parking restrictions or to establish permanent one-way streets. The power to make general permanent parking restrictions and to establish permanent one-way streets is hereby specifically reserved to the Mayor and City Council.

§ 190-3. Enforcement by police officers; authority of parking enforcement officers.

- A. Unless otherwise designated, it shall be the duty of the police officers of the City or any other persons specifically designated as parking enforcement officers by the Chief of Police to enforce the provisions of this chapter.
- B. Parking enforcement officers, hereafter called "officers" in this chapter, appropriately uniformed so as to be identified as enforcement officers, are authorized to patrol the City for the purpose of enforcing parking regulations. Such officers have concurrent jurisdiction with the police officers of the City as to the enforcement of all parking ordinances, laws and regulations applicable to City streets, highways, lanes, and in addition, public parking areas owned by the City, except that, such officers shall not have concurrent jurisdiction or authority with police

officers of the City to enforce provisions relative to moving motor vehicle violations.

- C. Parking enforcement officers shall have the power to issue a notice of violation to any motor vehicle or vehicle owner or operator when a vehicle is found parked in violation of any parking regulation.
- D. The following is a list of preset fines or penalties for certain violations:
[Added 8-15-2011 by Ord. No. 933]

Violation	Fine or Penalty
Handicapped parking (§ 190-72)	\$125
Vehicles, driving over curbs or sidewalks (§ 190-23)	\$100
Imitation of signs, signals (§ 190-15)	\$100
Vehicles, display or repair on streets (§ 190-53)	\$100
Fire lane [§ 190-47A(11)(k)]	\$50
Too close to fire hydrant [§ 190-47A(11)(d)]	\$50
Abandoned vehicle (§ 190-50)	\$50
Parking at yellow/red curb or "No Parking Zone" [§ 190-47A(6)]	\$25
Time limit violation (Section 49A5)	\$25
Parking facing wrong direction (Section 53B)	\$25
Prohibited parking on City property (Section 73)	\$25
Angled parking (§ 190-52)	\$25
Commercial vehicle in residential zone (§ 190-65)	\$25
Parking on a sidewalk [§ 190-47A(11)(a)]	\$25
Other parking violations (§ 190-47)	\$25
Interference with traffic control devices and markings (§ 190-16)	\$25
Failure to comply with signs, signals and directions (§ 190-17)	\$25
Obstruction of intersections, crosswalks or sidewalk (§ 190-20)	\$25
Violation of City Ordinance Section # _____	\$25

- (1) The instructions on the citations shall appear predominantly as follows:

Instructions on citation:

Standing trial: If you wish to stand trial complete this form, and send by registered mail within 10 days from the violation date on the front of this notice to the Havre de Grace Police Department to obtain a trial date for a District Court hearing. Late fees apply if violator fails to appear for court.

Paying the fine: Submit the fine within 30 days from the issue date to the Havre de Grace Police Department, 715 Pennington Avenue, Havre de Grace, Maryland 21078. Fines can be in the form of cash (exact change only), check or money order, made payable to the Havre de Grace Police Department. Check or money order may also be sent by mail. If tags have been flagged then only cash or money order will be accepted.

Late fees: Payment is due within 30 days from the violation date. For payments received more than 30 days (31+) from the violation date, the fine will double and tags will be flagged through the Maryland Motor Vehicle Administration. A flagging fee of \$15 will apply if the registration is withheld by the MVA.

Additional instructions:

The owner of the vehicle described on this citation is notified that the vehicle was parked in violation of the City of Havre de Grace Ordinance. If you wish to admit responsibility for the violation, you may pay:

By mail: Check or money order payable to the Havre de Grace Police Department, 715 Pennington Avenue, Havre de Grace, Maryland 21078. Postmarked date is acceptable as evidence of timely payment.

Drop box: Check, money order or exact cash 24 hours/seven days a week at the drop box in the Havre de Grace Police Department, 715 Pennington Avenue, Havre de Grace, Maryland 21078. If tags have been flagged then only cash or money order will be accepted.

In person: Havre de Grace Police Department, 715 Pennington Avenue, Havre de Grace, Maryland 21078 (Monday through Friday, 9:00 a.m. to 5:00 p.m.).

Delinquent violations:

The Motor Vehicle Administration will withhold all vehicle registrations until the parking citation fine(s) plus any additional penalties are paid. If the vehicle registration is withheld by the MVA, the City of Havre de Grace will assess the violator a flagging fee of \$15 per citation.

Whenever three unsatisfied citations have been issued to one vehicle and where a period of 30 days or more shall have elapsed since the third unsatisfied violation notice, such vehicle shall be impounded.

§ 190-4. Records of rules and regulations.

The Chief of Police shall keep a record of all rules, regulations, orders, and directives issued by him/her, which records shall be open to public inspection at all reasonable times.

§ 190-5. Violation of rules and regulations prohibited.

It shall be unlawful for any person to violate any rule, regulation, order, or directive promulgated by the Chief of Police, as hereinbefore provided.

§ 190-6. Fees for reports of accidents.

- A. The Police Department shall, upon application by any person and the payment of a processing fee, furnish to such applicant any of the following:
 - (1) A certified copy of the Department's record of any accident in which a motor vehicle is in any manner involved.
 - (2) A copy or copies of photographs having to do with any accident in which a motor vehicle is in any manner involved.
 - (3) A copy or copies of maps, drawings, and statements having to do with any accident in which a motor vehicle is in any manner involved.
- B. Any processing fee assessed under this section shall be set by resolution of the Mayor and City Council.

§ 190-7. Imposition of penalties.

- A. In the event that the person receiving a violation notice has failed to pay the appropriate fine for the violation by the date of payment set forth on the violation notice and has failed to file a notice of intention to stand trial for such offense within the time allowed, a formal notice of the violation shall be sent to the owner's last known address. If, within 15 days from the date of the notice, the citation has not been satisfied, the owner shall be liable for a penalty (as set by resolution of the Mayor and City Council) for each month or fraction of a month until the citation is satisfied. The penalty shall be in addition to any and all fines imposed.
- B. In the event that the State Motor Vehicle Administration is requested to refuse registration or transfer of registration of the subject vehicle until the charge has been satisfied, a penalty may be imposed by the Maryland Motor Vehicle Administration.

§ 190-8. Effect of violation for leased vehicles.

- A. When a violation notice has been issued to a vehicle that has been leased from a commercial car rental agency (lessor), the lessor will be required to furnish the name and address of the person to whom their records indicate the subject vehicle was rented at the time and date the violation notice was issued.
- B. Upon notification from the lessor of the name and address of the lessee, the City shall render a formal notice of violation to said lessee. Should the lessee fail to satisfy the violation notice within 30 days after the rendering of a formal notice of violation to said lessee or should the lessor fail to furnish the name and address of said lessee within 15 days after written notice to do so, then the City shall proceed against the lessor who shall be presumed to be the person receiving the violation notice.

§ 190-9. Violations and penalties.

Any person convicted of committing any unlawful act as provided or violating any provision in this chapter shall be guilty of a misdemeanor, except for § 190-38 for which violation is a municipal infraction, punishable by a fine as set by resolution of the Mayor and City Council. If any unlawful act is continuing, then each day during which such violation continues shall be considered a separate offense. In addition to any civil penalty which may be imposed, all the provisions of this chapter may be enforced by petition for injunction filed on behalf of the Mayor and City Council of Havre de Grace.

§ 190-10. Payment of fine; intent to stand trial.

All fines imposed by the preceding section shall be payable to the City of Havre de Grace. The Chief of Police shall control the issuance of prenumbered violation notice forms to the police officers and designated parking enforcement officers and record the final disposition of each violation notice. Upon receipt of notification that the recipient of a violation notice intends to stand trial for such offense, which notice shall be given at least five days prior to the date of payment set forth in the violation notice, the City shall forward to the District Court a copy of the violation notice and a copy of the notice from the person who received the violation notice indicating his/her intention to stand trial.

ARTICLE II
General Provisions

§ 190-11. Definitions.

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

VEHICLE — Includes every automobile, truck, motorcycle, and every wagon, carriage, omnibus, pushcart, bicycle, and other conveyance (except baby carriages), in whatever manner or by whatever force or power the same may be driven, propelled, or ridden, which is or may be used for and adapted to pleasure riding or transportation of passengers, baggage, merchandise, or freight upon the public highway, and all commercial stands, whether on wheels or otherwise, and every draught and riding animal, except that an animal or animals attached to any vehicle shall with such vehicle constitute one vehicle.

§ 190-12. Responsibility for traffic safety and engineering.

The Department of Public Works shall be responsible for traffic safety and engineering, and the Director of the Department of Public Works shall be the Traffic Engineer. The Traffic Engineer of the City shall be responsible directly to the Mayor and shall have such duties and perform such functions relating to traffic safety and engineering as may be assigned to him/her by legislative act of the City Council.

§ 190-13. Obstruction of driver's view at street intersection.

- A. The Traffic Engineer of the City, when notified that any trees, bushes, vines, fences, signs, or other obstructions are located on any property at an intersection of any highways or streets in the City or at an intersection of a side street or side road with a county or state highway in the City in such a manner as to obstruct the vision of the operators of vehicles as they reach such intersections, is hereby authorized and empowered to require the owner or owners of such property located at such intersections to remove therefrom such trees, bushes, vines, fences, signs, or other obstructions within such time as is reasonable taking into consideration the nature of the obstruction as the City shall in its discretion determine to be just.
- B. It shall be unlawful for any owner of such property to fail to remove such obstruction within such time as may be limited in the notice. In addition to the penalty herein provided for, the City shall have the power, after giving the aforesaid notice and upon failure of the owner of such property to comply therewith, to have such trees, bushes, vines, fences, signs, or other obstructions removed and charge the cost of such removal to the owners of such property, which cost or charges shall be a lien on such property and be collected in the same manner as taxes are now collected.

§ 190-14. Clinging to vehicles prohibited.

It shall be unlawful for any person(s) to attach, cling, fasten, or tether himself/herself or others on any sled or similar device, on or in which he/she or others are being or will be conveyed, to any motor vehicle upon any roadway, as such motor vehicle and roadway are defined in the Annotated Code of Maryland, Transportation Article, or on any property used by the public in general.

§ 190-15. Imitation of traffic signs and markings prohibited.

It shall be unlawful for any person(s) to imitate any sign, standard, post, or paint on the pavement, curb, or roadway, any marks or lines similar to those used or erected by authority of the City to direct, control, or restrict traffic or parking of vehicles on the public highways in the City aforesaid.

§ 190-16. Interference with traffic control devices and markings prohibited.

It shall be unlawful for any person(s) to willfully deface, injure, move, or interfere with any sign, standard, post, safety zone, semaphore, tower, automatic signal, or any other traffic-directing device erected by the authority of the City or with any lines or marks painted, by authority of the county and/or the State of Maryland, on any pavement, curb, or roadway for the purposes of directing traffic or parking of vehicles.

§ 190-17. Compliance with signs, signals and directions of police officers required.

It shall be unlawful for any person(s) to fail, neglect, or refuse to comply with any instruction or direction on any post, standard, sign, automatic signal, or other device created or erected by authority of the City or with any directing lines or marks painted in the roadway or upon any curb or pavement by authority of the City for the regulation of traffic and parking of vehicles on the public highways or with any instruction or direction of any police officer of the City engaged in the control and direction of traffic on any street, road, or highway in the City.

§ 190-18. Damaging highways.

No person(s) shall drag by horses or other motive power any logs, poles, or timber or use any chain or rough lock or other device on any public road in the City so as to cause any amount of damage to said roads, and no person shall operate upon any of the public roads or highways of the City any vehicle so constructed or equipped as to cause any amount of damage to such highways. Damage to state or county roads shall be determined by the appropriate state or county law pertaining to same.

§ 190-19. Obstruction of streets and railroad crossings; interference with construction signs.

- A. It shall be unlawful for any person(s) to place any obstruction upon any of the public highways, roads, bridges, streets, avenues, lanes, alleys or public parking areas of the City to interfere or obstruct the side ditches or drains thereof or encroach upon the same with fences or other obstructions or in any other manner.
- B. It shall be unlawful for any person to destroy or remove barricades or signs from the public highways, roads, bridges, streets, avenues, lanes, alleys or public parking areas of the City during the course of construction or cause injury or damage to the same while under construction.
- C. It shall be unlawful for any person(s) or corporation, its agents or employees to permit obstruction of any railroad crossing.
- D. The provisions of this section shall not apply to any bona fide construction or road improvement contractor who has obtained the approval of the City or who has contracted or been licensed by the City where prohibited conduct is reasonably necessary in light of the project approved, contracted or licensed by the City.

§ 190-20. Obstruction of intersections, crosswalks or sidewalks.

It shall be unlawful for the driver of any vehicle to enter a street intersection or a marked crosswalk or to drive across a sidewalk in entering or leaving a garage or parking lot unless there is sufficient space beyond the intersection or crosswalk on the right half of the roadway or in the garage or on the parking lot to accommodate the vehicle he/she is driving or operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed, except that on a one-way street, drivers shall not be restricted to the use of the right half of the road, but may have access to the entire width thereof beyond the intersection or crosswalk, provided that sufficient space is available.⁴⁷

§ 190-21. Commercial vehicles in residential zones.

- A. It shall be unlawful for any person to operate a commercial vehicle of more than one ton manufacturer's rating capacity upon any street or roadway under City jurisdiction in a residential zone as from time to time may be ordered by the Traffic Engineer. Public utility and service/delivery vehicles while so engaged are exempted.
- B. After such order is issued, the City shall cause to be placed and thereafter maintained in conspicuous places along such streets or roadways, to which such resolution is applicable, appropriate signs or markers describing the restrictions imposed by resolution. The presence along any street or roadway of such signs or markers shall be

47. Editor's Note: The section regarding use of streets for continuous parking, which immediately followed this section, was deleted 12-18-1995 by Ord. No. 796.

prima facie evidence of the adoption of the resolutions herein provided for.

§ 190-22. Peddling and soliciting in roadways.

A person may not stand in a roadway (as defined in Annotated Code of Maryland, Transportation Article) to sell or attempt to sell any goods, services, wares, or merchandise of any description or to solicit or accept any donation from or to distribute printed material of any description to any occupant of any vehicle unless expressly approved by the Mayor and City Council.

§ 190-23. Driving vehicles over curbs and sidewalks.

No person shall drive a motor vehicle across, over or upon a curb or sidewalk along any street except within the area and at those places where there has lawfully been permitted and constructed an entrance to a private road or driveway or except in those cases where it is reasonably necessary to do so in making a delivery of lumber or other heavy material to the adjacent property, and then only with the permission and consent of the abutting property owner.

§ 190-24. Operation of vehicles upon approach of emergency equipment; parking near emergency incidents.

It shall be unlawful for any person in the operation of any vehicle to obstruct any emergency medical, fire-fighting, and rescue vehicles in the City proceeding to a fire or other emergency incident, but all such vehicles shall immediately upon being warned of the approach of such emergency medical, fire-fighting, and rescue vehicles give the same the right-of-way and shall stop and shall not move on their way until such emergency vehicle is 500 feet distant from them in the direction such emergency vehicle is moving; and no vehicles shall park or be permitted to stand within 300 feet of any emergency medical, fire-fighting, and rescue vehicles while such emergency vehicle is attending a fire or other emergency incident.

§ 190-25. Processions and assemblies.

It shall be unlawful to conduct or participate in a procession or assemblage on the streets of the City unless the procession or assemblage has been expressly approved by the Mayor and City Council of Havre de Grace.

§ 190-26. Vehicles and structures used for selling of merchandise on highways.

It shall be unlawful to place any structure, building, or vehicle on any highway for the purpose of selling or displaying any produce or merchandise in any manner which constitutes a traffic hazard or obstructs traffic or sight distance. It shall be unlawful to fail to remove any such structure, building, or vehicle upon the order of any police officer.

§ 190-27. Littering of highways; responsibility for violations and cleanup.

- A. It shall be unlawful to throw or deposit upon any highway any glass bottle, glass, nails, tacks, wire, cans or any other substance likely to injure any person, animal or vehicle.
- B. It shall be unlawful for any person to fail to remove any destructive, hazardous or injurious material which that person drops or permits to be dropped.
- C. It shall be unlawful for any person removing a wrecked or damaged vehicle from a highway to fail to remove any glass or other injurious substance dropped upon the highway from the vehicle or vehicles.
- D. If this section is violated by an occupant of a vehicle which has two or more occupants and it cannot be determined which occupant is the violator, the owner of the vehicle, if present, shall be responsible for the violations; in the absence of the owner of the vehicle, the operator of the vehicle shall be responsible for the violation.

§ 190-28. Moving of buildings.

It shall be unlawful to move any dwelling house, structure, or other building on or over the streets of the City without first having obtained the consent of the Mayor and City Council.

§ 190-29. Restoring streets damaged from moving of buildings.

In the case of the moving of any building, due care must be taken for the care of the streets of the City; and the person or persons moving the said building shall restore the streets to their original condition and shall continue to keep said streets, where disturbed, in good condition for a period of 60 days thereafter.

§ 190-30. Lights and signals for protection of buildings being moved.

Any person(s) desiring to move any building over the streets of the City shall protect it by proper lights or danger signals.

§ 190-31. Bond required for moving buildings.

Before removing any building or buildings on or over the streets of the City, the person or persons desiring to do so shall execute a bond to the Mayor and City Council of said City to save said City harmless from all claims, suits or actions at law growing out of the removal of said building or buildings in the proper care and repair of streets on and over which said building is moved in such amount as the Mayor and City Council may prescribe.

§ 190-32. Permission required to use streets and sidewalks for other than intended purpose.

It shall be unlawful for any person(s), firm or association of persons to use any streets, sidewalks, lanes, highway, or public parking areas for other than its intended use without first receiving the permission of the Mayor and City Council.

§ 190-33. Permit required for street excavations.

It shall be unlawful for any person(s) to excavate or dig, in any manner, in any of the streets, lanes, sidewalks, highways, or public parking areas of the City of Havre de Grace without having first secured a permit therefor from the Department of Public Works.

§ 190-34. Construction by public service corporations.

It shall be unlawful for any public service corporation, company or individual to begin construction of or place or change the location of any main, conduit, pipe or other structure in the streets or public property of the City without the written approval of the Department of Public Works upon such conditions and subject to such limitations as may be imposed by the City. If any unauthorized main, conduit, pipe or other structure interferes with the operation of the water, sewerage or stormwater systems, the City may order it removed.

ARTICLE III

Speed Limits; One-Way Streets; School Zones**§ 190-35. Speed limit.**

It shall be unlawful to operate any motor vehicle at a rate of speed exceeding 25 miles per hour unless otherwise posted.

§ 190-36. One-way streets.

It shall be unlawful to operate vehicles traveling on any street designated and posted for one-way in a direction other than that which is posted.

§ 190-37. Speed limit in school zones.

It shall be unlawful to operate a motor vehicle or permit the same to be operated within a school zone, as designated by the Mayor and City Council, at a speed greater than 15 miles per hour.

ARTICLE IV
Snow/Ice Emergencies

§ 190-38. Responsibility for removal; enforcement.

- A. It shall be unlawful for any person, incorporated body, public institution or other corporation using or occupying in any manner, or for any purpose whatsoever, any house, store, shop, stable, or tenement of any kind, persons having charge of churches and public buildings of every description and of owners of unoccupied houses and unimproved lots, situated on any street in this City, to fail to remove and clear away, or cause to be removed and cleared away, the snow/ice from the foot pavements fronting the respective houses, stores, shops, stables, churches, buildings or lots so used, occupied or owned by them or under their charge within 24 hours after the end of any weather event resulting in snow or ice.
- B. It shall be the responsibility of the Code Enforcement Officers, of the City of Havre de Grace, to enforce the provisions of this section.

§ 190-39. Designation of snow emergency streets; signs.

The City Council may, by resolution, from time to time designate streets, or sides or portions of streets, within the City as snow emergency streets. Streets designated as snow emergency streets shall be marked by permanent signs which shall identify such streets as snow emergency streets.

§ 190-40. Declaration of snow emergency.

The Mayor is hereby authorized to declare a snow emergency for all snow emergency streets or for any one or more snow emergency streets. The snow emergency shall continue in effect until the Mayor declares it to be no longer necessary.

§ 190-41. Travel and parking.

- A. A person may not drive or attempt to drive a motor vehicle on any street that is designated and appropriately sign-posted as a snow emergency street during the period in which a snow emergency has been declared and is in effect unless the vehicle is equipped with chains or snow tires, as defined by state motor vehicle laws, on at least one wheel at each end of a driving axle.
- B. A person may not park a vehicle on any street, or on any side of or portion of any street, that is designated and appropriately sign-posted as a snow emergency street during the period in which a snow emergency has been declared and is in effect. The City police may have any vehicle which is parked in violation of this article towed from the street and stored, and the cost of such towing and storage shall be paid by the owner.

§ 190-42. Depositing snow or ice on cleared streets.

- A. It shall be unlawful for any person to deposit, or cause to be deposited, snow or ice on any area of a street or side or portion of street after such area has been cleared by snow removal equipment.
- B. It shall be unlawful for any person who shall, without authority of the City, tamper with, remove, deface, damage or destroy any snow emergency street signs.

§ 190-43. Violations and penalties.

It is a misdemeanor, except for § 190-38 for which violation is a municipal infraction, for any person to violate any provision of this article which shall be punishable by a fine as set by resolution of the Mayor and City Council.

ARTICLE V

Bicycles and Other Wheeled and Bladed Devices**§ 190-44. Riding on sidewalks and posted property prohibited; exceptions. [Amended 10-6-1997 by Ord. No. 801; 6-21-1999 by Ord. No. 810]**

- A. It shall be unlawful for any person(s) to ride any wheeled or bladed device (i.e. skateboards, roller skates, roller blades, bicycles, etc.) upon or over:
- (1) Any public sidewalks, signature sidewalks, streets, promenades or public property of the City in a manner which interferes with the safety or free passage of pedestrians or vehicles using those public areas.
 - (2) Any of the public sidewalks, signature sidewalks, or promenades of the City in the area which is enclosed by the following boundaries:
 - (a) Beginning at the intersection of Green Street and Union Avenue, running south on Union Avenue to its intersection with Bourbon Street; running east on Bourbon Street and a projection thereof to the shoreline of the Susquehanna River; then north following the shoreline to a point where Otsego Street if extended would reach the river; then following Otsego Street west to its intersection with Freedom Lane; then south on Freedom Lane to its intersection with Green Street; then east to its point of beginning.
 - (b) The area from the northeast corner of Market Street at Lafayette Street and running south on Market Street to Commerce west to Yacht Basin Road then south on Yacht Basin Road to the water; following the shoreline to a point where Lafayette Street if extended would reach the water then west on Lafayette Street to its intersection with Market Street.
 - (3) Any other public sidewalks, signature sidewalks, streets, promenades, public property, or any other property in the City which has been conspicuously posted to prohibit it.
- B. Wheelchairs transporting disabled persons, as well as baby carriages and strollers are exempted from the provisions of this section. Further exempted shall be authorized representatives of the City in performance of their official duties.
- C. Conventional two-wheeled nonmotorized bicycles may be ridden on the Promenade from 6:00 a.m. until 10:00 a.m. daily.

§ 190-45. Alteration of bicycle license or serial number prohibited.

It shall be unlawful for any person to willfully or maliciously remove, destroy, mutilate or alter the number of any bicycle license or serial number of the bicycle.

§ 190-46. Bicycle registration; impoundment of unregistered bicycles. [Amended 12-18-1995 by Ord. No. 796]

- A. The Police Department shall have the authority to register bicycles in the City of Havre de Grace.
- B. Any bicycle not registered by the City of Havre de Grace may be impounded by the Police Department until ownership has been confirmed.

ARTICLE VI
Stopping, Standing, and Parking

§ 190-47. Parking, stopping and standing restricted.

A. Parking is prohibited in the following specific places:

- (1) When signs prohibiting parking are erected no person shall park a vehicle in any such designated place.
- (2) When signs are erected upon approaches to hazardous or congested places, no person shall park a vehicle in any such designated places.
- (3) No person shall park a vehicle within a lane or upon a street or highway in such a manner or under such conditions as to block the free movement of vehicular traffic.
- (4) When signs are erected or posted in each block giving such notice, no person shall park any vehicle, either attended or unattended, upon any street so posted.
- (5) It shall be unlawful for any person to park a vehicle for longer than the time limit shown at any time between the hours specified of any day, unless otherwise indicated.
- (6) When a section of the curb along any street is colored red or yellow by the application of paint or other material and by proper authority, no person shall park a vehicle there at any time.
- (7) When a section of the curb along any street is designated by signs for loading and unloading, no person shall stop, stand or park in said designated area except for that purpose.
- (8) No person shall park a vehicle other than a motorbus at any place established and designated as a motorbus stop or station.
- (9) No person shall park a vehicle other than a taxicab at any place established as a taxicab stand.
- (10) Upon those streets or public parking areas which have been marked or signed for angle parking, no person shall park a vehicle otherwise than is indicated by such marks or signs.
- (11) Except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, in any of the following places:
 - (a) On a sidewalk.
 - (b) At a location which obstructs the entrance to any private driveway or the entrance to any building or garage or which prevents passage over and upon any private driveway or

private vehicle entrance connecting private property with an abutting street:

[1] Unless the person so parking has been given permission by a person in control of such driveway or occupying such property; or

- (c) Within an intersection.
 - (d) Within 15 feet of a fire hydrant.
 - (e) On a crosswalk.
 - (f) Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of such entrance.
 - (g) Alongside or opposite any street excavation, obstruction, or construction site when stopping, standing or parking would obstruct traffic.
 - (h) Upon any bridge, viaduct, or other elevated structure, freeway, tunnel, or ramps leading to and from such structures.
 - (i) On any median or safety zone, whether made of concrete, grass, or other material and with curbs or otherwise delineated by solid yellow markings.
 - (j) On any property owned by the Board of Education of Harford County where an official sign prohibits such parking.
 - (k) In a fire lane.
- (12) Within 25 feet of the approach side of any stop or yield sign located at the side of the roadway.
 - (13) Within 50 feet of the nearest railroad crossing.
 - (14) Within 15 feet in either direction from a bus stop sign.
 - (15) Within 20 feet of a crosswalk at an intersection.
 - (16) Within 25 feet upon the approach to any flashing signal, stop sign, yield sign or traffic control signal located at the side of the roadway.
 - (17) Nearer than three feet to the vehicle parked in front of or in the rear thereof.
 - (18) For the duration of any emergency, within 25 feet of any sign or device posted by the Police Department indicating that parking is prohibited because of an emergency, unless such sign or device sets forth the area in which parking is prohibited because of an emergency, then in such cases, within the designated area.

- (19) At a location contrary to directions given by any member of the Police Department or Fire Department to keep clear fire lines or police lines or to facilitate the flow of traffic at or near the scene of a fire, accident or other emergency, provided that the prohibition of parking at such a location is made known to the person so parking.
 - (20) In front of any barricade or sign that has been placed for the purpose of closing a street.
 - (21) Within 25 feet of, in either direction from, any treadle or vehicle-operated control of any traffic signal on the side of the street on which the treadle or control is located.
 - (22) At any place on any street posted with signs properly designating work being performed by various City departments, including but not limited to the construction, repair and cleaning of streets.
 - (23) In or on any street or roadway when such parking will reduce the width of the open roadway to less than 12 feet.
- B. It shall be unlawful to park or leave standing any vehicle requiring a license plate on any public street within the City or on any property owned or leased by the City unless said vehicle shall have affixed or attached thereto license plates or markers displayed conspicuously on the front and rear of said vehicle in accordance with the provisions of the Annotated Code of Maryland or, in the case of a nonresident, the state, county, country or territory where such vehicle is registered.
- C. A person may not stop, stand, or park a vehicle on any private property not owned by the owner or driver of the vehicle unless the person has express or implied permission from the property owner, his tenant, or his agent to stop, stand or park the vehicle, as the case may be.

§ 190-48. Parking in reserved spaces prohibited.

It shall be unlawful to park any vehicle in a parking space designated as reserved by the Mayor and City Council of Havre de Grace unless the space has been reserved for the vehicle parking therein.

§ 190-49. Leaving vehicle unattended.

It shall be unlawful for any person to leave any vehicle unattended upon any street or public place within the limits of the City for a continuous period longer than 48 hours after having been duly notified by a police officer of the City of Havre de Grace to remove same.

§ 190-50. Abandoned vehicles.

Any motor vehicle that is inoperable and is left unattended on public property for more than 48 hours, or a motor vehicle that has remained illegally on public property for a period of more than 48 hours, or a motor vehicle that has remained on private property without the consent of the

owner or person in control of the property for more than 48 hours, or a motor vehicle that has remained in a garage for more than 10 days after the garage keeper has given the owner of the vehicle notice by registered or certified mail, return receipt requested, to remove the vehicle, or a motor vehicle that has remained in a garage for more than 10 days after the period when, by contract, the vehicle was to remain in the garage, or a motor vehicle that was left for more than 10 days in a garage by someone other than its registered owner or by a person authorized to have possession of the vehicle under a contract of use, service, storage, or repair, or a motor vehicle that has remained on public property for more than 48 hours and is not displaying currently valid registration plates, or is displaying registration plates of another vehicle, shall be deemed to be an abandoned vehicle and may be taken into custody and disposed of by the Police Department as provided in the Transportation Article of the Annotated Code of Maryland, as amended. (For private property, refer to § 190-47C of this chapter.)

§ 190-51. Parallel parking.

- A. Except as may be provided otherwise for angle parking, all vehicles not in motion shall be parked or placed with their right side parallel, and within 12 inches of the curb or improved surface on the right-hand side of the street, except on streets where traffic is permitted to move in one direction only, in which case they shall be parked or placed with their right side parallel, and within 12 inches of the curb or improved surface on the right-hand side, or their left side parallel, and within 12 inches of the curb or improved surface on the left-hand side of the street.
- B. No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement, except as permitted in § 190-54.

§ 190-52. Angle parking.

At places where traffic-control signs or markings indicate that parking shall be at an angle to, rather than parallel with, the curb or edge of the roadway, vehicles shall be parked at the indicated angle and parallel parking shall be unlawful.

§ 190-53. Display or repair of vehicle on street prohibited; exception.

No person shall stand or park a vehicle upon any roadway, street, lane or City parking lot, for the principal purpose of displaying it for sale, greasing or repairing such vehicle, including the elevation of such vehicle on repair ramps or jacks, except repairs necessitated by an emergency or to render the vehicle operable in order to remove it to a service garage.

§ 190-54. Parking in no-parking spaces prohibited.

No vehicle shall be parked at any time in any space which shall be designated as a no-parking space by any traffic-control sign or traffic-control markings.

§ 190-55. Parking within lines or markers.

- A. Where white lines have been painted or markers have been installed upon any street or City parking lot indicating a parking space, no vehicle shall be parked except wholly within a parking space as indicated by such white lines or markers.
- B. No vehicle shall be parked at any place where yellow lines have been painted to indicate a no-parking zone.

§ 190-56. Parking of trucks, tractor-trailers, mobile homes and motorcycles on streets. [Amended 12-18-1995 by Ord. No. 796]

- A. It shall be unlawful to park any truck, tractor, trailer or tractor-trailer combination exceeding one ton gross vehicle weight on any street or public property in the City of Havre de Grace; provided, however, that it shall not be unlawful to park any such truck, tractor, trailer or tractor-trailer combination for the purpose of loading or unloading for a period not exceeding 24 hours.
- B. It shall be unlawful to park any mobile home, house trailer, tent trailer, travel trailer, boat trailer, motor home or utility trailer on any street or public property, except as provided in § 190-74 herein, within the City of Havre de Grace; provided, however, that it shall not be unlawful to park aforesaid vehicles on a City street or public property for the purpose of loading or unloading for a period not exceeding 24 hours.
- C. It shall be unlawful to park any motorcycle, passenger car or any truck less than one ton gross vehicle weight on any street or public property within the City of Havre de Grace; provided, however, that it shall not be unlawful to park aforesaid vehicles on a City street or public property, except as provided in § 190-74 herein, for a period exceeding 48 continuous hours except where such vehicle is parked on a City street immediately adjacent to a property owned, leased or occupied by the driver of the vehicle or where such parking is permitted by the owner, lessee or occupant of the property and not prohibited by any parking control signs, standards or markings.
- D. The Chief of Police may grant temporary relief to Subsection C, above, by written permit but only for good cause and for a period not exceeding 20 days unless written permission for a longer period shall have been granted by action of the Mayor and City Council.

§ 190-57. Manner of parking vehicles.

- A. A person driving or otherwise in charge of a motor vehicle may not leave it unattended until the engine is stopped, the ignition locked, the key removed and the brake effectively set.
- B. A person driving or otherwise in charge of a motor vehicle may not leave the motor vehicle unattended until, if the vehicle is on a grade, the front wheels are turned to the curb or side of the street.
- C. No person shall park a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in loading or unloading of passengers or freight in any of the following places:
 - (1) Between the sidewalk space and the building line, except parking shall be permitted at those locations designated under this chapter and at locations authorized by permit.
 - (2) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
 - (3) Within 12 feet of either side of motorists' courtesy mail boxes.

§ 190-58. Temporary and emergency parking restrictions.

- A. Whenever by reason of the scheduled assembly of a large number of persons at any public or semipublic building, or other place of assembly, it is determined that the free flow of traffic upon the street or streets leading to or from the building, or other place of assembly, is or will be impeded by reason of the parking of vehicles, parking may be prohibited on the street(s) during the hours that the free flow of traffic is or will be impeded by parking.
- B. Whenever construction work upon or adjacent to any highway causes the width of the roadway to be reduced, parking shall be prohibited upon the roadway adjacent to and for a reasonable distance on either side of the construction work. Where the whole width of the roadway is less than 60 feet, except where the highway is divided into separate roadways carrying traffic in opposite directions, parking may also be prohibited on the side of the roadway opposite to and for a reasonable distance on either side of the construction work.
- C. The Traffic Engineer may have temporary signs erected adjacent to a funeral home indicating a prohibition of parking in front of one entrance to each such establishment.
- D. Upon the erection of signs prohibiting parking during a funeral, parking shall be prohibited as indicated on the signs during the funeral.
- E. In addition to the areas set forth in Subsection C of this section, parking shall be prohibited on streets adjacent to houses or establishments from which funerals are to be conducted for a reasonable time before and during the service, within the area that it is found necessary to park vehicles which are part of the funeral cortege.

- F. Parking shall be prohibited in places upon highways where trucks, moving vans or other vehicles are required to remain for commercial operations; provided that such parking prohibition shall be used only if it is determined that the parking of these vehicles abreast of other parked vehicles would reduce the roadway available for the flow of traffic on that side of the highway to 20 feet or less; provided, further, that such prohibition of parking shall not continue for such purpose beyond eight hours at any one time.
- G. Parking may be prohibited on streets for which parade permits have been issued, including streets necessary for assembling and disbanding of parades, for a reasonable time prior to, during, and for a reasonable time after such parades.
- H. When, as a result of the closing of any street to traffic by reason of a parade or emergency conditions, the flow of traffic on adjacent streets is or will be increased, or it is found that the free flow of traffic upon the adjacent streets is or will be impeded due to the parking of vehicles, parking may be prohibited during such hours that it is found that the free flow of traffic is or will be impeded.
- I. Whenever signs are erected indicating that parking is prohibited under this section, it shall be unlawful to park any unauthorized vehicle in violation of the parking restrictions stated on such signs.

§ 190-59. Parking on lanes and highways.

- A. No person shall stop, park, or leave standing a vehicle on any road, street, highway, lane or public parking areas in the City so as to prevent access to and from any driveway or parking area or to prevent free passage of vehicles or movement of any lawfully parked vehicle unless permitted by the owner of the said driveway or parking area.
- B. No vehicle shall be parked, stopped, or left unattended in any lane in the City leaving less than 12 feet of clearance parallel to the vehicle.
- C. In the event that any vehicle is parked, stopped, or left unattended so that it prevents or impedes the free passage of any emergency vehicle or sanitation vehicle, the City Police Department is authorized to tow such vehicle after a reasonable attempt at locating the owner has been exhausted or, if the owner is known, the owner refuses to remove the vehicle. Any towing/storage fee incurred as a result thereof shall be paid by the owner of the vehicle.

§ 190-60. Parking of unlicensed vehicles on public roads. [Amended 12-18-1995 by Ord. No. 796]

It shall be unlawful for any person to park an unlicensed vehicle or a vehicle with an expired license on any public road, highway, street, avenue, lane, public parking areas or City property for a period exceeding 48 continuous hours. The City Police Department is hereby authorized to take possession

of and remove any such vehicle so parked in violation of this section, and it may cause such vehicle to be stored either upon City property or upon private property. The cost of removing or towing any such vehicle and of storing the same must be paid by the owner before such vehicle may be repossessed by him/her, and such charge shall be in addition to any fine or other penalty imposed for the violation of this section. If the owner fails to repossess such vehicle within 30 days after it is impounded, such vehicle may be sold by the Director of Administration or his/her agent pursuant to the provisions of this chapter,⁴⁸ if applicable, and the proceeds of such sale, after payment of the costs thereof, applied, first, to reimbursing the cost of removing or towing the vehicle and or storing the same; second, to the payment of all liens on the same, and the balance of such proceeds shall be paid to the owner if claimed by him/her within six months from the date of sale. If the owner fails to claim such balance within such period of time, it shall be forfeited and paid into the City treasury.

§ 190-61. Standing vehicles near fire engine houses.

No vehicle shall be permitted to stand longer than actually necessary to take on or discharge passengers, baggage, or merchandise or freight in front of or opposite to any fire engine house or within 20 feet of either side of any such fire engine house.

§ 190-62. Standing vehicles near entrances to places of entertainment, churches, driveways and emergency egress routes.

No vehicle shall be permitted to stand longer than actually necessary to take on or discharge passengers, baggage, freight, or merchandise in front of the entrance to any church, theatre, public dance or entertainment hall, private driveway, or within 15 feet of any entrance to any hospital or in front of any theatre or place of amusement or in front of any exits, fire escapes, or other means of emergency egress from any buildings or structures where signs prohibit same.

§ 190-63. Standing vehicles near freight loading zones.

No vehicle shall be permitted to stand longer than actually necessary to take on or discharge passengers, baggage, merchandise, or freight in front of any shipping or receiving entrance to business houses and other places where no-parking spaces have been established by orders of the Traffic Engineer and designated by proper signs or markings.

§ 190-64. Standing vehicles in front of public buildings.

No vehicle not belonging to the Police Department, Fire Department, Ambulance Corp, or other City departments shall be permitted to stand longer than actually necessary to take on or discharge passengers,

48.Editor's Note: See also Ch. 144, Property, Unclaimed.

baggage, merchandise, or freight in any space reserved by appropriate signs or markings provided by the City at any public building.

§ 190-65. Parking commercial vehicles in residential zones.

It shall be unlawful for any person to park a commercial vehicle, other than automobiles, station wagons, or pickup trucks and panel-body delivery trucks having not more than one ton of manufacturer's rating capacity, used for commercial purposes, upon any public road, street, public parking areas, or way within any residential zone in the City, such residential zones being those as now or hereafter provided for in Chapter 205, Zoning, of the Code of the City of Havre de Grace, unless such parking or standing is essential to the immediate use then being made of any such commercial vehicle where signs prohibit same.

§ 190-66. Mobile homes and trailers used for dwelling, sleeping or storage.

It shall be unlawful for any person or persons to park, leave standing or maintain any vehicle, mobile home, house trailer or trailer upon any roadway, street, lane, City property or private property for the following purposes unless approved by the Mayor and City Council:

- A. Dwelling or sleeping.
- B. Storage, which for the purpose of this article and for mobile homes, house trailers or trailers shall mean standing for a period of more than 48 consecutive hours unless on private property and in a manner which is in conformance with Chapter 205, Zoning. Temporary storage of boat trailers may be permitted in certain circumstances as described in this article.

§ 190-67. Parking of and sleeping in trucks on shopping center lots.

- A. It shall be unlawful for any person to park a commercial vehicle, having more than one ton of manufacturer's rating capacity and used for a commercial purpose, on any shopping center lot located in the City between the hours of 10:00 p.m. and 6:00 a.m., unless the vehicle so parked is unoccupied and is to be loaded or unloaded at a place of business in said shopping center.
- B. It shall be unlawful for any person to use a vehicle, as described in Subsection A of this section, as sleeping quarters at any time on a shopping center lot.
- C. The provisions of this section shall not apply to any shopping center unless and until the owner or owners of said property have posted appropriate signs approved by the Traffic Engineer.

§ 190-68. Bus-stop zones.

- A. For the purpose of this section, a "bus-stop zone" is defined as a place designated by the Chief of Police for the temporary standing of buses for the purpose of taking on or discharging passengers and authorized cargo and which is indicated to be such by a traffic-control device.
- B. Buses shall be permitted to stop and stand in the bus-stop zones for a period of time which shall not exceed 15 minutes for the purpose of receiving and discharging passengers and authorized cargo.
- C. It shall be unlawful and it is hereby prohibited:
 - (1) To park, stand or leave standing, at any time, any vehicle except buses in any bus-stop zone.
 - (2) For any bus to stop or stand in any bus-stop zone for a period of time exceeding 15 minutes.

§ 190-69. Parking of vehicles carrying livestock.

It shall be unlawful for any person owning or operating any truck or other vehicle containing any live horses, cattle, sheep, chickens, turkeys or other livestock to park such vehicle or permit it to be parked on any street or public place within the City, except for the purpose of unloading such livestock for sale or delivery, or in the case of the breakdown of the vehicle and a necessary stoppage thereof.

**§ 190-70. Parking nonmotorized vehicles on residential streets.
[Amended 12-18-1995 by Ord. No. 796]**

It shall be unlawful for any person to park, except while loading or unloading, any nonmotorized vehicle of any length, whether or not such nonmotorized vehicle is attached to a motorized vehicle, on a street within any residential zone in the City, such residential zones being those as are now or may be hereafter provided for in Chapter 205, Zoning.

§ 190-71. Parking on City lots or revenue authority parking facilities.

It shall be unlawful for any person to park a vehicle at any time or to permit a vehicle to be parked at any time on any City parking lot or City revenue authority parking facility contrary to the limitations and restrictions imposed in any sign conspicuously posted on such parking lot or facility as hereinafter provided. The Traffic Engineer and the revenue authority shall cause signs to be posted on all such parking lots and facilities where parking is limited, indicating such limitations. The Traffic Engineer is hereby granted full power and authority to adopt orders and directives relating to or in connection with the parking of vehicles on such City-owned parking lots.

§ 190-72. Handicapped parking.

A person may not park a motor vehicle in a space designated for the handicapped unless the vehicle bears a special registration plate or permit for disabled persons issued by the Motor Vehicle Administration.

ARTICLE VII
Boat Trailers

§ 190-73. Definitions.

In this article, the following words have the meaning indicated:

BOAT TRAILER — A vehicle that is:

- A. Designed and constructed to transport a boat or any watercraft; and
- B. Of a size and weight that does not require a special highway movement permit when towed by a motor vehicle.

§ 190-74. Permit required for parking at boat launching facilities.

It shall be unlawful for any person to park any boat trailer at any City-owned boat launching facilities overnight or for a period exceeding 24 hours except as described below:

- A. Jean Roberts Park.
 - (1) Periods greater than 24 hours but less than 72 hours with a valid, current boat ramp/launch permit issued by the City, or
 - (2) Periods greater than 72 hours with a valid, current boat ramp/launch permit and having express permission issued by the City.
- B. City Yacht Basin.
 - (1) Periods greater than 24 hours but less than 72 hours with a valid, current boat ramp/launch permit issued by the City or holding a current slipholder's permit issued by the City, or
 - (2) Periods greater than 72 hours with a valid, current boat ramp/launch permit issued by the City or holding a current slipholder's permit issued by the City and having express permission issued by the City.
- C. City property specifically designated as a supplementary boat trailer parking area by the City.

§ 190-75. Issuance of citations for parking violations.

- A. An officer who discovers a vehicle parked in violation of any section or regulation adopted under this chapter may: **[Amended 12-18-1995 by Ord. No. 796]**
 - (1) Deliver a citation to the driver or, if the vehicle is unattended, attach a citation to the vehicle in a conspicuous place; and
 - (2) Keep a copy of the citation, bearing the officer's certification.

- B. In the absence of the driver, the registered owner of the vehicle is presumed to be the person receiving the citation.

§ 190-76. Election to pay or stand trial; presence of officer at trial.

- A. The person receiving a citation under this chapter shall:
- (1) Pay for the parking violation directly to the City Police Department;
or
 - (2) Elect to stand trial for the violation.
- B. An election to stand trial shall be made by sending a notice of intention to stand trial to the City Police Department at least five days before the payment date specified in the citation.
- C. If a person elects to stand trial and desires the presence at trial of the officer who issued the citation, he/she shall so notify the City Police Department at the time the notice of intention to stand trial is given.
- D. If proper notification is not given, the officer need not appear at the trial, and the copy of the citation bearing the certification of the officer is prima facie evidence of the facts stated in it.

ARTICLE VIII

Fire Lanes**§ 190-77. Definitions.**

For the purpose of this article, terms hereinafter set forth shall be defined as follows:

EMERGENCY VEHICLE — A vehicle so designated or authorized by the administrator of the State Motor Vehicle Administration.

FIRE LANE — A designated lane required to be permanently open for the ingress or egress of Fire Department and other emergency vehicles only, in order that fires may be prevented or controlled and exits are kept unobstructed for life safety.

§ 190-78. Designation of fire lanes.

When deemed necessary, the Traffic Engineer shall designate fire lanes on public streets and on private property used for commercial, industrial, or apartment projects for the purpose of preventing parking in front of or adjacent to fire hydrants or to provide access for fire-fighting equipment. There shall also be designated fire lanes on private property for the purpose of preventing parking in front of or adjacent to fire hydrants or to provide access for fire-fighting equipment, with the approval of the Mayor and City Council.

§ 190-79. Signs marking fire lanes.

The Traffic Engineer is hereby authorized to design, approve, and supervise the posting of all signs for the purpose of marking and designating fire lanes.

§ 190-80. Obstruction of fire lanes.

It shall be unlawful to obstruct or interfere with the operation of any emergency vehicle or equipment or to obstruct access by emergency equipment to any fire hydrant, Fire Department connection, via properly designated fire lanes on either public or private property, or to park within any fire lane.

§ 190-81. Impounding of vehicle.

The City Police Department is hereby authorized wherever necessary to take possession of, remove, tow away, impound, or otherwise remove any debris, material, vehicle, or other object which interferes with or obstructs previously established and marked fire lanes for the access or operation of any Fire Department equipment or other emergency vehicles or equipment.

ARTICLE IX
Residential Permit Parking Areas

§ 190-82. Definitions.

For the purpose of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

RESIDENTIAL PARKING PERMIT — A special permit issued for the privilege of parking on a street designated as a residential permit parking area for a period in excess of the posted time limit. Parking privileges may be limited by the conditions of the permit.

RESIDENTIAL PERMIT PARKING AREA — A contiguous area containing streets or parts thereof primarily abutted by property which is in residential use and has specific residential zones and which area has been recommended by the Traffic Engineer or designee and approved by the City Council for restricted residential parking in accordance with the procedures herein established.

STREET — A street as defined according to the Annotated Code of Maryland, Transportation Article, Title 11, § 11-101 et seq.

TRANSIENT VEHICLE — A motor vehicle parked in a residential permit parking area and not registered to or in lawful possession of a resident of any such area and whose owner has not obtained a residential parking permit for the particular motor vehicle that is so parked.

§ 190-83. Procedure for determining designation.

- A. In order to determine whether a particular area should be designated as a residential permit parking area, the Traffic Engineer, upon a petition of 65% of the dwelling units in such proposed area, addressed to the Traffic Engineer, will conduct a study to determine if the proposed area meets the criteria set forth in this article. Upon approval of the study the Traffic Engineer or his or her designee shall conduct a public meeting to discuss the findings of the study. After considering the information presented at this meeting, the Traffic Engineer shall submit findings and recommendations to the City Council, which shall have final authority to designate an area, by resolution, as a residential permit parking area.
- B. The City Council may remove a previously designated "residential permit parking" from part or all of any such area as it deems necessary.
- C. After designation of an area as a residential permit parking area, the Traffic Engineer shall cause regulations to be promulgated and signs erected upon the public streets in the area establishing the locations, conditions, times, and days during which parking shall be allowed or prohibited.

§ 190-84. Eligibility and criteria for establishment of residential permit parking areas.

- A. A residential permit parking area may be deemed eligible for residential permit parking if, based on objective criteria hereinafter established, parking therein is impacted by transient vehicles.
- B. The following objective criteria are hereby established to be used in evaluating the need for restricted parking in a residentially zoned area in accordance with this section. For an area to be eligible for residential permit parking, that area must meet the following criteria:
 - (1) During any period of the day, the number of vehicles parked (or standing) legally or illegally on the streets in the area is equal to 70% or more of the legal on-street parking capacity of the area. For purposes of this criteria, a legal parking space will be 20 linear feet.
 - (2) During the same period set forth in Subsection B(1) of this section, 25% or more of the vehicles parking (or standing) on the streets in the area are not registered in the name of a person residing in this area. For purposes of this criteria, the latest available information from the Motor Vehicle Administration regarding registration of motor vehicles shall be used.
- C. Prior to any residential neighborhood area being designated as a residential permit parking area, the following factors shall be considered:
 - (1) The need for parking regulation to maintain the residential character of neighborhoods.
 - (2) The desire and the need of the area residents for residential permit parking and their willingness to bear the associated administrative and annual renewal fees as set by resolution of the Mayor and City Council.
 - (3) The need for parking for business establishments and the general public for health or commercial purposes.
 - (4) The proximity of public transportation.
 - (5) The availability of off-street parking for transients.
 - (6) The possibility of a reduction in vehicle miles traveled through encouragement of car and van pools.

§ 190-85. Signs and regulations for parking areas.

After an area has been approved for restricted parking, the Traffic Engineer is hereby authorized to regulate residential permit parking areas by appropriate signs and regulations which prohibit the parking of vehicles on public streets between certain hours of certain days unless the vehicles have valid residential parking permits issued in accordance with this article. The authority contained in this section shall not be construed to limit any other authority which the Traffic Engineer may have to regulate parking.

§ 190-86. Issuance of special parking permits upon payment of administrative fee.

- A. Following the official designation of a residential permit parking area, the City shall issue appropriate residential parking permits, subject to the rules and regulations promulgated by the Traffic Engineer under Subsection B(1). A permit shall be issued, upon application and payment of the initial administrative fee and subsequent annual renewal fee as established by resolution of the Mayor and City Council. Residential parking permits shall only be issued to the owner or the operator of a motor vehicle who resides in a residential permit parking area. If the vehicle with a permit is sold, a duplicate permit will be issued, upon application, at a fee which is set by resolution of the Mayor and City Council.
- B. Rules and regulations.
 - (1) The Traffic Engineer is authorized, in his/her discretion, to promulgate rules and regulations:
 - (a) Concerning the total number of parking permits authorized to be issued for each dwelling unit within residential permit parking areas, based upon the amount of on-street and off-street parking available in the area; and
 - (b) Concerning the parking by bona fide visitors of residents in any designated residential permit parking areas, including the establishment of a fee for any temporary parking permits.
 - (2) Such rules and regulations shall allow parking of vehicles owned by companies which are subject to the jurisdiction of the State Public Service Commission and which are then engaged in rendering services to residents in any designated residential permit parking areas without any permit requirements.
- C. The application for a permit shall contain information required by the Traffic Engineer. The motor vehicle's registration and operator's license may, in the discretion of the Traffic Engineer, be required to be presented at the time of making said application in order to verify the contents thereof. In the event the vehicle is registered at an address other than the local residence, the applicant shall provide an affidavit from the property owner acceptable to the Traffic Engineer, showing residency within the residential parking area. The permit shall be valid for a year and shall be renewed for each successive year upon payment of the yearly fee. Such renewal shall be issued upon such conditions and procedures as the Director of Economic Development and Planning shall specify. The permit shall display the expiration date and area.

§ 190-87. Privileges and restrictions on residential parking permits.

- A. A residential parking permit shall not guarantee or reserve a parking space within the designated residential permit parking area.

- B. A residential parking permit shall not authorize the holder thereof to stand or park a motor vehicle in such places or during such times as the stopping, standing, or parking of a motor vehicle is otherwise prohibited or set aside for specified types of vehicles, nor exempt the holder from the observance of any traffic regulation other than the posted parking limit within the residential permit parking area.
- C. Only the permittee shall display the residential parking permit and shall do so only on that vehicle which has been listed on the application. Any other display shall constitute a violation of this article by the permittee and by the person who so displayed such parking permit.
- D. It shall constitute a violation of this article for any person to falsely represent themselves as eligible for a residential parking permit or to furnish any false information in an application to the Traffic Engineer in order to obtain a residential parking permit.
- E. The Traffic Engineer is authorized to revoke the residential parking permit of any permittee found to be in violation of this article.

ARTICLE X

Special Parking Privileges for Physically Disabled Persons**§ 190-88. Applicability.**

- A. This article applies to special parking privileges for physically disabled persons.
- B. This article shall apply upon application for a reserved parking space or upon an initial or renewal application for handicap parking space.

§ 190-89. Eligibility requirements; application procedure.

A disabled resident of Havre de Grace may apply to the Traffic Engineer to obtain the privileges granted under this article, if the individual meets the following requirements:

- A. Each application for handicap parking space pursuant to this article shall be made on a form furnished by the Traffic Engineer.
- B. Each applicant for a handicap parking space shall have the completed application.
- C. The Traffic Engineer shall review each application submitted for a handicap parking space and shall determine whether or not the applicant meets the requirements.
- D. The Traffic Engineer may require additional information in order to make a determination of the eligibility of the applicant.
- E. Applicants qualifying for disabled parking privileges pursuant to this article may be issued a handicap parking space for one vehicle only.
- F. Applicants for renewal of a handicap parking space may be required to recertify continued eligibility every two years or at intervals determined by the Traffic Engineer.
- G. Applicants must have either handicap license plates or a state issued permit.

ARTICLE XI

Towing and Impounding of Vehicles**§ 190-90. Authority of Police Department; cost of towing.**

- A. Irrespective of other provisions of this chapter for penalizing illegal parking of vehicles in the following specified instances and in addition thereto, the City Police Department is hereby authorized and directed to tow away or have towed away by a competent person all vehicles violating parking prohibitions contained in this chapter.
- B. Upon the exercise of the discretion contained in the preceding subsection by the Police Department to have a vehicle moved, it shall be the duty of the Police Department to carry out the provisions of this section by moving a vehicle illegally parked as aforesaid. It shall be the duty of the Police Department to provide storage space for such vehicle, either in a municipal garage or impound area or in a safe and dependable private garage or impound area, but, nevertheless, nothing herein shall be taken or construed as obligating the Police Department or other municipal department for damage done or destruction of such vehicle while being towed or so stored, unless by law otherwise provided.
- C. The cost of the towing and storage as hereinbefore provided shall be determined as follows:
 - (1) If the storing is done by the Police Department or other municipal department, the cost therefor shall be in accordance with the reasonable expense incident to same, plus a reasonable charge as compensation thereof.
 - (2) If the towing or storing is done by a private company or individual, then the cost shall be at the rate usually charged for such service by such company or individual, but in no case shall the cost exceed a reasonable compensation for the actual labor, material or space involved.
 - (3) It shall be entirely within the discretion of the Police Department as to whether the towing and/or storage provided in this section be done by a municipal department or by a private company or individual, but, nevertheless, the Police Department shall exercise its best judgment in determining the means for such towing and the place for the storing so that the cost of the same shall be kept to a minimum.

§ 190-91. Towing company requirements.

- A. Towing companies utilized by the Havre de Grace Police Department for the towing or impounding of vehicles, as provided for in this article, must meet the following requirements:

- (1) Availability: Tow services and impound yards must be available 24 hours a day, holidays and weekends included.
- (2) Impound garages/yards:
 - (a) Vehicles towed by authority of the Havre de Grace Police Department will be towed to an impound garage/yard that provides security while the vehicle is in storage. Impound yards must be enclosed by chain link or other secure fencing having a minimum height of eight feet, with all gates being secured by a locking device.
 - (b) Impound yards/garages used by the Police Department will be located within the corporate limits of the City of Havre de Grace, if practical.
 - (c) Impound yards/garages will be made accessible to the City Police Department 24 hours a day, holidays and weekends included, for officers on official business.
 - (d) Impound yard operators will fully comply with all holds placed on stored vehicles. Vehicles placed on hold will not be released unless properly authorized by an officer of the Havre de Grace Police Department.
- B. Liability: Towing operators/impound operators will be solely liable for loss from or damage to a vehicle from the point where they gain actual control of the vehicle.
- C. Licensing requirements: Towing operators/impound operators will be solely responsible for complying with all laws of the State of Maryland governing their operations and will obtain any necessary licenses needed to conduct their business.
- D. Debris: It will be the responsibility of the tow truck operator to clean any and all debris from the scene of a tow for whatever reason the tow is being made, i.e., accident, mechanical breakdown, etc.
- E. Cancellations: It will be understood that a tow truck may be canceled at any time before its arrival on the scene by the requesting officer. If the truck arrives and is not needed, the driver will prorate his fee to the vehicle owner.
- F. Equipment: Each towing company will compile a list of available equipment and limitations of towing, if any exist.
- G. Approval: Each towing company and/or storage area must meet the requirements set forth by the Havre de Grace Police Department. Final approval for utilization of the towing company and/or storage area will be the responsibility of the Chief of Police or his/her designee.

ARTICLE XII

Minibikes and Off-the-Road Motorcycles**§ 190-92. Purpose and authority.**

- A. Pursuant to Annotated Code of Maryland, Article 23A, § 2(a), the City has the express power to pass laws concerning nuisances and to restrict the manner in which real property is used.
- B. The City has determined that it would promote the public health, safety, and welfare of the citizens of this City if the use of minibikes and other off-the-road motorcycles on private property are regulated.
- C. It is the purpose of this article to regulate the use of minibikes and off-the-road motorcycles on private or public property. This article shall not be construed to authorize the use or operation of minibikes or off-the-road motorcycles on any highway of this state.

§ 190-93. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section:

MINIBIKE: —

- A. A motor vehicle that:
 - (1) Has a saddle or seat for use of the rider;
 - (2) Is designed to travel on two, three, or four wheels in contact with the ground; and
 - (3) Is not subject to registration under Annotated Code of Maryland, Transportation Article, Title 13, § 13-101 et seq.
- B. "Minibike" does not include a lawn tractor, farm tractor or other vehicles commonly used in farm operations, but includes vehicles commonly referred to as "all-terrain vehicles."

OFF-THE-ROAD MOTORCYCLE — A motorcycle not otherwise registered under Annotated Code of Maryland, Transportation Article. "Off-the-road motorcycle" includes motorcycles not otherwise eligible for registration under Annotated Code of Maryland, Transportation Article, and motorcycles commonly referred to as "dirt bikes."

PRIVATE PROPERTY — Property that is not used by the public as a matter of right.

§ 190-94. Permission to drive on private property required.

A person may not drive a minibike or off-the-road motorcycle on private or public property in this City without possessing the express written permission of a person with an interest in the property.

§ 190-95. Driving near dwellings.

A person may not drive a minibike or off-the-road motorcycle on private property in this City within 300 feet of a dwelling without possessing the express written permission of a resident of that dwelling.

§ 190-96. Restricted hours.

A person may not drive a minibike or off-the-road motorcycle on private property in this City between the hours of 8:00 p.m. and 7:00 a.m.

§ 190-97. Equipment for riders.

- A. Required headgear for operators. A person may not operate or ride on a minibike or off-the-road motorcycle unless the operator is wearing protective headgear that meets the standards established for motorcycles by the Motor Vehicle Administrator of the Motor Vehicle Administration of the state.
- B. Required eye-protective device or windscreen. A person may not operate a minibike or off-the-road motorcycle unless:
 - (1) He/she is wearing an eye-protective device of a type approved for motorcycles by the Motor Vehicle Administrator of the Motor Vehicle Administration of the state; or
 - (2) The minibike or off-the-road motorcycle is equipped with a windscreen.

Chapter 196**WATER AND SEWER RATES****GENERAL REFERENCES**

Water and sewers — See Ch 198.

§ 196-1. Cost schedule. [Amended 5-18-2009 by Ord. No. 905; 5-17-2010 by Ord. No. 916; 6-6-2011 by Ord. No. 931; 5-21-2012 by Ord. No. 939; 5-20-2013 by Ord. No. 947; 6-2-2014 by Ord. No. 955; 6-1-2015 by Ord. No. 969; 5-16-2016 by Ord. No. 981⁴⁹]

The attached Exhibit A to Chapter 196 of the Code, entitled "Havre de Grace Water and Sewer Cost Schedule," is a schedule listing all of the rates, charges and fees that the Mayor and City Council of Havre de Grace authorize and impose in connection with the City water and sewer system for the period beginning July 1, 2016, and ending June 30, 2017, and the basic metered water and sewer charges for the periods beginning July 1, 2017, and July 1, 2018, together with certain procedures as to the applicability and collection of the water and sewer rates, capital cost recovery charges, and service participation fees, debt service fees which Exhibit A is hereby amended and shall be enacted to read as set forth below.

§ 196-2. Calculation of water and sewer fees.

All charges or fees related to the City's water or sewer service shall be calculated and based on the rates provided herein.

§ 196-3. Applicability.

The schedule shall apply within all areas served by the City's water and sewer service system.

§ 196-4. Annual review; deposit of funds. [Amended 5-21-2012 by Ord. No. 939⁵⁰; 6-1-2015 by Ord. No. 969⁵¹]

The schedule shall be reviewed by the Mayor and City Council on an annual basis as part of the annual budget process, and the schedule shall be adjusted so that the annual projected operating and capital budgets of the City water and sewer service, including debt service expenses, can be met. The annual schedule for basic water and sewer charges and any debt service fees shall be reviewed annually and reported by the Water and Sewer Commission to the Mayor and City Council in accordance with the City Code § 25-69. The basic rate charged for water and sewer service set

49. Editor's Note: This ordinance provided an effective date of 7-1-2016.

50. Editor's Note: This ordinance provided an effective date of 7-1-2012.

51. Editor's Note: This ordinance provided an effective date of 7-1-2015.

by the Mayor and City Council shall be established for a minimum of three fiscal years. Any other changes in the schedule as a whole shall be limited to those necessary to balance the projected operating and capital budgets including debt service expenses as previously noted. All assessments collected under the schedule shall be deposited into a separate enterprise fund of the City water and sewer service system and not into the general funds of the City.

Chapter 198

WATER AND SEWERS

GENERAL REFERENCES

Plumbing standards — See Ch. 134.

Water and sewer rates — See Ch. 196.

Stormwater management — See Ch. 169.

§ 198-1. Abbreviations and definitions.

- A. Abbreviations. As used in this chapter, the following abbreviations shall have the designated meanings:

BOD	Biochemical oxygen demand
CFR	Code of Federal Regulations
COD	Chemical oxygen demand
EPA	Environmental Protection Agency
l	Liter
mg	Milligrams
mg/l	Milligrams per liter
NPDES	National Pollutant Discharge Elimination System
POTW	Publicly owned treatment works
RCRA	Resource Conservation and Recovery Act
SIC	Standard industrial classification
SNC	Significant noncompliance
SWDA	Solid Waste Disposal Act, 42 U.S.C. § 6901 et seq.
TRC	Technical review criteria
TSS	Total suspended solids
USC	United States Code

- B. Definitions. Unless the context specifically indicates otherwise, the following terms and phrases used in this chapter shall have the following meanings:

ACT or THE ACT — The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251 et seq.

APPROVAL AUTHORITY — Maryland Department of the Environment (MDE).

AUTHORIZED REPRESENTATIVE: —

- (1) A responsible corporate officer such as a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decisionmaking functions for the corporation, or the manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures; or
- (2) A general partner or proprietor if the industrial user is a partnership or sole proprietorship respectively; or
- (3) A duly authorized representative of the individual designated in Subsection (1) or (2) above if:
 - (a) The authorization is made in writing by the individual described in Subsection (1) or (2); and
 - (b) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and
 - (c) The written authorization is submitted to the control authority.
- (4) If authorization under Subsection (3) is no longer accurate because a different individual or position has responsibility, a new authorization must be submitted to the POTW prior to or together with any reports to be signed by an authorized representative.

BIOCHEMICAL OXYGEN DEMAND (BOD) — The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five days at 20° C., expressed in terms of weight or concentrations (milligrams per liter).

BYPASS — The intentional diversion of waste streams from any portion of an industrial user's treatment facility.

CONTROL AUTHORITY — The City of Havre de Grace.

COOLING WATER — Water discharged from any use such as air conditioning, cooling or refrigeration, during which the only pollutant added to the water is heat.

DIRECTOR — The Director of Public Works of this City or his duly appointed deputy, agent or representative.

DOMESTIC WASTEWATER — Liquid wastes originating from private residences and containing those pollutants and pollutant concentrations that are normally associated with household activities. See the definition of "nondomestic wastewater."

GARBAGE — Solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of food.

INDIRECT DISCHARGE — The introduction of nondomestic pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c) or (d) of the Act.

INDUSTRIAL USER — A source of indirect discharge resulting from the processes employed in industrial, manufacturing, trade or business establishments, as distinct from domestic wastewaters.

INTERFERENCE — A discharge which alone or in conjunction with a discharge or discharges from other sources:

- (1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
- (2) Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of an violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act, the SWDA (including Title II, more commonly referred to as "RCRA"), and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA, the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

NATIONAL CATEGORICAL PRETREATMENT STANDARD — Any regulation containing pollutant discharge limits which applies to a specific category of industrial users promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. § 1347).

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) — The program for issuing, conditioning and denying permits for the discharge of pollutants from point sources into the navigable waters, the contiguous zone and the oceans pursuant to Section 1342 of the Act.

NEW SOURCE: —

- (1) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable

to such source if such standards are thereafter promulgated in accordance with that section, provided that:

- (a) The building, structure, facility or installation is constructed at a site at which no other source is located; or
 - (b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - (c) The production or wastewater-generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.
- (2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of Subsection (1)(b) or (1)(c) of this section but otherwise alters, replaces, or adds to existing process or production equipment.
- (3) Construction of a new source as defined under this section had commenced if the owner or operator has:
- (a) Begun or caused to begin as part of a continuous on-site construction program;
 - [1] Any placement, assembly, or installation of facilities or equipment; or
 - [2] Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - (b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this subsection.

NONDOMESTIC WASTEWATER — The liquid wastes originating from establishments engaged in some form of business, commercial or industrial activity. See the definition of "domestic wastewater."

NPDES or STATE DISCHARGE PERMIT — A permit issued pursuant to Section 402 of the Federal Water Pollution Control Act (33 U.S.C. § 1342) or Title 9, §§ 9-323 and 9-324 of the Health-Environmental Article of the Annotated Code of Maryland.

PASS THROUGH — A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge of discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

PERSON — Any individual, partnership, 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, the singular shall include the plural, where indicated by the context.

pH — The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

POLLUTANT — Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, commercial and agricultural waste or any other contaminate.

PRETREATMENT or TREATMENT — The reduction, elimination or alteration of pollutant properties to a less harmful state prior to or in lieu of discharge or introduction into a POTW. This can be accomplished by physical, chemical or biological processes, process changes or other means, except as prohibited by 40 CFR 403.6(d).

PRETREATMENT COORDINATOR — The person appointed by the Director of Public Works to supervise the pretreatment program, and who is charged with certain duties and responsibilities by this chapter or his duly authorized representative.

PRETREATMENT REQUIREMENTS — Any substantive or procedural requirement related to pretreatment imposed on an industrial user, other than a pretreatment standard.

PRETREATMENT STANDARDS or NATIONAL CATEGORICAL PRETREATMENT STANDARDS — Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act which applies to a specific category of industrial users.

SEVERE PROPERTY DAMAGE — Substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. "Severe property damage" does not mean economic loss caused by delays in production.

SIGNIFICANT INDUSTRIAL USER: —

- (1) Any industrial user who is subject to categorical pretreatment standards; or
- (2) Any other user that:
 - (a) Discharges an average of 25,000 gallons per day or more of process wastewater (excluding sanitary, noncontact cooling and blowdown wastewater); or
 - (b) Contributes a process waste stream that makes up 5% or more of the hydraulic or organic capacity of the POTW; or
 - (c) Is found by the City, State or EPA to have reasonable potential for adversely affecting the POTW's operation, the quality of the sludge, the POTW's effluent quality, or air emissions generated by the system, or air emissions generated by the system, or for violating any pretreatment standard or requirement.

Upon finding that an industrial user meeting the criteria of Subsection (2)(a), (b) and (c) of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the City may at any time, on its own initiative or in response to a petition received from an industrial user, and in accordance with 40 CFR 403.8(f)(6), determine that such industrial user is not a significant industrial user.

SLUG — Any discharge of significant quantities of water, sewage, industrial waste which in concentration of any given constituent or quantity of flow could cause interference of the treatment works, pass through the POTW treatment plant, endanger sewer worker safety, contaminate the sludge, or cause a violation of any permit issued the POTW.

STORMWATER — Any flow occurring during or immediately following any form of natural precipitation and resulting therefrom.

SUPERINTENDENT — The person appointed by the Director of Public Works to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this chapter, or his duly authorized representative.

SUSPENDED SOLIDS — The total suspended matter that floats on the surface of or is suspended in water, wastewater or other liquids, and which is removable by laboratory filtering.

TOXIC POLLUTANT — Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the EPA under Section 307(a) of the Federal Water Pollution Control Act or other federal statutes or in regulations promulgated by the Maryland Office of Environmental Programs under state law.

UNPOLLUTED WATER — Water not containing any pollutants limited or prohibited by the effluent standards in effect, or water whose discharge will not cause any violation of receiving water quality standards.

USER — Any person who contributes, causes or permits the contribution of wastewater into the City of Havre de Grace POTW.

USER CLASSIFICATION — A classification of use based on the 1972 (or subsequent) Edition of the Standard Industrial Classification (SIC) Manual prepared by the Office of Management and Budget.

WASTEWATER — The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with any groundwater, surface water and stormwater that may be present, whether treated or untreated, which is discharged into or permitted to enter the City's treatment works.

WASTEWATER TREATMENT SYSTEM or SYSTEM — Any devices, facilities, structures, equipment or works owned or used by the City for the purpose of transmission, storage, treatment, recycling and reclamation of industrial and domestic wastes, or necessary to recycle or reuse water at the most economical cost over the estimated life of the system, including intercepting sewers, outfall sewers, sewage collection systems, pumping, power and other equipment, and their appurtenances; extensions, improvements, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.

WATERS OF THE STATE — Includes:

- (1) Both surface and underground waters within the boundaries of this state subject to its jurisdiction, including that part of the Atlantic Ocean within the boundaries of this state, the Chesapeake Bay and its tributaries and all ponds, lakes, rivers, streams, public ditches, tax ditches and public drainage systems within this state, other than those designed and used to collect, convey or dispose of sanitary sewage; and
- (2) The floodplain of free-flowing waters determined by the Department of Natural Resources on the basis of one-hundred-year flood frequency.

§ 198-2. Fees and charges; liens against property.

- A. Charges and fees. The City of Havre de Grace may adopt charges and fees which may include service rates, water rents, ready-to-service charges, water supplied and for the removal and acceptance of sewage:
 - (1) Fees for reimbursement of costs and of setting up and operating the City's pretreatment program;

- (2) Fees for monitoring, inspecting and surveillance procedures;
 - (3) Fees for reviewing accidental discharge procedures and construction;
 - (4) Fees for permit application;
 - (5) Fees for filing appeals; and
 - (6) Other fees as the City may deem necessary to carry out the requirements contained herein.
- B. These fees relate solely to the matter covered by this chapter and are separate from all other fees chargeable to the City.
- C. These fees are to be billed and collected by the Director of Finance or such other person as the Mayor and City Council may, by ordinance, designate; and if bills are unpaid within 30 days, the service may be discontinued. All charges shall be a lien on the property, collectible in the same manner as City taxes or by suit at law, and all such liens shall be preferred liens and have a priority over existing mortgages, and judgments any and all other liens, except taxes.

§ 198-3. Billing cycle for water and sewer bills.

Water and sewer usage bills shall be prepared and submitted to each customer on a billing cycle established by the Mayor and City Council of Havre de Grace.

§ 198-4. Payment of water and sewer accounts.

- A. Bills shall become delinquent 30 calendar days from the date of mailing.
- B. Within five calendar days after the thirty-day calendar period has expired, the Director of Finance shall send out past due notices giving the customer 10 calendar days from the mailing date to settle his account.
- C. If the account is not settled in the time outlined in Subsections A and B above, the Director shall turn off water service unless otherwise directed by the Mayor and City Council of Havre de Grace.

§ 198-5. Prorated usage bills.

The Director of Finance may prepare a prorated usage bill for a period of less than one quarter upon the request of the property owner or his agent. The minimum quarterly usage charge shall be applied to all prorated usage bills.

§ 198-6. Individual septic disposal systems.

- A. It shall be unlawful to construct or maintain any individual sewage disposal system on any property in the City unless:

- (1) The Director certifies that existing community facilities are inadequate or are not available to serve the property on which the proposed individual system would be constructed or maintained; or
 - (2) A building permit for the construction of the septic system has been issued by the county.
- B. Applicants for a permit to construct an individual sewage disposal system shall demonstrate to the Director that:
- (1) The system conforms to the requirements of the Harford County Master Water and Sewer Plan; and
 - (2) The system conforms to the rules and regulations adopted by the Maryland Department of the Environment and the Harford County Health Department for the construction of individual sewage disposal systems.

§ 198-7. Individual sewage disposal system permit requirements.

An applicant for a permit to construct an individual sewage disposal system shall submit to the Director:

- A. A drawing of the property on which the individual system is to be located showing the location of the system and appropriate sizes and dimensions of the components of the system; and
- B. A statement signed by the property owner stating that:
- (1) The property owner has been notified that he will be required to connect to the City sewage system when it becomes available and at such time as it is adequate to serve the property;
 - (2) He agrees to connect to the City system within one year after he receives notice to connect at his expense; and
 - (3) He agrees to abandon and leave his individual sewage disposal system in such a way that it cannot be used or be injurious to public health at his expense.

§ 198-8. Septic tank contents.

- A. Septic tank contents shall be accepted from any residence in the City unless the discharge of such contents may contribute to a violation of the terms of the City's NPDES permit.
- B. Wastes, other than septic tank contents, may be accepted from sources inside or outside the City at the discretion of the Director. The time, place and delivery of these wastes, including septic tank contents, shall be established by the Director. It shall be unlawful to discharge any of these wastes, including septic tank contents, at any time, place and by any method which has not received the prior approval of the Director. All such approval shall be evidenced by a writing signed by the Director.

- C. Marina pump-out waste will be accepted at designated points by permit only.

§ 198-9. Grease, oil and sand interceptors.

Grease, oil and sand interceptors or retainers shall be installed by users of the system at their own expense when, in the opinion of the Director, such measures are necessary for the proper handling of liquid wastes containing grease, oil or sand in excessive amounts, of any flammable waste and of such other harmful waste as the Director may designate. Such interceptors shall be of a type and capacity approved by the Director and shall be located as to be readily and easily accessible for cleaning by the user and for inspection by the Director. Where installed, all grease, oil and sand interceptors shall be maintained by the user, at his own expense, and shall be kept in a continuous and efficient operation at all times.

§ 198-10. Use of public sewers without appropriate permits prohibited.

- A. It shall be unlawful to construct or maintain any connection to the City's sewer system through which inflow is discharged into the sewer system. "Inflow" means water discharged into the system from sources, including, but not limited to, roof leaders, cellar, yard and area drains, foundation drains, cooling water discharges or drains from springs or swampy areas.
- B. It shall be unlawful for a nonindustrial user to construct a connection to the Havre de Grace sewage system without a building permit issued by the Mayor and City Council of Havre de Grace.
- C. It shall be unlawful for any industrial user to construct or maintain a connection to the Havre de Grace sewage system without a building permit issued by the Mayor and City Council of Havre de Grace and an industrial user permit.
- D. It shall be unlawful for any person to discharge sewage into the Havre de Grace sewage system, other than segregated sanitary sewage, without first obtaining an industrial discharge permit or to discharge wastes in volumes or concentrations in excess of that specified in any applicable industrial discharge permit.

§ 198-11. General sewer use requirements.

- A. Prohibitive discharge standards:
- (1) No user shall contribute or cause to be contributed, directly or indirectly, to the POTW any pollutant or wastewater which will cause interference with the operation or performance of the POTW; and
 - (2) No user shall contribute any wastewater containing any of the following substances to the POTW:

- (a) Having a temperature higher than 104°F. (40° C.), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case which could cause the influent temperature of the wastewater treatment plant to rise above 104° F. (40° C.).
- (b) Containing solid or viscous pollutants whether emulsified or not, or containing substances which may solidify or become viscous at temperatures between 32° F. (0° C.) and 140° F. (60° C.).
- (c) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass-through.
- (d) Any pollutant which creates a fire and/or explosion hazard in the POTW, including but not limited to waste streams with a closed cup flashpoint of less than 140° F. or 60° C. using the test methods specified in 40 CFR 261.21. Prohibited pollutants include, but are not limited to, gasoline, benzene, naphtha, and fuel oil. At no time shall a waste stream cause an exceedance of 10% of the lower explosive limit (LEL) at any point in the POTW.
- (e) Containing any garbage that has not been ground by household type or other suitable garbage grinders, with no particles greater than 1/2 inch in any dimension.
- (f) Containing any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch, manure, or any other solids or viscous substances capable of causing obstructions or other interferences with proper operation of the sewer system.
- (g) Having a pH lower than 5.0 or higher than 11.0, or having any other corrosive property capable of causing damage or hazards to structures, equipment or personnel of the sewer system.
- (h) Containing toxic or poisonous substances in sufficient quantity to injure or interfere with any wastewater treatment process, to constitute hazards to humans or animals, or to create any hazard in waters which receive treated effluent from the sewer treatment plant.
- (i) Containing noxious or malodorous gases or substances capable of creating a public nuisance, cause hazard to life or prevent entry into the sewers for maintenance and repair.
- (j) Any pollutant which results in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems or a hazard to the public.

- (k) Containing solids of such character and quantity that special and unusual attention is required for their handling.
 - (l) Containing any substance which may affect the treatment plant's effluent and cause violation of the NPDES permit requirements.
 - (m) Containing any substance which would cause the treatment plant to be in noncompliance with sludge use, recycle or disposal criteria pursuant to guidelines or regulations developed under Section 405 of the Federal Act, the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or other regulations or criteria for sludge management and disposal as required by the state.
 - (n) Containing color which is not removed in the treatment process.
 - (o) Containing any medical or infectious wastes in amounts that could cause pass-through or interference.
 - (p) Containing any radioactive wastes or isotopes in quantities that could cause pass-through, interference or endangerment to the public or POTW personnel.
 - (q) Containing pollutants, including oxygen demanding pollutants (BOD, etc.), or slug load released in a discharge at a flow rate or concentration which, either singly or by interaction with other pollutants or waste streams will cause interference with either the POTW or wastewater treatment or sludge process, or which will constitute a hazard to humans or animals.
 - (r) Trucked or hauled pollutants, except at discharge points designated by the POTW.
 - (s) Stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted industrial wastewater, unless specifically authorized by the Director.
- B. Federal Categorical Pretreatment Standards. The national categorical pretreatment standards found at 40 CFR, Chapter I, Subchapter N, Parts 405-471, are hereby incorporated.
- C. State requirements. State pretreatment requirements located at COMAR Title 26 are hereby incorporated.
- D. Limitations.
- (1) Furthermore, industrial users shall not contribute or cause to be contributed, directly or indirectly, to the POTW any pollutant or wastewater in excess of the limits listed below:

Daily Maximum Average

Parameter	(mg/l)
Arsenic	4.06
Total cadmium	0.09
Total chromium	0.09
Total copper	0.08
Total cyanide	0.18
Total lead	0.65
Total mercury	0.0003
Total nickel	0.78
Total silver	0.05
Total zinc	9.3
Total suspended solids	200
Fats, oils and grease	100

- (2) These limitations apply to all industrial users of the POTW whether or not they are subject to categorical pretreatment standards or any other national or local pretreatment standards or requirements. Concentrations apply at the point where an industrial waste is discharged to the City's collection system. All concentrations for metallic substances are for "total" metal unless indicated otherwise. At his discretion the Director may impose mass limitations in addition to the concentration-based limitations above. The City reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW if deemed necessary to comply with the objectives of this chapter or state or federal law.
- E. The City reserves the right to enter into special agreements with industrial users, setting out special terms under which they may discharge to the POTW. In no case will an agreement waive compliance with a pretreatment standard or state or federal requirement. However, the industrial user may request a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15. They may also request a variance from the categorical pretreatment standard from EPA.
- F. Surcharges. Any user discharging wastewater with concentrations of BOD exceeding 200 mg/l shall be surcharged at the following rate: (average BOD in mg/l -- 200 mg/l) x (total flow in million gallons) x (\$0.50 per pound) = surcharge. In no case shall a user discharge BOD in excess of the mass loading allocated to them in their permit. The average BOD concentration shall be determined by the Director through periodic sampling in a manner and frequency he determines.
- G. Pretreatment and federal categorical pretreatment standards.

- (1) Industrial users shall provide necessary wastewater treatment as required to comply with this chapter and state and federal regulations or requirements and shall achieve compliance with all national categorical pretreatment standards as specified by the federal pretreatment regulations.
 - (2) Industrial users shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the industry to achieve compliance with this chapter. Proper operation and maintenance includes but is not limited to effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of this chapter. A statement, reviewed by an authorized representative of the industrial user and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance and/or additional pretreatment is required for the industrial user to meet the pretreatment standards and requirements must also be submitted at a time interval specified by the Director.
 - (3) The City may require the installation of monitoring equipment by an industrial user for the purposes of determining compliance with all applicable pretreatment regulations or requirements.
- H. Dilution prohibition. Industrial users shall not increase the use of potable or process water or, in any way, attempt to dilute an effluent as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in this permit.
- I. Spill-prevention plans.
- (1) Industrial users shall provide protection from accidental discharge of materials which may interfere with the POTW by developing spill-prevention plans. Facilities necessary to implement these plans shall be provided and maintained at the owner's or industrial user's expense. Spill-prevention plans, including the facilities and the operating procedures, shall be approved by the City before construction of the facility.
 - (2) Industrial users that store hazardous substances shall not contribute to the POTW after the effective date of this chapter unless a spill-prevention plan has been approved by the City. Approval of such plans shall not relieve the industrial user from complying with all other laws and regulations governing the use, storage and transportation of hazardous substances.
- J. Notifications.

(1) Contents of notice; exemptions.

- (a) Industrial users (IU) must notify the Director, the EPA Regional Waste Management Division Director, and state hazardous waste authorities in writing of any discharge into the POTW of any substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the IU discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the IU: An identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharged during the calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following 12 months. All notifications must take place within 180 days after the discharge of the listed or characteristic hazardous waste. Any notification under this subsection need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under 40 CFR 403.12(j). The notification requirement in this section does not apply to pollutants already reported under self-monitoring requirements of 40 CFR 403.12(b), (d) and (e).
- (b) Discharges are exempt from the requirements of Subsection P(1) of this section during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than 15 kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(a), requires a one-time notification.
- (c) Subsequent months during which the IU discharges more than such quantities of any hazardous waste do not require additional notification.
- (d) In the case of any new regulations under § 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the IU must notify the POTW, the EPA Regional Waste Management Waste Division Director, and state hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.
- (e) In the case of any notification made under Subsection J(1)(a) of this section, the IU shall certify that it has a program in

place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

- (2) Notification of violation; automatic resampling.
 - (a) If sampling performed by an industrial user indicates a violation, the user must notify the control authority within 24 hours of becoming aware of the violation. The notification shall minimally include:
 - [1] The location of the discharge.
 - [2] The type of waste, including concentration and volume.
 - [3] Any corrective actions taken by the user.
 - (b) Within five days following such discharge, the user shall submit a written report describing the cause of the discharge and the measures that will be taken by the user to prevent similar future discharges.
 - (c) Such notification shall not relieve the user of any expense, loss, damage or other liability resulting from the discharge, nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed under this chapter or other applicable state or federal law.
 - (d) The user also must repeat the sampling and analysis and submit the results of the repeat analysis to the control authority within 30 days after becoming aware of the violation. The industrial user is not required to resample if:
 - [1] The control authority performs a sampling for the industrial user at least once per month; or
 - [2] The control authority performs sampling for the user between the time when the user performs its initial sampling and the time when the user receives the results of this sampling.
- (3) Notice of potential problems including slug loading. All industrial users must notify the POTW immediately of all discharges that could cause problems, including any slug loading, or which could violate any specific prohibition in § 198-11A of this chapter.
- (4) Upset provision and notification. An upset means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance,

or careless or improper operation. An upset can be used as an affirmative defense to an action brought for noncompliance with categorical pretreatment standards, provided that the industrial user who wishes to establish the affirmative defense of upset must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (a) An upset occurred and the industrial user can identify the cause or causes;
 - (b) The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures;
 - (c) The industrial user has submitted the following information to the POTW and control authority within 24 hours of becoming aware of the upset (if this information is provided orally, a written submission must follow within five days): a description of the indirect discharge and cause of noncompliance; the period of noncompliance, including exact dates and times, or, if not corrected, the anticipated time the noncompliance is expected to continue; steps being taken or planned to reduce, eliminate and prevent recurrence of the noncompliance.
 - (d) In any enforcement proceeding the industrial user seeking to establish the occurrence of an upset shall have the burden of proof.
 - (e) Industrial users will have the opportunity for judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.
 - (f) The industrial user shall control production or all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.
- (5) Bypass provision and notification.
- (a) Allowable bypass. An industrial user may allow any bypass to occur that does not cause violations of pretreatment standards or requirements. A bypass must be for essential maintenance to assure efficient operation. These bypasses are not subject to the notice and prohibition clauses discussed below.
 - (b) Notice of bypass. If an industrial user knows in advance of the need for a bypass, it must submit prior notice to the control authority, if possible at least 10 days in advance of the bypass.

An industrial user must submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the control authority within 24 hours from the time the industrial user becomes aware of the bypass. A written submission shall also be provided within five days of the time the industrial user becomes aware of the bypass. A written submission must contain a description of the bypass and its cause, the duration of the bypass, including the exact dates and times, and if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass. The control authority may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

- (c) Prohibition of bypass. Bypass is prohibited, and the control authority may take enforcement action against an industrial user for a bypass, unless:

- [1] Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

- [2] There were no feasible alternatives to the bypass. This condition is not satisfied if adequate backup equipment should have been installed in order to prevent a bypass; and

- [3] The industrial user submitted notices as described above.

- (d) The control authority may approve an anticipated bypass, after considering its adverse effects, if it determines that the user has met the three conditions listed above under Subsection J(5)(c), Prohibition of bypass."

- (6) Substantial changes in discharge. All industrial users shall promptly notify the Director in advance of any substantial change in the volume of discharge or character of pollutants in their discharge, including but not limited to the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under 40 CFR 403.13(p). The City reserves the right to deny or restrict additional discharges.

K. Employee training certification. Industrial users must provide adequate training for employees responsible for the pretreatment of wastes. Significant industrial users must have an operator certified by the Maryland Board of Waterworks and Waste Systems Operators.

L. Records retention.

- (1) Industrial users shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this chapter or by a permit,

for a period of at least five years from the date of the sample, measurement, report or application.

- (2) All records that pertain to matters that are the subject of special orders or any other enforcement or litigation activities brought by the City of Havre de Grace shall be retained and preserved by the industry until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

M. Monitoring equipment.

- (1) The owner or operator of any premises or facility discharging industrial wastes into the system shall install at his own cost and expense suitable monitoring equipment to facilitate the accurate observation, sampling and measurement of wastes. Such equipment shall be maintained in proper working order and kept safe and accessible at all times.
- (2) The monitoring equipment shall be located and maintained on the industrial user's premises outside the building. When such a location would be impractical or cause undue hardship on the user, the Director may allow such facility to be constructed in the public street or sidewalk area, with the approval of the public agency having jurisdiction over such street or sidewalk, and located so that it will not be obstructed by public utilities, landscaping or parked vehicles.
- (3) When more than one user can discharge into a common sewer, the Director may require installation of separate monitoring equipment for each user. When there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user, the Director may require that separate monitoring facilities be installed for each separate discharge. The Director may require the installation of a manhole or sampling chamber in accordance with plans and specifications approved by the Director, which manhole or sampling chamber shall be installed at the user's expense. There shall be ample room in each sampling chamber to accurately sample and composite samples for analysis. The chamber shall be safely and easily accessible to authorized representatives of the City at all times and in a manner independent of operation of the industrial user's buildings and premises. Each sampling device with a recording and totalizing register for measuring flows or the metered water supply of the industrial user may be used as a measure of liquid quantity where the Director is adequately assured in his opinion that the metered water supply and wastewater generation are either substantially equal or may be adjusted to account for any known differences.
- (4) Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with the Director's

requirements and all applicable construction standards and specifications.

- N. Analytical requirements. All analysis, including sampling techniques, submitted in support of any application, report, evidence or required by any permit or order shall be performed in accordance with 40 CFR Part 136 and amendments thereto. Where 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the Administrator (as defined in 40 CFR 136) determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable procedures suggested by the POTW or other persons approved by the Administrator.
- O. Confidential information.
- (1) Information and data about a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public unless the user specifically requests and is able to demonstrate to the satisfaction of the City that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets.
 - (2) When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection except upon written request by the state or EPA for use related to this chapter. Confidential portions of a report shall be available for use by the state or EPA for judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information. Information accepted by the POTW as confidential shall not be disclosed unless the user is given a ten-day notification.
- P. Right of entry. Representatives of the City, the state and EPA, upon showing proper identification, shall have the right to enter and inspect the premises of any user. All users shall allow authorized representatives of the POTW, state and EPA access at all reasonable times to all premises for the purpose of inspecting, sampling, examining records or copying records in the performance of their duties. Authorized representatives of the POTW, state and EPA shall have the right to place on the user's property such devices as are necessary to conduct sampling and monitoring. Where a user has security or safety measures in force which would require clearance, training or wearing of special protective gear, the user shall make necessary arrangements, at its own expense, to enable authorized representatives of the City, state and EPA to enter and inspect the premises as guaranteed by this subsection.

- Q. Authority to require compliance schedules. If additional pretreatment or operation and maintenance will be required for an industrial user to comply with any provision of this chapter or a state or federal pretreatment standard or requirement, the City may require the industrial user to submit for approval a schedule specifying the shortest time frame for the industry to achieve compliance. This schedule will contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of the additional pretreatment to bring the industrial user into compliance.
- R. Authority to require submission of reports. Upon request of the City any discharger or potential discharger of industrial wastes into the POTW may be required to submit plans, reports, questionnaires, notices or analytical data to evaluate waste discharge characteristics and to ensure compliance with this chapter. These may include baseline monitoring reports, compliance reports, periodic self-monitoring reports, compliance schedule progress reports, violation reports and notice of slug loadings, upset, bypass or any other reporting requirement specified in 40 CFR 403.12.
- S. Signature requirements for all users. All reports, questionnaires, surveys or any information requested by the City and dealing with waters or sewers shall include this certification statement signed by an authorized representative:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based upon my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

§ 198-12. Control of wastes discharged.

- A. Wastewater discharge permits.
- (1) The following industrial users are required to apply for a wastewater discharge permit:
- (a) Any user whose discharge would be in violation of this chapter if they had no permit;
 - (b) Any significant industrial user;
 - (c) Any user subject to a National Categorical Pretreatment Standard;

- (d) Any user required by the state pretreatment requirements to obtain a permit; and
 - (e) Any other user as determined by the Director.
 - (2) Existing users required to obtain a permit under Subsection A must apply for a wastewater contribution permit within 90 days of the effective date of this chapter.
 - (3) New sources required by Subsection A to obtain a permit must apply for and receive a wastewater contribution permit prior to discharging pollutants into the POTW.
 - (4) Any user not required to obtain a permit for existing discharges must apply for and receive a wastewater contribution permit prior to changing the user's discharge in such a manner that the resulting discharge would require a permit.
 - (5) The Director may prohibit discharges from industrial sources.
- B. Permit application. Users required to apply for a wastewater contribution permit shall complete and file with the Director an application in the form prescribed by the POTW, and accompanied by a fee which will be set by resolution of the City Council of Havre de Grace. In support of the application, the user shall, in units and terms appropriate for evaluations, submit the following information:
- (1) Name, address and location (if different from address);
 - (2) SIC number, according to the Standard Industrial Classification Manual, issued by the Executive Office of the President, Office of Management and Budget, 1972, as amended;
 - (3) Wastewater constituents and characteristics, including but not limited to those mentioned in this chapter;
 - (4) Time and duration of contribution;
 - (5) Average daily and thirty-minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;
 - (6) Site plans, floor plans, mechanical and plumbing plans along with details to show all sewers, sewer connections and appurtenances by the size, location and elevation;
 - (7) Description of activities, facilities and plant processes on the premises, including all materials which are or could be discharged, intentionally or accidentally;
 - (8) The nature and concentration of any pollutants in the discharge which are limited by any National Categorical Pretreatment Standard or pretreatment requirement and a statement regarding whether or not the pretreatment standards are being met on a

consistent basis and, if not, whether additional operation and maintenance and additional pretreatment is required;

- (9) The shortest schedule by which the user will provide additional pretreatment or operation and maintenance, if required to meet pretreatment standards. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. In no case shall the reporting intervals in the schedule exceed nine months;
 - (10) Each product produced by type, amount, process or processes and rate of production;
 - (11) Type and amount of raw materials processed (average and maximum per day);
 - (12) Number and type of employees, as well as hours of plant operation and proposed or actual hours of operation of pretreatment system; and
 - (13) Any other information deemed by the Director to be necessary to evaluate the permit application.
- C. Director's duties. If an application to discharge any of the herein enumerated wastes is submitted to the Director, the Director shall:
- (1) Reject the waste, or
 - (2) Require pretreatment to an acceptable condition for discharge to the public sewer, or
 - (3) Require control over the quantities and rates of discharge, or
 - (4) Accept the waste, taking into consideration the degree to which the waste may interfere with, pass through or otherwise be incompatible with the City sewage collection and treatment system, the terms of the NPDES permit providing for sewage treatment plant effluent limitations, the potential of such waste to create a hazard to life or create a nuisance and the economic impact of the various alternatives of permitting the discharge.
- D. Applicant's responsibility. It is the responsibility of the applicant for permission to discharge any of the wastes enumerated in this chapter to demonstrate to the Director that such wastes should be received.

§ 198-13. Wastewater contribution permits.

- A. Permit required. It shall be unlawful for a user subject to National Categorical Pretreatment Standards or other significant industrial user or any other user directed to apply for a permit by the City to discharge wastewater into the POTW except in accordance with the terms and conditions of a wastewater contribution permit.

B. Permit contents.

(1) Permits shall contain the following:

- (a) Effective and expiration dates;
- (b) Statement of nontransferability;
- (c) Effluent limitations based on applicable general pretreatment standards, categorical pretreatment standards, local limits, and/or state and local law;
- (d) Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type, based on the applicable general pretreatment standards, categorical pretreatment standards, local limits, and/or state and local law; and
- (e) Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the compliance date beyond applicable federal deadlines.

(2) Permits may contain the following:

- (a) Requirements to pay fees for the wastewater to be discharged to the POTW;
- (b) Effluent limitations, based on mass loadings and/or concentrations, on the average and maximum wastewater constituents and characteristics;
- (c) Limitations on the average and maximum rate and time of discharge or requirements for flow regulation and equalization;
- (d) Requirements for installation and maintenance of inspection and sampling facilities;
- (e) Requirements and specifications for monitoring programs, including sampling locations, frequency of sampling, numbers, types and standards for tests and reporting schedule;
- (f) Compliance schedules;
- (g) Requirements for submission of technical reports or discharge reports. These reports include any reporting requirements contained in national categorical standards or pretreatment requirements;
- (h) Requirements for collection, retention and providing access to plant records relating to the user's discharge;

- (i) Requirements for notification of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater treatment system;
- (j) Requirements for notification of spills, slugs and a spill/slug prevention plan; and
- (k) Other conditions as deemed appropriate by the City to ensure compliance with this chapter.

C. Basis for effluent limitations.

- (1) Effluent limitations shall be based upon the more stringent of the following: National Categorical Pretreatment Standards; state pretreatment requirements; or local limitations calculated by mass balance or other valid scientific method necessary to protect the POTW.
- (2) No provision contained in this chapter shall be deemed to prevent any special agreement or arrangement between the City and any person whereby wastewater of unusual strength or characteristic may be accepted by the City for treatment which will not violate or cause the City and/or the user to violate federal or state pretreatment or discharge standards and which will not be harmful to the system. However, federal pretreatment requirements or standards and National Categorical Pretreatment Standards cannot be waived by the City.

D. Periodic compliance reports.

- (1) All significant industrial users shall submit to the POTW a minimum of semiannual reports in June and December, or as specified by the Director, indicating the nature and concentration of pollutants in the discharge by applicable pretreatment standards. The specific pretreatment standards or the POTW itself may require this report to be filed more frequently. In addition to permit-specific requirements, this report shall include, but not be limited to, all daily flows during the reporting period which exceeded daily flow and/or maximum flow rate as stated in the permit.
- (2) The reports must be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report. The report must contain data that is representative of conditions occurring during the reporting period. The control authority will state the frequency of monitoring necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements.
- (3) Certification statement. All reports submitted to the City must be signed by the permittee's authorized representative, as outlined in CFR 403.12(1). See § 198-11S, Signature requirements for all users.

- (4) For industrial users subject to equivalent mass or concentrations limits established by the City in accordance with the procedures in 403.6(c), the report shall contain a reasonable measure of the user's long-term production rate. For all other industrial users subject to categorical pretreatment standards expressed only in terms of allowable pollutant discharge per unit of production (or other measure of operation), the report shall include the user's actual average production rate for the reporting period.
- E. Permit duration. Permits shall be issued for a specified time period not to exceed five years. The user shall apply for permit renewal at least 180 days prior to the expiration of the user's existing permit. Permits may be modified by the City to meet changes in state, federal or local limitations. Users will be given a reasonable time schedule to reach compliance.
- F. Permit nontransferability. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned, transferred or sold to a new owner, new user, different premises, or a new or changed operation without the prior written approval of the City.
- G. Permit modifications.
 - (1) Within 60 days after the effective date of a pretreatment standard for a subcategory under which an industrial user may be included or such shorter time as specified with the standard or requirement, the wastewater discharge permit of users subject to such standards shall be revised to require compliance with such.
 - (2) A user may apply for a permit modification whenever the mass loading of pollutants contained in the permitted discharge exceeds the average daily quantity.
 - (3) A user may apply for a permit modification whenever the user believes that some of the permit requirements no longer apply.
- H. Permit appeal. Permits may be appealed by filing a petition within 30 days after the permit is issued. This petition must be in writing. Failure to submit a petition for review shall be deemed a waiver of the appeal. In its petition, the permittee must indicate the permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to be placed in the permit. The effectiveness of this permit shall not be stayed pending a reconsideration by the Board of Appeals. If, after considering the petition and any arguments put forth by the Pretreatment Coordinator, the Board determines that reconsideration is proper, it shall remand the permit back to the Pretreatment Coordinator. Those permit provisions being reconsidered by the Pretreatment Coordinator shall be stayed pending issuance of the permit. A Board of Appeals' decision not to reconsider a final permit shall be considered final administrative action for purposes of judicial review. The permittee seeking judicial review of the Board's final action

must do so by filing a complaint with the Circuit Court of Harford County within 10 days.

§ 198-14. Compliance determination by sampling.

- A. Compliance determinations with respect to this chapter may be made on the basis of either instantaneous grab samples or composite samples of wastewater. Composite samples may be taken over a twenty-four-hour period, over a longer or shorter time span, as determined necessary by the Director to meet the needs of specific circumstances.
- B. Sampling of industrial wastewater for the purposes of compliance determination with respect to this chapter will be done at such intervals as the Director may designate.

§ 198-15. Remedies for noncompliance.

- A. Suspension of service.
 - (1) The POTW may suspend the wastewater treatment service or a wastewater contribution permit or cut off the sewer connection when such suspension or cutoff is necessary, in the opinion of the Director, in order to stop an actual or threatened discharge which:
 - (a) Presents or may present an imminent or substantial endangerment to the health or welfare of persons;
 - (b) Presents or may present an imminent or substantial endangerment to the environment;
 - (c) May cause or actually causes interferences to the POTW; or
 - (d) Causes the POTW to violate any condition of its NPDES or state discharge permit.
 - (2) The POTW may reinstate the wastewater contribution permit or the wastewater treatment service upon proof of the elimination of the noncomplying discharge.
 - (3) In the event of a suspension or cutoff under this section, within 15 days the user shall submit a written report describing the event that caused the suspension and the measures taken to prevent any recurrence.
- B. Revocation of permit. The Director may revoke any wastewater contribution permit if the Director finds that:
 - (1) A user has falsified information or records submitted or retained in accordance with this chapter;
 - (2) A user has violated the conditions of a wastewater contribution permit;
 - (3) A user has refused right of entry guaranteed by this chapter;

- (4) A user has failed to reapply for a permit or request a required permit modification; or
- (5) A user has discharged into the POTW in violation of this chapter.

C. Complaints.

- (1) Issuance. The City may issue a written complaint if there are reasonable grounds to believe that the person to whom the complaint is directed has violated:
 - (a) This chapter;
 - (b) Any rule or regulation adopted under this chapter; or
 - (c) Any order or permit issued under this chapter.
- (2) Contents. A complaint issued under this section shall:
 - (a) Specify the provision that allegedly has been violated;
 - (b) State the alleged facts that constitute the violation.

D. Issuance of notice or order.

- (1) In general after or concurrently with service of a complaint under this chapter, the City may:
 - (a) Issue an order that requires the person to whom the order is directed to take corrective action within a time set in the order, not to exceed 30 days;
 - (b) Send a written notice that requires the person to whom the notice is directed to file a written report about the alleged violation; and/or
 - (c) Send a written notice that requires the person to whom the notice is directed to appear at a hearing to be held by the Board of Appeals regarding the violation and directing the offending party to show cause before said authority why an order should not be made directing the termination of service. The notice of the hearing shall be served personally or by registered or certified mail, return receipt requested, at least 10 days before the hearing. Service may be made on any agent or officer of a corporation.
- (2) Effective date of order. Any order issued under this chapter is effective immediately, according to its term, when it is served.
- (3) The Board of Appeals may conduct the hearing and take the evidence or may designate any of its members or any officer or employee of the City of Havre de Grace to:
 - (a) Issue in the name of the Board of Appeals notices of hearings requesting the attendance and testimony of witnesses and the

production of evidence relevant to any matter involved in such hearings.

- (b) Take the evidence.
- (c) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Board of Appeals for action thereon.
- (4) At any public hearing, testimony taken before the Board of Appeals or any person designated by it must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public for any part of the hearing upon payment of the usual charges of copying thereof.
- (5) After the Board of Appeals has reviewed the evidence, it may issue an order to the party responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed or existing treatment facilities, devices or other related appurtenances are properly operated, and such further orders and directives as are necessary and appropriate.
- (6) It shall be unlawful to fail to comply with an order of the Board of Appeals.

E. Hearings.

- (1) Hearing on order. Within 10 days after being served with an order, the person served may request a hearing by writing the Mayor and City Council of Havre de Grace.
- (2) Subpoenas; witnesses.
 - (a) In connection with any hearing under this chapter, the Mayor and City Council may:
 - [1] Subpoena any person or evidence.
 - [2] Order a witness to give evidence.
 - (b) A subpoenaed witness shall receive the same fees and mileage reimbursement as if the hearing were part of a civil action.

F. Final corrective orders.

- (1) Orders.
 - (a) Unless the person served with an order makes a timely request for a hearing, the order is a final order.
 - (b) If the person served with an order under this chapter makes a timely request for a hearing, the order becomes a final

corrective order when the Board of Appeals renders its decision following the hearing.

- (2) Other action permitted. This section does not prevent the Mayor and City Council or the Attorney General from taking action against a violator before the expiration of the time limitations or schedules in the order.

G. Injunctive relief.

- (1) In general. The Mayor and City Council may bring an action for an injunction against any person who violated any provision of this chapter or any rules, regulations, order or permit adopted or issued under this chapter.
- (2) Findings. In any action for an injunction under this section, any findings of the Mayor and City Council after a hearing, is prima facie evidence of each fact the Mayor and City Council determines.
- (3) Grounds. On a showing that any person is in violation of or is about to violate this chapter or any rule, regulation, order or permit adopted or issued by the Mayor and City Council, the court shall grant an injunction without requiring a showing of a lack of an adequate remedy at law.
- (4) Emergency. If an emergency arises due to imminent danger to the public health or welfare, or imminent danger to the environment, the Mayor and City Council may sue for an immediate injunction to stop any pollution or other activity that is causing the danger.

H. Criminal penalties.

- (1) Violating ordinances, rules, regulations, orders or permits.
 - (a) A person who violates any provisions of or fails to perform any duty imposed by this chapter, or who violates any provision of or fails to perform any duty imposed by a rule, regulation, order or permit adopted or issued under this chapter is guilty of a misdemeanor and, on conviction, is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 90 days, or both.
 - (b) In addition to any criminal penalties imposed on a person convicted under this subsection, the person may be enjoined from continuing the violations.
 - (c) Each day on which a violation occurs is a separate violation under this chapter.
- (2) False statements in required documents. A person is guilty of a misdemeanor and, on conviction, is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 90 days, or both, if the person:

- (a) Knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained under this chapter or any rule or regulation, order or permit adopted or issued under this chapter; or
- (b) Falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required to be maintained under this chapter or any rule, regulation, order or permit adopted or issued under this chapter.

I. Civil penalties.

- (1) Any user which has violated or continues to violate this chapter, any order or wastewater discharge permit hereunder, or any other pretreatment standard or requirement shall be liable to the City for a maximum civil penalty of \$1,000 per violation per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of violation.
- (2) The City may recover reasonable attorney's fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.
- (3) In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.
- (4) Filing a suit for civil penalties shall not be a prerequisite for taking any other action against a user.

J. Annually published list of significant violators. The POTW shall publish annually in the local newspaper having circulation in the municipality in which the POTW is located a list of industrial users which at any time in the previous 12 months were in significant noncompliance with applicable pretreatment requirements. For the purpose of this provision, an industrial user is in significant noncompliance if its violation meets one or more of the following criteria:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
- (2) Technical review criteria (TRC) violations, defined here as those in which 33% or more of all of the measurements for each pollutant parameter taken during a six-month period;

- (3) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the control authority determines has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of POTW personnel or the general public);
- (4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under 40 CFR 403(f)(1)(vi)(B) to halt or prevent such a discharge;
- (5) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- (6) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, ninety-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (7) Failure to accurately report noncompliance; or
- (8) Any other violation or group of violations which the POTW determines will adversely affect the operation or implementation of the local pretreatment program.

§ 198-16. Annual review.

On or before April 1 of each year the Director shall review this chapter. If he determines that revisions or modifications are necessary, he shall submit proposed revisions to the Mayor and City Council of Havre de Grace. The Director shall review the provisions of this chapter to insure the user charge system established hereby results in the distribution of the cost of operation and maintenance of the treatment works and collection facilities in proportion to each user's contribution in order to insure proportional distribution of operating and maintenance costs to each user.

§ 198-17. Appeals.

Any person adversely affected by a decision or order of the Director under this chapter shall have the right to appeal such decision or order to the Havre de Grace Board of Appeals within 14 days of the date of the decision or order appealed from. The aggrieved party shall thereafter have an opportunity to be heard by the Board of Appeals, at which time the Board of Appeals may, by majority vote, affirm, reverse or reserve on the decision of the Director until such time as further investigation is made.

§ 198-18. Obstructions.

All individuals, firms or corporations having mains, pipes, conduits or other structures in, on or over any public way in the City or in the county which

impede the establishment, construction or operation of any City sewer or water main, upon reasonable notice, shall remove or adjust the obstructions at their own expense to the satisfaction of the City.

§ 198-19. Entering on county public ways.

The City may enter upon or do construction in, on or over any county public way for the purpose of installing or repairing any equipment or doing any other things necessary to establish, operate and maintain the water system, water plant, sanitary sewerage system, sewage treatment plants or stormwater sewers.

§ 198-20. Changes in plumbing to prevent waste or improper use.

In order to prevent any leakage or waste of water or other improper use of the City's water system or sewage disposal system, the City may require such changes in plumbing, fixtures or connections as it deems necessary to prevent such waste or improper use.

§ 198-21. Pollution of water supply prohibited; protection measures required; violations and penalties. [Amended 6-4-2012 by Ord. No. 941]

It shall be unlawful to do anything which will discolor, pollute or tend to pollute any water used or to be used in the City water supply system. The City is authorized to inspect any property connected to the City water supply system for sources or causes of cross-connection contamination. New connections to the City water supply system shall include backflow prevention devices approved by the Director of Public Works. The City shall develop a plan to identify, reduce and eliminate existing cross-connection contamination. To implement this plan and abate the danger of contamination, the City is authorized to discontinue or withhold water service, require repairs or modifications to customers' piping systems and/or require the installation of backflow prevention devices or other approved measures that protect the City's water supply system. The City's plan hereunder shall be approved by a resolution of the Mayor and City Council, and reporting of the progress thereunder shall be part of the duties delegated to the City's Water/Sewer Commission. For any uncorrected violation of the provision requirements of this section, the City is authorized to charge the customer with a municipal infraction for a first offense and offenders are subject to a fine of \$250, and a second offense is a misdemeanor, subjecting the offender to a fine of \$1,000 and 90 days in jail.

Chapter 205

ZONING

GENERAL REFERENCES

Criminal sanctions — See Ch. 1, Art. I.

Amusement devices — See Ch. 15.

Board of Appeals — See Ch. 25, Art. III.

Building construction — See Ch. 31.

Critical Areas — See Ch. 49.

Fees — See Ch. 70.

Floodplain management — See Ch. 78.

Forest conservation — See Ch. 81.

Historic preservation — See Ch. 97.

Off-street parking — See Ch. 122.

Signs — See Ch. 151.

Site plan approval — See Ch. 155.

Stormwater management — See Ch. 169.

Subdivision of land — See Ch. 173.

ARTICLE I
General Provisions

§ 205-1. Interpretation of standards.

The provisions of this chapter shall be held to be the minimum requirements. Where this chapter imposes a greater restriction than is imposed or required by other laws, rules, regulations, ordinances or private restrictions, the provisions of this chapter shall control.

§ 205-2. Conformance required.

All structures and uses shall conform to the provisions of this chapter. This chapter shall not be construed to prohibit the maintenance of existing structures. This chapter shall not be construed to prohibit the continuation of any use or the continued use of any structure existing as of the date of adoption of this chapter in the event of any changes of ownership.

§ 205-3. Continuing existing uses and approvals.

A. After March 15, 1982, an existing structure or combined use of structure and land devoted to a use not principally or conditionally permitted in the district in which it is located shall not be enlarged, extended, substituted, reconstructed, converted or altered except as follows:

- (1) Modifications of nonconforming uses and structures to permitted uses and structures shall be permitted without Board of Appeals approval.
- (2) Modifications of nonconforming uses and structures to conditional uses and structures shall be permitted with Board of Appeals approval. **[Amended 5-4-2009 by Ord. No. 904]**
- (3) Modifications of nonconforming uses and structures shall be permitted in conformance with orders of governmental agencies having jurisdiction over the premises.
- (4) Modifications of nonconforming uses to other nonconforming uses and modification of nonconforming structures to other nonconforming structures shall be permitted with Board of Appeals approval.
- (5) Modification of a nonconforming structure shall be permitted without Board of Appeals approval within the following restrictions:
 - (a) An increase of 25% in the gross floor area will be allowed on a one-time basis.
 - (b) Additions to structures shall conform to lot specifications in Table I.⁵²

- B. No structure or premises where a nonconforming use has ceased for two years or more shall again be put to a nonconforming use. The liquidation of an estate or an active and continuous attempt to sell or rent the premises shall not be considered a cessation of the use. If the estate is not settled within a ten-year period or sale or rental does not occur within a three-year period, the nonconforming use status shall be lost unless one or more extensions of specified, limited duration are granted by the Board of Appeals.
- C. If a structure devoted to a nonconforming use or if all or part of a nonconforming structure is damaged or destroyed, it may be reconstructed having no more lot coverage than the damaged structure, except as provided in Subsection A(1) through (5) above.
- D. The cessation of a nonconforming use of land which is not combined with that of a structure for a period of one year shall be deemed abandonment of that use. No extension or intensification of a nonconforming use of land unassociated with the use of structure shall be permitted.
- E. Single-family detached dwellings, which have been or may be constructed on lots created by virtue of deeds or of subdivision plats recorded in the Land Records of Harford County prior to March 15, 1982, shall be exempt from the single-family, residential lot specifications contained in Table I of this chapter. **[Amended 5-4-2009 by Ord. No. 904]**

§ 205-4. Historic sites.

Historic sites or structures that have been listed on the Maryland Historic Trust Historic Sites Inventory or listed on the National Register of Historic Places may be continued to be repaired and rehabilitated without limitation by this chapter.⁵³

§ 205-5. Zoning districts.

For the purposes of this chapter, the incorporated territory of Havre de Grace, Maryland, is hereby divided into the following districts:

R	Residential District
R-1	Residential District
R-2	Residential District
RB	Residential Business District
RO	Residential Office District
MOE	Mixed Office/Employment District
C	Commercial District

52.Editor's Note: Table I is included at the end of this chapter.

53.Editor's Note: See also Ch. 97, Historic Preservation.

§ 205-6. District boundaries and Zoning Map. [Amended 5-4-2009 by Ord. No. 904]

The boundaries of the districts are hereby established as shown on the Zoning Map of Havre de Grace, Maryland. The Zoning Map and all notations, references and other matters shown thereon shall be and are hereby made part of this chapter. The Zoning Map and all amendments thereto shall be and remain on file with the Director of Planning.

§ 205-7. Interpretation of district boundaries.

District boundary lines shall be interpreted to follow property lines, lot lines, City boundaries, or the center lines of streets or lanes as they exist at the time of the adoption of this chapter unless indicated clearly to the contrary upon the Zoning Map.

§ 205-8. Street frontage required. [Amended 5-4-2009 by Ord. No. 904]

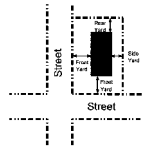
- A. No lot shall be used in whole or in part for any use other than parking purposes, unless such lot abuts:
 - (1) A public or private right-of-way 50 feet or more in width which provides a public means of access to abutting property; or
 - (2) Any public or private right-of-way not less than 30 feet in width which existed prior to January 1, 1980.
- B. Within the RB and RO Zoning Districts, the construction of a single-family detached dwelling on a lot fronting on an improved lane is permitted as a principal use. The lot shall meet the requirements of Table I, Lot Type CC. Two off-street parking spaces, not arranged in tandem, shall be provided on the lot.
- C. Panhandle lots shall be permitted in all zoning districts to achieve better use of irregularly shaped parcels, to avoid development in areas with environmentally sensitive features or to minimize access points to roads and streets, subject to the following requirements:
 - (1) The panhandle shall abut a public road or street with a minimum right-of-way width of 50 feet.
 - (2) The minimum width of a single panhandle shall be 25 feet.
 - (3) Multiple adjacent panhandles (up to a maximum of four allowed) shall have a minimum width of 12 1/2 feet each.
 - (4) A common drive shall be constructed to serve any group of two or more panhandle lots. Driveways for all panhandle lots shall access from the common drive.
 - (5) Where a common drive is required, the owner shall provide the City with a common driveway agreement, satisfactory to the City

Attorney, which shall be applicable to all lots subject to the common drive plan. The agreement shall be approved by the City prior to the recordation of the subdivision plat.

- (6) Panhandle lots shall not be used to avoid the construction of a street.

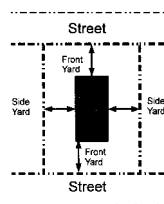
§ 205-9. Height, lot, yard townhouse and cottage dwelling requirements. [Amended 5-4-2009 by Ord. No. 904]

- A. Height, lot and yard requirements for each district and use shall be as specified in Table I.⁵⁴
- B. The minimum front yard setback shall be measured from the front line to the building envelope in the following manner:
- (1) In the case of corner lots platted after the effective date of this subsection, a full front yard with the required setback shall be provided on both frontages. The shortest lot line opposite the right-of-way shall be considered the rear lot line, and the longest lot line opposite the right-of-way shall be considered the side lot line.



Corner Lot

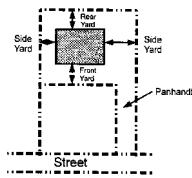
- (2) In the case of through lots, front yard setbacks shall be provided on all frontages.



Through Lot

- (3) In the case of panhandle lots, the front yard setback shall be measured along the property line that most closely parallels the street to which the panhandle connects.

54. Editor's Note: Table I is included at the end of this chapter.



Panhandle Lot

- (4) For irregular lots, the front yard setback shall be measured from the portion of the structure closest to the lot line.
- C. The minimum side and rear yard setbacks shall be determined in the following manner:
 - (1) Perpendicularly from the rear or side lot lines at the closest points to the proposed or existing structure.
 - (2) For irregular lots, the rear and side yard setbacks shall be measured from the portion of the structure closest to the lot line.
- D. Exceptions to minimum yard requirements.
 - (1) Architectural features such as bay windows, chimneys, cornices, eaves and entrance steps may encroach into the minimum yard requirements by an amount not exceeding 24 inches. In no case shall such a projection be closer than three feet to any property line.
 - (2) No encroachment shall be permitted where the minimum yard setback is zero except for encroachments on City-owned rights-of-way which may be approved by action of the Mayor and City Council on a case-by-case basis.
- E. The front, rear and side yard setback requirements for residential structures exceeding 40 feet in height shall be increased by one foot for every two feet by which the height of the structure exceeds 40 feet.
- F. General townhouse requirements. Townhouses meeting the requirements of Lot Type GG, Table I,⁵⁵ are a principal permitted use in the R-2, RO and RB Zoning Districts. Townhouses meeting the requirements of Lot Type E, Table I, may be permitted by the Board of Appeals as a conditional use in the R-2, RO and RB Zoning Districts. The following regulations shall apply to all townhouses, whether principally permitted or a conditional use:
 - (1) Townhouse projects shall not be located on a site with an area of less than 10,000 square feet.
 - (2) No fewer than three and not more than eight dwelling units shall be included in any one townhouse building block. A building block

55. Editor's Note: Table I is included at the end of this chapter.

is a single structure comprised of a series of attached townhouse dwellings.

- (3) The front facade of a townhouse building block shall be offset a minimum of two feet at least every three units.
 - (4) Ingress/egress easements at least 10 feet in width shall be provided so that the rear yard of each townhouse unit may be accessed from common open space and/or a public or private right-of-way.
 - (5) Fee simple yards for end units are not required but may be provided. The minimum distance between the ends of two adjacent building blocks shall be 26 feet. In the case where a building block end is adjacent to an adjoining property that is not part of the project, the block end shall be a minimum of 15 feet from the property line.
 - (6) In townhouse projects containing up to 15 dwelling units, a minimum of 15% of the gross land area to be developed as townhouses shall be preserved as open space. Projects containing more than 15 dwelling units shall preserve a minimum of 20% of the gross land area as open space. At least 25% of open space shall be devoted to active recreational use. Open space shall be accessible to all residents of the townhouse development.
 - (7) The maximum density of a townhouse project shall not exceed 16 dwelling units per acre.
- G. Additional provisions for conditional use townhouse projects. The Board of Appeals may permit the minimum lot width of 18 feet and the Minimum Lot Area of 1,440 square feet to be modified by the following provisions:
- (1) In townhouse building blocks containing fewer than six dwelling units, one sixteen-foot-wide unit with a minimum lot area of 1,280 square feet may be included.
 - (2) In townhouse building blocks containing six or more dwelling units, two sixteen-foot-wide units with minimum lot areas of 1,280 square feet each may be included.
- H. Cottage dwelling requirements. A cottage dwelling may be permitted by the Board of Appeals as a conditional use on a single lot in the R, R-1, R-2, RO and RB Districts, provided that the following provisions are met:
- (1) The lot owner occupies one of the two dwellings on the lot as a principal residence.
 - (2) Occupants of the cottage dwelling shall park their vehicles off-street on the subject property; at least one off-street space shall be provided in addition to any off-street parking required for the main dwelling unit.

- (3) No separate address will be assigned to the cottage dwelling.
 - (4) Such other conditions that the Board of Appeals may deem appropriate to a particular case.
 - (5) Prior to the issuance of a use and occupancy permit by the City, the owner of the lot shall record a confirmatory deed that describes the foregoing conditions and limitations in the land records of Harford County.
- I. Fence requirements. Fences are permitted as an accessory use within all zoning districts provided that the following provisions are met:
- (1) Any person desiring to build or cause to be built a fence shall apply to the City for a permit to do so. The application shall contain all information, including a plan drawn to scale, sufficient to determine that the erection of such fence will conform to the requirements of this chapter. A drawing or picture of the fence indicating its style and height shall also be provided.
 - (2) Fences less than 20 inches in height above the surface of the ground and hedges and required temporary construction safety and silt fences are exempt from the permit requirements of Subsection I(1) of this section.
 - (3) Corrugated metal shall not be used for fence panels.
 - (4) All fences must be constructed on private property and shall not extend toward a street or lane beyond the property line.
 - (5) Exposed posts and lateral bracing of the fence shall face the interior of the property so that the finished side of the fence faces outward.
 - (6) Residential fences and support posts shall meet the following requirements:
 - (a) A fence in a rear yard or between the rear line of the dwelling and the front line of the dwelling shall not exceed six feet in height above the surface of the ground and may be of solid or open construction.
 - (b) A fence in a front yard shall not exceed four feet in height above the surface of the ground and shall be of open construction only. Chain link fencing shall not be located in front yards.
 - (c) On the right-of-way sides of corner lots, a fence shall not exceed four feet in height above the surface of the ground and shall be of open construction only. Chain link fencing shall not be located in these yards.

- (d) Barbed wire and similar types of fences with sharp edges are prohibited for use as residential fences or being attached thereto.
- (e) Along twenty-foot-wide rights-of-way which are an alley or lane and which border a corner lot, a fence along the right-of-way shall not exceed six feet in height above the surface of the ground and shall not be of chain link material. **[Added 11-3-2014 by Ord. No. 958]**
- (7) Security fences for commercial, industrial or institutional uses shall not exceed 10 feet in height above the surface of the ground unless otherwise necessary to comply with screening requirements. A security fence may have reasonable barriers such as barbed wire placed along its uppermost edge.
- (8) Tennis court fences may be a maximum of 12 feet in height above the surface of the ground.
- (9) Required swimming pool fences shall conform to applicable building codes.
- (10) All fences shall be maintained in a structurally sound and attractive manner.

§ 205-10. Forest conservation requirements. [Amended 5-4-2009 by Ord. No. 904]

Any building project, regardless of building size, occurring on a site larger than 40,000 square feet must comply with Chapter 81, Forest Conservation, prior to receiving zoning approval for a building permit. Conservation easements in residential subdivisions shall be located in common open space only and not on private residential lots.

§ 205-11. Severability of provisions.

The several provisions of this chapter are separable. If any court of competent jurisdiction shall adjudge any provision of this chapter to be invalid, such judgment shall not affect any other provision of this chapter. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this chapter to a particular property, building, structure or use, such judgment shall not affect the application of such provision to any other property, building, structure or use.

ARTICLE II
Definitions and Word Usage

§ 205-12. Word usage.

- A. Words used in the present tense include the future, the singular number includes the plural, and the plural the singular, unless the context clearly indicates the contrary.
- B. The word "may" is permissive.
- C. The word "shall" is mandatory.

§ 205-13. Definitions.

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

ACCESSORY USE OR BUILDING — A subordinate use or building customarily incidental to and located on the same lot occupied by the main use or building. The term "accessory building" may include a private garage, garden shed or barn, a private playhouse, a private greenhouse and a private swimming pool when meeting the definition of a building contained herein.

ADULT DAY-CARE FACILITY; DAY-USE FACILITY — A facility operated for the purpose of providing care, protection and guidance to adults during normal business hours, with no overnight usage permitted. The facility shall be licensed by the State of Maryland.

AGRICULTURAL RETAIL — The sale of agricultural products.

AGRICULTURAL SERVICES — Uses which serve or support agriculture, including farm equipment service, auction sales of animals, feed and grain mills, farmer cooperatives and agricultural products processing, animal hospitals and veterinary clinics.

AGRICULTURE — All methods of production and management of livestock, crops, vegetation and soil. This includes but is not limited to the related activities of tillage, fertilization, pest control, harvesting and marketing. It also includes but is not limited to the activities of feeding, housing and maintaining of animals, such as cattle, dairy cows, sheep, goats, hogs, horses and poultry, and handling their by-products.

ALARM SYSTEMS OPERATIONS OFFICE — An office for electronic security services for on- and off-site locations and may include space for dispatchers and other personnel employed as part of the service.

AMUSEMENTS — Includes bowling alleys, skating rinks, miniature golf courses, golf driving ranges, amusement parks, rifle, pistol, skeet and archery ranges, arcades and other similar activities.

ANCILLARY USES — A use permitted only in conjunction with a principal use permitted in the zoning district. Ancillary uses cumulatively cannot exceed a certain percent of the gross floor area of the related principal use

as determined by zoning district, shall be located in the same building as the principal use, and shall be publicly accessed only through an interior lobby or hallway of the building. Retail uses shall be designed to principally serve the employers and employees within the zoning district.

ANIMAL CARE — Includes veterinary hospitals and kennels.

ARCADE — A building or part of a building in which three or more coin-operated amusement devices are maintained.⁵⁶

AUTO CONVENIENCE MARKET — An establishment where gasoline, motor oil, lubricants, or other minor accessories are retailed directly to the public on the premises in combination with the retailing of food and other items typically found in a convenience store or supermarket. No automotive repair or service areas are provided on-site.

AUTOMATIC TELLER MACHINE — An automated device that performs banking or financial functions at a location remote from the controlling financial institution.

AUTO REPAIR OR SERVICE CENTER — A retail establishment where automobile repairs or services are conducted and/or where automobile parts are sold to the public, with a minimum building size of 10,000 square feet and on a property or a lot that is not within the Chesapeake Bay Critical Area as shown on the Critical Area Map.**[Added 9-15-2014 by Ord. No. 960]**

BAIL BOND BUSINESS — A business operation whereby funds or other property collateral are paid or posted to the court of jurisdiction to ensure that an arrested person who is released from jail will show up at all required court appearances. A bail bondsman is the business person who collects and posts the required bail on the arrested person's behalf for a fee and takes responsibility for the court appearances of the persons to whom such bonds are issued.**[Added 5-3-2010 by Ord. No. 913]**

BANK — An establishment for the custody, loan, exchange or issue of money, for the extension of credit or facilitating the transmission of funds.

BANQUET HALL — A place of business maintained, in whole or in part, for public rental for the purpose of private party events, whether family, group, or corporate in nature, where access by the general public is restricted, and with or without the sale, serving, or consumption of alcoholic beverages; additionally, it may have a dance floor greater than 200 square feet.**[Added 5-3-2010 by Ord. No. 913]**

BED-AND-BREAKFAST — A residential dwelling, or part thereof, providing overnight accommodations to transients for compensation.**[Added 5-4-2009 by Ord. No. 904]**

BOARD OF APPEALS — The Board of Appeals as established by ordinance of the Mayor and City Council of Havre de Grace.⁵⁷

56.Editor's Note: See also Ch. 15, Amusement Devices.

57.Editor's Note: See Ch. 25, Boards, Committees and Commissions, Art. III, Board of Appeals.

BOOKSTORE — An establishment primarily engaged in the retail sale of hardbound and softbound books and magazines. The reading material and ancillary products for sale at these establishments shall not be of an obscene nature. A coffee shop or coffee bar shall be a permitted accessory use, subject to Health Department approval.**[Amended 5-4-2009 by Ord. No. 904]**

BUILDING — A structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals or goods, including tents, cabins or trailers.

BUILDING, HEIGHT OF — The vertical distance derived from the average finished grade at the foundation corners of the building or structure to the highest point of the building or structure, excluding a chimney or other similar structures.

BUSINESS SCHOOL — A noncollege degree-granting school offering courses in office machine operation, computers, data processing, software, secretarial and related skills.

BUSINESS SUPPORT SERVICES — A business operation engaged in providing office-oriented support services to business and industry. These operations may include, but are not limited to, accounting, auditing, bookkeeping, business management consulting, consumer credit reporting, mailing list development and preparation, payroll processing, secretarial, stenographic and telephone answering services.

CAFETERIA/LUNCHROOM/SNACK BAR/AUTOMAT — An institutional food service facility primarily devoted to providing for the needs of on-site employees, although the general public need not be excluded. Public cafeterias are included in the definition of "restaurants."

CASH FOR GOLD BUSINESS — As a sole business operation the purchase or sale of gold or a precious metal object as regulated by the State of Maryland defined as "a precious metal containing gold, iridium, palladium, platinum or silver; a precious or semiprecious stone, or a pearl, that is or appears to be attached to or inlaid in a precious metal or alloy of a precious metal; or an object that is composed of a precious metal or precious metal alloy if at least 25% of the object's weight is precious metal or the market value of the metal in the object lies primarily in the precious metal component."**[Added 5-3-2010 by Ord. No. 913]**

CATERING FACILITY — An establishment that prepares, serves, and supplies food in large quantities to be delivered and consumed off premises. Deliveries of food products occur on a regular basis.**[Added 5-3-2010 by Ord. No. 913]**

CEMETERY — A burial ground, burial place or graveyard containing tombs, sepulchers, graves, crypts, vaults or mausoleums.

CHILD-CARE FACILITY — Any facility licensed by the State of Maryland operated for the purpose of providing care, protection and guidance to more than eight children separated from their parents or guardian during part of the day only.

CHURCH — A building for worship and religious instruction, including a meeting house, mission, temple, cathedral, synagogue, mosque, chapel, shrine or convent.

CITY — The Mayor and City Council of Havre de Grace or the geographical area within the municipal boundaries defined in the Charter of the Mayor and City Council of Havre de Grace.

CLUB — A structure or land area used by a private club or social organization for purposes other than profit or gain and for some common objective, including fellowships, societies, lodges, brotherhoods, fraternal orders, sisterhoods and sororities, and recreation structures and areas operated by such associations for the benefit of the membership, including golf clubs and country clubs.

COIN-OPERATED AMUSEMENT DEVICE — Any mechanical or electronic machine, including, without limitations, any claw machine, pinball machine, shuffleboard, mechanical bowling game, or video game or any similar device for public amusement whose operation requires the insertion of a coin or token and the result of whose operations depends in whole or in part upon the skill of the operator whether or not it affords an award to a successful operator.

COLLEGE, UNIVERSITY or SEMINARY — An institution of higher education, including teaching and research, and offering a course of general studies leading to advanced academic degrees. The institution may include related facilities, such as, but not limited to, classroom buildings, libraries, laboratories (functioning within the limits of the zoning district), dormitories (except where specifically prohibited), administration, physical plant, dining hall, campus center, theater, student gymnasium, stadium and fieldhouse.

COMMERCIAL ARTIST OR PHOTOGRAPHER'S STUDIO — A facility primarily engaged in painting, photographic, graphic art and other art forms or video services of a nonobscene nature. The film development component of the facility shall not exceed 25% of the gross floor area of the principal use.

COMMERCIAL PARKING FACILITY — An off-street parking lot or structure available to the public for compensation, but may be used to accommodate employees, customers and clients.

COMMERCIAL RECREATION, INDOOR — A sports or activity facility open to the general public for a fee. These include, but are not limited to, roller or ice skating rink, bowling alley, billiard hall, dart pavilion, amusement arcade (video, pinball and others), bingo parlors, swimming pools, hard and soft courts, paint ball arena, and miniature golf.

COMMUNITY FACILITIES — Public or private parks, reservations, sanctuaries, reserves, preservation areas, conservation areas, open space, playgrounds, athletic fields, courts, community centers, community halls and similar facilities.

COMMUNITY RESIDENTIAL FACILITY — Any dwelling licensed, certified, or authorized by state, federal, or local authorities as a residence, for example, but not limited to, children or adults with physical, developmental or mental disabilities, dependent children or elderly individuals in need of supervision, support and/or independent living training. Does not include halfway house, crisis residential center, or secure community transition facility. May include specialized group home for the developmentally disabled, group care facility for children, and boarding home.**[Added 5-3-2010 by Ord. No. 913]**

COMMUNITY TREATMENT FACILITY — Any dwelling or place licensed, certified, or authorized by state, federal, or local authorities as a residence and treatment facility, for example, but not limited to, children or adults with mental disabilities, alcoholism, or drug abuse problems needing a supervised living arrangement and rehabilitation services on a short-term or long-term basis. Does not include detoxification centers, halfway house, crisis residential center or secure community transition facility. May include alcohol and/or drug abuse treatment facilities and adult treatment facilities.**[Added 5-3-2010 by Ord. No. 913]**

CONDITIONAL USE — See "special exception."**[Amended 5-4-2009 by Ord. No. 904]**

CONFERENCE CENTER — A building or a portion of a building that has a permitted capacity in excess of 10 persons at which meetings and conferences are held for compensation.

COPY SHOP — A retail establishment that provides duplicating services using photocopying, blueprint, and offset printing equipment, and may include the collating and binding of booklets and reports.

CORPORATE HOUSING — A furnished apartment or house that is rented on a temporary basis to individuals, military personnel or companies as an alternative to an extended hotel stay.**[Added 5-4-2009 by Ord. No. 904]**

CULTURAL ARTS CENTER — An establishment for the presentation of art, scientific, cultural or historical materials, music, live theatrical or musical productions, but not including dinner theaters. These include, but are not limited to, museums, noncommercial art galleries, arboreta, aquariums, botanical or zoological gardens, auditoriums, and music conservatories.

DATA PROCESSING AND COMPUTER SERVICES — An establishment primarily involved in the compiling, storage, and maintenance of documents, plans, records, and other types of information in digital form utilizing a mainframe computer. This term does not include general business offices and computer-related sales and service establishments.

DECK — An open floor structure of wood or other durable material, attached to or detached from a dwelling, which may include stairways, protective guards and railings, but does not include roof or roof lattice cover, enclosure walls other than those of the dwelling, and enclosed foundation system. A deck shall be deemed to be used for the purposes of unsheltered outdoor lounging, private assemblage and passive recreation only.**[Amended 5-4-2009 by Ord. No. 904]**

DRY CLEANERS — An establishment for the cleaning of clothing, draperies, fabrics, and other articles with a chemical or liquid other than water. Besides the cleaning facility, there may be a customer dropoff and pickup area in the establishment.

DRY CLEANERS, PICKUP AND DROPOFF — A facility solely for the purpose of dropping off and picking up of articles to be dry cleaned. No cleaning facilities are permitted on the premises.

DWELLING — A building arranged, intended or designed to be occupied by one or more families living independently of each other upon the premises.

DWELLING, APARTMENT — A building containing four or more dwelling units accessing from a common entry.**[Added 5-4-2009 by Ord. No. 904]**

DWELLING, COTTAGE — A separate secondary dwelling on a single residential lot, subject to Board of Appeals approval as a conditional use.**[Added 5-4-2009 by Ord. No. 904]**

DWELLING, DUPLEX — A building on a single lot containing two dwelling units located one above the other or side by side, which do not share a common entry.**[Added 5-4-2009 by Ord. No. 904]**

DWELLING, MULTI FAMILY — A detached building located on a single lot or parcel and designed for or used for residence purposes by two or more families or housekeeping units. Such buildings include apartments, multiplexes and single-family residences converted to multifamily use.**[Amended 5-4-2009 by Ord. No. 904]**

DWELLING, MULTIPLEX — A building containing three or more attached dwelling units having common walls and/or a common roof with a separate entry for each unit.**[Added 5-4-2009 by Ord. No. 904]**

DWELLING, SEMIDETACHED — A building containing two attached dwelling units which share a common wall at the lot line and which are on separate lots.**[Added 5-4-2009 by Ord. No. 904]**

DWELLING, SINGLE-FAMILY ATTACHED — A series of two or more buildings with one or more vertical division or common walls, each of which is designed for or used for residence purposes by one family or housekeeping unit. Such buildings include duplexes, semi-detached dwellings and townhouses.**[Amended 5-4-2009 by Ord. No. 904]**

DWELLING, SINGLE-FAMILY DETACHED — A detached building designed for or used for residence purposes by one family or housekeeping unit, located on a single lot and detached from any other dwelling.**[Amended 5-4-2009 by Ord. No. 904]**

DWELLING, TOWNHOUSE — A building containing three or more attached dwelling units in a row having individual access from the front and rear of each unit.**[Added 5-4-2009 by Ord. No. 904]**

DWELLING UNIT — One or more rooms with provision for cooking, living, sanitary and sleeping facilities arranged for the use of one family.

EDUCATIONAL FACILITIES, PRIMARY/SECONDARY — A parochial, private, or public facility that provides a state-required curriculum of elementary and secondary academic instruction. Such facilities include kindergartens, elementary schools, middle schools, and high schools.

FAMILY — One or more individuals living independently as a single housekeeping unit and using cooking facilities and rooms in common. A family shall not be deemed to include the collective occupants of a boardinghouse, lodging house or hotel.

FAMILY DAY CARE — The care given to a child younger than 13 years old or to a developmentally disabled person younger than 21 years old in place of parental care for less than 24 hours a day, in a residence other than the child's residence, for which the provider is paid in cash or in kind.

FAMILY DAY-CARE HOME — A residence, registered under Title 07, Subtitle 04, Chapter 01, of the Annotated Code of Maryland by authority of the Family Law Article, §§ 5-550 through 5-557, which offers or supplies child care for no more than eight children, excluding those of the family day-care provider, for less than 24 hours a day and on a regular schedule more often than 20 hours per month.

FENCE — A barrier of wood, masonry, stone, wire, metal or other manufactured fencing material, or of natural material such as hedges or living bushes or shrubs, or a combination of materials erected as an enclosure or to separate areas of land.**[Added 5-4-2009 by Ord. No. 904]**

FENCE, OPEN CONSTRUCTION — A fence, including gates, which contains no greater than 60% opaque material as measured horizontally along each three feet of the length of the fence.**[Added 5-4-2009 by Ord. No. 904]**

FENCE, SECURITY — A fence erected for the express purpose of protecting an enclosed area and the property therein, or a fence intended to deny access to a dangerous property or location.**[Added 5-4-2009 by Ord. No. 904]**

FENCE, SOLID CONSTRUCTION — A fence, including gates, which conceals or screens the property located behind it from the view of adjoining properties, streets or lanes and which contains greater than 60% opaque material as measured horizontally along each three feet of the length of the fence.**[Added 5-4-2009 by Ord. No. 904]**

FINANCIAL INSTITUTION — Any establishment for which the primary business is concerned with such state or federally regulated activities as banking, savings and loans, and consumer loan companies.

FREIGHT TERMINAL — The end, intermediate stop or headquarters of a carrier line, such as a railroad, trucking line, shipping line or airline, including classifying yards, dock and lighterage facilities, management offices or storage sheds relating to the transportation of freight.

FUNERAL ESTABLISHMENT — An establishment with facilities for the preparation of the dead for burial, for cremation, for the viewing of the body or for funerals.

GARAGE — A building or part thereof including a carport, used for the storage or parking of one or more vehicles.

GAS STATION — A retail establishment for servicing motor vehicles generally with fuel and lubricants, sometimes including ancillary facilities for mechanical repairs, including filling stations, service stations, self-service motor fuel sales and car-care centers.

GOLF COURSE — An area of land laid out for the game of golf with a series of nine or 18 holes each including tee, fairway and putting green and one or more natural or artificial hazards.

GREENHOUSES — An enclosure for the cultivation of plants, including nurseries, hothouses and arboretums.

HALFWAY HOUSE — Any dwelling or place licensed, certified or authorized by state, federal, or local authorities, for example, but not limited to, inmates on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling are provided to transition residents back into society, enabling them to live independently. **[Added 5-3-2010 by Ord. No. 913]**

HARDWARE STORE — A facility of 30,000 or fewer square feet gross floor area, primarily engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, plumbing and electrical supplies, paint and glass, housewares and household appliances, garden supplies and cutlery; if greater than 30,000 square feet, such a facility is a "home improvement center."

HAZARDOUS MATERIAL OR PROCESS (HAZMAT) — A substance or activity involving any substance listed in 40 CFR Part 355, Appendix A, as an extremely hazardous substance (EHS) when that substance is stored, generated, used or released in quantities equal to or greater than the lowest quantity listed for either the threshold planning quantity (TPQ) or reporting quantity (RQ) for the substance.

HEALTH CARE FACILITY — An establishment engaged in furnishing medical equipment, surgical or other services to individuals, including medical and dental laboratories, patient care facilities, blood banks and miscellaneous types of medical supplies and services, but not to include the offices of physicians, dentists and other health care practitioners. The term "health care facility" does not include a residence which serves persons as an alternative to incarceration for a criminal offense or persons whose primary reason for placement is substance or alcohol abuse. **[Added 5-4-2009 by Ord. No. 904]**

HEALTH SPA — A facility in which memberships in a program of physical exercise or the rights and privileges to use one or more of the following are sold: sauna, whirlpool, weightlifting room, massage, steam room, or exercising machine or device.

HELISTOP or HELIPAD — An area designated to accommodate touchdown and liftoff of helicopters for the purpose of picking up and discharging

passengers or cargo. The area shall contain no operational facilities other than one tie-down space and such additional facilities as are required by law, ordinance or regulation.

HOME IMPROVEMENT CENTER — A facility of more than 30,000 square feet gross floor area, primarily engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, plumbing and electrical supplies, paint and glass, housewares and household appliances, garden supplies and cutlery.

HOME OCCUPATION — Any occupations or activities which are clearly incidental and secondary to the use of the premises for dwelling purposes, not detrimental to the neighborhood, carried on by a member of a family residing on the premises, in connection with which there is not display or storage of materials or generation of substantial volumes of vehicular or pedestrian traffic or parking demand or other exterior indication of the home occupation or variation from the residential character of the building, and in connection with which no more than two persons outside the resident family are employed and no equipment used which creates offensive noise, vibration, smoke, dust, odor, heat or glare. When within the above requirements, a home occupation includes, but is not limited to, the following: professional office of a physician, dentist, lawyer, engineer, architect, accountant, salesman, real estate agent, insurance agent, art studio, tailoring and dressmaking, hairdressing, boat building, decoy carving, cabinetmaking, home crafts, teaching limited to two pupils at a time or other similar occupation. "Home occupation" shall not include family day-care home services.

HOSPITAL — An establishment primarily engaged in providing diagnostic services, extensive medical treatment including surgical services, and other services, as well as continuous nursing services to human beings. The establishment has an organized medical staff on duty 24 hours a day, inpatient beds, and equipment and facilities to provide complete health care. The establishment also may provide emergency room care and less intensive medical uses by right, such as a nursing home, sanitarium, convalescent care facility, ambulatory care facility, and a home for the aged. The establishment shall not include care and treatment of mental patients, liquor or drug addicts, except incidentally for detoxification or short-term emergency treatment.

HOTEL — A building or group of buildings containing 64 or more guest rooms or suites to be used for temporary lodging of transients, available at not less than daily rates, to the general public. Ingress and egress to and from all guest rooms or suites shall be made through an inside lobby with a registration desk which is attended by a person in charge at all times. Facilities provided, above and beyond guest registration, guest rooms or suites and maid service, may include, but are not limited to, banquet and reception facilities, barber and beauty shops, business traveler support centers or services, concierge services, exercise rooms, incidental merchandise sales, meal and beverage services and establishments, meeting rooms, and swimming pools.

HOTEL, EXTENDED STAY — A hotel designed for long-term transient lodgers (more than five days), which typically contains a kitchen or kitchenette in each guest room or suite and a laundry facility on site for the transient lodger's use.

HOTEL, FULL SERVICE — A hotel which contains at least one full-service restaurant, bar/lounge, exercise room and indoor swimming pool as part of the facility's amenities. A full breakfast is typically available to the transient lodger on site.

HOTEL, LIMITED SERVICE — A hotel which does not provide a full-service restaurant as part of the facility's amenities. Complimentary continental meal services are made available to the transient lodger on site.

HOTEL AND CONFERENCE CENTER — A grouping of a hotel and a conference center, designed, developed and managed as an integral entity wherein the conference center is located either in a separate building adjoining a hotel or in a portion of a hotel building.

LABORATORY — An establishment whose principal purpose is the research, compounding and/or packaging of scientific products, which may include light manufacturing. **[Amended 5-3-2010 by Ord. No. 913]**

LIGHT MANUFACTURING — The manufacture or assembly of medical or dental equipment, drafting, optical and musical instruments, watches, clocks, toys, games, electrical apparatus or equipment, communication equipment, photographic or metering equipment, electrical appliances, tools, dies, machinery, hardware products or the compounding of cosmetics, toiletries, drugs and pharmaceutical products.

LIMOUSINE OR SHUTTLE-DISPATCHING FACILITY — A facility engaged in the dispatching of passenger vehicle transportation for hire, including business offices but not the fleet parking or servicing of vehicles.

LIQUOR STORE — A facility licensed by Harford County for the sale of alcoholic beverages for off-premises consumption under Article 2B, Title 6, Subtitle 1, of the Annotated Code of the State of Maryland.

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, and having frontage on a road as defined herein. The word "lot" includes the term "plot."

LOT AREA — The total horizontal area included within lot lines.

LOT, CORNER — A lot abutting on two or more roads at their intersection or upon two parts of the same road forming an interior angle of less than 135°. **[Added 5-4-2009 by Ord. No. 904]**

LOT COVERAGE — The lot area that is occupied by the building area. The total of areas calculated on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces and steps.

LOT LINE — Any boundary of a lot.

LOT LINE, FRONT — The line separating the lot from the street right-of-way upon which it fronts. In the case of a corner or double-frontage lot, it shall be the line separating said lot from the street right-of-way that is designated as the front street in the request for a building permit.

LOT LINE, REAR — The lot boundary opposite and more distant from the front lot line. In the case of a pointed or irregular lot, it shall be an imaginary line parallel to and farthest from the front lot line, not less than 10 feet long and wholly within the lot.

LOT LINE, SIDE — Any lot line that is not a front lot line or a rear lot line.

LOT, PANHANDLE — A lot, with the appearance of a frying pan or flag and staff, which does not meet the minimum frontage requirements and where the handle provides access to a public street.**[Added 5-4-2009 by Ord. No. 904]**

LOT, THROUGH — A lot which fronts upon two parallel roads or which fronts upon two roads which do not intersect at the boundary of the lot or which is bounded on one side by a street and on the opposite side by a navigable waterway and which has no rear lot line.**[Added 5-4-2009 by Ord. No. 904]**

LOT WIDTH — The width of the lot measured at the building setback line.

MAIN USE OR BUILDING — The principal or most important use or building on a lot.

MANUFACTURING — The process of making a product using machinery or by hand when carried on systematically with division of labor including, without limitations:

- A. Compounding or assembling of articles using the following prepared materials: bone, shell cellophane, fur, cork, fiber, wax, glass, leather, plastics, rubber, stone, textile, cloth, tobacco, paper, wood, wood products and metals.
- B. Manufacture of ceramic products using only previously pulverized clay and kilns fired by electricity or gas.
- C. Manufacture or assembling of any of the following finished products from prepared materials: musical instruments, clocks, watches, office equipment, toys, novelties, electrical appliances, medical instruments, medical supplies, electronic devices, sheet metal products, machine tools and machinery.
- D. Manufacture, compounding, processing, packaging or treatment of cosmetics, soap products, pharmaceuticals, food products and beverages, except fish and meat products, sauerkraut, vinegar, yeast and rendering of fats and oils.
- E. Bakery.
- F. Laundry, clothes cleaning, dyeing, carpet cleaning and linen supply.

- G. Bottling plants or distribution stations for beverages.
- H. Manufacture and repair of signs, sheet metal products, heating and ventilation equipment.
- I. Printing and publishing plants.
- J. Metal finishing, plating and foundries.
- K. Machine shops.
- L. Mineral extraction and processing on ten-acre parcels 600 feet from a residential district.
- M. Manufacture and storage of portland and bituminous concrete products.
- N. Truck, rail and barge loading and distribution facilities.
- O. Manufacturing, processing, storage and resale of chemicals.

MARINA — A dock or basin providing moorings for boats and yachts and often offering supplies, repairs, storage and related facilities, including dry docks, wharves, piers, landings, jetties, breakwaters, boathouses and boat sales.

MASSAGE — As an ancillary use to a business, where persons obtain therapeutic massage treatment and/or advice by Maryland State licensed professionals or where persons use facilities for nonsexual relaxation purposes.**[Added 5-3-2010 by Ord. No. 913]**

MEDICAL OR DENTAL LABORATORY — An establishment engaged in providing professional analytic or diagnostic services to the medical, dental, or other health services professions, or to the patient on a prescription basis. These establishments include denture laboratories and prosthetic facilities. Manufacturing is prohibited, except for eyeglass, contact lens and denture manufacturing.

MEDICAL OR DENTAL OFFICE — A facility engaged in the examination, diagnosis and treatment of medical, chiropractic, ophthalmologic, dental, podiatric or other health-care patients. These facilities may include administrative and clerical operations of the practice, but do not include overnight facilities for patients.

MOTEL — A building, or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units, designed primarily for transient automobile travelers, and provided with accessory off-street parking facilities. The term "motel" includes buildings designed as tourist courts, motor lodges and auto courts but shall not be construed to include mobile or immobile trailers or mobile homes.

MUSEUM — A building, place, or institution devoted to the acquisition, conservation, study, exhibition, and educational interpretation of objects having scientific, cultural, historical, or artistic value.**[Added 5-3-2010 by Ord. No. 913]**

NATIONAL REGISTER OF HISTORIC PLACES — The official list, maintained by the National Park Service of the United States Department of the Interior, of historic resources considered by that agency to be worthy of preservation.**[Added 5-3-2010 by Ord. No. 913]**

NEIGHBORHOOD CONVENIENCE STORE — An establishment primarily engaged in the provision of frequently or recurrently needed goods for household consumption, such as prepackaged foods and beverages, and limited household supplies and hardware. Such convenience stores shall not include fuel pumps or the selling of fuel for motor vehicles.

NONCONFORMING STRUCTURE — A structure lawfully existing prior to March 15, 1982, which does not conform to the building provisions of this chapter for the district in which it is situated.

NONCONFORMING USE — Any use of a building, structure, lot or land, or part thereof, lawfully existing prior to March 15, 1982, which is neither a principal permitted use or a conditional use in the district in which it is situated.

OFFICE — A facility in which the administrative activities, recordkeeping, clerical work and other similar affairs of a business, government, industry, nonprofit organization, and professional service are conducted and, in the case of professions such as accountants, banking, dentists, engineers, insurance, investment, lawyers, physicians and real estate, the facility where such professional services are rendered.**[Amended 5-3-2010 by Ord. No. 913]**

OPEN SPACE — The area within the boundaries of a development that is intended to provide light, air, view and/or a quality or general appearance of openness, and is designed for environmental, privacy, recreational or scenic purposes. Open space may include, but shall not be limited to, lawns, decorative plantings, walkways and trails, active and passive recreation areas, undisturbed natural areas, wooded areas, natural creeks, streams, lakes and similar water features, man-made lakes designed to be an attractive development amenity but which also may be used for stormwater management, stormwater management dry ponds which are landscaped or contain existing trees, and areas where buffering, landscaping or screening are required under this chapter. The term "open space" shall include the terms common "open space," "dedicated open space," and "usable open space."

OUTSIDE SALES — Display or sale of goods where more than 25% of the total display or sales area is not contained within a permanent structure.

PACKAGE, TELECOMMUNICATIONS, AND COURIER SERVICE OFFICE — An operations office for the dispatching, coordination, preparation and routing of package pickup and delivery of items weighing less than 100 pounds, or telephone message system. This does not include the distribution facility from which packages are either received or dispatched.

PARKING FACILITY — A structure or part of a building in which: a) parking space is provided, except for commercial or public utility vehicles or dead storage; and b) some or all of the parking spaces are nonaccessory. A public

parking facility may include accessory off-street parking spaces limited to such spaces which are accessory to other uses on the same zoning lot.**[Amended 5-3-2010 by Ord. No. 913]**

PARKING LOT — A tract of land which a) is used for parking, except for commercial or public utility vehicles or dead storage; and b) is not accessory to a use on the same or another zoning lot.**[Added 5-3-2010 by Ord. No. 913]**

PAWNBROKING — A business which loans money or deposits or pledges on personal property or other valuable things, other than securities or printed evidence of indebtedness, or which deals in the purchasing of personal property or other valuable things on condition of selling the same back at a stipulated price.**[Added 5-3-2010 by Ord. No. 913]**

PAWN SHOP — A business engaged in the loaning of money on the security of property pledged in the keeping of the pawnbroker and the incidental sale of such property.**[Added 5-3-2010 by Ord. No. 913]**

PAYDAY ADVANCE BUSINESS — A business that provides a cash advance loan that is offered for a short period to a borrower to meet an urgent financial requirement. The cash advance is provided to the borrower against his or her next employment paycheck. Repayment to the lender is for the full amount of the advance plus interest.**[Added 5-3-2010 by Ord. No. 913]**

PERSONAL SERVICE SHOPS — Includes barbershops, beauty shops, shoe repair shops, laundry and dry-cleaning pickup shops, licensed massage therapy, nails and hair salons, spa, and wellness centers.**[Amended 5-3-2010 by Ord. No. 913]**

PERSON — Includes profit or nonprofit corporations, companies, partnerships and individuals.

PHARMACY — Retail business engaged in the preparation and sale of prescription and nonprescription drugs, the sale of first-aid items, vitamins, and health aids, and the sale or rental of medical and therapeutic equipment for home use, such as wheelchairs, crutches, whirlpools, vaporizers, walkers, and canes.

PHOTOGRAPHY RETAIL STORE — A facility primarily engaged in the retail sale, lease, and service of photography equipment and supplies, including limited on-site film processing or development.

PLANNING COMMISSION — The Havre de Grace Planning Commission as established by ordinance.⁵⁸

POST OFFICES — Includes United States Postal Service and commercial mailing service operations.

PREMISES — A tract of land with the buildings thereon.

PROPERTY LINE — See "lot line."**[Added 5-4-2009 by Ord. No. 904]**

58. Editor's Note: See Ch. 25, Boards, Committees and Commissions, Art. III, Board of Appeals.

PUBLIC UTILITY STRUCTURES — A building or structure used to facilitate the distribution of such public commodities or services as communications, electric, gas, sanitary sewer, storm sewer, and water. Such structures shall include, but are not limited to, capacitor banks, capacitor rack units, gas regulator stations, pumping stations, substations, switchgear, telecommunication towers, transformers, utility poles, and water towers. This definition does not include transmission lines or structures, maintenance or storage buildings, and maintenance or storage yards.

QUICK-SERVICE FOOD STORE — Any retail establishment offering for sale prepackaged food products, household items and other goods commonly associated with the same and having a gross floor area of less than 5,000 square feet. This definition shall not include restaurants, drive-in restaurants, carry-out restaurants or food delivery service businesses.

RECEPTION OR MEETING HALL — A building, facility, room, or portion thereof, which is rented, leased or otherwise made available to any person or group for a private event or function, that is not open to the general public, whether or not a fee is charged. **[Added 5-3-2010 by Ord. No. 913]**

RECREATION FACILITIES FOR EMPLOYEES — A recreation facility restricted to employees and their families, which may be indoor or outdoor, permitting active or passive recreation.

REHABILITATE — To restore to a former capacity or condition of useful and constructive activity.

REPAIR — To restore by replacing a part of by putting together what is broken.

RESEARCH AND DEVELOPMENT FACILITY — An establishment primarily used for the administration and conduct of investigation, examination, prototype production, experimentation, testing and/or training aimed at the discovery and interpretation of facts, theories, and/or practical application of the above to products or processes. Prototype manufacturing shall be permitted as an accessory use if it complies with the requirements under the definition of "light manufacturing" in the applicable zoning district.

RESTAURANT — A public eating place, including a public dining room, lunchroom, luncheonette, cafe, tea room, coffee house, coffee shop, tavern, grill, lunch counter, drive in, snack bar, cafeteria and dining hall, for the sale and consumption of food and nonalcoholic and alcoholic beverages. **[Amended 5-4-2009 by Ord. No. 904]**

RESTAURANT, COMMERCIAL/RECREATION — Any establishment which provides as a principal use the combination of family-oriented recreation and on-premises dining where neither the recreation nor the on-premises dining is clearly accessory to the operation of the other. For the purpose of this definition, "recreation" may include, but is not limited to, television and motion pictures, sound and sight systems, mechanical and/or electronically operated games, animated mechanical devices and/or rides, and live entertainment.

RESTAURANT, DRIVE-IN/DRIVE-UP OR DRIVE-THROUGH — Any establishment dispensing prepared food or drinks ready for consumption at the time of sale where the customers are either served in their vehicles or at a drive-through or walk-up window or service unit.

RESTAURANT, FULL SERVICE — Any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state and whose design or principal method of operation is such that customers, provided with an individual menu, are served food and beverage by a restaurant employee at the same table at which said items are consumed.

RESTAURANT, LIMITED SERVICE — A retail food service establishment without table service provided to customers. Walk-up counter and carry-out trade is a primary portion of the facility. Such establishments include fast-food restaurants, food delivery services, carry-out restaurants and delis.

RETAIL SALES AND SERVICES — An establishment primarily engaged in the retail sale of goods, services, and/or products. Such uses may include incidental food service. **[Amended 5-3-2010 by Ord. No. 913]**

ROAD — See "street."

ROOMING HOUSE — A building, or part thereof, which has a common entrance and which contains at least two but not more than six living and sleeping rooms without individual food preparation areas associated with each living unit, designed to be occupied or used by individuals or groups of individuals for compensation. The term "rooming house" does not include a residence which serves persons as an alternative to incarceration for a criminal offense or persons whose primary reason for placement is substance or alcohol abuse. **[Amended 5-4-2009 by Ord. No. 904]**

SCHOOL — An institution which provides instruction, including night schools, day schools, summer schools, vacation schools, correspondence schools, preschools, nursery schools, private schools, primary schools, secondary schools, colleges, academies, junior colleges, vocational schools, trade schools, art schools, dancing schools, music schools, religious schools and military schools.

SCHOOL OF SPECIAL INSTRUCTION — A facility for the private instruction of skills or activities not directly related to employment. These facilities may include, but are not limited to, dance studio, music studio (not a conservatory), martial arts school, gymnastics academy, and exercise studio having no locker room or shower facilities.

SPECIAL DEVELOPMENT — A use permitted in the R, R-1, and R-2 Residential Districts upon approval of a concept plan for the use by the Planning Commission as provided herein. **[Added 8-19-2003 by Ord. No. 845]**

SPECIAL EXCEPTION — A grant of a specific use by the Board of Appeals that would not be appropriate generally or without restriction and shall be based upon a finding that certain conditions governing special exceptions exist as detailed in Article III, Board of Appeals, of Chapter 25, Boards,

Committees and Commissions, that the use generally conforms with the Comprehensive Plan and is compatible with the existing neighborhood, and may include special conditions as established by the Board of Appeals.**[Amended 5-4-2009 by Ord. No. 904]**

SPECIALTY SHOP — A small-scale (less than 2,500 square feet) retail use which offers for sale items of art or crafts or which offers for sale items related to a specific theme, e.g., kitchen wares, pet care, etc.**[Added 5-3-2010 by Ord. No. 913]**

STORAGE — The safekeeping of goods in a depository such as a yard or warehouse, including storage of construction equipment and materials when not in use for construction purposes, cold storage, storage of vehicles, including automobiles, bicycles, motorcycles, trucks, boats, trailers, mobile homes, and including dry storage, lumberyards, granary, coal yards, mineral aggregate storage.

STREET — Any road, highway, avenue, street, parkway, lane or other way, public or private, set aside and commonly used by the public as a means of vehicular and pedestrian circulation and to provide access to any lot or lots. The establishment of a common driveway for access purposes to more than one lot shall not be considered a street as this term is defined herein.**[Amended 5-4-2009 by Ord. No. 904]**

STREET LINE or RIGHT-OF-WAY LINE — The dividing line between a lot and a street.

STRUCTURE — Anything constructed, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground but not fences, freestanding walls, sidewalks, driveways, parking lots and curbs.

STRUCTURAL ALTERATION — Any changes in the structural members of a building, such as walls, columns, beams or girders.

STUDIO, FINE ARTS — A building, or portion thereof, used as a place of work by a sculptor, artist, or photographer or used as a place to exhibit and offer for sale works of the visual arts (other than film).**[Added 5-3-2010 by Ord. No. 913]**

TELECOMMUNICATION TOWER — A structure, typically of skeletal lattice-type framework or solid construction, used to support one or more antennas for the telecommunications industry. Guy wires, framework, foundation and other stabilizing devices are considered part of the structure of the tower.

TELEWORK CENTER — A satellite work facility incorporating sufficient technology to permit employees to reduce a work commute trip, or to work closer to home. The goal of such centers is to reduce the distance traveled in a commute trip by at least half the distance.

THEATERS — An indoor or outdoor structure for dramatic performances, spectacles or motion pictures, or for assemblies or the enactment of events or actions, including a playhouse, opera house, music hall, concert hall, amphitheater, or arena.

TOWERS — A building or structure typically higher than its diameter or width and high relative to its surroundings which may stand apart or be attached to a larger structure and which may be fully walled in or of skeleton framework.

TRANSPORTATION TERMINAL — A facility for loading, unloading, and interchange of passengers, baggage, and incidental freight or package express between modes of transportation, including bus terminals, railroad stations, and public transit facilities. **[Added 5-3-2010 by Ord. No. 913]**

USE or USED — Refers to any purpose for which a lot of land or part thereof is arranged, intended or designed to be used, occupied, maintained, made available or offered for use, and to any purpose for which a building or structure or part thereof is arranged, intended or designed to be used, occupied, maintained, made available or offered for use, or erected, reconstructed, altered, enlarged, moved or rebuilt with the intention or design of using the same.

UTILITY LINES — Electric, communication, water, sewer, gas and fuel lines, including utility poles and guy wires.

UTILITY STRUCTURES — Structures, including utility lines, necessary to provide utility service, including transformers, relays, repeaters, pumping stations, switching facilities, but not including maintenance and storage buildings or yards.

VARIANCE — A modification of the provisions of this chapter relating to permitted uses, conditional uses, accessory uses or structures or height, lot and yard requirements in Table I.⁵⁹

VIDEO RENTAL STORE — An establishment primarily engaged in the retail rental or lease of videotapes, film, CD-ROMs, laser disks, electronic games, cassettes or other electronic media of a nonprurient nature. The sale of films, videotapes, laser disks, CD-ROMS, and electronic merchandise associated with VCRs, video cameras, and electronic games is permitted as an accessory use.

VISITOR CENTER, VISITOR INFORMATION CENTER, or TOURIST INFORMATION CENTER — A physical location that provides tourist information to the visitors who tour the place or area locally. **[Added 5-3-2010 by Ord. No. 913]**

WHOLESALE — The activities involved in selling goods to persons other than to ultimate customers, that is to say, all sales that do not qualify as retail sales.

YARD — That portion of a lot which is unoccupied, by any use or structure except for such uses or structures as are expressly permitted within the yard by this chapter and uses or structures associated with landscaping.

YARD, FRONT — An open space extending the full width of a lot between any part of a main building and the front lot line.

59. Editor's Note: Table I is included at the end of this chapter.

YARD, REAR — An open space extending the full width of the lot between any part of a main building and the rear lot line.

YARD, SIDE — An open space extending from the front yard to the rear yard between any part of a main building and the side lot line.

ZONING CERTIFICATE — A written statement issued by the Director of Planning, or the Director's designee, certifying structures or uses consistent with the terms of this chapter. **[Amended 5-4-2009 by Ord. No. 904]**

ZONING MAP — The Zoning Maps of Havre de Grace including all amendments which are subsequently adopted.⁶⁰

60. Editor's Note: The Zoning Maps are on file in the office of the Director of Administration.

ARTICLE III
R Residential District

§ 205-14. Principal permitted uses.

The following are principal permitted uses in the R Residential District:

- A. Single-family detached dwelling units meeting Lot Specification A, Table I.
- B. Churches meeting Lot Specification G, Table I.
- C. Community facilities.
- D. Family day-care homes.
- E. Utility lines, but not including transmission lines carrying 50,000 volts or more.
- F. Conference center.
- G. Hotel and conference center.
- H. Golf course.
- I. Public and private primary and secondary schools.

§ 205-15. Conditional uses. [Amended 5-4-2009 by Ord. No. 904]

The Board of Appeals may permit the following conditional uses:

- A. Single-family detached dwelling units meeting Lot Specification B, Table I, provided that:
 - (1) They compose no more than 15% of the total number of lots in a development/subdivision.
 - (2) No more than 10 of these units shall be contiguous.
- B. Cottage dwellings meeting the requirements of this chapter.
- C. Clubs, provided that any principal building or swimming pool shall be located not less than 100 feet from any other lot in any residential district.
- D. Public utility structures, provided that any such structure is located a distance not less than its height away from any residential lot.
- E. Cemeteries, including pet cemeteries.
- F. Home occupations, provided that:
 - (1) Home occupations are in the same buildings, including accessory buildings, as the residence and do not change the residential character and appearance of the dwelling.

- (2) An individual concerned with the occupation resides on the premises.
- (3) Not more than 1/2 of the entire floor space of all buildings on the lot shall be used for all such home occupations.
- (4) No goods for sale or rent shall be stored on the property in a manner as to be seen from off the premises.

G. Agricultural retail.

H. Agricultural services.

I. Agriculture.

§ 205-16. Accessory uses and structures.

Accessory structures and fences shall not be located in a front yard and shall not occupy more than 50% of the entire yard. Accessory structures and uses customarily incidental to any principal permitted use or conditional use shall be permitted without hearing and shall include, but not be limited to:

A. Off-street parking.

B. Garden houses, toolhouses, swimming pools, playhouses, private garages or greenhouses, when accessory to single-family detached dwelling units, provided that these structures are not used for commercial purposes and do not produce dust, odor or other nuisances.
[Amended 5-4-2009 by Ord. No. 904]

- (1) Accessory buildings shall be set back a minimum of five feet from side and rear lot lines.
- (2) Residential swimming pools shall be set back a minimum of 10 feet from side and rear lot lines.

C. Customary accessory uses for golf courses, including, without limitation, restaurant, clubhouse, practice facility/driving range, locker room, pro shop and maintenance building.

D. Customary accessory uses for conference centers and hotels and conference centers, primarily intended for use by patrons, including without limitation:

- (1) Sports facilities, such as tennis courts, racquetball courts, basketball courts and exercise rooms, and sports instruction.
- (2) Retail uses, such as jewelry shops, pro shops, personal needs shops, gift shops and apparel shops.
- (3) Personal service uses, such as dry cleaning, limousine rentals, reservation offices, travel agents, barbers, beauty salons, spas, car rental offices and concierge services.

- (4) Indoor and outdoor swimming pools.
- (5) Indoor and outdoor restaurants, bars and lounges.
- (6) Sporting events, including golf tournaments and tennis tournaments.
- (7) Business offices.
- E. Other customary accessory uses and structures; except home occupations, which are hereby designated a conditional use, provided that such uses and structures are clearly incidental to the principal use.
- F. Freestanding walls.
- G. Attached or detached decks, provided that:
 - (1) No part of a deck shall be constructed closer than 10 feet to the rear property line of the lot. **[Amended 5-4-2009 by Ord. No. 904]**
 - (2) No part of a deck shall be constructed closer to a side property line than the minimum side yard setback distance of the principal dwelling structure, as applies to this district, and specified for permitted and conditional uses in Table I herein, and no part of a deck shall be constructed closer than two feet to a side property line in any case.
 - (3) No part of a deck that extends closer to the rear property line than the minimum rear setback distance of the principal dwelling structure, as, applies to this district, and specified for permitted and conditional uses in Table I herein, shall be enclosed above or below its floor deck with privacy fencing, solid guards, latticework or other visual barriers except open guardrailings and support columns.
 - (4) No part of a deck that extends closer to the rear property line than the minimum rear setback distance of the principal dwelling structure, as applies to this district, and specified for permitted and conditional uses in Table I herein, shall be constructed with its floor level higher than the main living floor of said principal dwelling.

§ 205-16.1. Special developments. [Added 8-19-2003 by Ord. No. 845]

The following are allowed as special developments in the R Residential District:

- A. Planned adult communities that meet the criteria set forth in Article XI of this chapter.

ARTICLE IV
R-1 Residential District

§ 205-17. Principal permitted uses.

The following are principal permitted uses in the R-1 Residential District:

- A. Single-family detached dwelling units meeting Lot Specification B, Table I.
- B. Single-family attached dwellings when located in a structure, which existed prior to March 15, 1982.
- C. Churches meeting Lot Specification G, Table I.
- D. Community facilities.
- E. Family day-care homes.
- F. Utility lines, but not including transmission lines carrying 50,000 volts or more.

§ 205-18. Conditional uses. [Amended 5-4-2009 by Ord. No. 904]

The Board of Appeals may permit the following conditional uses:

- A. Single-family detached dwelling units meeting Lot Specification D, Table I.
- B. Cottage dwellings meeting the requirements of this chapter.
- C. Churches meeting Lot Specification H, Table I.
- D. Schools.
- E. Clubs, provided that any principal building or swimming pool shall be located not less than 100 feet from any other lot in any residential district.
- F. Public utility structures, provided that any such structure is located a distance not less than its height away from any residential lot.
- G. Cemeteries, including pet cemeteries.
- H. Home occupations, provided that:
 - (1) Home occupations are in the same buildings, including accessory buildings, as the residence and do not change the residential character and appearance of the dwelling.
 - (2) An individual concerned with occupation resides on the premises.
 - (3) Not more than 1/2 of the entire floor space of all buildings on the lot shall be used for all such home occupations.

- (4) No goods for sale or rent shall be stored on the property in a manner as to be seen from off the premises.

- I. Multifamily housing units when located in multifamily dwellings which existed prior to March 15, 1982.

§ 205-19. Accessory uses and structures.

Accessory structures and fences shall not be located in a front yard and shall not occupy more than 50% of the entire yard. Accessory structures and uses customarily incidental to any principal permitted use or conditional use shall be permitted without hearing and shall include, but not be limited to:

- A. Off-street parking.
- B. Garden houses, toolhouses, swimming pools, playhouses, private garages, or greenhouses, provided that these structures are not used for commercial purposes and do not produce dust, odor or other nuisances. **[Amended 5-4-2009 by Ord. No. 904]**
 - (1) Accessory buildings shall be set back a minimum of five feet from side and rear lot lines.
 - (2) Residential swimming pools shall be set back a minimum of 10 feet from side and rear lot lines.
- C. Other customary accessory uses and structures, except home occupations, which are hereby designated a conditional use, provided that such uses and structures are clearly incidental to the principal use.
- D. Freestanding walls.
- E. One additional dwelling unit in single-family detached structures, provided that the total habitable floor area of the structure is at least 1,000 square feet.
- F. Attached or detached decks, provided that:
 - (1) No part of a deck shall be constructed closer than 10 feet to the rear property line of the lot. **[Amended 5-4-2009 by Ord. No. 904]**
 - (2) No part of a deck shall be constructed closer to a side property line than the minimum side yard setback distance of the principal dwelling structure, as applies to this district, and specified for permitted and conditional uses in Table I herein, and no part of a deck shall be constructed closer than two feet to a side property line in any case.
 - (3) No part of a deck that extends closer to the rear property line than the minimum rear setback distance of the principal dwelling structure, as applies to this district, and specified for permitted

and conditional uses in Table I herein, shall be enclosed above or below its floor deck with privacy fencing, solid guards, latticework or other visual barriers except open guardrailings and support columns.

- (4) No part of a deck that extends closer to the rear property line than the minimum rear setback distance of the principal dwelling structure, as applies to this district, and specified for permitted and conditional uses in Table I herein, shall be constructed with its floor level higher than the main living floor of said principal dwelling.

§ 205-19.1. Special developments. [Added 8-19-2003 by Ord. No. 845]

The following are allowed as special developments in the R-1 Residential District:

- A. Planned adult communities that meet the criteria set forth in Article XI of this chapter.

ARTICLE V
R-2 Residential District

§ 205-20. Principal permitted uses.

The following are principal permitted uses in the R-2 Residential District:

- A. Single-family detached dwellings meeting Lot Specification C, Table I.
- B. Townhouse dwellings meeting Lot Specification GG, Table I, and the requirements of this chapter. **[Added 5-4-2009 by Ord. No. 904]**
- C. Churches meeting Lot Specification G, Table I.
- D. Community facilities.
- E. Family day-care homes.
- F. Utility lines.

§ 205-21. Conditional uses. [Amended 5-4-2009 by Ord. No. 904]

The Board of Appeals may permit the following conditional uses:

- A. Single-family detached dwellings meeting Lot Specification D, Table I.
- B. Single-family attached dwellings.
- C. Townhouse dwellings meeting Lot Specification E, Table I, and the requirements of this chapter.
- D. Cottage dwellings meeting the requirements of this chapter.
- E. Multifamily dwellings.
- F. Rooming houses, bed-and-breakfasts and corporate housing.
- G. Churches meeting Lot Specification H, Table I.
- H. Schools.
- I. Clubs, provided that any principal building or swimming pool shall be located not less than 100 feet from any other lot in any residential district.
- J. Public utility structures, provided that any such structure is located a distance not less than its height away from any residential lot.
- K. Cemeteries, including pet cemeteries.
- L. Parking facilities.
- M. Home occupations, provided that:

- (1) Home occupations are in the same buildings, including accessory buildings, as the residence and do not change the residential character and appearance of the dwelling.
- (2) An individual concerned with the occupation resides on the premises.
- (3) Not more than 1/2 of the entire floor space of all buildings on the lot shall be used for all such home occupations.
- (4) No goods for sale or rent shall be stored on the property in a manner as to be seen from off the premises.

§ 205-22. Accessory uses and structures.

Accessory structures and fences shall not be located in a front yard and shall not occupy more than 50% of the entire yard. Accessory structures and uses customarily incidental to any principal permitted use or conditional use shall be permitted without hearing and shall include, but not be limited to:

- A. Off-street parking.
- B. Garden houses, toolhouses, swimming pools, playhouses, private garages, or greenhouses, provided that these structures are not used for commercial purposes and do not produce dust, odor or other nuisances. **[Amended 5-4-2009 by Ord. No. 904]**
 - (1) Accessory buildings shall be set back a minimum of three feet from side and rear lot lines.
 - (2) Residential swimming pools shall be set back a minimum of five feet from side and rear lot lines.
- C. Other customary accessory uses and structures, except home occupations, which are hereby designated a conditional use, provided that such uses and structures are clearly incidental to the principal use.
- D. Freestanding walls.
- E. One additional dwelling unit in a single-family detached structure, provided that the total habitable floor area of the structure is at least 1,000 square feet.
- F. Attached or detached decks, provided that:
 - (1) No part of a deck shall be constructed closer than 10 feet to the rear property line of the lot. **[Amended 5-4-2009 by Ord. No. 904]**
 - (2) No part of a deck shall be constructed closer to a side property line than the minimum side yard setback distance of the principal dwelling structure, as applies to this district, and specified for permitted and conditional uses in Table I herein, and no part of a

deck shall be constructed closer than two feet to a side property line in any case.

- (3) No part of a deck that extends closer to the rear property line than the minimum rear setback distance of the principal dwelling structure, as applies to this district, and specified for permitted and conditional uses in Table I herein, shall be enclosed above or below its floor deck with privacy fencing, solid guards, latticework or other visual barriers except open guardrailings and support columns.
- (4) No part of a deck that extends closer to the rear property line than the minimum rear setback distance of the principal dwelling structure, as applies to this district, and specified for permitted and conditional uses in Table I herein, shall be constructed with its floor level higher than the main living floor of said principal dwelling.

§ 205-22.1. Special developments. [Added 8-19-2003 by Ord. No. 845]

The following are allowed as special developments in the R-2 Residential District:

- A. Planned adult communities that meet the criteria set forth in Article XI of this chapter.

ARTICLE VI
RO Residential Office District

§ 205-23. Principal permitted uses.

The following are principal permitted uses in the Residential Office District:

- A. Single-family detached dwellings meeting Lot Specification C, Table I.
- B. Townhouse dwellings meeting Lot Specification GG, Table I, and the requirements of this chapter. **[Added 5-4-2009 by Ord. No. 904⁶¹]**
- C. Single-family detached lane frontage dwellings meeting Lot Specification CC, Table I, and the requirements of this chapter. **[Added 5-4-2009 by Ord. No. 904]**
- D. Churches meeting Lot Specification G, Table I.
- E. Community facilities.
- F. Family day-care homes.
- G. Utility lines.
- H. Offices.
- I. Hospitals.
- J. Pharmacies.
- K. Sale and rental of durable medical products.

§ 205-24. Conditional uses. [Amended 5-4-2009 by Ord. No. 904]

The Board of Appeals may permit the following conditional uses:

- A. Health care facilities.
- B. Single-family detached dwellings meeting Lot Specification D, Table 1.
- C. Single-family attached dwellings.
- D. Townhouse dwellings meeting Lot Specification E, Table I, and the requirements of this chapter.
- E. Cottage dwellings meeting the requirements of this chapter.
- F. Multifamily dwellings.
- G. Parking facilities not accessory to a principal permitted or approved conditional use.
- H. Churches meeting Lot Specification H, Table I.

61. Editor's Note: This ordinance also redesignated former Subsections B through I as Subsections D through K.

- I. Schools.
- J. Public utility structures.
- K. When located in a building that existed prior to March 15, 1982:
 - (1) Flower shops.
 - (2) Art shops or art galleries.
 - (3) Gift shops.
 - (4) Antique shops.
 - (5) Arts and crafts shops.
 - (6) Restaurants.
 - (7) Rooming houses, bed-and-breakfasts and corporate housing.
- L. Home occupations, provided that:
 - (1) Home occupations are in the same buildings, including accessory buildings, as the residence and do not change the residential character and appearance of the dwelling.
 - (2) An individual concerned with the occupation resides on the premises.
 - (3) Not more than 1/2 of the entire floor space of all buildings on the lot shall be used for all such home occupations.
 - (4) No goods for sale or rent shall be stored on the property in a manner as to be seen from off the premises.

§ 205-25. Accessory uses and structures.

Accessory structures and fences shall not be located in a front yard and shall not occupy more than 50% of the entire yard. Accessory structures and uses customarily incidental to any principal permitted use or conditional use shall be permitted without hearing and shall include, but not be limited to:

- A. Off-street parking.
- B. Garden houses, toolhouses, swimming pools, playhouses, private garages, or greenhouses, provided that these structures are not used for commercial purposes and do not produce dust, odor or other nuisances.
- C. Other customary accessory uses and structures, except home occupations, which are hereby designated a conditional use, provided that such uses and structures are clearly incidental to the principal use.
- D. Freestanding walls.

- E. One additional dwelling unit in single-family detached structures, provided that the total habitable floor area of the structure is at least 1,000 square feet.
- F. Attached or detached decks, provided that:
 - (1) No part of a deck shall be constructed closer than 10 feet to the rear property line of the lot. **[Amended 5-4-2009 by Ord. No. 904]**
 - (2) No part of a deck shall be constructed closer to a side property line than the minimum side yard setback distance of the principal dwelling structure, as applies to this district, and specified for permitted and conditional uses in Table I herein, and no part of a deck shall be constructed closer than two feet to a side property line in any case.
 - (3) No part of a deck that extends closer to the rear property line than the minimum rear setback distance of the principal dwelling structure, as applies to this district, and specified for permitted and conditional uses in Table I herein shall be enclosed above or below its floor deck with privacy fencing, solid guards, latticework or other visual barriers except open guardrailings and support columns.
 - (4) No part of a deck that extends closer to the rear property line than the minimum rear setback distance of the principal dwelling structure, as applies to this district, and specified for permitted and conditional uses in Table I herein, shall be constructed with its floor level higher than the main living floor of said principal dwelling.

ARTICLE VII
RB Residential Business District

§ 205-26. Purpose; principal permitted uses. [Amended 5-4-2009 by Ord. No. 904; 5-3-2010 by Ord. No. 914]

- A. This district is comprised almost entirely of the older sections of the City. Most of it lies within the City's recognized National Historic Register District. It is diverse in character, containing the downtown commercial area, a large residential component of single-family and multifamily dwellings, and the intensely developed area (IDA) of the City's Chesapeake Bay Critical Area waterfront. It is intended to allow for compact urban residential areas with convenient public services and commercial uses that are compatible with nearby residential neighborhoods.
- B. The following are principal permitted uses in the Residential Business District:
- (1) Single-family detached dwellings meeting Lot Specification C, Table I.
 - (2) Townhouse dwellings meeting Lot Specification GG, Table I, and the requirements of this chapter.
 - (3) Single-family detached lane frontage dwellings meeting Lot Specification CC, Table I, and the requirements of this chapter.
 - (4) Community facilities.
 - (5) Family day-care homes.
 - (6) Utility lines.
 - (7) Offices.
 - (8) Health care facilities.
 - (9) Marinas.
 - (10) Retail sales and services.
 - (11) Banks.
 - (12) Personal service shops.
 - (13) Passenger terminals.
 - (14) Theaters.
 - (15) Restaurants.
 - (16) Temporary outside sales not exceeding three consecutive days per week.

(17) Cultural art center/visitor center.

(18) Museum.

(19) Banquet hall.

(20) Catering facilities.

(21) Community facilities.

(22) Laboratory.

(23) Reception or meeting hall.

(24) Specialty shop.

(25) Studio, fine arts.

(26) Transportation terminal.

§ 205-27. Conditional uses. [Amended 5-4-2009 by Ord. No. 904]

The Board of Appeals may permit the following conditional uses:

- A. Single-family detached dwellings meeting Lot Specification D, Table I.
- B. Single-family attached dwellings.
- C. Townhouse dwellings meeting Lot Specification E, Table I, and the requirements of this chapter.
- D. Cottage dwellings meeting the requirements of this chapter.
- E. Multifamily dwellings.
- F. Rooming houses, bed-and-breakfasts and corporate housing.
- G. Parking facility or parking lot. **[Amended 5-3-2010 by Ord. No. 914]**
- H. Churches meeting Lot Specification H, Table I.
- I. Schools.
- J. Clubs, provided that any principal building or swimming pool shall be located not less than 100 feet from any other lot in any residential district.
- K. Public utility structures.⁶²
- L. Funeral establishments, provided that a principal vehicular access shall be located on the public right-of-way and site illumination shall be limited to parking areas and landscaped areas.

62. Editor's Note: Former Subsection L, Cemeteries, which immediately followed this subsection, was repealed 5-3-2010 by Ord. No. 914, which ordinance also redesignated former Subsections M through AA as Subsections L through Z, respectively.

- M. Gas stations, provided that no such use shall be permitted within the Chesapeake Bay at mean high tide critical area as shown on the Critical Area Map. **[Amended 9-15-2014 by Ord. No. 960]**
- N. Hotels meeting Lot Specification F, Table I.⁶³ **[Amended 5-3-2010 by Ord. No. 914]**
- O. Retail sales and services meeting Lot Specification O, Table I. **[Amended 5-3-2010 by Ord. No. 914]**
- P. Temporary commercial circuses and carnivals, provided that:
 - (1) Occupancy permits may be issued for a period not exceeding seven days.
 - (2) A minimum lot area of one acre shall be provided.
- Q. Bakery meeting Lot Specification O, Table I.
- R. Laundry, clothes cleaning, dyeing, carpet cleaning and linen supply meeting Lot Specification O, Table I.⁶⁴
- S. Offices meeting Lot Specification O, Table I.
- T. Retail sales meeting Lot Specification O, Table I.
- U. Banks meeting Lot Specification O, Table I.
- V. Personal service shops meeting Lot Specification O, Table I.
- W. Restaurants meeting Lot Specification O, Table I.
- X. Amusement center. **[Added 5-3-2010 by Ord. No. 914]**
- Y. Community residential facility. **[Added 5-3-2010 by Ord. No. 914]**
- Z. Auto repair or service center. **[Added 9-15-2014 by Ord. No. 960]**

§ 205-28. Accessory uses and structures.

Accessory structures shall not be located in a front yard and shall not occupy more than 50% of the entire yard. Accessory structures and uses customarily incidental to any principal permitted use or conditional use shall be permitted without hearing and shall include, but not be limited to:

- A. Off-street parking.

63. Editor's Note: Former Subsection P, Warehouses, and Subsection Q, Bulk petroleum and sales, which immediately followed this subsection, were repealed 5-3-2010 by Ord. No. 914, which ordinance also redesignated former Subsections R through AA as Subsections O through X, respectively.

64. Editor's Note: Former Subsection V, Wholesaling, which immediately followed this subsection, was repealed 5-3-2010 by Ord. No. 914, which ordinance also redesignated former Subsections W through AA as Subsections S through W, respectively.

- B. Garden houses, toolhouses, swimming pools, playhouses, private garages, or greenhouses, provided that these structures are not used for commercial purposes and do not produce dust, odor or other nuisances.
- C. Other customary accessory uses and structures, provided that such uses and structures are clearly incidental to the principal use.
- D. Freestanding walls.
- E. One additional dwelling unit in the single-family detached structure, provided that the total habitable floor area of the structure is at least 1,000 square feet.
- F. Home occupation.
- G. One coin-operated amusement device per use plus one additional coin-operated amusement device for each 1,500 square feet of floor area of the interior of the premises actually devoted to the principal use not to exceed four such devices shall be permitted as accessory to such uses which are not entertainment, leisure or recreation oriented. All coin-operated amusement devices lawfully in use prior to February 1, 1983, shall be permitted to remain in use.
- H. Attached or detached decks, provided that:
 - (1) No part of a deck shall be constructed closer than 10 feet to the rear property line of the lot. **[Amended 5-4-2009 by Ord. No. 904]**
 - (2) No part of a deck shall be constructed closer to a side property line than the minimum side yard setback distance of the principal dwelling structure, as applies to this district, and specified for permitted and conditional uses in Table I herein, and no part of a deck shall be constructed closer than two feet to a side property line in any case.
 - (3) No part of a deck that extends closer to the rear property line than the minimum rear setback distance of the principal dwelling structure, as applies to this district, and specified for permitted and conditional uses in Table I herein, shall be enclosed above or below its floor deck with privacy fencing, solid guards, latticework or other visual barriers except open guardrailings and support columns.
 - (4) No part of a deck that extends closer to the rear property line than the minimum rear setback distance of the principal dwelling structure, as applies to this district, and specified for permitted and conditional uses in Table I herein, shall be constructed with its floor level higher than the main living floor of said principal dwelling.

§ 205-28.1. Publicly owned waterfront parcels. [Added 11-2-2015 by Ord. No. 972]

- A. Any publicly owned waterfront parcel of property may have the following principal permitted uses:
 - (1) Marinas with public water access.
 - (2) Restaurant with public water access.
 - (3) Museum with public water access.
 - (4) Parking lot with public water access.
 - (5) Public park with public water access.
- B. The Board of Appeals may permit the following conditional uses:
 - (1) Hotel with public water access.
 - (2) Banquet hall with public water access.
 - (3) Multifamily dwelling with public water access.
 - (4) Bed-and-breakfast with public water access.
- C. The public water access required by this section places as a condition of development that the property owner submit to the Mayor and City Council a concept plan for approval prior to the submission of any site plan to the Department of Planning or the City Planning Commission, showing direct access to the water for use by the public in a manner that is consistent with the public use of the City Yacht Basin, the Promenade, Hutchins Park, Jean Roberts Park, and David Craig Park.
- D. The area used for public water access may be used to satisfy any open space requirements.
- E. The maximum height of any structure on the real property is 30 feet.

ARTICLE VIII

**MOE Mixed Office/Employment Center
[Amended 12-1-2008 by Ord. No. 901]****§ 205-29. Purpose. [Amended 8-6-2012 by Ord. No. 943]**

The purpose of this article is to promote major economic development opportunities, including but not limited to corporate offices, research and development facilities and high-tech services, which have a positive effect on the City's economic tax base and employment opportunities through encouraging a campus-like development that has a compatible mixture of employment, office, commercial, recreational, civic and/or cultural uses which are integrated and developed under an overall master plan with limited retail. Retail uses within the MOE District are primarily intended to serve those individuals employed within the MOE District. Development within the MOE District shall incorporate a pedestrian precinct, as defined herein, to promote a pedestrian friendly environment allowing non-vehicular movement within the development linking all uses and promoting the principles of smart growth. This article is designed to require that office and institutional/recreational uses are built prior to or simultaneously with retail uses.

§ 205-30. Principal permitted uses.

- A. The MOE District shall be comprised of a minimum of 65% office square footage. The MOE District may contain a maximum of 20% retail square footage and a maximum of 25% institutional/recreational square footage as defined in this section. The construction of the retail and other permitted uses shall be only in conjunction with an equal amount of the office construction up to the maximum percentages. **[Amended 8-6-2012 by Ord. No. 943]**
- B. The following are the principal permitted office uses:
 - (1) Office for professional services, with accessory uses as defined herein for the following:
 - (a) Accountant, auditor.
 - (b) Appraiser, auctioneer.
 - (c) Banking, financial, stocks.
 - (d) Business support services.
 - (e) Computer software.
 - (f) Contract management.
 - (g) Corporate headquarters.
 - (h) Data entry.

- (i) Engineering, surveyor.
- (j) Insurance.
- (k) Lawyer, title services.
- (l) Marketing, commercial artist.
- (m) Real estate agent.
- (n) Research and development.
- (o) Any similar office use as approved by the Department of Planning.
- (2) Health care office, laboratory, with related retail sales, if any, for the following:
 - (a) Acupuncturist.
 - (b) Chiropractor.
 - (c) Dental care.
 - (d) Outpatient diagnostic and treatment services. **[Amended 8-6-2012 by Ord. No. 943]**
 - (e) Physical therapy.
 - (f) Medical doctor.
 - (g) Optometry.
 - (h) Urgent care. **[Added 8-6-2012 by Ord. No. 943⁶⁵]**
 - (i) Any similar medical office use as approved by the Department of Planning.
 - (j) Pharmacy that is part of an office as enumerated herein.
- (3) Hospital with or without a helistop or helipad, providing:
 - (a) All ground-level pads shall be located to provide a minimum clearance of a one-hundred-foot radius from any building, structure, tree, utility poles or lines, or light structures, or greater if required by FAA regulations.
 - (b) No pads shall be located within 1,000 feet of a residential unit, or greater if required by FAA regulations.
- C. The following are the principal permitted retail uses:
 - (1) Apparel/clothing/shoe store or general merchandise stores.

65. Editor's Note: This ordinance also redesignated former Subsection B(2)(h) and (i) as Subsection B(2)(i) and (j), respectively.

- (2) Bakery.
- (3) Bank branch facility with or without drive-through. **[Added 8-6-2012 by Ord. No. 943⁶⁶]**
- (4) Barbershop, beautician, tanning or nail salon.
- (5) Bicycle shop, sporting goods or hobby store.
- (6) Bookstore having a gross floor area not greater than 30,000 square feet.
- (7) Card shop, gift shop and stationery supply.
- (8) Coffee shop.
- (9) Computer sales, service.
- (10) Copy shop.
- (11) Delicatessen.
- (12) Drug store, pharmacy or health/personal care.
- (13) Dry cleaners.
- (14) Electronic component or appliance store having a gross floor area not greater than 30,000 square feet.
- (15) Electronic, precision equipment, personal or household goods repair.
- (16) Florist.
- (17) Furniture/home furnishing store having a gross floor area not greater than 30,000 square feet.
- (18) Gas canopy with a building no larger than 6,000 square feet with public restrooms and no more than 10 pumps and/or 20 mpds.
- (19) Grocery.
- (20) Hardware store having a gross floor area not greater than 30,000 square feet
- (21) Liquor store.
- (22) Luggage shop.
- (23) Newsstand.
- (24) Office supply: equipment sales, lease and service store.
- (25) Package delivery service.

66. Editor's Note: This ordinance also redesignated former Subsection C(3) through (28) as Subsection C(4) through (29), respectively.

(26) Photography retail store.

(27) Restaurants, fast-food/pizza/sub shops without drive-through service.

(28) Theater.

(29) Any similar retail use as approved by the Department of Planning.

D. The following are the principal institutional/recreational uses:

(1) Child day-care facility. All facilities shall include an enclosed and naturally screened play area that is adjacent to said facility.

(2) Conference center. A conference center may contain a banquet facility as a permitted accessory use.

(3) Gym or health spa. The facility may contain, as an accessory use, indoor commercial recreation uses, provided that no noise, including music, shall be audible outside of the building or adjoining tenant spaces.

(4) Hotels, as defined in Article II of Chapter 205, and further providing:

(a) Limited service: **[Amended 8-6-2012 by Ord. No. 943]**

[1] A guest laundry, meeting facilities and a pool or fitness center.

[2] Complimentary continental meal services.

(b) Extended stay:

[1] An all-suite facility.

[2] An indoor pool, fitness center, guest laundry, business center, and meeting facilities.

[3] Complimentary breakfast every day to its guests.

(c) Full service:

[1] An indoor pool, fitness center, guest laundry, and meeting facilities.

[2] A full-service restaurant.

(5) College, university or seminary. **[Added 8-6-2012 by Ord. No. 943⁶⁷]**

67. Editor's Note: This ordinance also repealed former Subsection E, which provided for light manufacturing.

§ 205-31. Special exceptions. [Amended 8-6-2012 by Ord. No. 943]

The following special exception uses may be permitted after the Board of Appeals (BOA) considers the recommendation of the Planning Commission and makes its own review that all of the setback requirements and development standards of the MOE District have been met and after considering the criteria of § 25-16 of the City Code. The total combined uses that are permitted by the BOA below cannot comprise more than the total permitted percentages of the uses as enumerated in § 205-29 et seq.

A. Retail uses.

- (1) Banquet facility, unless incorporated into a conference center.

B. Other institutional/recreation uses.

- (1) Adult day-care.
- (2) Commercial recreation: indoor, which shall provide, unless incorporated into a gym or health spa:
 - (a) Parking lot lighting shall be provided 1/2 hour before and one hour after operations during hours of darkness.
 - (b) Noise, including music, shall not be audible outside of the building or in adjoining tenant spaces.
- (3) Commercial recreation: outdoor (batting cages, driving range, miniature golf), providing:
 - (a) Parking lot lighting shall be provided 1/2 hour before and one hour after operations during hours of darkness.
 - (b) Noise, including music, shall not be audible outside of the building or in adjoining tenant spaces.
- (4) Telecommunications tower, providing:
 - (a) The tower shall be set back at least one foot for every foot in height from any building or structure, and the tower shall be designed to collapse within the lot lines of the property upon which it is constructed.
 - (b) Satellite and microwave dishes attached to a tower shall not exceed 10 feet in diameter. The tower shall be designed to accommodate at least four telecommunication providers.
 - (c) No commercial advertising is displayed on the tower or the equipment building.
 - (d) Each unmanned equipment building shall not exceed 12 feet in height or contain more than 400 square feet of gross floor area per user of the tower.

- (e) The tower applicant shall provide the Department of Planning, at time of application, a finding from the Federal Aviation Administration (FAA) that the proposed facility is not a hazard or obstruction to aviation.
- (5) Public service, religious and educational facilities.
- (6) Community facility.
- (7) Educational: primary/secondary.
- (8) Printing and publishing facility.
- (9) Public safety services, EMS, fire, police.
- (10) Radio or TV broadcast studio.
- C. Light manufacturing, provided that:
 - (1) All uses shall be conducted within a completely enclosed building.
 - (2) All uses shall be conducted so as not to create any danger to the health, safety and welfare or any material adverse impact on the property or surrounding areas by creating any excessive noise, vibration, smoke, dust, lint, odor, heat or glare beyond the boundaries of the property.
 - (3) The assembly, manufacturing and warehouse areas of the uses shall not exceed 80% of the maximum gross square footage of any building, so long as light manufacturing uses do not exceed 20% of the total square feet of office space in the MOE Zone.
 - (4) Adequate stacking space shall be provided on site for trucks waiting to be loaded or unloaded.

§ 205-32. Accessory uses and structures.

Accessory uses shall not be located in a front yard. Accessory uses customarily incidental to any principal permitted use, conditional use or special exception shall be permitted without hearing and include the following:

- A. Cafeteria/lunchroom/snack bar for the use of building occupants where such facility is located. **[Amended 8-6-2012 by Ord. No. 943]**
- B. Coin-operated vending machines and automated teller machines inside the building for the use of building occupants.
- C. Off-street loading.
- D. Recreational facilities for employees.
- E. Conference and meeting facilities.
- F. Trash receptacle area.

- G. Fences and walls, provided such structures are similar in architectural treatment and materials to the principal building structure.
- H. Parking area beneath structure of building.
- I. Any similar accessory use as approved by the Department.

§ 205-33. Lot, setback and development requirements. [Amended 8-6-2012 by Ord. No. 943]

Except for the use(s) in this article where the lot and setback requirements are specifically stated in the text of said use(s), the following lot and setback requirements shall apply:

- A. Minimum area of an individual mixed office/employment (MOE) District: 65 acres.
- B. Maximum building height: 70 feet from finished grade, except for hospitals, for which the maximum is 115 feet from maximum height of finished grade, not including HVAC, elevator and other similar equipment which may be positioned atop the building.
- C. Minimum building front setback: five feet.
- D. Minimum building side setback: zero feet.
- E. Minimum building rear setback: five feet.
- F. Construction ratio: For each square foot of office construction no more than an equal amount of retail and/or institutional/recreational construction may occur within the same phase of development until the maximum percentage of each category is reached.
- G. Setback from residential zoned lots or parcels: No building shall be constructed within 100 feet of the boundary line of a residential zoned lot or parcel.

§ 205-34. Development standards. [Amended 8-6-2012 by Ord. No. 943]

All projects in this district shall submit a concept plan that addresses the standards and requirements of this article. Once the concept plan is approved by the Department of Planning and the Planning Commission has had 30 days to review and make recommendations, the applicant may then continue with the normal approval process as outlined in the City Code; provided, however, that the overall plan remains in material aspects in conformance with the approved concept plan. Plans that are submitted subsequently and that are not overall in material conformance with the approved concept plan shall, in the discretion of the Department of Planning, be referred for further review as a revised concept plan. Minor modifications to locations or sizes of building footprints or varying permitted uses, which on the concept plan are understood to have been for illustrative purposes, shall not be considered material changes requiring

a revised concept plan. The Department has the authority to require the relocation of buildings or amenities from their approximate locations shown on the concept plan, which modifications would more materially foster the principles of smart growth or enhance pedestrian movements while providing for the orderly development of the site. All uses shall be designed to be a harmonious and integral part of the district in terms of orientation, visibility, traffic access and pedestrian circulation. In addition, the following standards must be addressed with the submission of a concept plan:

- A. Vehicular and pedestrian access. For purposes of this article, the term "pedestrian precinct" means a feature of the development that incorporates sidewalks, paved trails, and other passive and active open space amenities as required by this section, for the purpose of promoting and enhancing safe pedestrian circulation and bicycle use within the development, providing a pedestrian linkage of all uses within the development, and providing pedestrian and bicycle connections to adjoining neighborhoods. The development shall incorporate one or more pedestrian precincts. If the development features more than one pedestrian precinct, all such pedestrian precincts shall be connected by the sidewalks within the development. All uses within the development shall be connected to a pedestrian precinct. The sidewalks, paved trails, and open space amenities comprising the pedestrian precinct, all vehicular access points to the development, and all internal roadways within the development shall be located and designed to minimize traffic hazards and congestion and conflict between pedestrians and vehicles, and shall be designed in accordance with accepted principles of traffic engineering. A pedestrian precinct shall include an area or areas for pedestrian interaction, such as a green, plaza or courtyard that provides pedestrian amenities, such as, but not limited to seating areas, street furniture, lighting, landscaping, fountains, water features, art or other appropriate elements. Any such areas shall be of a size and location that is easily accessible by all users of the development.
- B. Architectural treatment: Design guidelines that are to be incorporated into the submission of the site plan should include the following:
 - (1) The exterior wall surfaces (front, rear and sides) of each individual building shall be similar in architectural treatment and materials. All buildings within the individual Mixed Office/Employment (MOE) Districts also shall be compatible in treatment and materials to one another.
 - (2) Modulation shall be incorporated in building designs in this zoning district to reduce overall bulk and mass of buildings, with planes of exterior walls not running in one continuous direction more than 1/3 of the length or width of a building without an offset or setback or color change where the length or width exceeds 200 feet.
 - (3) Mechanical equipment should be located within the building or within an enclosed mechanical equipment penthouse. If mechanical

equipment is located on the roof or is freestanding on the site, it must be effectively screened from view by means fully compatible with the architecture. Mechanical equipment must be screened from view from all sides.

- C. Open space. At least 25% of the development shall be used for passive and active open space. The areas devoted to parking lot landscaping, plazas, village greens, greenways, the pedestrian precinct, other recreational amenities, if any, and other areas suitable for active and passive open space shall be counted toward the open space requirement. Areas devoted to stormwater management facilities may be included in the calculation of open space if they are suitable for active or passive recreation and/or forest conservation easements.
- D. Loading and receiving areas: Buildings having loading or receiving areas shall be designed so that the loading or receiving operations are not visible from any public City road.
- E. Civic uses: The developer shall also provide at no cost to the City the following:
 - (1) A minimum of 300 square feet of enclosed office space within one of the buildings in the retail hub of the development for use by the City for promotion of tourism, special events and economic development.
 - (2) At least two mutually acceptable locations in the developed area for informational kiosks in a size and design mutually acceptable to promote the City. The City shall be responsible to maintain these amenities.
 - (3) A paved trail at least six feet wide shall be incorporated into the development plan to enhance pedestrian circulation, bicycle use and public recreational opportunities. The trail shall support an environmentally friendly community by providing pedestrian and bicycle connections to nearby neighborhoods and trail systems. The developer shall construct the trail, as approved by the City, concurrently with the development of the project and before the first use and occupancy permit is issued. The trail shall be maintained by the developer or its successors, and if the development tract is subdivided, maintenance of the trail shall be provided for in the maintenance agreement required herein. The trail required by this subsection may be an element of one or more pedestrian precincts as required by this Code.
- F. Public utility lines and structures: All public utility lines and structure shall meet the following requirements:
 - (1) All utility lines and/or piping to and from said structures shall be underground. Utility poles are not permitted in the MOE Zoning District.

- (2) All utility structures such as junction and access boxes, capacitor banks, propane canisters, transformers, and switching devices, shall be landscaped and naturally screened on all sides of the structure. If the nature and purpose of the distribution structure requires a fence, vegetative screening shall be placed along the outside of the fence.
 - (3) Adequate space shall be provided to allow access to the structures.
 - (4) All structures located in open space shall be painted the industry standard ANSI green and/or be architecturally similar to the other structures in the district.
 - (5) If the structure is the principal use of the lot, i.e., an electric distribution substation, all setback requirements of this zoning district shall apply. Substations shall not be located on major thoroughfares.
- G. Record plat approval: The following additional items must be delivered to, reviewed by, and approved by the Department of Planning prior to recordation:
- (1) Off-street parking: Plans submitted must show that parking and roadways shall be within the established building setbacks of this zoning district, with the exception of the access drives onto the property. The number of required parking spaces shall be based on the City's current Off-Street Parking Ordinance.⁶⁸ As it is a purpose of this zoning district to establish a campus-like setting with the provision of adequate open space, joint-use parking structures are encouraged to be established. Such structures, should they meet all of the requirements for a permit, may reduce the number of parking spaces provided by 10% of the total number of spaces required when computed separately for each use.
 - (2) Outdoor speakers: Outdoor speakers are permitted provided that the sound emitting from the speakers is not audible past the boundary line of the MOE Zone.
 - (3) Outside storage: There shall be no outside storage of any equipment, vehicles, materials or supplies. Dumpsters are permitted, provided that they are located within an enclosure that is architecturally compatible with the buildings on the site that the dumpsters serve; the enclosures are finished with a material that is of the same appearance as the building finish; and no part of the dumpster itself is visible from the adjacent streets, pedestrian walkways or residential units.
- H. Parking standards: It is the intent of this district to encourage the efficient layout and design of the parking areas to encourage pedestrian movement, unified and shared parking areas and the minimization of

68.Editor's Note: See Ch. 122, Off-Street Parking.

impervious surfaces. A parking and pedestrian circulation plan shall be submitted as part of the site plan approval process.

- (1) The required parking for the site, as determined in Chapter 122 of the City Code, may be reduced by 15% if included in a shared parking area. In addition, the Department may permit the parking to be of a pervious material. Such materials shall be permitted only after review by the Department of Public Works and verification that the materials are pervious and promote best management practices.
- (2) Commercial parking facility, providing:
 - (a) The facility meets all setback requirements;
 - (b) The facility may be only a parking structure, and each of the exterior wall surfaces (front, rear and sides) of a parking structure shall be similar in architectural treatment and materials and shall be compatible in treatment and materials to adjacent buildings within the zoning district.
- (3) Joint-use parking facility, providing:
 - (a) The joint-use parking facility shall be within 600 feet of an entrance of the building(s) to be served.
 - (b) Handicap-accessible pedestrian walkways are provided between the parking structure and the participating buildings.
 - (c) A copy of the agreement between the owners of all the properties involved in a joint-use parking structure arrangement, which sets forth the terms and conditions and length of the agreement and which provides 120 days' advance notice to the City of the termination of the arrangement, shall be provided for review and comment by the City Attorney and Director of Planning prior to the issuance of a permit.
 - (d) The applicant(s) and user(s) of such joint-use parking structure shall execute a statement, acknowledging their responsibility to provide at all times the number of parking spaces required by the City and agreeing that the permit is conditioned upon replacing any lost spaces required by the Off-Street Parking Ordinance⁶⁹ within 120 days, prior to the issuance of the permit.
 - (e) Reserved areas shall be designated on approved site plans to accommodate additional parking resulting from change of use or operating hours or any other factors requiring additional parking.

69. Editor's Note: See Ch. 122, Off-Street Parking.

- (f) Assigned, executive or otherwise reserved parking spaces may be provided and designated only in excess of the herein-required minimum number of parking spaces.
- (4) Vehicular and pedestrian circulation:
 - (a) The internal vehicular circulation system must follow a pattern of intersecting streets that provide for internal alternative routes to internal and external destinations.
 - (b) Points of external access and alignments of internal roadways must facilitate use of public transit. This may include rights-of-way sufficient for bus pullouts and bus shelters as well as transit easements on private streets.
- I. Subdivision:
 - (1) For purposes of this article, the following terms have the meanings indicated:

APPROVED LOT OR LOTS — A lot or lots that result(s) from the subdivision of a development tract in accordance with this article and the subdivision regulations of the Havre de Grace City Code.

DEVELOPMENT PROJECT — The proposed or approved use of a tract of land that is designed in a manner intended to comply with the MOE regulations.

DEVELOPMENT TRACT — All the land shown on a site plan prepared and submitted for approval in accordance with the requirements of the Havre de Grace City Code on which a development project is proposed.
 - (2) A site plan may propose the subdivision of a development tract. The Department of Planning shall review the site plan using the following standards:
 - (a) A site plan that shows a proposed subdivision of the development tract shall be reviewed first to ensure that the development project complies with all requirements of the Havre de Grace City Zoning Code without deciding the proposed subdivision of the development tract.
 - (b) The approved site plan showing the proposed subdivision of the development tract into one or more approved lots shall operate as a recommendation for approval of the subdivision if the development project as shown within the development tract complies with all requirements of the Havre de Grace City Zoning Code. A subdivision may later be approved for all or any part of a development tract. The subsequent approval of any subdivision of the development tract shall not alter, modify or release the overall development project from the design

standards and requirements of the Havre de Grace City Zoning Code, including those of this article.

- (c) The individual approved lot or lots created by a subdivision of a development tract shall not individually be required to conform to the requirements of the MOE Zoning District, provided that the overall development project as shown within the development tract otherwise complies with all requirements of the Havre de Grace City Zoning Code. Other restrictions shown on the development plan shall continue to apply as if the subdivision had not occurred.
- (d) Amendments to the approved site plan shall be reviewed for zoning approval first without deciding the proposed subdivision of the development tract into approved lot or lots. The development tract may be expanded or reduced by amendment of the site plan, provided that the resulting development tract complies with all requirements of the Havre de Grace City Zoning Code, and without deciding proposed subdivision of the development into approved lot or lots.
- (e) Prior to the recordation of a subdivision plat of the development tract, the applicant shall establish a maintenance organization with the obligation to maintain all areas and facilities within the subdivision which are designated for common use. The subdivision plat shall contain a clear designation of such common areas and facilities and shall note the obligations of the owners of approved lots with regard to such maintenance, or shall refer to any recorded declaration or agreement regarding such maintenance obligations. Such common areas and facilities shall be subject to all the requirements of the City Code and any and all other applicable laws, rules and regulations with the purpose of ensuring that the common facilities shall be maintained in a good and proper condition and fit for their intended purpose. All cross-access easements, maintenance declarations, or other agreements for the maintenance of common use areas or facilities shall be reviewed by the Department of Planning and the City Attorney prior to approval of the subdivision plat to ensure compliance with existing parking, stormwater, transportation and access requirements and all other regulations. The City shall be named a party in said agreements for the sole purpose of ensuring that a review of any changes to said documents is in compliance with all applicable regulations.

§ 205-35. Landscaping, lighting and signage standards.

All landscaping material information shall be delivered to the Tree Commission for comment prior to Department of Planning's review and shall promote native plant species. The Tree Commission may provide the Department of Planning with an approved list of tree and shrub species

to be used in lieu of reviewing the planting schedule. All planting shall be done in accordance with the Standard for Nursery Stock and shall include a mixture of the approved planting materials. Prior to the approval of the record plat, the Department of Planning shall review and approve a landscaping, lighting and signage plan that meets the following criteria:

- A. A planting area parallel to a public street shall be designed to provide continuity of vegetation along the right-of-way and to soften the impact of development by providing a screened view from the public road. These planting areas, known as "street yards," shall be a minimum of 40 feet wide unless reduced as per § 205-33. Street yards shall contain one shade tree for every 35 linear feet or one ornamental tree per every 25 linear feet of street frontage, less driveway widths. These trees shall be generally equally distributed along the frontage of the public road, but are not required at absolute equal intervals to allow some flexibility in design and the avoidance of utility lines while discouraging long intervals without trees. Shrubbery shall be planted in clusters at a ratio of six shrubs for every tree. Except for utility distribution equipment not exceeding 42 inches in height and 20 square feet in area, which is painted an approved outdoor ANSI green and completely screened by shrubbery, evergreens or landscaping berms, no structures, roads (except driveway points), parking, accessory buildings, or mechanical equipment shall be contained in the planting areas. However, walkways, trails, objects of art and man-made landscape features are allowed.
- B. All required open space, except open space in the parking areas and along private entrance roads as enumerated in Subsections D and E below, shall be landscaped at a ratio of 20 trees and 80 shrubs per acre. Areas that are currently forested and to be kept as open space shall be exempted from this planting requirement. All open space areas shall be a minimum of 25 feet wide. Walkways, trails, objects of art and man-made landscape features also are allowed in these planting areas. These areas shall be landscaped with a variety of trees and shrubs as approved by the Tree Commission. All areas of open space not covered by trees and shrubs shall be seeded with an appropriate seed mixture. For any area adjacent to any residential zoning district, landscaping design shall buffer the residential district from direct light and cause only minimal glare. "Minimal glare" is defined for this subsection as light of an intensity not exceeding 0.5 footcandle as measured at the property line between adjoining lots or parcels. Landscaping design shall incorporate a combination of a variety of vegetative landscape material and other landscaping techniques intended to effectively buffer residences in adjacent residential zoned lots or parcels from exterior lighting used within the MOE Zone. The Department of Planning shall require the installation of the vegetative landscape material in conjunction with other landscaping techniques at the earliest possible time during construction to provide the vegetation sufficient time to mature and provide an effective visual buffer.
[Amended 8-6-2012 by Ord. No. 943]

- C. If a landscape area or planting bed is proposed around a building it shall have a minimum width of five feet.
- D. Off-street parking lots having more than 15 parking spaces shall provide a landscaped island at the ends of each parking row or aisle and additional landscaped islands at the ratio of one island at least eight feet wide for each 12 contiguous parking spaces. These landscaped islands shall be a minimum of 144 square feet in area for a single parking row and 288 square feet in area for a double parking row, with a minimum inside dimension of eight feet and a minimum prepared depth of 24 inches. These landscaped medians shall have a minimum inside dimension width of eight feet and a minimum prepared depth of 24 inches. The islands shall have curbs and gutters while the medians may either have curbs and gutters or be open sectioned to allow for stormwater infiltration, providing medians are protected with wheel stops at each parking space to protect them from vehicular encroachments. Trees shall be planted at a minimum rate of three trees and eight shrubs per every island of 244 square feet or larger and two trees and four shrubs for every island that is less than 244 feet square feet. Street yard trees cannot be credited toward the parking lot tree requirements. If the parking lot is used for stormwater management environmental site design practices, parking landscape requirements as required by this subsection shall be waived. **[Amended 8-6-2012 by Ord. No. 943]**
- E. Any area considered to be a private entrance driveway shall have a minimum twenty-foot planting strip on both sides of the entrance driveway. This area shall be planted with at least one tree every 25 linear feet of frontage, less driveway widths. These trees shall be generally equally distributed along the frontage of the private entrance driveways, but are not required at absolute equal intervals to allow some flexibility in design and the avoidance of utility lines while discouraging long intervals without trees. Shrubbery shall be planted in clusters at a ratio of six shrubs for every tree, except where the Tree Commission recommends otherwise and where approved by the Department of Planning.
- F. Exterior lighting: **[Amended 8-6-2012 by Ord. No. 943]**
- (1) Lights illuminating off-street parking or loading areas shall be arranged and installed so that any spill onto adjacent areas shall be minimal glare. Spill over light from the MOE Zone at any adjacent property line of an existing single-family residential lot currently within the municipal boundaries of the City shall not exceed 0.1 footcandle.
 - (2) Lighting standards shall not exceed 35 feet in height. Lighting fixtures shall be of a directional-type capable of shielding the light source from direct view from adjacent residential lots or parcels.

- G. Signage:⁷⁰ The project site plan shall identify the proposed location of all proposed signage. Signage shall be compatible in quality, style, color and materials to the building with which it is associated. Creative modifications to standard signage used by large corporations are encouraged. Signage elevations shall be submitted with sign permit applications. Ground monument signs shall be located to ensure safety to vehicular traffic and pedestrians. Freestanding signs shall not extend higher than 25 feet above the finished grade. No sign shall extend above the finished deck of a flat roof or the ridge of an elevated or gable roof of a building. Ground level signs, including monument signs, shall be no larger than 50 square feet, per face, not including framework, structure or support elements, for single-tenant signs and 100 square feet per face, not including framework, structure or support elements, for multiple-tenant signs. Elevated signs shall be no larger than 100 square feet, not including framework, structure or support posts. Freestanding or wall-mounted building and project naming signage is exempt from these specific signage regulations, however, such signage still requires review and approval by the Director of Planning. **[Amended 8-6-2012 by Ord. No. 943]**

70.Editor's Note: See also Ch. 151, Signs.

ARTICLE IX
C Commercial District

§ 205-36. Principal permitted uses.

The following are principal permitted uses in the Commercial District:

- A. Community facilities.
- B. Offices.
- C. Health care facilities.
- D. Marinas.
- E. Retail businesses.
- F. Theaters and restaurants, including sidewalk cafes.
- G. Personal service shops.
- H. Freight and passenger terminals.
- I. Parking facilities.
- J. Churches meeting Lot Specification H, Table I.
- K. Schools.
- L. Clubs, provided that any principal building or swimming pool shall be located not less than 100 feet from any other lot in any residential district.
- M. Public utility structures.
- N. Uses related of the sale, rental, maintenance or storage of vehicles, including automobiles, bicycles, motorcycles, trucks, boats, travel trailers and mobile homes, but not including mobile home parks.
- O. Hotels and motels.
- P. Amusement centers.
- Q. Animal care facilities.
- R. Wholesaling.
- S. Storage.
- T. Greenhouses.
- U. Outside sales.
- V. Manufacturing uses.
- W. Laboratories, but not including high explosives or hazardous chemicals which would present an off-site hazard.

- X. Banks.
- Y. Auto repair and service center. **[Added 9-15-2014 by Ord. No. 960]**

§ 205-37. Conditional uses.

The Planning Commission may permit the following conditional uses:

- A. Funeral establishments, provided that the principal vehicular access shall be located on a public right-of-way not less than 50 feet wide and site illumination shall be limited to parking areas and landscaped areas.
- B. Gas stations, provided no gas station shall be located within the Chesapeake Bay at mean high tide critical area as shown on the Critical Area Map. **[Amended 9-15-2014 by Ord. No. 960]**
- C. Flea markets and auction establishments, provided that the activity and storage is conducted in a completely enclosed structure.
- D. Public utilities, work buildings and storage yards, provided that all outside storage is screened from all adjoining properties.
- E. Shooting ranges.
- F. Towers.
- G. Cemeteries.
- H. Temporary commercial circuses and carnivals, provided that:
 - (1) Occupancy permits may be issued for a period not exceeding 15 days.
 - (2) Such uses shall not be located closer than 200 feet from a residential district.
 - (3) A minimum lot area of one acre shall be provided.
- I. Uses requiring presses over 10 tons.
- J. Bakery meeting Lot Specification O, Table I.
- K. Laundry, clothes cleaning, dyeing, carpet cleaning and linen supply meeting Lot Specification O, Table I.
- L. Wholesaling meeting Lot Specification O, Table I.
- M. Offices meeting Lot Specification O, Table I.
- N. Retail sales meeting Lot Specification O, Table I.
- O. Banks meeting Lot Specification O, Table I.
- P. Personal service shops meeting Lot Specification O, Table I.

- Q. Uses not designated principal permitted or conditional in any other zone and not prohibited by other state or local law.

§ 205-38. Accessory uses and structures.

Accessory uses and structures customarily incidental to any principal use or authorized conditional use shall be permitted without hearing and shall include, but not be limited to:

- A. Off-street loading and parking.
- B. Other customary accessory uses and structures, provided that such uses are clearly incidental to the principal use.

ARTICLE X

Critical Area Resource Conservation Zone**§ 205-39. Principal permitted uses.**

The following are principal permitted uses in the Critical Area Resource Conservation Zone:

- A. Single-family detached dwelling unit on lots of five acres or more and at a density not to exceed one unit per 20 acres.
- B. Agricultural uses including forestry.
- C. Educational facilities.
- D. Fish hatcheries and wildlife propagation facilities.
- E. Dredge spoil disposal, when approved by local and state agencies having jurisdiction.

§ 205-40. Conditional uses.

The Planning Commission may permit the following conditional uses:

- A. Public utility structures.

§ 205-41. Accessory uses and structures.

Accessory structures and uses customarily incidental to any principal permitted or conditional use shall be permitted without hearing.

§ 205-42. Impervious surface limitations.

Man-made impervious surfaces shall be limited to 15% of a lot or parcel, except for the following instances where the limit shall be increased to 25%:

- A. A parcel or lot of 1/2 acre or less in size, that was in residential use on or before December 1, 1985;
- B. A parcel or lot of 1/4 acre or less in size, that was in nonresidential use (i.e., commercial, industrial, institutional) on or before December 1, 1985; and
- C. A lot of one acre or less in size, as part of a subdivision approved after December 1, 1985; impervious surfaces of the entire subdivision may not exceed 15%.

§ 205-43. Boundaries.

The boundaries of the Critical Area Resource Conservation Zone shall be as shown on the Zoning Maps of the City of Havre de Grace but in any event shall include the area known as "Tydings Island" and all areas within the one-hundred-year floodplain of the Susquehanna River north of the center

line of United States Route 40 and south of the northerly boundary of the City of Havre de Grace as constituted on July 1, 1988.⁷¹

71.Editor's Note: See Ch. 49, Critical Areas.

ARTICLE XI
Planned Adult Communities
[Added 8-19-2003 by Ord. No. 845]

§ 205-43.1. Definitions.

As used in this Article XI, the terms listed below have the meanings indicated. Words used in the present tense include the future, the singular includes the plural, and the plural the singular, unless the context clearly indicates the contrary.

COLLECTOR ROADS — A road or street which serves to carry traffic to or from local streets and connects them to other collector streets or to arterial highways and is identified in the transportation plan as either an urban collector road or rural major or minor collector road.

COMMUNITY CENTER — A building which has a permitted capacity in excess of 100 people and is used for recreational, social, education, cultural or religious activities.

LOCAL ROADS — A road or street which collects and distributes traffic within subdivisions and provides direct access to individual land uses. Local roads and streets may include primary and minor residential roads, as well as business roads.

OWNER OF THE COMMUNITY — The person or entity who or which acts as the owner of the property on which a planned adult community is constructed and who or which is primarily and ultimately responsible for developing a planned adult community and for completing all conditions required to create a planned adult community under this chapter, including creating and implementing the overall planning, concept plans, site plans, subdivision plats, and other required development and engineering plans, the construction and completion of structures, utilities, public works facilities, roads, open space, community center(s), and other amenities, sale of units, as well as for the creation and implementation of use and development restrictions and property owners' associations.

PLANNED ADULT COMMUNITY — Buildings containing residential and commercial uses, meeting the conditions and approvals set forth herein, which are designed, developed and managed as an integrated adult community. Residential uses in the community may include single-family attached dwellings, multifamily dwellings and single-family detached dwellings, all of which shall be designed for occupancy by mature adults; as well as hotels of all types and hotels allowed under this chapter and conference centers.

PROPERTY OWNERS' ASSOCIATION — A legal entity comprised of owners of land used for residential or nonresidential uses, buildings or dwellings, organized to own, operate and/or maintain open space, roads, stormwater management facilities, recreational facilities, or amenities used in common by such owners.

USE AND DEVELOPMENT RESTRICTIONS — One or more instruments recorded among the land records which impose easements, liens, conditions, covenants and restrictions on the use and development of land. Use and development restrictions may grant easements and/or impose conditions pursuant to which owners of land and/or the general public may use land, including open space, roads, stormwater management facilities, recreational facilities, or amenities.

§ 205-43.2. Criteria.

The following uses that meet the criteria set forth in this Article XI are allowed as special development uses in R, R-1, and R-2 Residential Districts:

- A. Single-family detached dwellings shall meet lot specification C, Table I.
- B. Single-family attached dwellings shall meet lot specification E, Table I, except that lots shall be no less than 26 feet in width.
- C. Multifamily dwellings shall meet lot specification F, Table I.
- D. The minimum area of the entire community shall be a total of 600 acres.
- E. The commercial uses identified below are also principal permitted uses approved under this Article XI as uses to serve the planned adult community. With the exception of banquet facilities/catering operations listed in Subsection E(8) below and hotels listed in Subsection E(9) below, such uses may not individually, collectively, or in any combination, exceed a total area of 20,000 square feet (not including the area of any required parking lot).
 - (1) Offices.
 - (2) Retail sales.
 - (3) Amusements.
 - (4) Commercial recreation -indoor.
 - (5) Full-service restaurants.
 - (6) Health spa.
 - (7) Banquet facility/catering operation.
 - (8) Hotels.
 - (9) Package, telecommunications and courier service office.
 - (10) Printing and publishing facility.
- F. Customary accessory uses or buildings incidental to any main commercial building or use may be permitted and shall include, but not be limited to:

- (1) Cafeteria/Lunchroom/Snackbar/Automat, primarily for the use of building occupants where such facility is located, provided such facility has no exterior entrances or exits, except required emergency exits.
 - (2) Coin-operated vending machines and automated teller machines, inside a building and primarily for the use of building occupants.
 - (3) Recreational facilities for employees.
 - (4) Other customary accessory uses and structures.
- G. Ancillary uses or buildings incidental to any main commercial building or use may also be permitted. Permitted ancillary uses cumulatively shall not exceed 15% of the gross floor area of the related principal use(s) per building in the community. Permitted ancillary uses shall include, but not be limited to:
- (1) Apparel/clothing store.
 - (2) Barbershop, beautician studio, tanning or toning salon.
 - (3) Bookstore.
 - (4) Cocktail lounge.
 - (5) Drug store or pharmacy.
 - (6) Dry cleaners, pick up and drop off only.
 - (7) Florist.
 - (8) Gift shop.
 - (9) Luggage shop.
 - (10) Newsstand.
 - (11) Quick-service food store.
 - (12) Tobacconist.
- H. It is the intention of the Mayor and City Council that planned adult communities be allowed in R, R-1, and R-2 Zoning Districts, in order to permit residential development at low densities in an open space setting. Planned adult communities are intended to improve the quality of development and redevelopment, protect the value of public and private investments on properties within and adjacent to planned adult communities, promote the efficient use of land and public services, conservation of natural resources, prevent environmental pollution, avoid undue concentration of population, control congestion in the streets, and facilitate the adequate provision of transportation, water, sewerage, recreation, and other public requirements. The following guidelines shall be followed in the design of the community:

- (1) The community shall be designed with regard to the soils, topography and natural features of the parcel.
 - (2) All residential structures shall be sited so as to promote privacy and ensure natural light for all living areas.
 - (3) Buildings near the periphery of the community shall be harmonious with neighboring areas and shall provide adequate transition in density and type or shall provide a vegetative buffer or buffer area.
 - (4) Rights-of-way for all collector roads shall be no less than 50 feet in width. Rights-of-way for all other roads and streets shall be no less than 40 feet in width. All local roads shall be designed and built to standards for emergency vehicles.
 - (5) No building shall be located within 10 feet of the road right-of-way, public parking areas or public open space.
 - (6) The community shall be designed to minimize earthmoving, erosion and the disturbance of environmentally sensitive features.
 - (7) The maximum density for the community shall be one dwelling unit per 20,000 square feet of gross area of the community.
- I. The owner of the community shall record use and development restrictions among the land records of Harford County to which the community is subject concurrently with the recordation of the subdivision plat(s) for the community. Sections or phases of the community may be subject to different use and development restrictions based on dwelling unit type or other factors. The entire community shall, however, be subject to use and development restrictions. Anything contained in the City's Subdivision Ordinance⁷² to the contrary notwithstanding, use and development restrictions, as well as any documents that create and govern a homeowners' association or council of unit owners, or similar entity (an "association") and which concern the association services, as defined below, shall be submitted to the City Department of Economic Development and Planning for review and written approval prior to recordation of a subdivision plat of the area of the community that will be subject to the use and development restrictions. No use and development restrictions may be recorded among the land records of Harford County unless such approval has been obtained.
- (1) At a minimum, the use and development restrictions shall provide that:
 - (a) Every lot or unit owner shall be a member of the association.
 - (b) Each lot, unit, or parcel shall be assessed.

72. Editor's Note: See Ch. 173, Subdivision of Land.

- (c) Assessments shall be paid by the owner of each lot, unit, or parcel.
 - (d) The use and development restrictions shall provide that the association shall have an affirmative duty to maintain and preserve all open space and common areas, and the improvements and facilities (including public works facilities) located thereon, and all privately held community facilities, including all necessary road and street maintenance, repair, and replacement, all necessary stormwater management facility, snow and ice removal and snow and ice buildup prevention, garbage storage and removal, and all privately held facilities, together and any and all other services to be provided to the community pursuant to the use and development restrictions (the "association services").
 - (e) The assessments shall be sufficient to pay the expenses as provided in the yearly budget for the association services, together with a prudent reserve for reasonably anticipated nonbudgeted items, and unexpected perils not covered by insurance.
 - (f) On or before July 1 of each year, the association shall deliver to the City's Director of Department of Finance yearly annual financial statements prepared, reviewed, and signed by an independent certified public accounting firm.
 - (g) On or before July 1 of each year, the association shall deliver to the City's Director of Department of Finance certificates of insurance insuring the association services and any and all facilities, equipment, and other property associated therewith from any and all damage, liability, casualty, or other peril, in the form and in the amount reasonably approved by the City.
- (2) In reviewing the use and development restrictions, the City Department of Economic Development and Planning shall give consideration to the following:
- (a) Suitability of the documents to accomplish any stated purpose and to insure the long-term uninterrupted performance of the association's services.
 - (b) Consistency and compatibility of the association with the community as defined by the applicant and the use and development restriction documents.
 - (c) Long-term financial ability of the association to perform the association services.
- J. At least 25% of the gross area of the community shall contain open space. For the purposes of this section, recreational facilities, including golf courses and golf driving ranges, shall be included in the definition

of open space. The open space may be owned and maintained by one or more property owners' associations, or by private entities or individuals. The open space shall be generally continuous, accessible to the residents, and protective of natural features. The protection of trees shall be considered in determining the location of open space and development areas. Open space shall be available for use by residents of the community, and may be available for use by the general public, on terms and conditions set forth in the use and development restrictions. The use and development restrictions may provide that use of open space shall be provided at no cost, or on a fee or membership basis.

- K. A community center shall be provided by the owner of the community, which shall be available for use by residents of the community and may be available for use by the general public on terms and conditions set forth in the use and development restrictions. The use and development restrictions may provide that use of the community center shall be provided at no cost, or on a fee or membership basis. The floor area of the community center shall be not less than 10 square feet for each dwelling unit constructed in the community. Other amenities may be owned and maintained by one or more property owners' associations, or by private entities or individuals.
- L. Roads and parking areas in the community may be designed and constructed as public or private roads, owned and maintained by a property owners' association, in accordance with specifications approved by the City. All such private roads, bridges, parking areas, and related improvements shall be designed according to sound engineering standards and constructed in a workmanlike manner. All cross-sections and turning radii shall at a minimum be constructed in accordance with the current applicable requirements of the Harford County Road Code. The owner of the community shall provide the City with copies of all inspections made in the course of the construction and completion of such improvements. Development roads in the community shall be designed to provide a logical road network adequate for internal movement. Parking areas shall be arranged to prevent through traffic to other parking areas and shall be screened from adjacent projects and through roads.
- M. Residential dwelling units in the community shall be provided as follows:
 - (1) Single-family detached dwellings: not less than 35% of total dwelling units in the community.
 - (2) Multifamily dwellings: not more than 25% of total dwelling units in the community.
 - (3) Single-family attached dwellings: not more than 50% of total dwelling units in the community.

- N. Adequate recreational facilities shall be provided in the community pursuant to the approved special development to meet the needs of the residents.
- O. Business uses shall be conducted within completely enclosed buildings. No freestanding signs advertising business uses shall be permitted.
- P. The community shall be served by public water supply and public sewerage disposal.
- Q. Permitted freestanding signs may be floor-lit or spotlighted, provided that such lights are not directed toward any road.
- R. All or part of the community may be surrounded by security fences. Gates may be utilized to control access to the community or any portion thereof.
- S. Except as specifically provided herein, all other requirements of City ordinances, and state and federal law shall apply to planned adult communities.
- T. The owner of the community shall submit a concept plan of the entire community to the Planning Commission for review and approval. The concept plan shall be prepared by a Maryland professional engineer and shall comply with all the conditions and standards for the intended location or operation of each use as specified herein and contain, at a minimum, a legal description of the land which will comprise the community, a general description of the number, product type (as defined in this chapter) and the standard size, height, width, square footage, and design of standard proposed dwelling units, buildings, or other improvements to be constructed, the general layout of proposed open space, recreational and other nonresidential facilities, roads, open space and amenities, and all other improvements, alterations, and changes to be made on the land, but the concept plan need not contain all of the information required to be shown on a site plan. The Planning Commission shall review the concept plan for conformity with the specifications and general purposes contained herein and with the intent and purpose of Article 66B of the Annotated Code of Maryland. After approval by the Planning Commission, the owner of the community shall submit separate site plans for separate phases or sections of the community for approval by the Planning Commission pursuant to the Site Plan Ordinance.⁷³ Each site plan shall be substantially in conformance with the approved concept plan. Any substantial modification to the approved concept plan shall require the approval of the Planning Commission. Except as expressly provided herein, the design and development of the community shall comply with the City's site plan and subdivision ordinances.

73. Editor's Note: See Ch. 155, Site Plan Approval.

§ 205-43.3. Construction with general zoning regulations and other ordinances.

To the extent the Article XI is more restrictive than other provisions, regulations and requirements contained in this chapter or any other ordinance, the provisions, regulations and requirements contained in this Article XI shall prevail over any such less restrictive provisions, regulations and requirements.

ARTICLE XII
Administration and Enforcement

§ 205-44. Administration.

It shall be the duty of the Director of Economic Development and Planning to administer and cause the enforcement of this chapter in accordance with its administrative provisions.

§ 205-45. Records.

The Director of Economic Development and Planning shall keep records of all applications for zoning certificates, conditional uses, amendments to the zoning text and Zoning Map, and all actions taken on them by the Planning Commission and the Mayor and City Council, together with any conditions imposed by the Planning Commission, the Mayor and City Council or the Board of Appeals.

§ 205-46. Certification of compliance with chapter.

No building permit or use and occupancy permit shall be issued unless such permit has attached to it or included in it a certification of compliance with this chapter executed by the Director of Economic Development and Planning or the Director's designee.

§ 205-47. Unlawful acts.

It shall be unlawful to use any land, building, structure or premises in any manner which does not conform with the provisions of this chapter. It shall be unlawful to locate, erect, construct, reconstruct, extend, enlarge, convert or alter any building or part thereof or other structure in any manner which does not conform with the provisions of this chapter.

§ 205-48. Violations and penalties.

Any person convicted of committing any unlawful act as provided in this chapter shall be guilty of a misdemeanor. If any unlawful act is continuing, then each day during which such violation continues shall be considered a separate offense. In addition to any criminal penalty which may be imposed, all the provisions of this chapter may be enforced by petition for injunction filed on behalf of the Mayor and City Council of Havre de Grace.

Chapter DL
DISPOSITION LIST

§ DL-1. Disposition of legislation.

Adoption			
Enactment	Date	Subject	Disposition
Ord. No. 863	4-4-2005	Economic Development Advisory Board	Ch. 25, Art. V
Res. No. 248	4-4-2005	Charter amendment	Appendix A
Res. No. 250	8-1-2005	Charter amendment	Section 7
Res. No. 251	10-17-2005	Charter amendment	Section 19
Ord. No. 867	10-17-2005	Feeding of waterfowl and wildlife	Ch. 18, Art. IV
Ord. No. 868	10-17-2005	Street and Traffic Safety Advisory Board	Ch. 25, Art. IX
Ord. No. 870	3-6-2006	Critical Areas	Ch. 49
Ord. No. 871	2-6-2006	Building construction amendment	Ch. 31
Ord. No. 872	3-20-2006	Zoning amendment	Ch. 205
Res. No. 253	3-20-2006	Charter amendment	Section 18
Res. No. 254	3-20-2006	Charter amendment	Section 17
Res. No. 255	3-20-2006	Charter amendment	Section 24
Res. No. 258	3-20-2006	Charter amendment	Section 57
Ord. No. 874	4-17-2006	Board of Appeals amendment	Ch. 25, Art. III
Res. No. 256	5-1-2006	Charter amendment	Section 28
Res. No. 257	5-1-2006	Charter amendment	Section 19
Res. No. 259	5-1-2006	Charter amendment	Section 20
Res. No. 252	5-15-2006	Charter amendment	Appendix A
Ord. No. 875	6-5-2006	Board of Appeals amendment	Ch. 25, Art. III
Ord. No. 879	6-5-2006	Water and sewer rates amendment	Repealed by Ord. No. 883
Ord. No. 880	8-7-2006	Taxicabs	Ch. 180
Ord. No. 881	9-18-2006	Building construction amendment	Ch. 31
Ord. No. 882	10-2-2006	Critical Areas amendment	Ch. 49

Adoption

Enactment	Date	Subject	Disposition
Ord. No. 883	12-4-2006	Water and sewer rates amendment	Ch. 196
Ord. No. 884	4-16-2007	Fees amendment	Ch. 70
Ord. No. 885		Salaries	Failed
Ord. No. 886	5-21-2007	Residential rental property amendment	Ch. 147
Ord. No. 887	4-16-2007	Water and sewer rates amendment	Ch. 196
Ord. No. 888	5-7-2007	Historic preservation amendment	Ch. 97
Ord. No. 890	6-4-2007	Water and sewer rates amendment	Ch. 196
Res. No. 262	6-18-2007	Charter amendment	Section 79
Res. No. 263	6-18-2007	Charter amendment	Section 63
Res. No. 264	6-18-2007	Charter amendment	Section 80
Res. No. 265	6-18-2007	Charter amendment	Section 48
Ord. No. 892	8-20-2007	Trees	Ch. 186
Res. No. 266	12-17-2007	Charter amendment	Section 60
Ord. No. 894	5-5-2008	Water and sewer rates amendment	Ch. 196
Res. No. 267	5-5-2008	Charter amendment	Appendix A
Res. No. 268	5-5-2008	Charter amendment	Section 75
Ord. No. 896	6-2-2008	Water/Sewer Commission	Ch. 25, Art. X
Ord. No. 900	10-20-2008	Tourism Advisory Board amendment	Ch. 25, Art. VI
Ord. No. 901	12-1-2008	Zoning amendment	Ch. 205
Ord. No. 903	5-4-2009	Building construction	Ch. 31
Ord. No. 904	5-4-2009	Zoning amendment	Ch. 205
Res. No. 270	5-4-2009	Charter amendment	Section 19
Ord. No. 905	5-18-2009	Water and sewer rates amendment	Ch. 196
Ord. No. 908	10-5-2009	Board of Appeals amendment	Ch. 25, Art. III
Ord. No. 909	10-19-2009	Homestead property tax credit amendment	Ch. 177, Art. I
Ord. No. 910	10-19-2009	Water/Sewer Commission amendment	Ch. 25, Art. X

Adoption			
Enactment	Date	Subject	Disposition
Ord. No. 911	3-1-2010	Tax credit for approved Fire Department and Ambulance Corps members	Ch. 177, Art. V
Res. No. 271	3-1-2010	Charter amendment	Section 60
Res. No. 272	3-15-2010	Charter amendment	Section 5
Ord. No. 912	5-3-2010	Stormwater management	Ch. 169
Ord. No. 913	5-3-2010	Zoning amendment	Ch. 205
Ord. No. 914	5-3-2010	Zoning amendment	Ch. 205
Ord. No. 915	5-3-2010	Adult entertainment amendment	Ch. 4
Ord. No. 916	5-17-2010	Water and sewer rates amendment	Ch. 196
Ord. No. 917	5-17-2010	Property tax rates	Superseded by Ord. No. 928
Ord. No. 919	8-2-2010	Building construction	Ch. 31
Res. No. 273	10-4-2010	Charter amendment	Section 28
Ord. No. 920	11-15-2010	Stormwater management amendment	Ch. 169
Ord. No. 921	11-15-2010	Marina Commission	Ch. 25, Art. XI
Ord. No. 922	12-6-2010	Fortune telling amendment	Ch. 84
Ord. No. 923	1-3-2011	Alarm systems: false alarms	Ch. 9, Art. I
Ord. No. 924	2-7-2011	Alarm systems: required types	Ch. 9, Art. II
Ord. No. 925	4-18-2011	Moratorium on enforcement and application of Ch. 147, Rental Property	Ch. 147, footnote only
Ord. No. 926	4-18-2010	Landlord/Tenant Commission repealer	Ch. 25, Art. VIII, footnote only
Ord. No. 927	5-2-2011	Water and sewer rates amendment	Ch. 196
Ord. No. 928	5-16-2011	Property tax rates	Superseded by Ord. No. 940
Ord. No. 931	6-6-2011	Water and sewer rates amendment	Ch. 196

Adoption			
Enactment	Date	Subject	Disposition
Ord. No. 933	8-15-2011	Vehicles and traffic amendment	Ch. 190
Ord. No. 935	1-17-2012	Forest conservation	Ch. 81
Res. No. 274	4-2-2012	Charter amendment	Section 37
Ord. No. 936	5-7-2012	Subdivision of land amendment	Ch. 173
Ord. No. 937	5-7-2012	Site plan approval amendment	Ch. 155
Ord. No. 938	5-7-2012	Taxicabs amendment	Ch. 180
Ord. No. 939	5-21-2012	Water and sewer rates amendment	Ch. 196
Ord. No. 940	6-4-2012	Property tax rates	Superseded by Ord. No. 948
Ord. No. 941	6-4-2012	Water and sewers amendment	Ch. 198
Ord. No. 943	8-6-2012	Zoning amendment	Ch. 205
Ord. No. 944	10-15-2012	Building construction amendment	Ch. 31
Res. No. 275	12-17-2012	Charter amendment	Appendix A
Ord. No. 947	5-20-2013	Water and sewer rates amendment	Ch. 196
Ord. No. 948	5-20-2013	Property tax rates	Ch. 177, Art. VI
Ord. No. 949	5-20-2013	Water and sewer rates amendment	Ch. 196
Res. No. 276	9-16-2013	Charter amendment	Sections 48, 83, 84, 85 (footnote only)
Ord. No. 953	3-17-2014	Boards, committees and commissions reporting to Mayor and City Council; attending work session	Ch. 25, Arts. I; II through XII (footnote only)
Ord. No. 954	3-17-2014	Historic preservation amendment	Ch. 97
Res. No. 277	4-21-2014	Charter amendment	Appendix A
Ord. No. 955	6-2-2014	Water and sewer rates amendment	Ch. 196
Ord. No. 956	5-19-2014	Property tax rates	Ch. 177, Art. VI
Ord. No. 958	11-3-2014	Zoning amendment	Ch. 205

Adoption

Enactment	Date	Subject	Disposition
Ord. No. 960	9-15-2014	Zoning amendment	Ch. 205
Ord. No. 961	11-3-2014	Water/Sewer Commission amendment	Ch. 25, Art. XI
Ord. No. 962	4-6-2015	Ethics	Ch. 67
Ord. No. 963	12-1-2014	Water and sewer rates amendment	Ch. 196
Ord. No. 967	5-18-2015	Building construction amendment; property maintenance amendment	Ch. 31; Ch. 140
Ord. No. 968	6-1-2015	Property tax rates	Ch. 177, Art. VI
Ord. No. 969	6-1-2015	Water and sewer rates amendment	Ch. 196
Ord. No. 971	8-3-2015	Boards, committees and commissions: Employee Benefits and Compensation Commission	Ch. 25, Art. XIII
Ord. No. 972	11-2-2015	Zoning amendment	Ch. 205
Ord. No. 974	11-16-2015	Off-street parking amendment	Ch. 122
Res. No. 278	11-16-2015; 12-7-2015	Charter amendment	Section 38
Ord. No. 975	12-7-2015	Building construction amendment; property maintenance repealer	Ch. 31; Ch. 140
Ord. No. 976	2-1-2016	Floodplain management	Ch. 78
Ord. No. 977	4-18-2016	Critical areas amendment; stormwater management amendment	Ch. 49; Ch. 169
Ord. No. 980	5-16-2016	Property tax rates	Ch. 177, Art. VI
Ord. No. 981	5-16-2016	Water and sewer rates amendment	Ch. 196
Ord. No. 985	12-19-2016	Site plan approval amendment	Ch. 155
Ord. No. 986	1-17-2017	Fees amendment	Ch. 70