

TOWN OF PORT DEPOSIT CODE

REVISED GENERAL ORDINANCE OF THE TOWN OF PORT DEPOSIT

**COUNTY OF CECIL
STATE OF MARYLAND**

1997

1997 Town Officials

Kerry Anne Abrams, Mayor
Vincent Hughes, Town Administrator
Sharon Weygand, Clerk-Treasurer
Stephen Baker, Town Attorney

Council Members

Donald H. Cunningham, Jr.
James K. Chapman, Sr.
Wayne Tome, Sr.

William P. Stewart
Harold D. Knox
Maurice Sarason

CHAPTER I

GENERAL

1-1 SHORT TITLE.

The book shall be known and may be cited as "The Revised General Ordinances of the Town of Port Deposit, 1997" and is herein referred to as the "Revision" or "Code".

1-2 DEFINITIONS.

For the purpose of this Revision and in the interpretation and application of all other ordinances heretofore or hereafter adopted, except as the context may otherwise require:

Calendar Year shall mean the period of time from January 1 through December 31 in any given year.

Chapter shall mean one of the major divisions of the Revisions identified by a Roman numeral and divided by subject matter.

Clerk or Town Clerk shall mean the municipal clerk duly appointed pursuant to law.

Council shall mean the local legislative body of the Town, constituted and elected pursuant to the Maryland Statutes Annotated .

Department shall mean an organizational unit of the government established or designated by ordinance or this Revision as a department, together with any agency or instrumentality of the government assigned to such organizational unit by the Town Council.

Licensed shall mean licensed in accordance with the appropriate section or Chapter of this Revision.

Month shall mean a calendar month unless otherwise specifically provided.

Ordinance shall mean any act of local legislation heretofore or hereafter adopted, and including this Revision, so long as it is adopted by the procedure required for the adoption of an ordinance and so long as it remains in force and effect pursuant to law.

Paragraph shall mean a subdivision under a subsection, identified by an alphabetical letter or Arabic number. (New)

Person shall mean any individual, natural persons, partnerships, joint ventures, societies, associations, clubs, trustees, trusts, corporations or unincorporated groups; or any officers, agents; employees, servants, factors or any kind of personal representatives of any thereof in any capacity, acting either for himself or for any other person, under either personal appointment for pursuant to law.

Section shall mean a major subdivision of a Chapter.

Street shall include a street, avenue, road, alley, lane, highway, boulevard, concourse, driveway, culvert, sidewalk, and crosswalk, and every class of road, square, place or municipal parking field used by the general public.

Subsection shall mean a subdivision of a section, identified by a decimal number.

Town shall mean the Town of Port Deposit in the County of Cecil and State of Maryland.

Year shall mean a calendar year unless otherwise specifically provided.

1-3 CONSTRUCTION.

For the purpose of this Revision and any other ordinances heretofore or hereafter adopted, except as the context may otherwise require:

The present tense includes the past and future tenses and the future, the present.

The masculine gender includes the feminine and neuter.

The singular number includes the plural and the plural the singular.

"Shall" is mandatory and "may" is permissive.

The time within which an act is to be done shall be computed by excluding the first and including the last day and if the last day be a Sunday, a legal holiday, or a day on which the offices of the Town are closed, that day shall be excluded

"Writing" and "written" shall include printing, typewriting and any other mode of communication using paper or similar material which is of general use, as well as legible handwriting.

Whenever a specific time is used in this Revision, it shall mean the prevailing time in effect in the State of Maryland during any day in any year.

Any citation of a statute, law or ordinance contained in this Revision shall be deemed to refer to such statute, law or ordinance as amended, whether or not such designation is included in the citation.

1-4 SEVERABILITY.

If any Chapter, section, subsection or paragraph of this Revision shall be declared to be unconstitutional, invalid, or inoperative, in whole or in part, by a court of competent jurisdiction, such Chapter, section, subsection or paragraph shall, to the extent that it is not unconstitutional; invalid or inoperative, remain in full force and effect, and no such determination shall be deemed to invalidate the remaining Chapters, sections, subsections, or paragraphs of this Revision. (New)

1-5 VIOLATIONS DEFINED AND PENALTIES DESIGNATED.

1-5.1 Definitions

For the purpose of this code, any violations of its provisions is a misdemeanor unless specifically declared by these ordinances to be a municipal infraction. An infraction is any violation of this code which has been specifically declared to be an infraction. For purposes of this code, an infraction is a civil offense.

1-5.2 Penalties

Unless otherwise provided in these ordinances, any person found guilty of violating any provision of this Code for which violation is a "misdemeanor" as defined in Section 1-5.1, shall be subject to a fine not to exceed \$1,000.00 and imprisonment not to exceed ninety (90) days or both such fine and imprisonment for each offense. Any person violating a provision of this Code for which violation is an "infraction" as defined in Section 1-5.1 shall be subject to a fine not to exceed \$400.00 for first offenders and a fine not to exceed \$400.00 for each repeated offense. Each day a violation continues shall, unless otherwise provided, constitute a separate and repeated offense.

If an Ordinance should recite penalties greater than this, they shall be deemed to mean these maximum penalties. If the penalties as set forth in a particular Ordinance are less than those set forth herein, then the lesser penalties as set forth in said Ordinance shall be effective.

The maximum penalty stated in this section is not intended to state an appropriate penalty for every violation. Any lesser penalty, including a nominal penalty or no penalty at all, may be appropriate for a particular case or violation.

1-5.3 Municipal Infraction Procedures

a. Authority to Declare Infractions and Set Fines

The Mayor and Town Council of the Town of Port Deposit, hereinafter referred to as the Board, shall by official act declare the violation of which ordinance shall be an infraction and for each such violation a specific fine shall be set. This fine shall never exceed \$400.00 for any single, initial violation, or \$400.00 for each repeat or continuing violation. The fine shall be expressed as a discrete amount rather than being expressed in terms of a maximum or minimum amount. The authority to declare infractions and set fines shall not be delegated by said Board to any other administrative or legislative body.

b. Enforcement

Those officials authorized by the Board to enforce this code may deliver a citation to any person alleged to be committing an infraction. A copy of the citation shall be retained by the Town and shall bear the certification of the enforcing official attesting to the truth of the matter set forth in the citation. The citation shall contain at least the following information:

1. Name and address of the person charged;
2. The nature of the infraction;
3. The location and time that the infraction occurred or was observed;
4. The amount of the fine assessed;
5. The manner, location, and time in which the fine may be paid to the town;
6. The right of the accused to stand trial.

c. Payment of Fines

The fine for an infraction shall be as specified in the law violated. The fine is payable within twenty (20) calendar days of issuance of the citation.

d. Adjudication, Right to Trial

Whereas the District Court of Maryland is empowered by Article 23A, Section 3, to adjudicate all cases involving infractions, the Town shall not conduct any formal hearing for those persons charged with municipal infractions. Any offender so charged may pay the fine as indicated in the citation or stand trial for the offense. This provision shall not prevent an offender from requesting additional information concerning the infraction.

e. Notification of Decision to Stand Trial

A person charged with a municipal infraction may elect to stand trial for the offense by notifying the Town in writing of his intention at least five (5) days prior to the date of payment set forth in the citation. Upon receipt of the notice stating intent to stand trial, the Town shall forward to the District Court of Maryland having venue, a copy of said notice.

f. Failure to Satisfy a Citation

Should a person charged with a municipal infraction fail to pay the assessed fine and fail to file notice of intent to stand trial for the offense, the Town shall send a formal notice of the infraction to the offender's last known address. If the citation has not been satisfied within fifteen (15) days of the date of the final notice, the offender shall be liable for an additional fine not to exceed twice the original fine. If after 35 days, the citation has not been satisfied, the Town may request adjudication of the case through the District Court of Maryland.

g. Court Trials and Rights of the Accused

In any trial for a municipal infraction the accused shall have the same rights as for the trial of criminal cases. The accused shall have: the right to cross-examine witnesses, to testify or introduce evidence in his own behalf and to be represented by an attorney of his choice at his own expense.

h. Conviction

Conviction of a municipal infraction, whether by the District Court of Maryland or by payment of a fine to the Town, is not a criminal conviction for any purpose, nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction.

i. Authorized Enforcement Officials

The following officials are hereby authorized and empowered to enforce this ordinance:

1. The Mayor of the Town of Port Deposit;
2. Any sworn Law Enforcement Official .of the Town of Port Deposit Police Department;
3. The designated representative of the Mayor.

1-5.4 Alterations in the Code

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

1-5.5 Provisions Deemed Continuations of Existing Ordinances

The provisions appearing in this code, so far as they are the same in substance as ordinances existing at the effective date of this code, shall be considered as continuations thereof and not as new enactments. (Ord.#99-

CHAPTER II

ADMINISTRATION¹

2-1 TOWN COUNCIL.

(Reserved)

2-2 MAYOR.

(Reserved)

2-3 MUNICIPAL ELECTIONS.

2-3.1 Voter Registration.

- a. *Registration Days.* In addition to the registration provided for in the Charter for the Town of I Deposit there shall be a registration during regular business hours at the Town Hall of I Deposit, Maryland on every day that the Town Shall be open for the regular transactions of business provided, however, no person may register after the thirty-first (31st) day preceding, nor fifteen days following any regular or special election. (I. #95-1, §2-3.I)

2-4 FINANCIAL DISCLOSURE REQUIREMENTS.

2-4.1 Filing Required by All Elected or Appointed Officials and Candidates.

All elected or appointed Town officials and all candidates for election to Town office shall file, with the Clerk, each year, not later than thirty (30) days prior to the regular Town election a financial disclosure statement, signed under the penalty of perjury, setting forth any interest which they may have in any real property within the Town and any interest which they may have in any business entity doing business with the Town. Such a statement shall also be filed by any person appointed by the Mayor and Council for the Town of Port Deposit to fill a vacancy in any Town office before he or she assumes the office. The statements shall be kept on file at the Town office as public records for at least three (3) years from the date of their filing. (Ord. # 74-1, §1)

¹ Editor's Note: Salary Ordinances have not been included in the Code. See Annual Salary Ordinance on file in the office of the Town Clerk.

2-4.2 Defining of Business Entity

The term “business entity” as used herein shall be defined in accordance with the provisions of Article 33 Section 29-2 (b) of the Annotated (Ord. # of Maryland 1957 Edition as amended. ((Ord. # . #74-2, §2)

2-4.3 Violations and Penalties.

Failure to comply with the provisions of this section shall constitute a misdemeanor and shall be punishable by a fine of not more than one hundred (\$100.00) dollars or imprisonment for not more than thirty (30) days. (Ord. # . #74-1, §3)

2-5 OFFICERS AND EMPLOYEES.

(Reserved)

2-6 DEPARTMENT, COMMTITEES AND COMMISSIONS.

(Reserved)

2-7 - 2-15 RESERVED.

2-16 TRANSFER OF PROPERTY.

2-16.1 Transfer on Assessment Records.

Before any deed for the conveyance of real estate or chattels real within the limits of the Town of Port Deposit shall be received for record by the Clerk of the Circuit Court of Cecil County, the person offering said deed for record shall submit the same to the Treasurer of the Town of Port Deposit, who shall thereupon make transfer upon the Town assessment books of the property to the name of the new owner or owners thereof, and as evidence of said transfer shall stamp the said deed showing the transfer and the payment of all truces, paving assessments, sewer and water connection charges, water rents and any and all other liens against the property to be conveyed in the deed and due the Town of Port Deposit. (Ord. #73-3, §1a)

2-16.2 Taxes to be Paid.

No property shall be transferred on the Town assessment books and no deed shall be stamped as hereinabove provided, unless and until taxes paving assessments, sewer and water connection charges, water rents, and any and all other liens against the property to be conveyed in the deed and due the Town of Port Deposit shall have first been paid to the Treasurer. (Ord. #73-3, §1b)

2-16.3 Copies on File with County.

Copies of this section shall be provided to the Clerk of the Circuit Court for Cecil County and to the Treasurer of Cecil County immediately after final approval of this section by the Town Council of Port Deposit. (Ord. #73-3, §3)

CHAPTER III

POLICE REGULATIONS

3-1 PUBLIC NUISANCES, MORALS AND CONDUCT

3-1.1 Disturbance of the Public Peace.

It shall be unlawful for any person to willfully obstruct or hinder the free passage of persons passing along or by any public streets, sidewalks or highway within the corporate limits of the Town of Port Deposit or to willfully disturb any neighborhood within the corporate limits of the Town of Port Deposit by loud and unseemly noises, or to profanely curse and swear or use obscene language upon or near any such streets, sidewalk, or highway or to obstruct or hinder the free passage of persons upon any public street, sidewalk or highway within the Town of Port Deposit by catching hold of or soliciting a person or persons against the will of such person or persons. It shall be unlawful for any person to be drunk or act in a disorderly manner by making loud and unseemly noises, or by profanely cursing, swearing or using obscene language, or by indecently exposing his or her person within public building or upon public streets, sidewalks, highways or private and public parking lots within the corporate limits of the Town. (Ord. #712/74, §4-1.01)

3-1.2 Drunkenness and Disorderly Conduct.

It shall be unlawful for any person to be drunk or act in a disorderly manner to the disturbance of the public peace, upon any public street, sidewalk, highway, parking lot, private or public, or at any place of public worship or public resort or amusement within the corporate limits of the Town. (Ord. #712/74, §4-1.02)

3-1.3 Concealed Weapons.

- a. Any person who shall within the Town limits have concealed about his person, any deadly or dangerous weapon, or who shall carry openly any such weapon, with intent to unlawfully use the same, shall upon conviction be subject to the penalties as hereinafter provided.
- b. It shall be unlawful for any person to discharge and shoot off any gun, pistol or other fire arms in or along any street, avenue, or highway within the Town limits. Any person violating the provisions of this Section shall upon conviction be subject to the penalties as hereinafter provided. (Ord. #712/74, 4-1.03)

3-1.4 Discharging Weapons.

The discharging of any so-called Bee-Bee gun or like rifle which discharges any pellet bullet or projectile real or artificial is prohibited within the Town limits. (Ord. #56-1; Ord. #712/74, §4-1.04)

3-1.5 Defacing Buildings or Property.

- a. It shall be unlawful for any person or persons to, any time or in any manner deface, or injure or remove any tree, fence, gate, railing, porch, building, or other structure upon public land, by writing, cutting, or in any other manner within the corporate limits of the Town.
- b. It shall be unlawful for any person or persons to purposely injure or deface, by cutting, breaking, or otherwise, any tree or trees now planted or hereafter to be planted along the sidewalks or within the public right-of-way within the corporate limits of the Town of Port Deposit. (Ord. #7/2/74, §4-1.05)

3-1.6 Vagrancy.

Vagrancy is unlawful within the Town limits and all persons who by the Common Law or by the laws of the State of Maryland are vagrants are hereby declared to be vagrants for the purpose of this Section. (Ord. #7/2/74, §4-1.05)

3-1.7 Dirt and Trash on Highways; Dumping of Garbage.

- a. No person engaged in excavating, repairs to structures or grounds, or construction or having charge or control of excavation, repairs to structures or grounds, or construction, or who may be engaged in or have charge or control of conveying material to or from excavations, shall cause dirt or trash to be left on or deposited on any highway or street which has resulted from the work in which he is engaged.
- b. There will be no dumping of garbage and refuse in the Town limits. (Ord. #7/2/74, §4-1.07; Ord. #60-1, §1)

3-1.8 Noise

- a. No mechanical device, machine, or apparatus or instrument for intensification of the human voice or of any sound or noise, nor any bell, horn, gong, whistle, drum, or other noise making article, instrument or device shall be struck, sounded, used, operated or caused to be used or operated on or in any street, avenue, alley, highway, footway, sidewalk, parking or other public space, nor shall loud noises be made by any such article, instrument, or device in or about barrooms, hotels, or other public places in the Town or on any private place so as to interfere with another person's peaceful enjoyment of his property .
- b. No person within the Town of Port Deposit shall make any noise or outcry, use or sound operate, or cause the same to be sounded or operated, or cause the same to be sounded or operated, any of the things or devices defined herein, for the purpose of advertising wares, or inviting the patronage or attention of any person for or to any business or any vehicle or rides whatsoever. (Ord. #7/2/74, §4-1.09)

§ 1. Short title.

This chapter shall be known and may be cited as the "Noise Control Ordinance. "

§ 2. Findings.

This chapter was passed by The Town Council of the Town of Port Deposit in recognition that the people, business owners, and visitors of the Town have a right to an environment that is free from excessive noise, which jeopardizes their health, general welfare, or property, or otherwise degrades the quality of their lives in the Town.

§ 3. Definitions and word usage.

For the purposes of this chapter, the following words, terms, phrases, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future tense, words used in the plural number include the singular number, words used in the singular number include the plural number, and the pronoun of any gender shall include all other genders. The word "shall" is always mandatory and not merely directory.

AGENT -A person who has been expressly authorized, or placed in a position, by another person (called the "principal") to act for the principal. An agent shall include an employee acting within the actual or apparent scope of his employment for his employer; an officer of a corporation or other legal entity acting within the scope of his actual or apparent authority; and a person who is expressly placed in a position of, or allowed to act in, temporary control of property by a person who has the legal right to control or occupy that property.

TOWN COUNCIL -The governing body for the Town of Port Deposit, Maryland.

NOISE -The intensity, frequency, duration, and character of sound, including sound and vibration of subaudible frequencies.

NOISE POLLUTION

A. The presence sustainable noise of sufficient loudness and character, from a single source or from multiple sources, which is, or may be predicted with reasonable certainty to be, injurious to health or which unreasonably interferes with the proper enjoyment of property or with any lawful business or activity; or

B. Sound in such intensity, frequency, duration and/or character as to fit the description of noise pollution in § 5 of this chapter.

PERSON -Any natural person or legal entity.

PUBLIC GATHERING AREA -Any outdoor area, whether publicly or privately

owned, regularly open to congregations of the public in numbers of 10 or more persons.

SOURCE -A person or thing that is actively producing noise or noise pollution.

TOWN -That Maryland municipal corporation known as "The Town Council of the Town of Port Deposit."

§ 4. Prohibited acts.

A. A person shall not:

- (1) Be a source of noise pollution;
- (2) Cause or permit property owned, leased, rented, or otherwise controlled by him or his agent to be a source of noise pollution;
- (3) Cause or permit a source of noise pollution to exist on property owned, leased, rented, or otherwise controlled by him or his agent.

B. The following acts, among others, are declared to be noise pollution prohibited by this chapter:

- (1) Between the hours of 10:00 p.m. and 7:00 a.m. on Monday through Thursday and Sunday; 11 p.m. and 8 a.m. Friday and Saturday, the playing of, using of, operating of, or permitting to be played, used, or operated any radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound (hereafter in this paragraph "the source") in such a manner as to be:
 - (a) When the source is in a residential, CBD, MC, and CI zone, plainly audible at a distance of 50 feet from the building, structure, or vehicle in which the source is located;
 - (b) When the source is in a nonresidential zone, plainly audible at a distance of 100 feet from the building, structure, or vehicle in which the source is located, or plainly audible at the nearest border of a residential zone, whichever distance is less.
- (2) Between the hours of 10:00 p.m. and 7:00 a.m., and sustained yelling, shouting, hooting, whistling, or singing in the public streets or public areas or from private property in such a manner as to be plainly audible at a distance of 50 feet from the public street, public area, building, structure, or vehicle from which the noise emanates.
- (3) Between the hours of 10:00 p.m. and 7:00 a.m., human conversation from a public gathering area at a volume audible inside a closed residence located 75 feet or more from the public gathering area. The actual words of the conversation need not be intelligible; audibility of

the sound of conversation, under the conditions described, is sufficient to constitute noise pollution

§ 5. Maximum allowable noise levels.

- A. With the exception of those specific acts and circumstances described in §6 of this chapter, any sound produced, reproduced, or amplified to a level that exceeds the limits of Table 1 below is hereby declared to be noise pollution.

Table 1

Maximum Allowable Noise Level (DBA) for Receiving Land Use Categories Industrial

	Commercial	Residential	Industrial
Day	75	67	65
Night	75	62	62

- B. In Table 1 "day" means 7:00 a.m. to 10:00 p.m.; "night" means 10:00 p.m. to 7:00 a.m. Measurements to determine compliance with the limits in Table 1 shall:
- (1) Employ equipment and techniques recommended by Maryland Department of the Environment;
 - (2) Employ sound level meters set to the A-weighting network for all measurements;
 - (3) Be taken at locations in accord with the following instructions:
 - a. If the source of the noise is in a residential zoning district, the measurement shall be taken on the property line of the sending property, as close as possible to the noise source; additional measurements may be taken from points farther away.
 - b. If the source of the noise is in a nonresidential zone, the measurement shall be taken on the boundary of the zoning

district, as close as possible to the noise source; additional measurements may be taken from points farther away.

Measurements may be taken on any property in a residential zone reached by the noise.

§ 6. Exceptions

Each of the following activities is hereby excepted from the prohibitions of this chapter to the extent noted below:

- A. Sound produced by the operation or testing of authorized emergency equipment is excepted.
- B. Sound produced by the operation of tools and machinery, or the loading or unloading of supplies, used in construction, drilling, repair, alteration, renovation, maintenance, dredging, pile driving, or demolition during normal daytime business hours, or such similar activities as may be required during other times under emergency conditions

may not exceed 90 decibels A-weighted. For the purposes of this Subsection B, normal daytime business hours are Monday through Friday 7:00 a.m. to 5:30 p.m. and Saturday 9:00 a.m. to 4:30 p.m., excluding federal holidays. For homeowners working on their own property (but not for commercial contractors), the Saturday hours apply also to Sundays and federal holidays.

- C. Sound produced by lawn care and snow removal equipment when used and maintained in accordance with the manufacturer's specifications is excepted. This exception applies only from 8:00 a.m. to 8:00 p.m. Monday through Friday and 9:00 a.m. to 6:00 p.m. Saturday and Sunday.
- D. Motor vehicles on public roads and boats on state waters are excepted.
- E. Air-conditioning and heat-pump equipment used to cool or heat housing on residential property may not exceed 70 decibels for air-conditioning units and 75 decibels for heat pumps.
- F. Emergency operations are excepted.
- G. Agricultural field machinery when used in and maintained in accordance with manufacturer's specifications is excepted.
- H. Sound not electronically amplified created by sporting, amusement, and entertainment events and other permitted Certificate of Events and Town Sponsored Events operating according to laws of the Town of Port Deposit is excepted. This exception includes but is not limited to athletic contests, carnivals, parades, and public celebrations.
- I. Outdoor speakers aboard tour boats, used during tours to announce the sights to passengers.
- J. Church bells.

§ 7. Enforcement.

This chapter may be enforced by any sworn police officer of the Town. Any person who shall be in violation of this chapter shall be issued a verbal warning. Any person who, after first being issued such a verbal warning, shall thereafter within 30 days commit the same violation, shall be subject to being issued a citation for a municipal infraction. No such verbal warning or citation shall be issued except upon first-hand knowledge of the police officer giving such warning or issuing such citation, but the citation need not be issued by the same police officer who gave the verbal warning relating to the same violation. A person who is cited for a municipal infraction for the violation of this chapter occurring at a property need not be the same person who was issued the verbal warning relating to the same violation at the same property, provided that both persons who are issued such warning and citation were, at the time they were issued such warning or

citation, an owner, lessee, tenant or otherwise in control of that property. Procedures set forth in Chapter 33, Municipal Infractions (as amended from time to time), for issuance of citations, payment of fines, election to stand trial, and court proceedings shall apply.

§ 8. Violations and penalties.

Any person who shall, after receiving verbal warning from a sworn police officer for the violation of this chapter, be in violation of the same provision of this chapter shall be guilty of a municipal infraction, and shall be subject to a fine of \$200 for the violation of this chapter. Each act of violation of this chapter shall constitute a separate offense. An action under this section shall be in addition to, and shall not prohibit, an action for nuisance, declaratory judgment and/or injunctive relief arising out of the same violation.

§ 9. Civil action.

The Town or any person adversely affected by the repeated or continued violation of this chapter may bring any civil action permitted by law arising from the facts constituting a violation of this chapter and, in addition thereto, may bring an action for declaratory judgment and/or to enjoin the continued violation of this chapter. No such declaratory and/or injunctive action may be brought until the person bringing such action has given written notice of the continued or repeated violation to the person against whom such action is to be brought, and a reasonable time has lapsed after such notice for the offending person to comply with this chapter. The Town shall be furnished written notice of the filing of any such injunctive action under this chapter, and if it so chooses, the Town may intervene in such action as a party thereto. (Ord. 2008-02, 3/25/2008)

3-1.9 Abandoned Refrigerators

It shall be unlawful for any person, firm or corporation to abandon, discard, store or keep in any place accessible to children, or to permit, as the owner, lessee, or manager, to remain on the premises under his control a refrigerator, icebox, freezer or any other similar container of any kind which has an air-tight door, or lock which may not be released for opening from the inside of the refrigerator, icebox, freezer cabinet or other container and which is no longer used for refrigeration purposes, without the attached doors hinges, lids or latches being first removed. (Ord. #7/2/74, §4-1.09)

3-1.10 Damaging of Authorized Signs Prohibited.

It shall be unlawful for any person or persons to purposely tear down or in any manner deface any sign, or posters which have been posted by authority of the Mayor and Council. (Ord. #7/2174, §4-1.09)

3-1.11 Impeding Pedestrian Traffic.

It shall be unlawful for any person or persons to ride, drive, wheel, push or in any manner propel or permit to remain on the sidewalks of Port Deposit, any wheelbarrow, handcart, bicycle, or any other such article, or any sled or sleigh in such a manner as to impede

pedestrian traffic, excepting however baby carriages and grocery store carts. (Ord. #7/2/74, §4-1.09)

3-1.12 Obstructing of Streets and Sidewalks.

It shall be unlawful for any storekeeper or other person to encumber, obstruct or in any manner interfere with the free and uninterrupted use of the public streets and sidewalks of Port Deposit leaving any goods, wares, merchandise or other articles or thing thereon, or by the use of a commercial lift, except for loading or during the erection or repair of a building. (Ord. #7/2/74, §4-1.09)

3-1.13 Storage of Gasoline.

There will be no storing of gasoline and other flammable liquids other than for personal use above ground in the Town Limits. (Ord.#58-1, §1)

3-1.14 Indecent Conduct.

It shall be unlawful for any person to indecently, improperly or offensively use the street, highway, sidewalks, alleys or parking lots within the corporate limits of Port Deposit as toilet facilities. (Ord. #712/74, §4-1.10)

3-1.15 Curfew for Minors.

It shall be unlawful for any person under eighteen (18) years of age to be on any public street or thoroughfare or public place within the Town Limits after the hours of 10:30 p.m. or before 6:00 a.m. unless such person is accompanied by a parent or legal guardian. Any person found in violation of this subsection shall be subject to such fine or penalty as is hereinafter provided. (Ord. #1963-1, §1; Ord. #712/74, §4-1.11)

3-1.16 Loitering.

- a. No person shall loiter, lounge or sleep in or upon any street, park or public place or in any public building, or obstruct the access to any public building or any part thereof, or obstruct passage through or upon any public street, park. or public place.
- b. For the purpose of this subsection, the term "loiter" shall encompass, but shall not necessarily be limited to one or more of the following acts:
 1. Obstruction of the free, unhampered passage of pedestrians or vehicles.
 2. Obstructing, molesting or interfering with any person lawfully upon any street, park or other public place.
 3. Remaining idle in essentially one location without being able to establish having a legitimate business or purpose in so remaining idle, or, by general conduct, exhibiting the absence of a lawful purpose in so remaining idle.
 4. Conduct involving the concept of standing idly by, loafing, walking about aimlessly without purpose and including the colloquial expression of "hanging around".

5. Refusing to move on when so requested by a peace officer, provided the peace officer has exercised his discretion reasonably under the circumstances in order to preserve or promote public peace and order.
- c. For the purpose of this subsection, the term "other public place" shall be deemed to include the quasi-public area in front of or adjacent to any store, shop, restaurant, luncheonette or other place of business and shall include also any parking lots or other vacant private property not owned or under the dominion of the person charged with a violation of this subsection. (Ord. #4.11 §4-1.1 I A)

3-1.17 Skateboards.

- a. It shall be unlawful for any person to ride, operate or otherwise use a skateboard upon any public roadway or sidewalk within the Town of Port Deposit.
- b. Penalties. A person violating this subsection shall be subject to a fine of ten (\$10.00) dollars for the first offense and a fine up to twenty-five (\$25.00) dollars for any second or subsequent offense. (Ord. #86-2, §§12)

3-1.18 Trash Receptacles.

It shall be unlawful for any person or persons to take and carry away, or willfully break, injure or destroy any box or other receptacle maintained upon any street or alley in Port Deposit for the reception of paper, filth or waste matter, however, these receptacles shall not be used for the reception of waste material from commercial establishments or residential homes. (Ord. #7/2174, §4-1.12)

3-1.19 Pool Selling; Gambling, Etc.¹

It shall be unlawful for any person or association to bet, gamble or make books or pools on the result of any trotting or running race of horses, or boat race of any kind, or on an election or any contest of any kind, or game of baseball. Any person or association or person violating the provisions of this subsection shall upon conviction be subject to the penalties as hereafter provided. (Ord. #7/2/74, §4-1.14)

3-1.20 House of Ill-Fame.

It shall be unlawful for any person or persons within the limits to keep or maintain a house of ill-fame or assignation, resorted to for the purpose of prostitution or lewdness and it shall be unlawful for any person to visit such houses or ill-fame for immoral purposes. (Ord. #7/2174, §4-1. 15)

3-1.21 Penalty.

Any person violating any of the provisions of this Section, or any lawful order issued by the police in pursuance thereof, or committing any of the acts declared to be unlawful by this Section, shall be guilty of a misdemeanor and upon conviction thereof, shall be subject to a penalty as established in Chapter I, Section 1-5.
(Ord. #7/2/74, §4)

3-2 DRINKING IN PUBLIC.

3-2.1 Prohibited.

No person shall take a drink of intoxicating beverage, or offer a drink of such to another whether accepted or not, upon any street, avenue, alley, or in any public place except on premises for which an "on sale" license for the sale of alcoholic beverages shall have been issued. (Ord. #75-3, §1)

3-2.2 Penalty.

Any person, firm, or corporation violating any provision of this Section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not less than ten (\$10.00) dollars, or more than one hundred (\$100.00) dollars, or imprisonment not to exceed thirty (30) days for each such violation or may be both fined and imprisoned in the discretion of the Court. (Ord. #75-3, §2)

3-3 GAMING AND GAMBLING.

3-3.1 Gaming Tables Prohibited.

No person shall keep any gaming tables, or any house, vessel or place, on land or water for the purpose of gambling. (Ord. #75-4, §1)

3-3.2 Renting Place for Gambling.

No person shall lease or rent any house, vessel or other place to be used for gambling. (Ord. #75-4, §2)

3-3.3 Betting, Wagering or Gambling; Pools on Horses, Etc.

It shall not be lawful for any person or persons, or association of persons, or for any corporation within Port Deposit, to bet, wage (wager) or gamble in any manner, or by any means, or to make or sell a book or pool on the result of any trotting, pacing or running race of horses or other beasts, or race, contest or contingency of any kind, or to establish, keep, rent, use or occupy or knowingly suffer to be used, kept or rented or occupied, any house, building, vessel, grounds or place, or portion of any house, building, vessel, grounds or place, on land or water, within Port Deposit, for the purpose of betting, wagering or gambling in any manner, or by any means, or making, selling or buying books or pools therein upon the result of any race or contest or contingency, or by any means or devices whatsoever, to receive, become the depository of, record or register, or forward or purpose, or agree or pretend to forward any money, bet, wager, thing or consideration of value, to be bet, gambled or wagered in any manner, or by any means or device whatsoever, upon the result of any race, contest or contingency. (Ord. #75-4, §3)

3-3.4 Playing "Thimbles", "Little Joker", "Craps", Etc.

It shall not be lawful for any person or persons to play for money or any other thing the

game called "thimbles" or what is called the "little joker" or at dice, or the game commonly called "crap" or any other device or fraudulent trick whatsoever. (Ord. #75-4, §4)

3-3.5 Applicability.

The courts shall construe the preceding sections liberally, so as to prevent the mischiefs intended to be provided against. (Ord. #75-4, §5)

3-3.6 Penalty.

Any person, firm, or corporation violating any provision of this Section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not less than ten (\$10.00) dollars, or more than one hundred (\$100.00) dollars, or imprisonment not to exceed thirty (30) days for each such violation or may be both fined and imprisoned in the discretion of the Court. (Ord. #75-4, §6)

3-4 PROHIBITION OF SALES ON MUNICIPAL PROPERTY.

3-4.1 Prohibited Acts.

It shall be unlawful to sell or offer for sale any consumable or nonconsumable articles or items of any type whatsoever on any public street, parking lot, sidewalk, or other municipal property in Port Deposit. (Ord. #82-6, §1)

3-4.2 Exemptions.

This Section shall not be applicable to nonprofit organizations, provided, however, that no such organization shall have more than six (6) sale days in one calendar year and shall register with the Town Clerk seven (7) days in advance. (Ord. #82-6, §2)

3-4.3 Penalties.

Any person violating the provisions of this Section shall be guilty of a misdemeanor and upon conviction thereof shall be liable to the penalty established in Chapter I, Section 1-5. (Ord. #82-6, §3, §4)

3-5 BICYCLES.

3-5.1 Definitions.

As used in this section:

Bicycle shall mean and include a vehicle with two tandem wheels neither of which are less than twenty (20") inches in diameter with solid or pneumatic tires, having a steering bar or wheel, a saddle seat and propelled by human power.

Licensee shall mean any person who procures from the Town Clerk a registration sticker.

Operate shall mean and refer to the use, putting into action or causing the function of a bicycle by a person mounted thereon.

Registration sticker shall mean a sticker issued by the Town Clerk bearing the registration number.

In addition to the above definitions, any applicable definitions of any other traffic ordinance of the transportation article of the Annotated Code of Maryland shall be deemed to be included: herein. (Ord. #86-2, §1)

3-5.2 Registration.

It shall be unlawful for any person to operate a bicycle upon any street, sidewalk, or other public place in the Town without having first registered such bicycle. (Ord. #86-2, §2)

3-5.3 Application.

Application for registration for a bicycle shall be made by the owner, in writing, upon forms furnished by the Town Clerk. The application shall state the full name and address of the owner of the bicycle, the name of the manufacturer, the serial number on the frame thereof, the approximate date when the owner obtained the title thereto, and if not new, when obtained, the name and address of the person from whom it was obtained.

Such application shall be present to such persons as the Mayor and Council shall designate. The bicycle to be registered shall be brought to the police station at the time of presenting the application for the purpose of examination.

Such authorized persons shall examine the bicycle and if he/she finds the mechanical condition thereof such that it can be safely operated and that it is equipped with the lights and attachments as herein provided, and further finds that the statements made in the application are true, he/she shall mark the application approved and attach his signature. The Town Clerk shall, upon receiving such application, issue to the owner a bicycle registration sticker. The license plate shall be attached to the bicycle at such place as the Chief of Police shall designate. (Ord. 86-2, §3)

3-5.4 Loss, Sale or Destruction of Bicycle.

When a bicycle which has been registered as herein provided is sold or otherwise disposed of or destroyed, the licensee shall immediately notify the Chief of Police and also shall give the name and address of the new owner, if any. (Ord. #86-2, §4)

3-5.5 Rules for Riding and Operating.

Riding abreast - When more than two (2) persons in a group are operating bicycles on a roadway, they shall ride single file. (Ord. #86-2, §5)

3-5.6 Clinging to Vehicles.

No person operating a bicycle shall cling or attach himself to any other moving vehicle. (Ord. #86-2, §6)

3-5.7 Extra Passenger.

No person operating a bicycle shall carry another person on the handle bars of the bicycle. (Ord. #86-2, §7)

3-5.8 Emerging from Alleys, Driveways and Garages.

The operator of a bicycle emerging from any alley, driveway or garage or private property shall stop the bicycle immediately prior to driving onto a public sidewalk and shall exercise extreme care in making such movements. (Ord. #86-2, §8)

3-5.9 Intoxication, Drugs or Physical Inability.

No person shall operate a bicycle under the influence of alcohol and/or drugs, or while physically or mentally unfit to operate the same. (Ord. #86-2, §9)

3-5.10 Lights, Brakes.

- a. Lights. No bicycle shall be operated at any time when due to insufficient light or unfavorable atmospheric conditions, person or persons on the highway are not clearly discernible at a distance of one thousand (1,000') feet. The bicycle shall be equipped: (1) on the front with a permanently affixed lamp that emits a white light visible from a distance of at least five hundred (500') feet to the front; and on the rear with a reflector of a type approved by the Chief of Police and visible from all distanced from six hundred (600') feet to one hundred (100') feet to the rear when directly in front of lawful upper beams of headlamp on a motor vehicle.
- b. Brake. Every bicycle shall be equipped with a brake that enables its operator to make the braked wheels skid on dry, level, clean pavement. (Ord. #86-2, § 10)

3-5.11 Mechanical Condition.

No person shall operate a bicycle when it is not in such mechanical condition so that it can be safely operated. (Ord. #86-2, §11)

3-5.12 Operating on Sidewalks.

Bicycles may not be operated on Town sidewalks unless the operator of the bicycle is twelve (12) years old or younger. Under all circumstances the rider shall yield the right of way to pedestrians using the sidewalk and due and proper care shall be at all times exercised by the rider for the pedestrians. When approaching a pedestrian on the sidewalk, the speed of the bicycle shall be reduced to a speed which is no greater than necessary to continue the operation of the bicycle without the rider dismounting and shall not be increased until the pedestrian has been passed. (Ord. #86-2, § 12)

3-5.13 Keep to Right.

All bicycles when operated on roadways, shall be kept to the right and shall be operated as near as practicable to the right hand edge of the roadway. (Ord. #86-2, §13)

3-5.14 Speed.

No bicycle shall operate at any time faster than is reasonable or proper and every bicycle shall be operated with reasonable regard to the safety of the rider and of other persons and property. (Ord. #86-2, §14)

3-5.15 Traffic Regulations.

Every person operating a bicycle shall strictly observe all traffic signs and signals and all other traffic rules and regulations applicable thereto and shall obey the orders and directions of every officer of the Town authorized to direct or regulate traffic. (Ord. #86-2, §15)

3-5.16 Trick Riding.

No person shall, when operating a bicycle, indulge or engage in any kind of trick or unsafe riding. (Ord. #86-2, §16)

3-5.17 Yield Right of Way.

Any person riding a bicycle shall yield the right of way in the following circumstances:

- a. When a pedestrian is crossing or about to cross a roadway;
- b. When a pedestrian is in a crosswalk or an intersection when the signal light changes;
- c. When a vehicle has stopped to yield right of way to a pedestrian;
- d. When a blind person using a cane or guide dog is crossing any highway or intersection;
- e. When traffic is so close as to be a hazard. (Ord. #86-2, § 17)

3-5.18 Obstructing View of Rider.

No person riding or operating any bicycle shall block any road or intersection so as to interfere with other vehicles or pedestrians. (Ord. #86-2, § 19)

3-5.20 Riding on Bicycle.

No person shall ride on any part of the bicycle not intended for passengers or operator. (Ord. #86-2, §20)

3-5.21 Other Provisions.

- a. Any member of the Police Department is authorized to inspect any bicycle at any reasonable time for the purpose of making a check-up of the registration sticker, serial number, and for the purpose of determining the mechanical condition of the bicycle.
- b. It shall be unlawful for any person willfully or maliciously to remove, mutilate, alter or destroy the serial number of any bicycle registration sticker during the time the registration is in force.
- c. The Chief of Police is hereby authorized to stamp numbers on the frame of a bicycle in a legible manner for identification purposes, any bicycle upon which no serial

number can be found or upon which the serial number is not legible or insufficient for identification purposes. (Ord. #86-2, §20)

3-5.22 Use of Bicycle Without Consent of Owner.

It shall be unlawful for any person to use or operate any bicycle within the Town without the consent of the owner. (Ord. #86-2, §21)

3-5.23 Penalties.

Any person violating this section shall be subject to a fine of five (\$5.00) dollars provided, however, any person having not previously registered their bicycle shall have thirty (30) days from the effective date hereof to register the same, or thirty (30) days from the date of purchase or otherwise acquiring the bicycle to register same. (Ord. #86-2, §22)

CHAPTER IV

ANIMAL CONTROL

4-1 GENERAL

4-1.1 Cruelty.

No person shall cruelly treat any animal in the Town in any way. Any person who inhumanely beats, underfeeds, overloads, or abandons any animal shall be deemed guilty of a violation of this subsection. (Ord. #75-§1, Ord. #81-5, §1)

4-1.2 Noise, Barking.

It shall be unlawful to harbor or keep any animals which disturb the peace by loud noises at any time of the day or night. No person owning any dog shall suffer or permit such dog to disturb the peace and quiet of the neighborhood by barking, making other loud or unusual noises, or by running on or through private or public property. (Ord. #75-1, §2,55; (Ord. #81-5, §2)

4-1.3 Vicious or Dangerous Dogs.

No vicious, dangerous, ferocious dog or dog sick with or liable to communicate hydrophobia or other contagious or infectious disease shall be permitted to run on public or private property. (Ord. #75-1, §3; Ord. #81-5, §3)

4-1.4 Running at Large.

No dog shall be permitted to run at large in the Town limits. It shall be the duty of the owner of every dog to keep same safely and securely leashed when on public property. (Ord. #75-1, §4; Ord. #81-5, §4)

4-1.5 Animal Waste.

Any person owning any animal shall be responsible for the removal of waste from the same on any public or private property. (Ord. #81-5, §5)

4-1.6 Penalty

Any person, firm, or corporation violating any provision of this Chapter shall be fined not less than five (\$5.00) dollars nor more than one hundred (\$100.00) dollars and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Ord. #75-1)

4.2 ANIMALS RUNNING AT LARGE.

4-2.1 Permit Required.

It shall be unlawful for any person to allow his or her horse, mule, cow, hog, chickens or other animals of a similar kind to run at large within the Town limits; or to keep any such animals (exclusive of household pets) within the Town except upon the issuance of a special permit therefor by the Town for which permit there shall be paid a fee of one (\$1.00) dollar at the time of application therefor.

(Ord. #7/2/74, §4-1.07)

4-2.2 Penalty.

Any person violating any of the provisions of this Section, or any lawful order issued by the police in pursuance thereof, or committing any of the acts declared to be unlawful by this Section, shall be guilty of a misdemeanor and upon conviction thereof, shall be liable to the penalty as established in Chapter I, Section 1-5.

(Ord. #7/2/74, §4-1.16; New)

CHAPTER V

PUBLIC CONDUCT

5-1.1 Public Conduct and Behavior

a. Loitering in Public Places

1. Definitions as Used in this Subsection

- (a)** Loitering shall mean remaining idle in essentially one location and shall include the concepts of spending time idly, loafing, or walking about aimlessly and shall also include the colloquial expression "hanging around".
- (b)** Public place shall mean any place to which the public has access and shall include any street, highway, road, alley or sidewalk. It shall also include the front or the neighborhood of any store, shop, restaurant, tavern or other place of business and public grounds, areas, parks, as well as all public or private parking lots or other vacant private property not owned by or under the control of the person charged with violating this ordinance.

b. Certain Types of Loitering Prohibited

No person shall loiter in a public place in such manner as to:

- (a)** Create or cause to be created a breach of the peace;
- (b)** Create or cause to be created any disturbance or annoyance to the comfort and repose of any person;
- (c)** Obstruct, molest or interfere with any person lawfully in any public place as defined herein. This paragraph shall include the making of unsolicited remarks of any offensive, disgusting or insulting nature or which are calculated to annoy or disturb the person to, or whose hearing they are made.

c. Penalties

Violation of the provisions of this subsection or failure to comply with any of its requirements shall constitute a municipal infraction. The fine for each violation shall be \$40.00 for each initial offense, \$75.00 for a second offense, and \$100.00 for a third offense within a calendar year.

5-2.1 Public Consumption of Alcoholic Beverages

a. Definitions Used in this Chapter:

Public property shall be defined as including any building, ground, park, street, highway, alley, sidewalk, station, terminal or other structure, road or parking area located on land owned, leased or operated by the State, the County, the Municipality or any other governmental entity.

b. Situations in which Consumption is Prohibited:

It shall be unlawful for any person to consume, or have in his possession an open container of any alcoholic beverage or beverages while:

1. On public property, unless authorized by a governmental entity that has jurisdiction over the property;
 2. On any mall, adjacent parking area, or other outside area of any combination of privately owned retail establishments where the general public is invited for business purposes, unless authorized by the owner, or owners of the shopping area;
 3. On an adjacent parking area or other outside area of any other retail establishment, unless authorized by the owner of the establishment; or
 4. In any parked vehicle located on any of the places enumerated in this section, unless authorized.
- c. Exceptions and Exclusions:**
- Section 5-2.1b does not apply to the consumption of alcoholic beverages by passengers in the living quarters of a motor home equipped with a toilet and central heating or the passengers of a chartered bus in transit if the owner or operator has consented to the consumption of the beverages.
- d. Discretion of the Mayor and Town Council:**
- The Mayor and Council of the Town of Port Deposit reserve the right at their discretion and in the best interests of the citizens of the Town of Port Deposit to grant on special occasions and other events in association with the issuance of a permit for special events, an exception to the provisions of this section.
- e. Penalties:**
- Violation of the provisions of this subsection or failure to comply with any of its requirements shall constitute a municipal infraction. The fine for each violation shall be \$50.00 for each initial offense, \$100.00 for a second offense, \$200.00 for a third offense and \$400.00 for a fourth offense within the same calendar year.

5-3.1 The Keeping and Treatment of Animals

- a. Cruelty to Animals Prohibited**
- No person shall cruelly treat any animals in the Town in any way. Any person who inhumanely beats, underfeeds, overloads, or abandons any animal shall be deemed guilty of the violation of this section.
- b. Responsibility for Dangerous Animals**
- It shall be unlawful to permit any dangerous or vicious animal of any kind to run at large within the town limits.
- c. Responsibility for Diseased Animals**
- No domestic animal afflicted with a contagious or infectious disease shall be allowed to run at large, or to be exposed to any public place whereby the health of man or beast may be affected; nor shall such diseased animal be shipped or moved from the premises of the owner thereof, except under the supervision of the Port Deposit Police Department.

d. Responsibility to Preserve Peace

It shall be unlawful to harbor or keep any animals which disturb the peace by loud noises any time of the day or night.

e. Responsibility for Surroundings

No person shall cause or allow any stable or place wherein an animal is, or may be, kept to become unclean or unwholesome.

f. Restraint and Shelter.

1. It shall be unlawful for any person to permit his animal to be at large and not confined or to abandon domesticated animals in the Town of Port Deposit. Any animal will be deemed "at large" when not confined on the property of its owner and not under the control of a responsible person, either by leash or chain.
2. The owner of an animal that keeps the animal outside, must provide shelter for the animal so as to protect it from the wind, rain, snow, cold or sunlight. The shelter must have a floor, roof and four (4) walls, one (1) of which must contain a doorway. The shelter must be constructed in such a way so that the animal may stand up, lay down and turn around comfortably.

g. Pit Bull Terriers.

1. Any person owning a Pit Bull Terrier prior to March 8, 1999 may continue to harbor the animal on his premises under the following conditions:
 - a. The animal shall be registered with the Town of Port Deposit and must at all times wear a collar provided by the Town Administrator which will readily identify it as a registered Pit Bull Terrier.
 - b. The owner shall pay an annual fee of \$50.00 to the Town of Port Deposit to maintain such animals and support enforcement.
 - c. The owner shall maintain the dog within a building or a secure kennel at all times. Whenever the dog is removed from the building or kennel, it shall be secured by an unbreakable or unseverable leash and maintained under the control of an adult.
2. A person may temporarily hold a Pit Bull Terrier in the Town of Port Deposit for the purpose of showing the dog in a place of public exhibition, contest or show sponsored by a dog club, association or similar organization. The sponsor of the exhibition or show must obtain written permission from the Town Council and must provide protective measures adequate to prevent the dog from escaping or injuring the public. The dog shall at all times during the transportation to and from the show or exhibition be confined in a secure temporary enclosure.
3. Any dog employed or owned by the Town of Port Deposit or Cecil County

or licensed security services and trained to perform official police, correctional, security, fire and/or search and rescue service shall be exempt from the provisions of this act.

4. Provisions of this ordinance are necessary to protect the general public from the unique hazard to public safety represented by the ownership and possession of Pit Bull Terriers and to control the presence of Pit Bull Terriers due to the unpredictable nature of dogs which have an extraordinary savage behavior and physical capabilities in excess of those possessed by many other breeds of dogs.
5. Provisions of this ordinance are hereby declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph, sentence, clause, phrase or word of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this ordinance since the same would have been enacted without the incorporation in this ordinance of any such invalid or unconstitutional word, phrase, clause, sentence, subparagraph, paragraph, subsection or section.

h. Penalties:

Violation of the provisions of this subsection or failure to comply with any of its requirements shall constitute a municipal infraction. The fine for each violation shall be \$25.00 for each initial offense, \$50.00 for a second offense, \$75.00 for a third offense and \$100.00 for a fourth offense within the same calendar year.

5-4 Misuse or Destruction of Town Property

5-4.1 Abuse of Town Property

- a. It shall be unlawful to deposit or cause to be deposited in any parking meter a slug, device or metallic substitute for a coin of the United States.
- b. It shall be unlawful for any person to deface, tamper with, damage, open, or willfully break, destroy or impair the usefulness of any town property.

5-4.2 Penalties:

Violation of the provisions of this subsection or failure to comply with any of its requirements shall constitute a municipal infraction. The fine for each violation shall be \$25 for each initial offense, \$50.00 for a second offense and \$100.00 for a third offense within the same calendar year.

5-5 Curfew

5-5.1 Unlawful Conduct of Minors

- a. It shall be unlawful for any minor (under age 18) to remain in or upon any public place or any establishment between the hours of 10:00 p.m. Friday and 6:00 a.m. Saturday or between the hours of 10:00 p.m. Saturday and 6:00 a.m. Sunday nor between the hours of 9:00 p.m. and 6:00 a.m. of the following day on any other day of the week, official Maryland time.
- b. The provisions of this section shall not apply to any minor accompanied by a parent, guardian, or person acting for the parent or guardian provided such person is over the age of 18, nor to a minor upon an errand directed, in writing, by such minor's parent or guardian, nor to a minor attending a civic, cultural, scholastic, athletic or recreational activity supervised by a bona fide organization, nor to any minor who is engaged in lawful employment during the curfew hours.

5-5.2 Unlawful Conduct of Parents or Guardians

No parent shall knowingly permit any minor not exempted under Section 5-5.1 (b) to remain in or upon any public place or any establishment between the hours of 10:00 p.m. Friday and 6:00 a.m. Saturday nor between the hours of 10:00 p.m. Saturday and 6:00 a.m. Sunday nor between the hours of 9:00 p.m. and 6:00 a.m. of the following day on any other day of the week, official Maryland time.

5-5.3 Unlawful Conduct of Owners or Operators of Establishments

No operator of an establishment or his agents or employees shall knowingly permit any minor to remain upon the premises of such establishment between the hours of 10:00 p.m. Friday and 6:00 a.m. Saturday nor between the hours of 10:00 p.m. Saturday and 6:00 a.m. Sunday nor between the hours of 9:00 p.m. and 6:00 a.m. of the following day on any other day of the week, official Maryland time.

5-5.4 Enforcement: Violations and Penalties

1. Any police officer who finds a minor violating any provisions of this ordinance shall obtain information from such minor as to his name and address, age and the name of his parent or parents. The minor shall thereupon be instructed to proceed to his home forthwith. The information obtained from the minor shall be reported to the Police Department, which shall cause a written notice to be mailed to the parent or parents of the minor, advising of the violation of this ordinance.
2. Any parent who shall violate any provision of this ordinance after having received notice of prior violation occurring within the same calendar year shall be deemed to have committed a municipal infraction the penalty for which shall be \$25.00 for initial offense and \$50.00 for each repeated offense.
3. Notice is presumed to be received by a parent if it is deposited in a depository for

mailing United States mail, properly addressed, with the proper first-class postage paid. Such mailing may be shown by the records of the sending agency made in the regular course of its business.

4. Any minor found guilty of violating any provision of this ordinance shall be found guilty of a misdemeanor and may be referred to Juvenile Services.
5. Violation of the ordinance by the operator of an establishment and my agents or employees of any operator is declared to be an infraction, the penalty for which shall be \$25.00 for each initial offense and \$50.00 for each repeated offense within the same calendar year.
6. Each violation of the provisions of this ordinance shall constitute a separate offense.

5-5.5 Authority of Town Officials

The Mayor and Council of the Town of Port Deposit shall have the authority to suspend or amend the hours of the curfew in this ordinance from time to time as they see fit.

5-5.6 Activities and Conduct in Parks and Recreation Areas. Permits for Special Events.

1. Permits for special events in parks shall be obtained by application to the Mayor and Council of the Town of Port Deposit, hereinafter referred to as the Town Board, in accordance with the following procedure:
 - a. A person seeking issuance of a permit hereunder shall file an application with the Town Board stating:
 - 1) The name and address of the applicant.
 - 2) The name and address of the person, persons, corporation or association sponsoring the activity, if any.
 - 3) The day and hours for which the permit is desired.
 - 4) The park or portion thereof for which such permit is desired.
 - 5) Any other information which the Town Board shall find necessary to make a fair determination as to whether a permit should be issued hereunder.
 - b. Standards for the issuance of a use permit by the Town Board shall include the following:
 - 1) That the proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park.
 - 2) That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation.
 - 3) That the proposed activities or uses that are reasonably anticipated will not include violence, crime or disorderly conduct.
 - 4) That the proposed activity will not entail extraordinary or burdensome expense or police operation by the Town.
 - 5) That the facilities desired have not been reserved for other uses at

the date and hour requested in the application.

2 Responsibility of Permittee

- a. The permittee shall be bound by all park rules and regulations and all applicable ordinances as fully as though the same were inserted in the same permit.
- b. The person or persons to whom the permit is issued shall be liable for all loss, damage or injury sustained by any person, whatever the reason of the negligence of the person or persons to whom such permit shall have been issued. The Town Board shall have the right to require any permittees to submit evidence of liability insurance covering injuries to members of the general public arising out of such permitted activities, in such amounts as may from time to time be determined by the Town Board, prior to the commencement of any activity of the issuance of the permit.

3 Revocation.

The Town Board shall have the authority to revoke a permit upon a finding of violation of any rule or ordinance or upon good cause shown.

5-5.6 Certain Actions and Conduct Prohibited.

1. No person in a public park or recreation area shall:
 - a) Willfully mark, deface, disfigure, injure, tamper with or displace or remove any buildings, bridges, tables, benches, fireplaces, railings, paving or paving materials, waterlines or other public utilities or parts or appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts, or other boundary markers or other structures or equipment or facilities or any park property or appurtenance whatsoever, either real or personal.
 - b) Fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition. No person over the age of six (6) years shall use the restrooms and washrooms designated for the opposite sex.
 - c) Dig or remove any soil, rock, sand, stones, trees, shrubs or plants or other wood or materials or make any excavation by tools, equipment, blasting or other means or agency.
 - d) Construct or erect any building structure of whatever kind, whether permanent or temporary, or run or string any public service utility into, upon or across such lands, except on special written permit issued hereunder damage, cut, carve, transplant or remove any trees or plants or injure the bark or pick the flowers or seeds of any tree or plant, dig or otherwise disturb grass areas or in any other way injure the natural beauty or usefulness of any area.
 - e) Climb any tree or sit, walk or stand upon monuments, vases, planters, fountains, railings, fences or upon any other property not designated or customarily used for such purposes.

- f) Tie or hitch an animal to any tree or plant.
- g) Hunt, molest, harm, frighten, kill, trap, pursue, tease, shoot or throw missiles at any animal, wildlife, reptile or bird, nor shall one remove or have in his possession the young of any wild animal or the eggs or nest, or the young of any reptile or bird. Exception to the foregoing is made in that snakes known to be deadly, poisonous or other deadly reptiles may be killed on sight.
- h) Throw, discharge or otherwise place or cause to be placed in any body of water in or adjacent to any park or any tributary streams, storm sewer, or drain flowing into such water, any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters.
- i) Have brought in or dump in, deposit or leave any bottles, broken glass, ashes, paper, bones, cans, dirt, rubbish waste, garbage, or refuse or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any park, nor shall it be left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided. Where receptacles are not provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence, and it shall be properly disposed of elsewhere.
- j) Drive any vehicle on any area except the paved park roads or parking areas or such areas as may on occasion be specifically designated as temporary parking areas by the Town Board.
- k) Park a vehicle in other than an established or designated parking area, and parking shall be in accordance with the posted directions, and with the instruction of any attendant who may be present.
- l) Leave a vehicle standing or parked at night in established parking areas or elsewhere in the park.
- m) Ride a bicycle without reasonable regard to the safety of others.
- n) Leave a bicycle lying on the ground or where other persons may trip over it or be injured by it.
- o) Carry or possess firearms of any description or air rifles, spring guns, bows and arrows, slings or any other weapon potentially inimical to wildlife and dangerous to human safety or any instrument that can be loaded with and fire blank cartridges or any kind of trapping device. Shooting into park areas from beyond park boundaries is forbidden.
- p) Set up tents, shacks or any other temporary shelter for the purpose of overnight camping nor shall any person leave in a park after closing hours any movable structure or special vehicle to be used or that could be used for such purpose, such as a house trailer, camp trailer, camp wagon or the like.
- q) Take part in or abet the playing of any games involving thrown or otherwise propelled objects such as balls, stones, arrows, javelins,

horseshoes, quoits, or model airplanes, except in those areas set apart for such forms of recreation. The playing of rough or comparatively dangerous games such as football and baseball is prohibited, except on the fields provided therefor. Roller-skating and skateboards shall be prohibited on tennis and basketball facilities.

2. While in a public park or recreation area, all persons shall conduct themselves in a proper and orderly manner, and in particular, no person shall:
 - a) Bring alcoholic beverages or drink same at any time, nor shall any person be under the influence of intoxicating liquor in a park.
 - b) Have in his possession, or set or otherwise cause to explode or discharge or burn, any firecrackers, rockets or other fireworks, firecrackers or explosives of flammable material or discharge them or throw them into any such areas from lands or highways adjacent thereto. This prohibition includes any substance, compound, mixture or article that in conjunction with any other substance or compound would be dangerous from any of the foregoing standpoints. At the direction of the Town Board, permits may be given for conducting properly supervised fireworks displays in designated park areas.
 - c) Be responsible for the entry of a dog or other domestic animal into park areas. All dogs in those areas where such animals are permitted shall be restrained at all times on adequate leashes not greater than six (6) feet in length.
 - d) Occupy any seat or bench or enter into or loiter or remain in any pavilion or any other park structure or section thereof which may be reserved and designated by the Town Board for the use of the opposite sex. Exception is made for children under six (6) years of age.
 - e) Appear at any place in other than proper clothing.
 - f) Solicit alms or contributions for any purpose, whether public or private.
 - g) Build or attempt to build a fire, except in such areas and under such regulations as may be designated by the Town Board. No person shall chop, throw or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper or other flammable materials within any park or on any highways, roads or streets abutting or contiguous thereto.
 - h) Enter an area posted as closed to the public, nor shall any person use or abet in the use of any area in violation of posted notices.
 - i) Gamble, or participate in or abet any games of chance, except in such areas and under such regulations as may be designated by the Town Board.
 - j) Sleep or lounge protractedly on seats or benches or other areas or engage in loud boisterous, threatening, abusive, insulting or indecent language or engage in any disorderly conduct or behavior tending to breach the public peace.

- k) Fail to produce and exhibit any permit from the Town Board he claims to have, upon request of any authorized person who shall desire to inspect the same for the purpose of enforcing compliance with any ordinance or rule.
- l) Disturb or interfere unreasonably with any person or party occupying any area or participating in any activity under the authority and regulation of the Town Board.
- m) Expose or offer for sale any article or thing, nor shall one station or place any stand, cart or vehicle for the transportation, sale or display of any such article or thing. Exception is here made as to any person acting by and under the authority and regulation of the Town Board.
- n) Paste, glue, tack or otherwise post any sign, placard, advertisement or inscription whatever, nor shall any person erect or cause to be erected any sign whatever on any public lands or highways or roads adjacent to a park.

5-5.8 Violations and Penalties

Violation of the provisions of this section or failure to comply with any of its requirements shall constitute a municipal infraction. The fine for each violation shall be \$50.00 for each initial offense, \$75.00 for a second offense, and \$100.00 for a third offense within the same calendar year.

5-6 Noise Disturbance

5-6.1 Definitions.

For the purpose of this Ordinance, the following terms, phrases, words and their deviation shall have meaning as follows:

Motor Vehicle means every vehicle defined as motor vehicle in the Maryland Vehicle Law.

Motorcycle means every vehicle defined as a motorcycle in the Maryland Vehicle Law.

Noise Disturbance means any sound which (1) endangers or injures the safety or health of humans or animals; (2) annoys or disturbs a reasonable person of normal sensitivity; or (3) endangers or injures real or personal property.

Person means any individual, association, partnership or corporation.

5-6.2 Loud and Unnecessary Noise

In addition to specific prohibitions outlined in this Ordinance, it shall be unlawful for any person to make, continue or cause to be made or continued any loud or unnecessary noise which annoys, injures, or endangers the comfort, repose, health or safety of others within the corporate limits of the Town of Port Deposit.

5-6.3 The following acts and the causing and permitting thereof are hereby declared to be in violation of the Ordinance:

1. Vehicles : The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle on any street, way, avenue or alley or other public place of the Town of Port Deposit, except as a danger warning; the creation, by means of any such signaling device, of any unreasonable loud or harsh sound; and the sounding of any such device for an unreasonable or unnecessary length of time; the use of any horn, whistle or other device operated by engine exhaust and the use of any such signaling device when traffic is for any reason held up.
2. Loudspeakers, public address systems, etc.: The playing, using or operating of any loudspeakers, public address systems, mobile sound vehicle or similar device for the producing or reproduction of sound which is cast upon the public streets of the Town.
3. Radios, televisions, sets and similar devices: The playing, using or operating any radio receiving set, phonograph, tape player, television receiving set, or other machine or device for the reproducing of sound in such a manner as to create a continuing noise disturbance at 50 feet from such device or when operated in or on a motor vehicle on a public right of way or public space as to create a continuing noise disturbance at 50 feet from such device.
4. Musical bands, musical instruments and other similar devices: The playing of any musical band or the playing, using, or operating of any musical instrument or similar device for the producing of sound in such a manner as to create a continuing noise disturbance at fifty feet from the said musical band, instrument, etc., or across property lines.
5. Yelling, shouting, etc.: Yelling, shouting, hooting, whistling or singing on the public streets of the Town between the hours of eleven o'clock (11:00) p.m. and seven o'clock (7:00) a.m. or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office or in any dwelling, hotel or other type of residence or of persons in the vicinity within the limits of the Town.
6. Engine exhaust: The discharge into the open air within the corporate limits of the Town of the exhaust of any steam engine, gasoline engine, stationary internal combustion engine, or other kind or type of engine, motorboat or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
7. Domestic power tools: The operation of any mechanically powered saw, drill sander, grinder, lawn or garden tools, lawnmower or other similar devices used outdoors, other than snow removal equipment, between the hours of nine o'clock (9:00) p.m. and eight o'clock (8:00) a.m.
8. Explosives, firearms and similar devices: The use or firing of any explosive, firearms or similar devices which create impulsive sound so as to cause a noise disturbance across a real property boundary or on public space or right of way.

5-6.4 No provision of this Ordinance shall be construed to impair any common law or statutory cause of action or legal remedy therefrom of any person for injury or damage from violation

of this Ordinance.

5-6.5 Provided, however, that the provisions of this Ordinance shall not apply to the following:

1. The emission of sound for the purpose of alerting persons to the existence of an emergency or for the performance of emergency work
2. Organized school-related programs, activities or events or parades or other public programs, activities or events authorized by special exception.

5-6.6 Special Exception.

1. The Town Council shall have the authority, consistent with this Ordinance, to grant a special exception.
2. Any person seeking a special exception shall file an application with the Town Council or its designated representative. The application shall provide information of the nature of activity requested, why the activity cannot be brought into compliance with this Ordinance, applicable dates of said activity, and the location of the activity. In determining whether to grant or deny the application, the Town Council shall take into consideration the hardship of the applicant, the community and adverse impact on health, safety and welfare of persons and property affected.
3. Special exceptions shall be granted to the applicant by notice containing all necessary conditions, including a time limit. The special exception shall not become effective until all conditions are agreed to by the applicant. Noncompliance with any of the conditions shall cause the special exception to terminate. A copy of the decision to grant or deny shall be placed on public file.

5-6.7 Penalty.

Violation of the provisions of this subsection or failure to comply with any of its requirements shall constitute a municipal infraction. The fine for each violation shall be \$50.00 for each initial offense, \$75.00 for a second offense and \$100.00 for a third offense within the same calendar year.

5-7 Security and Protection

Control and Containment of Hazardous Materials and Objects.

5-7.1 Diseased and Dangerous Animals

No vicious, dangerous, ferocious dog or dog sick with or liable to communicate hydrophobia or other contagious or infectious disease shall be permitted to run at large in the Town.

5-7.2 Penalties

Violation of the provisions of this section or failure to comply with any of its requirements shall constitute a municipal infraction. The fine for each violation shall be \$50.00 for each initial offense, \$75.00 for a second offense and \$100.00 for a third offense within the same calendar year.

5-8 Streets and Transportation

Parking Regulations, General Applications

5-8.1 Parking shall be prohibited at all times on Route 222 except in those areas designated by lane markings on the roadway.

5-8.2 Parking shall be prohibited at all times on Granite Avenue, Liberty Grove Road, Race Street, Rock Run Road and Mill Street.

5-8.3 Two Hour Parking Zones

It shall be unlawful for the owner or operator of any motor or other vehicle to park such vehicle between the hours of 8:00 a.m. and 6:00 p.m. on any day, except Sundays and legal holidays, for more than two hours at any one time upon the marked positions in the streets of the Town on which parking meters are installed or in such areas posted "Two Hour Parking".

5-8.4 Overtime Parking

In order that police officers may properly compute the time during which a vehicle is parked in a metered space, the owner or operator shall upon entering such parking Space immediately deposit a coin or combination of coins of the United States in the parking meter situated at the side of said parking space according to the instructions thereon. If any vehicle shall remain parked in any such space for such a length of time that the meter shall indicate by a proper signal that the lawful parking period expired, such vehicle shall be considered as parking overtime, and the parking of a vehicle overtime shall be a violation of this ordinance.

5-8.5 Designated Parking Spaces

It shall be unlawful to park any vehicle across any line or marking designated a parking space, or to park said vehicle in any way that shall not be completely within a parking space as designated by said lines or markings.

5-8.6 Driveways and Alleys

It shall be unlawful for the owner or operator of any motor or other vehicle to park such vehicle on a public street in such a manner as to block access to any driveway or alley.

5-8.7 No Parking Zone

It shall be unlawful for the owner or operator of any motor or other vehicle to park such vehicle in an area in which parking is prohibited by use of signs, painted curbs, lane markings or other traffic control devices.

5-8.8 Too Far From Curb

It shall be unlawful for the owner or operator of any motor or other vehicle to park, stop or stand such vehicle more than 18" from the curb of the roadway, or in such a manner that impedes traffic flow on a roadway.

5-8.9 Double Parking

It shall be unlawful for the owner or operator of any motor or other vehicle to park, stop or

stand such vehicle parallel to another vehicle parked at the roadside in the manner commonly known as double parking.

5-8.10 Sidewalks and Crosswalks

It shall be unlawful for the owner or operator of any motor or other vehicle to park on any sidewalk or covering any pedestrian crosswalk as indicated by parallel lines on the roadway or by signs, or any other traffic control device. Parking on a sidewalk or covering any pedestrian crosswalk for the purpose of loading or unloading is also prohibited.

5-8.11 Town Parks

It shall be unlawful for the owner or operator of any motor or other vehicle to park, stop or stand in any town park in any area not paved, or areas of pavement in which traffic normally flows, or when the park is closed.

5-8.12 Wrong Side of Street

It shall be unlawful for the owner or operator of any motor or other vehicle to park on the left side of any roadway when the vehicle parked would face oncoming traffic.

5-8.13 Discretion of a Police Officer

It shall be unlawful for the owner or operator of any motor or other vehicle to park, stop or stand in a manner which in the discretion of a police officer, impedes traffic or may contribute to a hazardous condition.

5-8.14 Handicapped Zones

It shall be unlawful for the owner or operator of any motor or other vehicle to park, stop or stand in a parking space on a public street or on private property open to the public in general in a parking space which indicates by a sign or signs or lines painted on the pavement or other traffic control devices limiting parking in such space to handicapped persons. Vehicles parked, stopped or left standing in such spaces are in violation of this Section if they fail to display a handicapped emblem recognized by the State of Maryland and the person or persons entitling such vehicle to display such emblem is in fact the driver or passenger in the vehicle.

5-8.15 Suspension of Article

A police officer may act to suspend any Section or Sections of this Ordinance to temporarily prohibit otherwise lawful parking or permit otherwise unlawful parking in the event of an emergency situation, parade, street painting or other activity.

5-8.16 Penalties

Violations of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a municipal infraction. The fine for each violation shall be assessed as follows:

\$75.00 for violations of Handicapped Zones;

\$40.00 for standing or parking within 15 feet of a fire hydrant; and

\$25.00 for violation of two-hour parking zones.

Except as provided above, any other violation of the provisions of this Ordinance shall be assessed as follows:

\$40.00 if paid within ten (10) days from the date of issuance;
\$20.00 will be added to the original fine if paid after ten (10) days of
issuance but before flagging is initiated; and
\$50.00 will be added to the original fine if flagging is initiated .

5-9 Parking Regulations, Trucks and Commercial Vehicles

5-9.1 Thirty Minute Limit

It shall be unlawful for any person, firm or corporation to park any truck or commercial vehicle over three-quarter (3/4) ton capacity on any public roadway or Town-owned/leased property within Town limits, for any purpose except to load and unload said vehicle, and then such vehicle shall only occupy said parking space for a period not to exceed thirty (30) minutes.

5-9.2 Penalties

Violation of the provisions of this section or failure to comply with any of its requirements shall constitute a municipal infraction. The fine for each violation shall be \$50.00 for each initial offense and \$75.00 for each repeated offense within the same calendar year.

5-10 Abandoned Vehicles

5-10.1 "Abandoned Vehicle" means any motor vehicle, trailer, or semitrailer:

That is inoperable and left unattended on public or private property for more than 24 hours;

1. That has remained illegally on public property for more than 24 hours;
2. That has remained on private property for more than 24 hours without consent of the owner or persons in control of the property;
3. That has remained in a garage for more than 5 days after the garage keeper has given the owner of the vehicle notice by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, to remove the vehicle;
4. That has remained in a garage for more than 5 days after the period when, by contract, the vehicle was to remain in the garage;
5. That was left for more than 5 days in a garage by:
 - a. Someone other than its registered owner; or
 - b. A person authorized to have possession of the vehicle under a contract of use, service, storage or repair; or
6. That has remained on public or private property for more than 24 hours; and:
 - a. Is not displaying currently valid registration plates; or
 - b. Is displaying registration plates of another vehicle.

5-10.2 Abandonment of Vehicles Prohibited:

Presumption of Ownership

1. Abandonment prohibited. A person may not abandon a vehicle:
 - a. On any public property; or
 - b. On any property other than his own without the permission of the owner or lessee of the property.
2. Presumption of ownership. The last known registered owner of any abandoned vehicle is considered to be the prima facie owner of the vehicle at the time it was abandoned and the person who abandoned it.

5-10.3 Authority to Impound Vehicle, Give Notice to Owner and Sell

Upon violation of the provisions of this Section, the Town Police shall have authority to impound and remove said vehicle and to charge the owner thereof the cost of towing, storage and preservation. After proper notice in accordance with Section 25-204, et seq. of the Transportation Article of the Annotated Code of Maryland, or any amendments or additions to said code related thereto, the Town Police may sell any abandoned vehicle and dispose of the proceeds in accordance with said Transportation Article.

5-10.4 Penalties

Violation of the provisions of this Section or failure to comply with any of its requirements shall constitute a municipal infraction. The fine for each violation shall be \$50.00 for each initial offense and \$75.00 for each repeat offense within the same calendar year.

5.11 Weight Limits

5-11.1 Weight Limits on Streets

It shall be unlawful for any person, firm or corporation to operate a motor vehicle on any of the streets within the Town limits of Port Deposit which has a registered gross weight exceeding twelve thousand pounds (12,000 lbs.), unless the vehicle is going to or returning from a delivery at an address which cannot be reached without violating this Section. This Section shall not apply to streets which are State maintained and regulated.

5-11.2 Penalties

Violations of the provisions of this Section or failure to comply with any of its requirements shall constitute a municipal infraction. The fine for each violation shall be \$100.00 for each initial offense and \$200.00 for each repeat offense within the same calendar year, as provided in Section 1-5.2 of the Town of Port Deposit Code.

5.12 Speed Limit

5-12.1 Violation to Exceed Posted Speeds

It shall be unlawful for any person, firm or corporation to operate a motor vehicle of any type on any street of the Town of Port Deposit at a speed greater than the posted speed for that area. The speed limit shall be such as may be approved by Resolution of the Board from time to time. In the event there is no other Resolution by the Board with respect to any street or section of the street,

the speed limit shall be fifteen miles per hour. This Section does not apply to streets which are maintained and regulated by the State of Maryland.

5-12.2 Penalties

Violations of the speed limit as established by this Section or by Resolution under the authority granted in this Section shall constitute a municipal infraction. The fine for each violation shall be \$40.00 for each initial offense and \$75.00 for each repeat offense within the same calendar year.

5-1 Regulation of Bicycles, Motorcycles and Play Vehicles

5-13.1 Definitions

1. Ride - to be carried by bicycle, motorcycle, moped or play vehicle in such a way that the bicycle, motorcycle, or play vehicle bears the weight of the person in possession. Includes in all cases being astride a bicycle, motorcycle, moped or play vehicle.
2. Walk - to propel or hold a bicycle, motorcycle, moped or play vehicle in such a way that the person in possession's weight is not upon the bicycle, motorcycle, moped or play vehicle. Does not include being astride bicycle, motorcycle, moped or play vehicle.
3. Bicycle - as defined in "Maryland Vehicle Law"
4. Motorcycle - as defined in "Maryland Vehicle Law"
5. Moped - as defined in "Maryland Vehicle Law"
6. Play Vehicle - as defined in "Maryland Vehicle Law" and shall specifically include, without limitation, skateboards.
7. Sidewalk - as defined in "Maryland Vehicle Law"

5-13.2 Riding on Sidewalks

It shall be unlawful for any person in possession of a bicycle, motorcycle, moped or play vehicle to ride upon any sidewalk or pedestrian crosswalk. A bicycle, motorcycle, moped or play vehicle may be walked upon a sidewalk or pedestrian crosswalk, provided it does not interfere with the pedestrian traffic upon the sidewalk or pedestrian crosswalk.

5-13.3 Riding on Highways

It shall be unlawful for any person in possession of a bicycle, motorcycle, moped or play vehicle to ride such bicycle, motorcycle, moped or play vehicle in a manner contrary to "Maryland Vehicle Law" upon a highway in the Town.

5-13.4 Skateboards Prohibited

It shall be unlawful for any person to ride a skateboard in the Town of Port Deposit, whether on roads, Town-owned/leased property, parking areas, or any other section thereof except where provisions have been made.

5-13.5 Enforcement: Violations and Penalties

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1. Adults - Violation of the provisions of this Section or failure to comply with any of its requirements shall constitute a municipal infraction. The fine for each violation shall be \$25.00 for each initial offense and \$50.00 for each repeat offense within the same calendar year, as provided in Section 1-5.2 of the Port Deposit Town Code, or if the violation involves Section 5-13.3, a Police Officer may issue a traffic citation under "Maryland Vehicle Law".
2. Juveniles - Any Police Officer who finds a juvenile violating any provisions of this Section shall obtain information from such minor as to his name, address, age, and the name of his parent or parents. The information shall be reported to the Police Department which shall cause a written notice to be mailed to the parent or parents of the minor, advising of the violation(s) of this Section. In addition, the Police Officer may refer the juvenile to Juvenile Services, or in the case of the violation of Section 5-13.3, a Police Officer may issue a traffic citation under "Maryland Vehicle Law," provided that the juvenile is of an age where such issuance is not prohibited.

Any parent whose minor child violates any provision of this ordinance after having received notice of prior violation occurring within the same calendar year shall be deemed to have committed a municipal infraction, the penalty for which shall be \$25.00 for each initial offense and \$50.00 for each repeated offense. Repeated offenses may result in the skateboard being confiscated.

5-14 Use of Town Streets and Highways

5-14.1 Obstructing Free Passage

It shall be unlawful for any person to use the streets, alleys, highways, parking areas or sidewalks which are owned or dedicated to the Town for any purpose which may: 1) obstruct the free passage of vehicular or pedestrian traffic; or 2) cause damage, or create a risk of damage, to public or private property.

5-14.2 Penalties

1. Adults - Violation of the provisions of this Section shall constitute a municipal infraction, the fine for such violation shall be \$25.00 for an initial offense and \$50.00 for each subsequent offense.
2. Juveniles - Any Police Officer observing a juvenile violation of any provisions of this Section shall obtain such juvenile's name, address, age and the name and address of such juvenile's parent(s) or guardian. This information and the nature of the violation shall be reported to the Police Department which shall cause a written notice to be mailed to the parent(s) or guardians advising of the violation(s) of this Section. In addition, the Police Officer may refer such violation to the Department of Juvenile Services.
3. The penalties provided herein are not intended to be exclusive and any such person or juvenile charged may also be subject to the criminal or motor vehicle charges or

citations.

5-15 Public Maintenance and the Environment

5-15.1 Prohibition of Open Fires

No person shall cause, suffer, allow or permit an open fire within the Town limits of Port Deposit except as provided in the sections below:

5-15.2 Permitted Open Fires

The following open fires otherwise in conformance with other governmental fire control ordinances, provided no nuisance of air pollution is created, are allowed without the specific permission of the Board:

- a. Cooking of food on open grills, outdoor fireplaces, hibachis, barbecues, etc., for non-commercial purposes.
- b. Oil or gas fired salamanders or similar devices, designated space heating or warming of outdoor workers, provided no visible emissions are created.
- c. Warming fires for outdoor workers provided that said fire is contained within a fireproof vessel and that smoke emissions are not darker than No. 2 on the Ringlemann Smoke Chart.

5-15.3 Fires Requiring Official Authorization

With the permission of the Board, the following open fires may be set provided all reasonable means are employed to minimize smoke and adequate protection of adjoining properties is provided:

- a. For the prevention of a fire hazard that cannot be abated by other means.
- b. For the instruction of public fire fighters or industrial employees under the supervision of the appropriate fire control official.
- c. For the purpose of burning off a lot or field under the supervision of the fire company.
- d. For the protection of public health or safety when other means of disposing of hazardous materials are not available.

5-15.4 Fires Specifically Prohibited

There shall be no burning of refuse, garbage, household trash, tires or roofing material, or the like on either commercial or private premises.

5-15.5 Penalties

Violation of the provisions of this Section or failure to comply with any of its requirements shall constitute a municipal infraction. The fine for each violation shall be \$50.00 for each initial offense and \$100.00 for each repeat offense as provided in Section 1-5.2 of the Port

Deposit Code.

5-16 Dumping and Collection of Garbage

5-16.1 Uncovered Garbage Prohibited

It shall be unlawful to place or permit to remain anywhere on the Town any garbage, or other material subject to decay other than leaves or grass, except in a tightly covered metal or other suitable container of an impervious material.

5-16.2 Responsibility for Wind Blown Refuse

It shall be unlawful to cause or permit to accumulate any dust, ashes, or trash of such a quantity and consistency that it can be blown away by the wind anywhere in the Town except in a covered container.

5-16.3 Deposits on the Streets Prohibited

- a. It shall be unlawful to deposit or permit to fall from any vehicle any garbage, refuse or ashes on any public street or alley in the Town; provided that this section shall be construed to permit placing such material in a container complying with the provisions of this Section preparatory to having such material collected and disposed of in the manner provided herein.
- b. All garbage, refuse and ashes for collection by the Town shall be placed in metal or other suitable container equipped with handles so that they can be lifted or carried.
- c. Garbage and refuse for collection shall not be placed on or near the curb before sunset on the day preceding any designated collection day.
- d. The Town may require, at the expense of the property owner, certain size and quantities of containers based upon the contractual obligations between the Town and private contractors for garbage collection and upon the recommendation and requirements of said independent contractor.

5-16.4 Consent of Owner Required for Dumping

It shall be unlawful to dump or place any garbage, refuse or ashes on any premises in the Town without the consent of the owner of the premises.

5-16.5 Disposal and Collection

- a. It shall be unlawful to dispose of any garbage, refuse or ashes anywhere in the Town except in proper receptacles.
- b. No vehicles, commercial or otherwise, shall be left parked unattended on any of the streets in said Town containing any garbage or other material subject to decay, or ashes.

5-16.6 Penalties

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Violation of the provisions of this Section or failure to comply with any of its requirements shall constitute a municipal infraction. The fine for each violation shall be \$50.00 for each initial offense, \$100.00 for a second offense, \$200.00 for a third offense and \$400.00 for a fourth offense within the same calendar year as provided in Section 1-5.2 of the Port Deposit Town Code.

5-16.7 Establishment of Responsibility

The fact that garbage, refuse or ashes remain on any occupant's premises in the Town in violation of this Section shall be prima facie evidence that the occupant of such premises is responsible for the violation of this section occurring.

5-17 Maintenance of Public Ways and Private Property

5-17.1 Grass and Weeds

On all streets where there is a space between the curb and the sidewalk, or a space between the sidewalk and the lot line, the grass growing therein shall be kept cut short by the abutting property owner. All grass and weeds growing on any lot shall be cut down and removed so that the same shall not become detrimental to public health.

5-17.2 Violation and Penalties

An owner or occupier of any property who shall fail to cut down and remove any vegetation, grass or weeds which, in the opinion of the Board, is detrimental to the public health or constitutes a nuisance, shall be subject to the provisions of Section 1-5.2. The fine for each violation shall be \$50.00 for each initial offense, \$100.00 for a second offense, \$200.00 for a third offense and \$400.00 for a fourth offense within the same calendar year. (Ord.#99-)

5-18 Snow and Ice Removal

5-18.1 Responsibility for Removal..

- a. All owners and persons in possession of any land or premises situated on any street, alley, or highway within the limits of the town where sidewalks have been or may hereafter be laid shall remove the snow therefrom the entire length thereof for a width of at least three feet (3') and may deposit the same along the remaining portion of said sidewalks nearest the curb within ten (10) hours after it has ceased falling, unless the same shall have fallen between the hours of 5:00 p.m., and 7:00 a.m., in which case it shall be removed before 6:00 p.m., the same day.
- b. However, in the event snow and ice on a sidewalk has become so hard that it cannot be removed without likelihood of damage to the sidewalk, the person in charge of its removal shall within the time mentioned In subsection (a) above, cause enough CaCl₂ or some comparable substance to be put on the sidewalk to make travel thereon reasonably safe, and then shall, as soon thereafter as weather permits, cause a path in said sidewalk of at least thirty-six inches (36") in width to be thoroughly cleaned.

5-18.2 Deposition of Snow and Ice Restricted.

No person shall deposit or cause to be deposited any snow and ice on or against a fire hydrant or on any sidewalk, roadway or loading and unloading areas of a public transportation system, except that snow and ice may be windrowed on public roadways incident to the cleaning thereof.

5-18.3 Violation and Penalties.

In the event of the failure of any person to clear away or treat with CaCl₂ or some comparable substance and subsequently clear away any snow and ice from any sidewalk as herein before provided, or cause this to be done, such failure is hereby declared to be an infraction and subject to a fine of \$25.00 for the first offense and \$50.00 for each subsequent offense.

5-18.4 Enforcement; Cost.

- a. Irrespective of other provisions of this section for penalizing the failure of any person to clear away or treat with CaCl₂ or some comparable substance and subsequently clear away any snow and ice from any sidewalk as hereinbefore provided, or cause this to be done, in the event of any such failure of any person, then the same may be done by a person employed to do so on behalf of the Town Council by the Town Clerk or such other officer as may be hereafter designated or employ such person.
- b. A statement of account for the actual or established minimum cost of cleaning and removing snow and ice by the town shall be presented to the Town Council at any regular or special meeting, and, if approved, shall be placed in the hands of the Town Clerk who shall immediately record the same among his records and enter therein the time and date of such recordation.
- c. The amount of the cost of removal of snow and ice by the town shall be a debt of the owner of the abutting property and shall become due and payable when the statement thereof is placed in the hands of the Town Clerk. The Town Clerk shall proceed immediately to collect the same as municipal taxes are collected. Any such charge shall be a lien upon the abutting property as provided in the Charter.
- d. The owner of the abutting property shall have the right to appeal from the order of the Town Council approving the charge of removal by the town to the District Court of the county, all in accordance with the laws of the State of Maryland.
- e. There shall be a minimum cost of cleaning and removing snow and ice by the town of \$25.00 for properties from 0 - 50', and \$2.00 per linear foot for each foot thereafter.

5-19 Public Nuisances for Certain Criminal Offenses; Prostitution, Gambling, etc. – Padlock Law

5-19.1 Definitions

- a. Public nuisance means any premises where violations of the law governing prostitution and lewdness, controlled dangerous substances, gambling or criminal possession of stolen property have occurred where two (2) or more violations of such provisions have resulted in two (2) or more criminal convictions of a person or persons and have occurred on two (2) or more occasions on the premises within a twenty-four (24) month period of time prior to the commencement of a proceeding pursuant to the powers of the Town of Port Deposit Chief of Police with respect to public nuisances. It shall be sufficient evidence that a public nuisance has occurred upon the second conviction for a violation of any of the provisions of the law governing the enumerated offenses.
- b. Owner and owner of record means the person in whose name a premise is recorded in the land records of Cecil County.
- c. Person means an individual, receiver, guardian, personal representative, fiduciary or representative of any kind, and any corporation, partnership, firm, association, joint venture or other legal entity.
- d. Premises means any land, building or other structure or part thereof
- e. Conviction, for the purpose of this section, shall include probation before judgment.

5-19.2 Authority of Chief of Police

The Chief of Police of the Town of Port Deposit shall have the following powers with respect to public nuisances:

- a. After two (2) convictions for any of the violations listed in section 5-19.1-a, and notice to the premises owner with an opportunity for a hearing, the Town of Port Deposit Chief of Police is authorized:
 - 1. To order the discontinuance of the public nuisance where the public nuisance exists; or
 - 2. To order the closing of the premises to the extent necessary to abate the nuisance. If the premises consists entirely of residential units or mixed residential and other use units, and the public nuisance has occurred solely within a residential unit or units, abatement authority is restricted to the residential unit or units in which the public nuisance has occurred, and does not extend to any other unit in the premises.
- b. Prior to the issuance of an order by the Town of Port Deposit Chief of Police under this section, the Town of Port Deposit Chief of Police shall give notice and an opportunity for a hearing to determine whether a public nuisance exists in the premises to the owner, lessor, lessee, mortgagor and mortgagee of the premises.

1. The notice shall state the date, place and time of the hearing, the right of the aforesaid persons to be heard and to be represented at the hearing, the possible consequences of failure to appear, and such other particulars as may be appropriate.
 2. The notice shall be given by personal service, or by certified mail to the owner, lessor, lessee, mortgagor and mortgagee or agent thereof, as their name and address are recorded in the land records of the county or whose identity and address are otherwise known or readily ascertainable. In addition, the notice shall be posted on the premises.
 3. The hearing shall be held before the Town's administrative officer or his designee. The administrative officer, or his designee, may adopt, amend or rescind the order of the Town of Port Deposit Chief of Police, in whole or in part.
 4. Following the hearing procedure, an order of the Town of Port Deposit Chief of Police issued pursuant to this section as adopted or amended by the Town's administrative officer, shall be posted on the premises and notice thereof shall be given to those persons and in the manner set forth above.
- c. On and after the tenth (10th) business day following the posting as set forth above, and upon the written directive of the Town of Port Deposit Chief of Police, the order may be enforced.
- d. The lack of knowledge of, acquiescence or participation in, or responsibility for a public nuisance, on the part of any person who may be the owner, lessor or lessee, mortgagor, mortgagee or other interested person and all those persons in possession of or having charge of as agent or otherwise, or having any interest in the property, real or personal used in conducting or maintaining the public nuisance is not sufficient cause to set aside the Town of Port Deposit Chief of Police order of abatement.
- e. A closing shall be for such period as the Town of Port Deposit Chief of Police reasonably may direct, but in no event shall the closing be for a period of more than one (1) year from the date of the closing.
- f. The Town of Port Deposit Chief of Police shall vacate the provisions of the order to close if an interested person:
1. Posts a bond for the period of the ordered closing in an amount not exceeding the assessed value of the premises as shown in the tax assessment records of Cecil County, prorated for the proportional assessment of units closed if less than all units therein are closed, but not to exceed one million dollars (\$1,000,000.00) in any case; and
 2. Submits sufficient evidence to the Town of Port Deposit Chief of Police that the nuisance has been abated and will not be maintained or permitted in any unit of the premises during the period of the closing.

- g. A closing directed by the Town of Port Deposit Chief of Police pursuant to this section is not an act of possession, ownership or control by the Town of Port Deposit, Maryland.

CHAPTER VI
RESERVED

CHAPTER VII

TRAFFIC

7-1 STATE LAW; ADOPTION BY REFERENCE.

Except as herein otherwise provided, the Motor Vehicles Law of the State of Maryland, which are hereby declared and made a part of these ordinances by reference, shall control and govern, and any person violating any of the provisions thereof, shall upon conviction, be subject to the penalties provided therein.

7-2 OFFICIAL TIME STANDARD.

Whenever certain hours are named in this Chapter, they shall mean either Eastern Standard Time or Eastern Daylight Savings Time as may be in current use in the Town.

7-3 SCOPE.

The provisions of this Chapter are intended to be in addition to and supplementary to the provisions of Article 66 1/2 of the Annotated Code of Maryland, 1957 edition, as amended, and in accordance with authority specifically granted by the Article.

7-4 TRAFFIC AND PARKING CONTROL SIGNS.

Whenever, in the judgment of the Mayor and Council of Port Deposit it is necessary for the safety or control of vehicular or pedestrian traffic or for the regulation of the use of parking areas, the Mayor and Council may erect or cause to be erected "STOP", "NO PARKING", "ONE WAY", and other traffic control and parking restriction signs designed to control, regulate, warn or guide traffic or limit parking on public streets, highway, or areas in the corporate limits of Port Deposit. It shall be the duty of all persons to observe such signs, and any person failing to observe any such sign, shall, upon conviction thereof, be guilty of a misdemeanor. Nothing herein contained shall be deemed to constitute a repeal of the authority here before granted by the Mayor and Council of Port Deposit for the erection and traffic control and parking restrictions and failure to observe any such signs here before erected shall be subject to the same penalties as set forth hereafter.

7-5 PARKING

7-5.1 Regulations Not Exclusive.

The provisions of this Chapter imposing a time limit on parking shall not relieve any person of the duty to observe other more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles as set forth in any Maryland statute or as hereinafter provided.

7-5.2 Stopping, Standing or Parking Prohibited in Specified Places.

- a. No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic control device in any of the following places:
 1. On sidewalks;
 2. In front of a public driveway, or alley, or in front of a private driveway, except with the consent of the owner or occupant of the premises;
 3. Within an intersection;
 4. Within fifteen (15') feet of a fire hydrant;
 5. On a cross walk, or within twenty (20') feet of a cross walk at an intersection, except for the purpose of receiving or discharging passengers or merchandise;
 6. Within twenty-five (25') feet of any beacon, stop sign, or traffic control signal located at the side of a roadway;
 7. Between a safety zone and the adjacent curb or within thirty (30') feet of points on the curb immediately opposite the ends of a safety zone, except for the period necessary to take on or discharge passengers, freight, or merchandise;
 8. Within twenty (20') feet of the driveway entrance to any fire department station within seventy-five (75') feet of said entrance when sign-posted;
 9. Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic;
 10. On the roadway side of any vehicle stopped or parked at the edge or curb of a street, except for the purpose of receiving or discharging passengers or merchandise;
 11. At any place where an official sign or painted curb of The Town of Port Deposit, the State of Maryland, or the County Commissioners of Cecil County prohibits stopping, parking or standing and it is hereby specifically provided that wherever a curb is painted red or yellow that there shall be no parking, standing or stopping parallel to said painted curb.
 12. On curves, at the brow of a hill, here the State Roads Commission, or the Town of Port Deposit, or the County Commissioners have painted white lines on the surface of the roads.
- b. No person shall stop, stand or park a vehicle designed or used for carrying freight or merchandise, in front of, alongside of, or in the rear of any private dwelling. Except when actually unloading merchandise or when the operator or owner of such vehicle is actually engaged in rendering a service at or to such premises.

7-5.3 Parking Prohibited at All Times on Certain Streets.

No person shall park a vehicle at any time upon any of the streets or parts thereof described in Schedule I attached to and made part of this Chapter.

7-5.4 Parking Prohibited During Certain Hours on Certain Streets.

No person shall park a vehicle between the hours specified in Schedule II on any day

(except Sundays and public holidays) upon any of the streets or parts of streets described in Schedule II attached to and made a part of this Chapter.

7-5.5 Stopping or Standing Prohibited During Certain Hours on Certain Streets.

No person shall stop or stand a vehicle between the hours specified in Schedule III on any day (except Sundays and public holidays) upon any of the streets or parts of streets described in Schedule III attached to and made a part of this Chapter.

7-5.6 Parking Time Limited on Certain Streets.

No person shall park a vehicle for longer. than the time limit shown in Schedule IV at any time between the hours listed in Schedule IV on any day (except Sundays and public holidays) upon any streets or parts of streets described in Schedule IV attached to and made a part of this Chapter.

7-5.7 Temporary Parking Restrictions.

- a. *Designation of Restrictive Parking:* The Council of Port Deposit may authorize and designate by informal action the implementation of restrictive parking, making it unlawful to park in designated area or to park in designated areas in excess of certain time periods.
- b. *When Restrictions in Effect.* The restrictions shall be in effect between the hours of 8:00 a.m. to 6:00 p.m. Mondays through Fridays inclusive and 8:00 a.m. to 12:00 noon Saturdays, except on designated National holidays and at such other times as posted or such other times as may, by resolution, be allowed by the Council of Port Deposit. The Council of Port Deposit shall designate restricted parking areas and direct the installation of a sign so designating same by the Chief of Police. Each space so designated shall be marked with a sign setting forth the restricted as designated by the Council of Port Deposit. If any vehicle shall park in a prohibited area or for a period greater than permitted in a restricted area, shall be deemed in violation of this section.
- c. *Tampering. etc.* It shall be unlawful for any person to deface, tamper with, damage or willfully break or destroy any sign designating any prohibitive or parking areas.
- d. *Penalties.* Any person violation paragraph b of this subsection shall be fined as follows:

Fifty (\$50.00) dollars if paid within seventy-two (72) hours of the violation
In addition any fines not paid which are sent to the Maryland Motor Vehicle Administration for collection shall be subject to an additional administrative fee of forty (\$40.00) dollars

Any person violating paragraph c. of this Subsection shall be fined not more than one hundred (\$100.00) dollars.

7-5.8 Titled "Marina Park - Establishment of Special - Permit Only" parking district

- a. This ordinance designates the Town Marina Park as a “Special – Permit Only” parking district; and
- b. All persons using the boat-launching ramp at the Town Marina Park are required to first obtain a permit and pay applicable fees as outlined in Section 6 hereof; and
- c. No person shall park a vehicle with a trailer, boat trailer and/or other conveyance intended or used for the purpose of transporting a boat, personal watercraft, Jet Ski or other recreational watercraft in the Town Marina Park or the Marina Park parking lot without having first purchased the required parking/boat launch permit and having said permit attached to or displayed on the vehicle as prescribed by this ordinance; and
- d. Daily boat launch permits are obtained through an honor system that is defined by signage at and inside the Town Marina Park. Daily boat launch permits, after payment, are to be clearly displayed inside the vehicle and on the dashboard at the driver's side. Annual permits, both Maryland Residents and Non-Maryland Residents are to be displayed/attached to the driver's side tongue of the trailer, boat trailer or other conveyance used to transport a boat, personal watercraft, Jet Ski or other recreational watercraft; and
- e. Vehicle operators parking trailers, boat trailers and other similar intended conveyances must park in designated areas only and obey any signage restricting and/or directing parking. Towed conveyances must remain attached to the towing vehicle; and
- f. The following fees shall be paid prior to the use of the boat-launching ramp(s) inside the Town Marina Park:

Property owners within the incorporated town limits	\$25.00
Maryland Resident – Annual Pass – (good for one year)	\$25.00
Maryland Resident – Daily Pass – (good for day of purchase only)	\$ 5.00
Non-Maryland Resident – Annual Pass – (good for one year)	\$50.00
Non-Maryland Resident – Daily Pass – (good for day of purchase only)	\$10.00

- g. Any person violating this subsection shall be subject to a fine of \$50.00 for the first offense and \$100.00 for a second or subsequent offense enforceable by the person or governmental entity authorized by the Town by issuance of a parking citation.
- h. The Mayor and Council of the Town of Port Deposit shall exercise its authority to designate and/or change, by resolution, all parking and user fees associated with this ordinance.

7-15 FIRE LANES.

- a. No person shall park in the fire lanes at any of the locations described in Schedule XVI attached to and made a part of this Chapter.
- b. *Penalties.* Any person violation paragraph b of this subsection shall be subject to a fine of One Hundred(100.00) dollars.

7.16 HANDICAPPED PARKING.

- a. No person shall park in the area situated on the premises described in Schedule XVII attached to and made part of this Chapter, unless they have been issued special vehicle identification cards by the Maryland Department of Motor Vehicles, when using a motor vehicle for which a special vehicle identification card has been issued by the Division.
- b. *Penalties.* Any person violation paragraph b of this subsection shall be subject to a fine of One Hundred(100.00) dollars.

7-17 PENALTIES.

Unless otherwise specifically provided in this Chapter, any person violating any of the provisions of this Chapter shall be guilty of a misdemeanor and upon conviction thereof, shall be subject to a fine of fifty (50.00) dollars. In addition any fines not paid which are sent to the Maryland Motor Vehicle Administration for flagging shall be subject to an additional administrative fee of forty (40.00) dollars.

7-18 PARKING METERS.

7-18.1 Designation of Parking Meter Zones.

The Council may from time to time authorize and designate by informal action the installation and removal of parking meters at such locations throughout the Town as they deem appropriate.

7-18.2 When Time-Metered Parking Effective; Exceptions.

Metered parking shall be in effect between the hours of 8:00 a.m. to 6:00 p.m. Mondays through Fridays inclusive, except on designated national holidays or at other times that may, by resolution. be allowed by the Council of Port Deposit.

7-18.3 Installment of Meters.

The Council of Port Deposit shall from time to time designate metered areas. Each space shall be marked and alongside such space a meter shall be maintained which give notice to the owner or operator of the vehicle being parked therein of the coins required for the limited time indicated on the meter, such amounts to be designated from time to time by the Council of Port Deposit by informal action, as the Council deems necessary.

7-18.4 Operation of Meters.

In order that the police officers may properly compute the time during which a vehicle is parked, the owner or operator of a vehicle shall, upon entering a metered parking space, during the time of limited parking, immediately deposit a coin or combination of coins of the United States in the parking meter situated at the side of the parking space, and operate the meter according to instructions thereon. Failure to do so shall constitute a violation of this Section. Upon the deposit of the required coins and placing the meter in operation, the parking space may be lawfully occupied by such vehicle during the period of parking time, which has been prescribed for the particular amount deposited. The meter will at all times indicate the amount of unexpired time. If such Vehicle shall remain parked in any such parking space for such length of time that the meter shall indicate by a proper signal that the lawful parking period has expired, such vehicle shall be considered as parking overtime, and the parking of a vehicle overtime shall be a violation of this Section.

7-18.5 Slugs Prohibited.

It shall be unlawful to deposit or cause to be deposited in any parking meter a slug, device or metallic substitute for a coin of the United States.

7-18.6 Tampering with Meter.

It shall be unlawful for any person to deface, tamper with, damage, or open or willfully break, destroy or impair the usefulness of any parking meter installed under the terms of this Section.

7-18.7 Parking Meter Permits.

Upon proper application therefor, persons may obtain a parking meter permit, which when valid, will allow the vehicle for which such permit is issued to occupy designated parking meter spaces without depositing the proper coins as required by subsection 7-18.4. The fee for the issuance of a parking meter permit shall be seven (\$7.00) dollars monthly. It shall be unlawful to park a vehicle hereunder using a permit, which has expired.

7-18.8 Penalties.

Any person violating subsection 7-18.4 of this section shall be fined fifty (\$50.00) dollars.

In addition, any fines not paid that are sent to the Maryland Motor Vehicle Administration for collection shall be subject to an additional administrative fee of forty (\$40.00) dollars. Any person violating subsection 7-18.5 and 7-18.6 of this Section shall be fined not more than one hundred (\$100.00) dollars.

7-19 UNREGISTERED VEHICLES.

7-19.1 Parking Prohibited; Vehicle Impounded.

It shall be unlawful to park, store, or leave any Vehicle, the certificate of title, registration,

or registration plate which has expired, been revoked, canceled or suspended, or for the owner of any such vehicle to allow, permit, or suffer the same to be parked, stored, or left, whether attended or not, upon any public street, highway, alley or parking lot within the corporate limits of Port Deposit for a period longer than twenty-four (24) hours. The police are authorized to remove and impound any such vehicle parked, stored or left in violation of this Section and to keep same impounded until the owner thereof, or other duly authorized person, shall deposit collateral in the amount and in the manner as hereinafter provided for violation of this Ordinance, and shall pay to the Mayor and Council a sum equal to the towage and all reasonable storage charges incurred by the Town in impounding said vehicle.

7-20 BOATS AND BOAT TRAILERS.

7-20.1 Parking Prohibited.

No person shall park a boat, boat trailer and/or un-motorized travel or camper trailer on any public street or municipal parking lot within the Town of Port Deposit without receiving written authorization from the Town.

7-21 JUNKED MOTOR VEHICLES.

7-21.1 Definitions.

As used in this section:

Motor Vehicle shall mean any vehicle, which is operated and designated to travel along the ground, including but not limited to automobiles, buses, motor bikes, motorcycles, motor scooters, trucks, campers, and trailers. A motor vehicle is also any vehicle known as a boat or otherwise operated and designated to travel on the water.

Junked Motor Vehicle shall mean any motor vehicle as defined by Section a. above, the condition of which is unlicensed or has expired license and/or is inoperable, dismantled, or partially dismantled, or wrecked, parked on private or public property in open view of persons on a nearby highway.

7-21.2 Prohibited

It is unlawful to permit or to cause an unlicensed, junked motor vehicle or parts thereof, to be left on private or public property in open view of persons on a nearby highway.

7-21.3 Separate Violation.

Each day's failure to comply with any provisions of this Section's provisions is constituted as a separate violation.

7-22 MINIBIKES.

7-22.1 Prohibited.

It shall be unlawful to operate any mini-cycles, mini-bikes or mini-bicycles powered by a gasoline engine within Port Deposit

7-23 REPAIRING OF MOTOR VEHICLES ON PUBLIC STREETS.

7-23.1 Prohibited.

It shall be unlawful to repair or service any motor vehicles while it is parked on a public street.

When an abandoned, unattended, wrecked, burned, or partially dismantled motor vehicle or other vehicle is creating a traffic hazard because of its position in relation to the street or its physical appearance is causing the impeding of traffic, its immediate removal from the street by a towing service may be authorized by order of the police department of the city.

SCHEDULE I

NO PARKING

In accordance with the provisions of subsection 7-5.3, no person shall park a vehicle at any time upon any of the following described streets or parts of streets.

<i>Name of Street</i>	<i>Sides</i>	<i>Location</i>
Main Street	East	In front of the Fire House

SCHEDULE II

PARKING PROHIBITED CERTAIN HOURS

In accordance with the provisions of subsection 7-5.4, no person shall park a vehicle between the hours specified upon any of the following streets described or parts of streets.

RESERVED

SCHEDULE III

NO STOPPING OR STANDING

In accordance with the provisions of subsection 7-5.5, no person shall stop or stand a vehicle between the hours specified upon any of the following described streets or parts of streets.

RESERVED

SCHEDULE IV

TIME LIMITED PARKING

In accordance with the provisions of subsection 7-5.6, no person shall park a vehicle for longer than the time limit shown on any of the following streets or parts of streets.

RESERVED

SCHEDULE V

ONE-WAY STREETS

In accordance with the provisions of 7-7, the following described streets or parts of streets are hereby designated as one-way in the direction indicated:

RESERVED

SCHEDULE VI

THROUGH STREETS

In accordance with the provisions of subsection 7-8.1, the following described streets or parts of streets are hereby designated as Through Streets. STOP signs shall be installed on the near right side of each street intersecting the Through Street except where YIELD signs are provided for in the designation.

RESERVED

SCHEDULE VII

STOP INTERSECTIONS

In accordance with the provisions of subsection 7-8.2, the following intersections are hereby designated as Stop Intersections:

RESERVED

SCHEDULE VIII

YIELD INTERSECTIONS

In accordance with the provisions of subsection 7-8.3, the following intersections are designated as Yield Intersections:

RESERVED

SCHEDULE IX

LOADING ZONES

In accordance with the provisions of Section 7-10, the following described locations are hereby designated as Loading Zones:

RESERVED

SCHEDULE X

TAXI STANDS

In accordance with the provisions of Section 7-11, the following described locations are hereby designated as Taxi Stands:

RESERVED

SCHEDULE XI

BUS STOPS

In accordance with the provisions of Section 7-12 the following described locations are hereby designated as Bus Stops:

RESERVED

SCHEDULE XII

NO LEFT TURN

In accordance with the provisions of subsection 7-13.1, no person shall make a left turn at any of the following locations:

RESERVED

SCHEDULE XIII

NO U-TURN

In accordance with the provisions of subsection 7-13.2, no person shall make a U-Turn at any of the following intersections:

RESERVED

SCHEDULE XIV

NO TURNS

In accordance with the provisions of subsection 7-13.3, no person shall make a turn at any of the following locations:

RESERVED

SCHEDULE XV

NO RIGHT TURN ON RED SIGNAL

In accordance with subsection 7-13.4, no person shall make a right turn when facing a steady red signal (STOP) indication at any of the following locations:

RESERVED

SCHEDULE XVI

FIRE ZONES

In accordance with Section 7-15, no person shall park at any time in a fire zone designated and established below:

RESERVED

SCHEDULE XVII

PARKING AREA FOR HANDICAPPED PERSONS

In accordance with Section 7-16, the parking area herein designated and established for handicapped persons only is for the use of persons who have been issued special vehicle identification cards by the Motor Vehicle Department of the State of Maryland, when using a motor vehicle on which is displayed a certificate for which a special vehicle identification card has been issued by such Division. No other person shall park a vehicle or any part thereof within the bounds of such area. (Ord. 2015-01 – Rescind and adopt new Chapter VII, effective 10/6/2014)

CHAPTER VIII

BUILDING AND HOUSING

8-1 BOCA BASIC BUILDING CODE.

8-1.1 Adoption by Reference.

There is hereby adopted by the Town Council for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location, and maintenance of buildings and structures, including permits and penalties, the certain building code known as the BOCA Basic Building Code, prepared by the Building Officials Conference of America, being particularly the 1981 edition as amended thereof and the whole thereof; modified or amended, of which not less than three (3) copies have been and now are filed in the office of the Clerk-Treasurer of Port Deposit and the same are hereby adopted and incorporated as fully as if set out in length herein, and by the provisions hereof shall be controlling in the construction of all buildings and other structures within the corporate limits of Port Deposit. (Ord. #7/2/74, §2-1.00; Ord. #83-1)

8-1.2 Building Official; Enforcement.

The office of Building Official is hereby established and in accordance with an agreement between the Council and the Commissioners of Cecil County, the Public Works Department of Cecil County is hereby charged with the enforcement of the provisions of this Chapter unless otherwise stated herein. (Ord. #7/2/74, §2-1.01; Ord #83-1)

8-1.3 Permit Required.

It shall be unlawful to construct, alter, repair or remodel any building or structure in the Town, including fences, when the cost of such construction, alteration, repair or remodeling exceeds a cost of five hundred (\$500.00) dollars or where the effect of such construction, alteration, repair or remodeling is to enlarge the capacity or affect the bearing walls of any building or the roof thereof, without first having secured a building permit therefore. (Ord. #7/2/74, §2-1.02; Ord. #83-1)

8-1.4 Application for Permits.

Applications for such building permits required as set forth above in

subsection 8-1.3 be shall be made to the Town Clerk-Treasurer and an additional application shall made to the Cecil County Building Inspector when construction contemplated falls within Zoning Requirements or requires inspection by the Public Works Department of Cecil County. All applications shall be accompanied by site plans and specifications in duplicate, drawn to scale, showing exact sizes and location of existing buildings, the dimensions and location of the proposed building or alteration, including setback lines, side yards and rear yards. (Ord. #7/2/74, §2-1.03; Ord. #3-1)

8-1.5 Variation from Approved Plans.

It shall be unlawful to vary in any material respect from plans and specifications previously submitted and approved unless such variation is submitted in an amended plan to the Town Clerk-Treasurer and to the Cecil County Building and Zoning Inspectors and approved by them. (Ord. #7/2/74, 2-1.4; Ord. #83-1)

8-1.6 Enforcement by Building Inspector of Cecil County.

The Building Inspector of Cecil County shall make or cause to be made such inspections as are necessary to see to the enforcement of the provisions of this Chapter, and is hereby given the express authority to make any further tests or examinations of materials or methods to be used for the purpose of seeing that they comply with the provisions of this Chapter. (Ord. #7/2/74, §2-1.05; Ord. #83-1)

8-1.7 Fees.

All applications for building permits shall be accompanied by a fee to be paid in advance to the Town Clerk-Treasurer. Such fees shall be determined and established from time to time by Resolution of the Town Council. In addition to the fees required to be paid to the Town, applicants will be required to pay fees required by Cecil County for building permits issued by it. (Ord. #7/2/74, §2-1.06; Ord.#83-1)

8-1.8 Duties of Clerk-Treasurer.

The Town Clerk-Treasurer shall collect from all applicants the required fees as set by resolution of the Town Council, but in the event that a permit is denied either by the Building Inspector or by the Zoning Inspector of Cecil County, then such fees shall be returned to the applicant upon request thereof. The Clerk-Treasurer shall additionally keep on file copies of all applications and the same be open for public inspection. (Ord. #7/2/74, §2-1.07; Ord.#83-1)

8-1.9 Penalties.

Any person convicted of a violation of any prohibited act or of the failure to do any act required by any provision or Section of this Chapter, or of any Resolution thereunder, shall be punished by a fine not to exceed five hundred (\$500.00) dollars or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment in the discretion of the court. Each day any violation of any provision of this Section or of any such Ordinance, resolution, rule, regulation or order shall continue shall constitute a separate offense. (Ord. #7/1174, §2-1.08; Ord. #83-1)

8-2 SUB-STANDARD BUILDINGS.

8-2.1 Dangerous Building Defined.

As used in this Chapter:

Any building or dwelling that has become so dilapidated, decayed, unsafe, unsanitary or so damaged as to become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the Town of Port Deposit or which is in violation of any provisions of the building, fire, housing, public health or other codes or ordinances adopted by the Mayor and Council shall be deemed a "dangerous" building or dwelling. (Ord. #7/2/74, §2-2.01)

8-2.2 Inspection of Buildings.

- a. The Mayor and Council shall inspect or cause to be inspected all public buildings, schools, churches, theaters, hotels, halls, commercial, manufacturing or other buildings whatever description within the Town for the purpose of determining whether any condition exists which renders such places "dangerous" as that word is defined in this Section.
- b. The Mayor and Council shall inspect any building wall or structure about which complaints are filed by any person, to the effect that it is or may be in violation of this Chapter. (Ord. #7/2/74, §2-202)

8-2.3 Duties of the Mayor and Council.

Whenever the Mayor and Council shall determine that any building or structure, etc., is in a dangerous or unsafe condition as defined in this chapter, the Mayor and Council shall:

- a. Notify the owner or occupant, lessee, mortgagee or agent, or any other person having an interest in the building that the building or part thereof has been found to be dangerous or unsafe condition; and that 1. The owner or person having an interest in the building must vacate or 2. Repair or 3. Demolish the building in accordance with the terms of the notice provided for in this Section.
- b. Provided, that any person notified under this Section to repair, vacate or demolish any

building, etc., shall be given such reasonable time, not to exceed sixty (60) days, as are necessary to do so, or have done the work or act required by the notice provided for herein.

- c. An official notice of the Town Council shall be conspicuously affixed to the dangerous building between the period of the Town Council's action and the repair of the building or structure. (Ord. #712174, §2-2.03)

8-2.4 Emergency Situation.

In those cases when it reasonably appears that there is immediate danger to life or safety of any person unless the dangerous building, as defined herein, is immediately repaired or vacated or demolished, the Town Council, upon learning of such dangerous condition, shall order the immediate repair, evacuation or demolition of the structure, and the cost of such repair, demolition, etc., shall be collected as the Town Council shall prescribe. (Ord. #7/2/74, §2-2.04)

8-2.5 Public Hearings.

Any owner, agent, occupant or person having an interest in any building or dwelling, etc. which the Council has found to be in a dangerous condition shall be entitled to a public hearing to resolve any dispute arising out of or involving the necessity to comply with the orders or notice of the Town Council. Provided, that the person having an interest in the building, shall serve his request for a hearing upon the Town Clerk, in writing, within five (5) calendar days after notice that the building or structure has been found to be dangerous or in an unsafe condition by the Mayor and Council.

The Town Council shall fix a hearing date following the receipt of a request for a public hearing, and shall alert, rescind or reaffirm its order or notice as it shall determine at the conclusion of any public hearing held for this purpose. Its decision shall thereafter become final, subject to appeal to a court of competent jurisdiction by the aggrieved party in interest. (Ord. #7/2/74, §2-2.05)

8-2.6 Penalties.

Any person who shall violate any provision of this Section, or any provision of any rule or regulation adopted by the Mayor and Council pursuant to authority granted by this Article, shall upon conviction be punished by a fine of not less than five (\$5.00) or more than one hundred (\$100.00) dollars or by imprisonment for not less than one (1) day or more than ten (10) days; and each day's failure to comply with any such provision shall constitute a separate violation. (Ord. #7/2/74, §2-2.05)

8-3 HOUSING CODES.¹

8-3.1 Minimum Standards for Basic Equipment and Facilities.

No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living, sleeping, cooking, or eating therein, which does not comply with the following requirements:

- a. Every dwelling unit shall contain a kitchen sink in good working condition and properly connected to a water and sewer, system approved by the Mayor and Council.
- b. Every dwelling unit (except as otherwise permitted under paragraph d. of this subsection) shall contain a room which affords privacy to a person within the room and which is equipped with a flush. water closet and a lavatory basin in good working condition and properly connected to a water and sewer system approved by the Mayor and Council.
- c. Every dwelling unit (except as otherwise permitted under paragraph d. of this subsection) shall contain, within a room which affords privacy to a person within the room, a bathtub or shower in good working condition and properly connected to a water and sewer system approved by the Mayor and Council.
- d. The occupants of not more than two (2) dwelling units may share a single flush water closet, a single lavatory basin, and a single bathtub or shower if:
 1. Neither of the two (2) dwelling units contains more than two (2) rooms; provided that, for the purposes of this paragraph, a kitchenette or an efficiency kitchen with not more than sixty (60) square feet of floor area shall not be counted as a room; and that
 2. The habitable area of each of such dwelling units shall equal not more than two hundred and fifty (250) square feet of floor area; and that
 3. Such water closet, lavatory basin, and bathtub or shower shall be in good working condition and properly connected to a water and sewer system approved by the Mayor and Council.
- e. Every kitchen sink, lavatory basin, and bathtub or shower required under the provisions of paragraph a., b., c., and d. of this subsection shall be properly connected with both hot and cold water lines.
- f. Every dwelling unit shall be supplied with adequate rubbish storage facilities, type and location of which are approved by the Mayor and Council.
- g. Every dwelling unit shall have adequate garbage disposal facilities or garbage storage containers, type and lotion of which are approved by the Mayor and Council.
- h. Every dwelling unit shall have supplied water-heating facilities which are properly installed, and maintained in safe and good working condition, and properly connected with the hot water lines required. under the provisions of paragraph e. of

this subsection and are capable of heating water to such temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower.

- i. Every dwelling unit shall have safe, unobstructed means of egress leading to safe and open space at ground level, as required by the laws of Port Deposit. (Ord. #7/2/74, §2-3.01)

8-3.2 Minimum Standards for Light, Ventilation and Heating.

No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

- a. Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window area, measured between stops, for every habitable room shall be ten (10%) percent of the floor area of such room. Whenever walls or other portions of structures face a window of any such room and sun light-obstruction structures are located less than three (3') feet from the window and extend to a level above that of the ceiling of the rooms, such windows shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight-type window in the top of such room, the total window area of such skylight shall equal at least fifteen (15%) percent of the total floor area of such room.
- b. Every habitable room shall have at least one window or skylight which can easily be opened, or such other device as will adequately ventilate the room.
- c. Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms contained in paragraphs a. and b., except that no window or skylight shall be required in adequately ventilated bathrooms and water closet compartments equipped with a ventilation system which is kept in continuous operation and approved by the Town.
- d. Where there is electric service available from power lines which are not more than three hundred (300') feet away from a dwelling, every habitable room of such dwelling shall contain at least two (2) separate floor or wall-type electric convenience outlets, or one such convenience outlet and one supplied ceiling-type electric light fixture; and every water closet compartment, bathroom, laundry room, furnace room, and public hall shall contain at least one supplied ceiling or wall-type electric light fixture. Every such outlet and fixture shall be properly installed, shall be maintained in good and safe working condition, and shall be connected to the source of electric power in a safe manner.
- e. Every dwelling shall have heating facilities which are properly installed, and

maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms, bathrooms, and water closet compartments in every dwelling unit located therein to a temperature of at least seventy (70°F) degrees Fahrenheit, at a distance three (3') feet above floor level, under ordinary minimum winter conditions.

- f. Every public hall and stairway in every multiple dwelling containing five (5) or more dwelling units shall be adequately lighted at all times. Every public hall and stairway in structures devoted solely to dwelling occupancy and containing not more than four (4) dwelling units may be supplied with conveniently located light switches, controlling an adequate lighting system which may be turned on when needed, instead of full-time lighting.
- g. During that portion of each year when the Mayor and Council deems it necessary for protection against mosquitoes, flies, and other insects, every door opening directly from a dwelling unit to outdoor space shall have supplied screens and a self-closing device; and every window or other device with openings to outdoor space, used or intended to be used for ventilation shall likewise be supplied with screens; provided that such screen shall not be required during such period in rooms deemed by the Mayor and Council to be located high enough in the upper stories of buildings as to be free from such insects, and in rooms located in areas of the Town which are deemed by the Mayor and Council to have so few insects as to render screens unnecessary.
- h. Every basement or cellar window used or intended to be used for ventilation, and every other opening to a basement which might provide an entry for rodents, shall be supplied with a screen or other device as will effectively prevent their entrance. (Ord. #7/2/74, §2-3.02)

8-3.3 General Requirements for Safe and Sanitary Maintenance.

No person shall occupy as owner-occupancy or let to another for occupancy any dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

- a. Every foundation, floor, wall, ceiling, and roof shall be reasonably weather tight, watertight, and rodent proof; shall be capable of affording privacy and shall be kept in good repair.
- b. Every window, exterior door, and basement hatchway shall be reasonably weather tight, watertight, and rodent proof; and shall be kept in sound working condition and good repair.
- c. Every inside and outside stair, every porch and every appurtenance thereto shall be so constructed as to be safe to use and capable of support in the load that normal use may cause to be placed thereon; and shall be kept in sound condition and good repair.
- d. Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition, free from defects, leaks, and

obstructions.

- e. Every water closet compartment floor surface and bathroom floor surface shall be constructed and maintained so as to be reasonable impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.
- f. Every supplied facility, piece of equipment, or utility which is required under this Section shall be so constructed or installed that it will function safely and effectively, and shall be maintained in satisfactory working condition.
- g. No owner, operator, or occupant shall cause any service, facility, equipment, or utility which is required under this Section to be removed from or shut off from or discontinued for any occupied dwelling let or occupied by him, except for such temporary interruptions as may be necessary while actual repairs or alterations are in progress, or during temporary emergencies when discontinuance of service is approved by the Mayor and Council.
- h. No owner shall occupy or let any other occupant any vacant dwelling unit unless it is clean, sanitary, and fit for human occupancy. (Ord. #7/2/74, §2-3.03)

8-3.4 Minimum Space, Use, and Location Requirements.

No person shall occupy or let to another for occupancy any dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

- a. Every dwelling unit shall contain at least one hundred fifty (150) square feet of floor space for the first occupant thereof and at least one hundred (100) additional square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room area.
- b. In every dwelling unit of two (2) or more rooms, every nook occupied for sleeping purposes by one occupant shall contain at least seventy (70) square feet.
- c. No dwelling or dwelling unit containing two (2) or more sleeping rooms shall have such room arrangements that access to a bathroom or water closet compartment intended for use by occupants of more than one sleeping room can be had only by going through another sleeping room; nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom or water closet compartment.
- d. At least one-half (1/2) of the floor area of every habitable room shall have a ceiling height of at least seven (7') feet; and the floor area of that part of any room where the ceiling height is less than five (5') feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.
- e. No cellar space shall be used as a habitable room or dwelling unit.
- f. No basement space shall be used as a habitable room or dwelling unit unless:

1. The floor and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness.
2. The total of window area in each room is equal to at least the minimum window area sizes as required in subsection 8-3.2.
3. Such required minimum window area is located entirely above the grade of the ground adjoining such window area. (Ord. #7/2/74, §2-3.04)

8-3.5 Responsibilities of Owners and Occupants.

- a. Every owner of a dwelling containing two (2) or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.
- b. Every occupant of a dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit and premises thereof which the occupant occupies and controls.
- c. Every occupant of a dwelling or dwelling unit shall dispose of all his or her rubbish in a clean and sanitary manner by placing it in the rubbish containers required by subsection 8-3.1.
- d. Every occupant of a dwelling or dwelling unit shall dispose of all his garbage and any other organic waste which might provide food for rodents, in a clean and sanitary manner, by placing it in the garbage disposal facilities or garbage storage containers required by this Section. It shall be the responsibility of the owner to supply such facilities or containers for all dwelling units in a dwelling containing more than four (4) dwelling units and for all dwelling units located on premises where more than four (4) dwelling units share the same premises. In all other cases it shall be the responsibility of the occupant to furnish such facilities or containers.
- e. Every occupant of a dwelling or dwelling unit shall be responsible for hanging all screens and double or storm doors and windows whenever the same are required under the provisions of this Section or any rule or regulation adopted pursuant thereto, except where the owner has agreed to supply such service.
- f. Every occupant for a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Notwithstanding the foregoing provisions of this paragraph, whenever infestation is caused by failure of the owner to maintain a dwelling in a rat proof or reasonably insect proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two (2) or more of the dwelling

units in any dwelling, or in the shared public parts of any dwelling units, extermination thereof shall be the responsibility of the owner.

- g. Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof (Ord. #7/2/74, §2-3.05)

8-3.6 Designations of Unfit Dwellings and Legal Procedure of Condemnation.

The designation of dwellings or dwelling units as unfit for human habitation and the procedure for the condemnation and placarding of such unfit dwellings or dwelling units shall be carried out in compliance with the following requirements:

- a. Any dwelling or dwelling unit which shall be found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and placarded by the Mayor and Council.
 - 1. One which is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-infested that it creates a serious hazard to the health or safety of the occupants or of the public.
 - 2. One which lacks illumination, ventilation, or sanitation facilities adequate to protect the health or safety of the occupants or of the public.
 - 3. One which because of its general condition or location is unsanitary, or otherwise dangerous to the health or safety of the occupants or of the public.
- b. Any dwelling or dwelling unit condemned as unfit for human habitation, and so designated and placarded by the Mayor and Council shall be vacated within a reasonable time as ordered by the Mayor and Council.
- c. No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by, the Mayor and Council. The Mayor and Council shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated.
- d. No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation and placarded as such.
- e. Any person affected by any notice of order related to the condemning and placarding of a dwelling or dwelling unit as unfit for human habitation may request and shall be granted a hearing on the matter before the Mayor and Council. (Ord. #7/2/74, §2-3.06)

8-3.7 Penalties.

Any person who shall violate any provisions of this Section, or any provision of any rule or regulation adopted by the Mayor and Council pursuant to authority granted by this Section, shall upon conviction be punished by a fine of not less than five (\$5.00)

dollars or more than one hundred (\$100.00) dollars or by imprisonment for not less than one (1) day or more than ten (10) days; and each day's failure to comply with any such provision shall constitute a separate violation. (Ord. #7/2/74, §2-3.07)

8-4 LANDLORDS' DUTY FOR SNOW REMOVAL.

8-4.1 Definition. As used in this Section:

Common areas. Common areas shall include all areas used by more than one unit for ingress, egress and regress to the unit, including but not limited to sidewalks, driveways, and parking areas. (Ord. #83-5, §1)

8-4.2 Snow Removal.

Landlords shall remove or cause to be removed all snow from common areas of his leased property within ten (10) hours after it has ceased falling, unless the same shall fall between the hours of 5:00 p.m. and 7:00 a.m., in which case it shall be removed before 6:00 p.m. the same day, however, in the event that snow and ice on any common area has become so hard that it cannot be removed without the likelihood of damage to the common area, the person charged with its removal shall, within the time hereinbefore mentioned, cause enough salt or some comparable substance to be put on the common area to make travel thereon reasonably safe and then shall, as soon thereafter as weather permits, cause the snow to be removed and thoroughly cleaned. (Ord. #83-5, §2)

8-4.3 Applicability.

This Section shall apply to all landlords who offer more than four (4) dwelling units for rental on one parcel of property or at one location. (Ord. #83-5, §3)

8-4.4 Penalties.

Any person violating any of the provisions of this Section shall be guilty of a misdemeanor and punished by a fine not to exceed five hundred (\$500.00) dollars or imprisonment for more than ninety (90) days, or both, such fine and imprisonment at the discretion of the Court. Each day's failure to comply with any provision of this Section is constituted as a separate violation. (Ord. #83-5, §4)

8-5 SLUM AND BLIGHT AREA

The Town defines an area of slum and blight as a targeted area with twenty-five (25%) of buildings or public improvements in a state of deterioration and/or neglect. The percent of public facilities is a combination of all facilities. An area must meet at least one (1) of the following:

- a. An area visually demonstrates objectively determinable signs of physical deterioration and/or dilapidated buildings. At least one-fourth (1/4) of all the buildings in the area must be in a state of deterioration and/or neglect. One indicator of deterioration and neglect is a history of long-term vacancy or

or limited use over a long term period of structure. Physical deterioration of buildings/structures includes but is not limited to:

loosened brick joints; peeling paint; broken windows; cracked walls and foundations; lack of adequate fire exits; faulty or non-existing smoke detectors; structural flaws; unsafe porches or steps; rotted or malfunctioning rain gutters; broken, loosened, or lacking exterior siding; rotted wood soffit or sill plates; missing roof shingles; sagging roof structures; and other fire safety hazards in violation of federal, state and local laws, including the BOCA Building Code and Livability Code administered by Cecil County which is in local ordinance (Chapter VIII Sec. 8-1).

Fire and safety hazards will include:

old wiring in which the exterior casing is frayed, cracked and missing, creating exposed areas of wires; disconnected and derelict power cable and meter boxes left attached to buildings; and poorly secured or unsecured power cables.

- b. Public improvements throughout the area are in a general state of deterioration or are found to be substandard. Deterioration of public facilities includes:

cracked, broken and nonexistent sidewalks and curbs; oversized sidewalks which are inconsistent in size and create small congested traffic lanes; streetlights and utility poles which are poorly located and do not provide adequate lighting for pedestrians; utility poles out of plumb and located in a way so as to obstruct pedestrians and vehicle traffic. An accumulation of overhead utility wires which through its mass creates a visual blight on the streetscape; substandard water and sewer facilities, including water lines not at proper depth; and any fire and safety hazards in violations of federal, state and local laws.

The boundaries for any targeted area must be established by the Mayor and Council of the Town of Port Deposit. An investigative survey of the targeted area shall be made by qualified officials to determine and document if sufficient evidence of deterioration exists to confirm a finding of slum and blight conditions. Corrective activities to relieve slum and blight in targeted areas will be developed and pursued by the Mayor and Council of the Town.

Also, this ordinance further defines/supplements/compliments Cecil County's most recent ordinance or resolution concerning area or areas of slum and blight as related to the tract of land formerly known as the Bainbridge Naval Training Center/Base. (Ord. #92-2)

CHAPTER IX

HOUSE TRAILERS AND TRAILER CAMPS

9-1 PERMITS AND LICENSES.

9-1.1 Permit Required.

It shall be required of any person to make application to the Mayor and Council for a permit to occupy any house trailer as a place of abode except in a designated house trailer camp site within the corporate limits of the Town. provided that the house trailer may be permitted outside of a trailer camp site under properly secured permits as may be provided for by rules and regulations adopted by the Town Council.

9-1.2 Location of Trailers - Parking.

- a. It shall be unlawful for any person to park any house trailer on any street, alley or highway or other public place, or on any land owned by any person, occupied or unoccupied, within the corporate limits of the Town except as provided hereinafter by this Chapter.
- b. Emergency or temporary parking on any street, alley or highway within the corporate limits of the Town is permitted for such period of time as is reasonable and necessary to make such repairs, adjustments or alterations in order to safely move or transport the house trailer to an authorized area as otherwise provided in this Chapter.
(Ord. #7/2/74, §3-1.02)

9-1.3 Occupancy of House Trailers.

No person shall occupy either temporarily or permanently any trailer as a place of abode or shelter on any lot or space other than on a trailer camp site unless:

- a. There be a minimum of twenty thousand {20,000} square feet of land space on which the trailer is to be parked;
- b. Health and sanitary precautions have been taken which shall include, although not limited to, proper connection and utilization of the Town's water systems;
- c. The trailer and the persons occupying the same are able to make use of such temporary systems of water and sewer on board the house trailer which are in good operating order, and such utilization of the temporary systems is not a hazard to the health and welfare of the occupants of the trailer or the Town. (Ord. #7/2/74, §3-1.04)

9-1.4 Trailer Camps.

No person shall operate a house trailer or camp trailer site within the corporate limits of the Town without first obtaining a license to conduct such a business. A business license shall not be issued for such a business where the site has not been provided and equipped with Town water and sewer facilities, which are available to all camp occupants. (Ord. #7/2/74, §3-1.04)

9-1.5 Penalty.

Any person who shall violate any provision of this Chapter, or any provision of any rule or regulation adopted by the Mayor and Council pursuant to authority granted by this Chapter, shall upon conviction be punished by a fine of not less than five (\$5.00) dollars or more than one hundred (\$100.00) dollars or by imprisonment for not less than one day or more than ten (10) days; and each day's failure to comply with any such provisions shall constitute a separate violation. (Ord. #712/74, §3-1.05)

CHAPTER X

SANITATION

10-1 TRASH CONTAINERS

10-1.1 Placement.

No trash containers or other garbage, refuse, or rubbish shall be placed on any public sidewalks or in open view from persons on a nearby highway except on designated pickup days as shall be designated by resolution from time to time by the Mayor and Council for the Town, provided, however, it shall be permissible to place trash containers or other garbage, refuse or rubbish on the public sidewalks or in open view from persons on a nearby highway for collection after sunset on the day preceding any designated collection day. (Ord. #83-6, §1)

10-1.2 Approved Containers.

All garbage, refuse or rubbish shall be placed in watertight, durable, metal or plastic containers provided with covers. No container or receptacle or refuse shall exceed fifty (50) pounds in weight. (Ord. #83-6, §2)

10-1.3 Penalties

Any person violating any of the provisions of this Section shall be guilty of a misdemeanor and punished by a fine not to exceed five-hundred (\$500.00) dollars or imprisonment for not more than ninety (90) days, or both such fine and imprisonment at the discretion of the Court. Each day's failure to comply with any provisions of this Section is constituted as a separate violation. (Ord. #83-6, §3)

10-2 TRASH FEES

10-2.1

The commissioners shall collect a trash collection fee from every resident and business except those located on Rowland Drive with the Town at a rate determined by the Commissioners. Said fee shall be included in the water and sewer bills of the Town. Each apartment within a building shall be considered a separate residence for the purpose of assessing this charge. Each building housed by a business shall be considered a separate business when assessing this charge. When a business is conducted in a residence as a home occupation pursuant to the Port Deposit Zoning Ordinance, the trash collection fee for said property shall be based upon the fee or rate charged to businesses in the Town.

10-2.2 Fee Liability

The owner of each property in the Town shall be liable for the trash collection fee assessed to his property. Said fee shall operate as a lien against said property from the time it is assessed until the time it is paid and collectable in the same manner as provided in Section 15-1.5 of the Town's Code of Ordinances.

10-2.3 Current Fee

The present charge for trash collection shall be eighteen (\$18.00) dollars per quarter per unit. The Commissioners shall raise or lower the trash collection fee as they see fit by Resolution. (Ord. #96-3, § 10-2)

CHAPTER XI

PROPERTY MAINTENANCE

11-1 GENERAL REGULATIONS FOR DWELLINGS AND PUBLIC BUILDINGS .

11-1.1 Purpose.

The purpose of this Section is to require that dwellings and public buildings be kept clean and free from dirt, filth, rubbish, garbage and similar matter, that they be kept free from vermin and rodent infestation, and be kept in such repair as to be fit for human habitation, and to provide for the removal of snow on sidewalks by the owners or occupants of abutting property and to provide for the control of weeds on vacant lots or other properties within the Town and to authorize the Mayor and Council to issue orders compelling compliance with the provisions hereof and to correct such conditions at the expense of the property occupants or owners or owners of properties upon which violations occur. (Ord. #7/2/744, §5.100)

11-1.2 Applicability.

- a. Whenever any person or persons shall be in actual possession of or have charge, care or control of any property within the Town as executor, administrator, trustee, guardian or agent, such person shall be deemed and taken to be the owner or owners of such property within the intent and meaning of this Section and shall be bound to comply with the provisions of this Section to the same extent as the owner, and notice to any such person, of any order or decision of the Mayor and Council shall be deemed and taken to be a good and sufficient notice as if such person or persons were actually the owner or owners of such property.
- b. The rules and regulations set forth in this Section shall govern the erection¹, construction and maintenance of all structures within the Town used for human habitation as well as for use by and for the general public, including religious, fraternal or charitable institutions. (Ord. #7/2/74, §5-1.01)

11-1.3 Definitions.

When used in these regulations:

dwelling shall mean any house or building or portion thereof which is occupied in whole or in part as a home, residence or sleeping place of one or more human beings. either permanently or transiently.

dwelling unit shall mean a room or group of rooms intended to be occupied by one family or household as their home and where they sleep.

public building shall mean any structure or building which is used by or for the convenience of the general public. (Ord. #7/2/74, §5-1.03)

11 1.4 Authority and Enforcement.

The Mayor and Council is hereby authorized and empowered to make and adopt such rules and regulations as they may deem proper and necessary for the enforcement of this Section for the better production of the health of the-Town under authority granted by this Section. (Ord. #7/2/74, §5-1.03)

11 1.5 Notice of Violation; Hearing; Order of Vacation.

- a. Whenever the violation of any of the foregoing rules shall continue for a period of fifteen (15) days the Town may notify the owner of the premises wherein such violation occurs that he has been advised of such violation and that a hearing will be held at a time and place stated in the notice by the Mayor and Council not less than five (5) days thereafter, at which time the owner may be heard and if, upon the hearing, the Mayor and Council is satisfied that such violation exists it may thereupon order the condition to be abated and unless the owner of the property makes the necessary changes so as to comply with the rules and regulations the Mayor and Council shall have the right to cause the building to be vacated and to remain vacated until the rules have been complied with.
- b. Whenever it shall be found by the Mayor and Council that a dwelling or building is unfit for human habitation or use because it is dangerous to life or health by reason of want of repair, if defects in the drainage, plumbing, lighting, ventilation or the construction of same, or by reason of the existence on the premises of any condition likely to cause sickness or injury among the occupants of the dwelling, or for any other causes affecting the public health, the Mayor and Council may issue an order requiring such dwelling or public building to be vacated after the expiration of fifteen (15) days from the date that the order was served on the owner or occupant and he has been given an opportunity to be heard. A copy of such order shall be sent to the owner of the property, or his agent, if named and address, on diligent search can be ascertained. The dwelling so ordered to be vacated shall not again be occupied until a written statement shall have been secured from the Mayor and Council showing that the dwelling has been made to comply with this or any other existing law and has been made fit for occupancy. (Ord. #7/2/74, §5-1.04)

11-1.6 Dwellings, Buildings, Yards and Lots to Be Kept Clean.

Every dwelling or building within the corporate limits and every part thereof shall be kept so clean and free from any accumulation of dirt, filth, rubbish, garbage or similar matter as not to be a danger to the health of any occupant thereof, and shall be kept free from vermin

and rodent infestation. All yards, lawns and vacant lots shall be similarly kept clean and free from weeds exceeding twelve (12") inches in height. It shall be the duty of each occupant or owner of a dwelling or public building unit to keep in a clean condition that portion of the property which he occupies or over-which he has exclusive control. If the occupant or owner shall fail to keep his portion of the property clean as above provided the Mayor and Council may send a written notice to such occupant or owner requesting him to remedy said condition within the time specified in the notice, the time not to be less than three (3) days. Failure of such occupant or owner to comply with such notice within such time shall be deemed a violation of this Section, and, upon conviction, such occupant or owner shall be subject to the penalty or penalties herein provided. (Ord. #7/2/74, §5-1.05)

11-1.7 Danger to Life and Health to be Abated

Whenever any dwelling or any building, structure, excavation matter, condition or thing in or about a dwelling or public building or lot on which it is situated or the plumbing, sewerage, drainage, light or ventilation thereof is found by the Mayor and Council to be dangerous or detrimental to life or health, the Mayor and Council may order that matter, condition, or thing, be removed, abated, suspended, altered or otherwise improved, as the order shall specify. If any such order of the Mayor and Council issued under the authority of the provisions of this subsection is not complied with within three (3) days after the service thereof, then such order may be executed by the Mayor and Council through its officers, agents, employees or contractors, and the expense incurred incident to the execution of the order shall be paid by the owner of the property, and such expense may be recovered by the Mayor and Council by appropriate legal action or the Mayor and Council may order such premises vacated until such premises shall be made to comply with the conditions of this Section. Before proceeding to execute such order, a copy of such notice shall be sent to the owner of the property, or his agent, if names and addresses on diligent search can be ascertained, and such notice shall be posted on the premises at least three (3) days before Mayor and Council proceed to incur such expenses, unless the condition is of such character as to require immediate action, in which case the time of the notice shall be such as, in the judgment of the Mayor and Council is reasonable and proper. (Ord. #7/2/74, §5-1.06)

11-1.8 Penalties.

- a. Any person violating any of the provisions of this Section, or any lawful order or regulation made and adopted by the Mayor and Council in pursuance thereof, shall be guilty of a misdemeanor and shall be subject to a fine not exceeding one hundred (\$100.00) dollars and each day's violation shall constitute a separate offense, and may be imprisoned in the county jail of Cecil County for not to exceed thirty (30) days, or until such fine and costs be paid.
- b. **Failure to Comply with Notice, Town May Remove and Clean, Charges, Lien**

on Property. In addition to any penalties contained herein, any occupant and/or owner who fails to obey, after notice, any condition in violation of this Section, the Town may, at its option, cause the violation to be corrected at the expense of the owner and/or occupant of the property. Whenever it becomes necessary to collect by legal proceeding the costs incurred under this subsection then the same may be collected from the owner and/or occupant by the tax collector of the Town in the same manner as the County taxes of Cecil County are now collected, provided, however, that the Town may direct the same to be collected by suit of law. Any unpaid charges incurred hereunder shall be liens upon the property. (Ord. #7/2/74, §5-1.07; Ord. #83-4)

CHAPTER XII

FIRE PREVENTION

12-1 FIRE PREVENTION CODE.

12-1.1 Adoption by Reference.

There is hereby adopted by the Mayor and Council for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Fire Prevention Code, Abbreviated Edition, recommended by the National Board of Fire Underwriters, being particularly the 1956 edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended (by ordinance), of which code not less than three (3) copies have been and now are filed in the office of the Clerk the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this ordinance, shall be controlling within the limits of the Town of Port Deposit. (Ord. #7/2/74, §2-401)

12-2 Fire Regulations.

12-2.1 Open Fires; Burning Trash.

No fuel, shaving, waste-paper, trash or other combustible matter shall be burned in the open within the Town Limits, unless in the daytime, and at a distance of at least twenty-five (25') feet from any building or other structure, not at a distance of less than fifteen (15') feet from any fence, except the same be burned in a wire cage, provided, no such matter shall be burned in streets, avenues, or alleys at any time. All fire shall be extinguished before sundown; by the person or persons making the same who shall be held responsible for any damage resulting therefrom. (Ord. #7/2/74, §2-4.02)

12-2.2 False Alarms or Removing Fire Equipment.

It shall be unlawful for any person to knowingly give a false alarm or remove any fire apparatus or equipment belonging to the Town or the Fire Department of Port Deposit from its proper place except in the case of fire or other public necessity . (Ord. #7/2/74, §2-4.03)

12-2.3 Fire Extinguishers Required.

Every person engaged in conducting a hotel, boarding-house, rooming-house , restaurant or other business and the owner of every building within the Town where inflammable oil or other explosives are stored are required to keep and maintain on the premises a suitable fire extinguisher. (Ord. #7/2/74, §2-4.04)

12-2.4 Public Garages and Repair Shops to be Fireproof.

All public garages and repair shops within the Town shall be fireproof. All private garages or other store rooms under any building used for human habitation wherein any motor or engine propelled by gasoline, coal-oil or other combustible material is kept shall be fireproof (Ord. #7/2/74, §2-4.052)

12-2.5 Penalty.

Any person or persons, guilty of violating any of the provisions of this Section or failing to comply with the requirements thereof shall where no other penalty is prescribed, upon conviction be fined for each offense not more than one hundred (\$100.00) dollars and in default of payment thereof be imprisoned in the county jail not more than twenty-five (25) days. (Ord. #7/2/74, §2-4.06)

CHAPTER XIII

RESERVED

CHAPTER XIV

STORMWATER MANAGEMENT

NOTE: All Stormwater Management Plans are reviewed and approved by the Cecil County Department of Public Works Stormwater Management Division.

14-1 GENERAL PROVISIONS.

14-1.1 Purpose; Authority; Enforcement.

The purpose of this Chapter is to protect, maintain, and enhance the public health, safety, and general welfare by establishing minimum requirements and procedures to control the adverse impacts associated with increased stormwater runoff. Proper management of stormwater runoff will minimize damage to public and private property, reduce local flooding, and maintain after development, as nearly as possible, the pre-development runoff characteristics.

The provisions of this Chapter pursuant to §8-11A-02 Natural Resources Article, Annotated Code of Maryland, 1983 replacement volume are adopted under the authority of the Cecil County Government and shall apply to all development occurring within the un-incorporated area of Cecil County. The application of the Chapter and the provisions expressed herein shall be the minimum stormwater management requirements and shall not be deemed a limitation or repeal of any other powers granted by State statute. The Cecil County Department of Public Works shall be responsible for the coordination and enforcement of the provisions of this Chapter. (Ord. #85-2, §I)

14-1.2 Definitions.

As used in this Chapter:

Adverse impact shall mean any deleterious effect on waters or wetlands, including their quality, quantity, surface area, species composition, aesthetics or usefulness for human or natural uses which are or may potentially be harmful or injurious to human health, welfare, safety, or property, to biological productivity, diversity, or stability or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

Agricultural land management practices shall mean 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 shall mean any person, firm, or governmental agency who executes the necessary forms to procure official approval of a project or a permit to carry out

construction of a project.

Aquifer shall mean a porous water-bearing geologic formation generally restricted to materials capable of yielding an appreciable supply of water.

Clearing shall mean the removal of trees and brush from the land but shall not include the ordinary mowing of grass.

Detention structure shall mean a permanent structure for the temporary storage of runoff which is designed so as not to create a permanent pool of water.

Develop land shall mean to change the runoff characteristics of a parcel of land in conjunction with residential, commercial, industrial, or institutional construction or alteration.

Drainage area shall mean that area contributing runoff to a single point measured in a horizontal plane, which is enclosed by a ridge line.

Easement shall mean a grant or reservation by the owner of land for the use of such land by others for a specific purpose or purposes, and which must be included in the conveyance of land affected by such easement.

Exemption shall mean those land development activities that are not subject to the stormwater management requirements contained in this Chapter.

Flow attenuation shall mean prolonging the flow time of runoff to reduce the peak discharge.

Grading shall mean any act by which soil is cleared, stripped, stockpiled, excavated, scarified, filled, or any combination thereof.

Infiltration shall mean the passage or movement of water into the soil surface.

Off-site stormwater management shall mean the design and construction of a facility necessary to control stormwater from more than one (1) development.

On-site stormwater management shall mean the design and construction of systems necessary to control stormwater within an immediate development.

Porous paving shall mean an open graded asphaltic or reticular concrete or other material which allows water to pass through it.

Retention structure shall mean a permanent structure that provides for the storage or runoff by means of a permanent pool of water.

Sediment shall mean soils or other surficial materials transported or deposited by the action of wind, water, ice, or gravity as a product of erosion.

Site shall mean any tract, lot, parcel of land or combination of tracts, lots, or parcels of land which are in one ownership, or are contiguous and in diverse ownership where development is to be performed as part of a unit, subdivision, or project.

Stabilization shall mean the prevention of soil movement by any of various vegetative and/or structural means.

Stormwater management shall mean:

- a. For quantitative control, a system of vegetative and structural measures that control the increased volume and rate of surface runoff caused by manmade changes to the land; and
- b. For qualitative control, a system of vegetative, structural, and other measures that reduce or eliminate pollutants that might otherwise be carried by surface runoff.

Stormwater Management Committee shall consist of one voting representative of the Cecil Soil Conservation District, the Cecil County Department of Public Works and the Cecil County Department of Planning and Economic Development for areas outside of incorporated towns; and for areas inside of corporate limits of participating towns, it shall consist of one voting representative of the Cecil Soil Conservation District, the Cecil County Department of Public Works and the affected Town.

Stormwater Management Plan shall mean a set of drawings or other documents submitted by a person as a prerequisite to obtaining a stormwater management approval, which contains all of the information and specifications pertaining to stormwater management.

Stripping shall mean any activity which removes the vegetative surface cover including tree removal, clearing, grubbing, and storage or removal of topsoil.

Variance shall mean the modification of the minimum stormwater management requirements for specific circumstances such that strict adherence of the requirements would result in unnecessary hardship and not fulfill the intent of the Chapter.

Waiver shall mean the relinquishment from stormwater management requirements by the Cecil County Department of Public Works on a case-by-case review basis.

Watercourse shall mean any natural or artificial stream, river, creek, ditch, channel,

canal, conduit, culvert, drain, waterway, gully, ravine, or wash in and including any area adjacent thereto which is subject to inundation by reason of overflow or flood water.

Watershed shall mean the total drainage area contributing runoff to a single point.

Wetlands shall mean an area that has saturated soils or periodic high groundwater levels and vegetation adapted to wet conditions and periodic flooding.
(Ord. #85-2, §3. I)

14-1.3 Applicability.

No person shall develop any land for residential, commercial, industrial, or institutional uses without having provided for appropriate stormwater management measures that control or manage runoff from such developments, except as provided within this Chapter. (Ord. #85-2, §3. I)

14-1.4 Exemptions.

The following development activities are exempt from the provisions of this Chapter and the requirements of providing stormwater management:

- a. Agricultural land management activities;
- b. Additions or modifications to existing single-family detached residential structures;
- c. Developments that do not disturb over five thousand (5,000) square feet of land area;
- d. Land development activities which the Water Resources Administration determined will be regulated under specific State laws which provide for managing stormwater runoff; or
- e. Residential developments consisting of single-family houses, each on a lot of two (2) acres or greater. (Ord. #85-2, §3.2)

14-1.5 Waivers.

The Stormwater Management Committee may grant a waiver of the stormwater management requirements for individual developments provided that a written request is submitted by the applicant containing descriptions, drawings, and any other information that is necessary to evaluate the proposed development. A separate

written waiver request shall be required in accordance with the provisions of this subsection if there are subsequent additions, extensions, or modifications to a development receiving a waiver. Eligibility for a waiver shall be determined if the applicant can conclusively demonstrate to a majority of the Stormwater Management Committee that:

- a. The proposed development will not generate more than a ten (10%) percent increase in the two (2) year pre-development peak discharge rate and will not cause an adverse impact on the receiving wetland, watercourse, or waterbody; or
- b. A site is completely surrounded by existing developed areas which are served by an existing network of public storm drainage systems of adequate capacity to accommodate the runoff from the additional development; or
- c. Provisions to control direct outfall to tidewater are provided when the first inch of rainfall is managed according to infiltration standards and specifications promulgated by the Water Resources Administration. (Ord. #85-2, §3.3)

14-1.6 Variances.

The Stormwater Management Committee may grant a written variance from any requirement of subsections, 14-2.7, 14-2.8 and 14-2.9 Stormwater Management Criteria of this Chapter if there are exceptional circumstances applicable to the site such that strict adherence to the provisions of this Chapter will result in unnecessary hardship and not fulfill the intent of the Chapter. A written request for variance shall be provided to the Stormwater Management Committee and shall state the specific variance sought and reasons for the granting. The Stormwater Management Committee shall not grant a variance unless and until sufficient reasons justifying the variance are provided by the person developing land.
(Ord. #85-2, §3.4)

14-2 STORMWATER MANAGEMENT PLANS.

14-2.1 Review and Approval.

- c. A Stormwater Management Plan or an application for a waiver shall be submitted to the Cecil County Department of Public Works by the developer for review and approval for any proposed development, unless otherwise exempted. The Stormwater Management Plan shall contain supporting computations, drawings, and sufficient information describing the manner, location, and type of measures in which stormwater runoff will be managed from the entire development. The Cecil County Department of Public Works shall review the

plan to determine compliance with the requirements of this Chapter prior to approval. The plan shall serve as the basis for all subsequent construction.

- b. Notification of approval or reasons for the disapproval or modification shall be given to the applicant within thirty (30) days after submission of the completed stormwater plan. If a decision is not made within thirty (30) days the applicant shall be informed of the status of the review process and the anticipated completion date. The Stormwater Management Plan shall not be considered approved without the inclusion of the signature and date of signature of the Cecil County Department of Public Works on the plan. (Ord. #85-2, §4.1)

14-2.2 Contents.

The developer is responsible for submitting a stormwater management plan which meets the design requirements provided by this Chapter. The plan shall include sufficient information to evaluate the environmental characteristics of the affected areas, the potential impacts of the proposed development on water resources, and the effectiveness and acceptability of measures proposed for managing stormwater runoff. The developer or builder shall certify on the drawings that all clearing, grading, drainage, construction, and development shall be conducted in strict accordance with the plan. The minimum information submitted for support of a Stormwater Management Plan or application for a waiver shall be as follows:

- a. Site characteristics:
 - 1. Topography survey showing existing and proposed contours. including area necessary to determine downstream analysis for proposed stormwater management facility.
 - 2. Soils investigation including boring for construction of small ponds and infiltration practices.
 - 3. Description of all watercourses, impoundments, and wetlands on or adjacent to the site or into which stormwater flows.
 - 4. Delineation of one hundred (100) year floodplains, if applicable.
 - 5. Structure classification (SCS Pond Standard 378).
- b. Computations:
 - 1. Hydrology;
 - 2. Hydraulic; and

3. structural.

In addition to the information listed above stormwater management design plans shall include:

c. Stormwater management plans:

1. Vicinity map.
2. Drainage area map showing the watershed boundaries, drainage area, and stormwater flow paths.
3. Proposed improvements including location of buildings or other structures, impervious surfaces, and storm drainage facilities if applicable.
4. Location of utilities.
5. Structural details for all components of the proposed drainage systems and stormwater management facilities.
6. Timing schedules and sequence of development clearing, including stripping, rough grading, construction; final grading and vegetative stabilization.
7. Maintenance schedule.
8. Notes on drawings specifying materials to be used.
9. Construction specifications.
10. Location of easements and evidence of recordation .
 - a. Estimate of stormwater management construction cost.
 - b. Other information as required . (Ord. #85-2, §4.2)

14-2.3 Permit Requirement.

A grading or building permit may not be issued for any parcel or lot unless a Stormwater Management Plan has been approved or waived by the Department of Public Works as meeting all the requirements of this Chapter. Where appropriate. a building permit may not be issued without:

- a. Recorded easements for the stormwater management facility and easements to provide adequate access for inspection and maintenance from a public right-of-way;
- b. A recorded stormwater management maintenance agreement; and
- c. Performance guaranty. (Ord. #85-2, §5.I)

14-2.4 Permit Fee.

A non-refundable permit fee will be collected at the time the Stormwater Management Plan or application for waiver is submitted. The permit fee will provide for the cost of plan review, administration and management of the permitting process. and inspection of all projects subject to this Chapter. A permit fee schedule shall be established by the County Commissioners of Cecil County based upon the relative complexity of the project and may be amended from time to time. (Ord. #85-2. §3.1)

14-2.5 Permit Suspension and Revocation.

Any grading or building permit issued by the Department of Public Works may be suspended or revoked after written notice is given to the permittee for any of the following reasons:

- a. Any violation (s) of the conditions of the stormwater management plan approval.
- b. Changes in site runoff characteristics upon which a waiver was granted.
- c. Construction is not in accordance with the approved plans.
- d. Noncompliance with correction notice (s) or stop work order (s) issued for the construction of the stormwater management facility.
- e. An immediate danger exists in a downstream area in the opinion of the Department of Public Works. (Ord. #85-2, §5.3)

14-2.6 Permit Conditions.

In granting the plan approval the Department of Public Works may impose such conditions thereto as may be deemed necessary to ensure compliance with the provisions of this Chapter and the preservation of the public health and safety. (Ord. #85-2, §5.4)

14-2.7 Minimum Control Requirements.

- a. The minimum stormwater control requirements shall require that all developments provide management measures necessary to maintain the post-development peak discharges for a twenty-four (24) hour, two (2) and ten (10) year frequency storm event at a level that is equal to or less than the respective twenty-four (24) hour, two (2) and ten (10) year pre-development peak discharge rates, through stormwater management practices that control the volume, timing, and rate of stormwater management facility, the control requirements and procedures shall be in accordance with paragraph 14-2.9c.
- b. 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 Water Resources Administration in accordance with the Flood Hazard Management Act of 1976 (§8-9A-O 1 et seq., Natural Resources Article).(Ord. #85-2.§6.1)

14-2.8 Stormwater Management Measures.

- a. Stormwater management measures shall be required to satisfy the minimum control requirements. The stormwater management practices to be utilized in developing a stormwater management plan shall be according to the following order of preference:
 1. Infiltration of runoff on-site;
 2. Flow attenuation by use of open vegetated swales and natural depressions
 3. Stormwater retention structures; and
 4. Stormwater detention structures.
- b. Infiltration practices shall be utilized to reduce volume increases to the extent possible as determined in accordance with infiltration standards and specifications established by the Water Resources Administration. A combination of successive practices may be used to achieve the applicable minimum control requirements. Justification shall be provided by the person developing land for rejecting each practice based on site conditions.
(Ord. #85-2, §6.2)

14-2.9 Specific Design Criteria.

- a. Infiltration systems shall be designed in accordance to standards and specifications that are developed or approved by the Water Resources Administration and shall meet the following requirements:
 1. Infiltration systems greater than three (3') feet deep shall be located at least ten (10') feet from basement wall;

2. Infiltration systems designed to handle runoff from commercial or industrial impervious parking areas shall be minimum of one hundred (100) feet from any water supply well;
 3. Infiltration systems may not receive runoff until the entire contributory drainage area to the infiltration system has received final stabilization; and
 4. The stormwater management facility design shall provide an overflow system with measures to provide a non-erosive velocity of flow along its length and at the outfall.
- b. Retention and detention ponds shall be designed and constructed in accordance with the criteria of the Soil Conservation Service and shall include the following items:
1. Velocity-dissipation devices shall be placed at the outfall of all detention or retention structures and along the length of any outfall channel as necessary to provide a non-erosive velocity of flow from the structure to a water course.
 2. Where deemed necessary by the Cecil County Department of Public Works, the developer shall submit to the Cecil County Department of Public Works an analysis of the impacts of stormwater flows downstream in the watershed. The analysis shall include hydrologic and hydraulic calculations necessary to determine the impact of hydrograph timing modifications of the proposed development upon a dam, highway, structure, or natural point of restricted streamflow, established with the concurrence of the Cecil Soil Conservation District, downstream of a tributary of the following size:
 - (a) The first downstream tributary whose drainage area equals or exceeds the contributing area to the pond; or
 - (b) The first downstream tributary whose peak discharge exceeds the largest designed release rate of the pond.
 3. The designed release rate of the structure shall be modified if any increase in flooding or stream channel erosion would result at the downstream dam, highway, structure, or natural point of restricted streamflow. The release rate of the structure shall:
 - (a) Be reduced to a level that will prevent any increase in flooding or stream channel erosion at the downstream control point;
 - (b) Be not less than one-year pre-development peak discharge rate; and

- (c) Meet the requirements established in subsection 14-4.1
- 4. Small pond approval shall be obtained from the Soil Conservation District or the Water Resources Administration pursuant to Natural Resources Article §8-03(b).
- c. Off-site structures to be considered:
 - 1. Shall have a contributory drainage area not in excess of four hundred (400) acres unless, on a case by case basis, a larger drainage area is approved by the Water Resources Administration;
 - 2. Shall provide for a permanent pool of water or provide for twenty-four (24) hour detention period for detaining and releasing the volume of runoff from a one (1) year frequency storm;
 - 3. Shall manage the increase in peak discharge(s) for the two (2) and ten (10) year frequency storm event(s); and
 - 4. May not be located so as to discharge to Class III Natural Trout Waters identified in COMAR 10.50.01.021, unless authorized by the Water Resources Administration in permits issued pursuant to Natural Resources Article §8-803.
- d. The pre-development peak discharge rate shall be computed assuming that all land uses in the site to be developed are in good hydrologic condition.
- e. The developer shall give consideration to incorporating the use of natural topography and land cover such as wetlands, ponds, natural swales, and depressions as they exist prior to development to the degree that they can accommodate the additional flow of water.
- f. The Cecil County Department of Public Works shall give preference to the use of swales in place of the traditional use of curbs and gutters based on a case by-case review of stormwater management plans.
- g. Where a stormwater management plan involves redirection of some or all runoff of the site, it shall be 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 such rights.
- h. The basic design criteria, methodologies, and construction specifications, subject to the approval of the Cecil County Department of Public Works and the Water Resource Administration shall be those of the Soil Conservation Service; generally found in the most current addition of the following publications or subsequent revisions:

1. Urban Hydrology for Small Watersheds, Technical Release No. 55 January 1975.
2. Storm Water Management Pond Design Manual, Maryland Association Of Soil Conservation Districts, June, 1975.
3. Soil Conservation Service Engineering Field Specification for Pond, Specification No. 378, July, 1981. (Ord. #85-2, §6.3)

14-210 Performance Guarantee.

The Department of Public Works shall require from the developer a surety or cash bond, irrevocable letter of credit, or other means of security acceptable to the Department of Public Works prior to the issuance of any building and/or grading permit for construction of a development requiring a stormwater management facility. The amount of the security shall not be less than the total estimated construction cost of the stormwater management facility. The security so required in this subsection shall include provisions relative to forfeiture for failure to complete work specified on the approved stormwater management plan compliance with all the provisions of this Chapter. and other applicable laws and regulations. and any time limitations. The security shall not be fully released without a final inspection of completed work by the Department of Public Works, submission of As-built plans by the developer, and certification of completion by the Department of Public Works of the stormwater management facility as being in compliance with the approved-plan and the provisions of this Chapter. A provision may be made for partial release of the amount of the bond pro-rata upon completion and acceptance of the various stages of development as specifically delineated, described and scheduled on the required plans and specifications. The developer shall notify the Department of Public Works upon completion of each stage that is ready for inspection. (Ord. #85-2, §7.0)

14-2.11 Inspection Schedule and Reports.

- a. Prior to approval of a Stormwater Management Plan the developer will submit to the Department of Public Works a proposed inspection and construction control schedule. The Department of Public Works or their authorized representative shall conduct inspections and file reports for periodic inspections necessary during construction of stormwater management systems to ensure compliance with the approved plans.
- b. No work shall proceed until the Department of Public Works inspects and approves the work previously completed. and furnishes the developer with the results of the inspection reports as soon as possible after completion of each required inspection.
- c. Any portion of the work which does not comply will be promptly corrected by the developer, after written notice from the Department of Public Works. The notice shall set

forth the nature of corrections required and the time within which corrections will be made.

- d. The developer shall notify the Department of Public Works before commencing any work in conjunction with the stormwater management plan and upon completion of the project when a final inspection will be conducted. (Ord. #85-2, §8.1)

14-2.12 Inspection Requirements During Construction.

After commencing initial site operations, regular inspections shall be made at the following specified stages of construction:

- a. Infiltration systems - at the commencement during, and upon completion of construction.
- b. Porous paving infiltration systems - at the following stages so as to ensure proper placement and allow for infiltration into sub-grade:
 1. Upon completion of stripping, stockpiling, the construction of temporary sediment control and drainage facilities;
 2. Upon completion of sub-grade section
 3. Upon completion of reservoir base course;
 4. Upon completion of the top crushed stone course; and throughout the placement of the porous asphaltic concrete surface course to ensure proper laying temperatures and compaction.
- c. Flow attenuation devices, such as open vegetated swales upon completion of construction.
- d. Retention and detention structures – at the following stages:
 1. Upon completion of excavation to sub-foundation and where required, installation of structural supports or reinforcement for structures, including but not limited to:
 - a) Core trenches for structural embankments;
 - b) Inlet-outlet structures and anti-seep structures, watertight Connectors on pipes and;
 - c) Trenches for enclosed storm drainage facilities.
 2. During placement of structural fill ,concrete, and installation of piping and catch basins;

3. During backfill of foundations and trenches;
4. During embankment construction; and
5. Upon completion of final grading and establishment of permanent stabilization. (Ord. #85-2, §8.2)

14-2.13 Final Inspection Reports.

A final inspection shall be conducted by the Department of Public Works upon the completion of the stormwater management facility to determine if the completed work is constructed in accordance with approved plan and this Chapter. As-built certification from the developer by a registered professional engineer licensed in Maryland is also required to certify that the facility has been constructed as shown on the As-built plans and meets approved plans and specifications. The developer will receive written notification of the results of the final inspection. The Department of Public Works shall maintain a permanent file of inspection reports. (Ord. #85-2, §8.3)

14-2.14 Inspection for Preventive Maintenance.

- a. Preventive maintenance shall be ensured through inspection of all infiltration systems, retention, or detention structures by the Department of Public Works. The inspection shall occur during the first year of operation and at least once every three (3) years thereafter.
- b. Inspection reports shall be maintained by the Department of Public Works on all retention and detention structures and shall include the following:
 1. The date of inspection;
 2. Name of inspector;
 3. The condition of:
 - (a) Vegetation;
 - (b) Fences;
 - (c) Spillways;
 - (d) Embankments;
 - (e) Reservoir area;
 - (f) Outlet channels;

- (g) Underground drainage;
- (h) Sediment load; or
- (i) Any other item that could affect the proper function of the stormwater management system.

4. Description of needed maintenance.

- c. If, after an inspection by the Department of Public Works, the condition of a stormwater management facility presents an immediate danger to the public health or safety, because of an unsafe condition or improper maintenance, the Department of Public Works shall take such action as may be necessary to protect the public and make the facility safe. Any cost incurred by the County/Municipality shall be assessed against the owner(s.) as provided in paragraph 14-2.1 5c. (Ord. #85-2, §8.4)

14-2.15 Maintenance Agreement.

- a. Prior to the issuance of any building permit for which stormwater management is required, the Department of Public Works shall require the applicant or owner to execute an inspection and maintenance agreement binding on all subsequent owners of land served by the private stormwater management facility. Such agreement shall provide for access to the facility at reasonable times for regular inspection by the Department of Public Works or its authorized representative and for regular or special assessments of property owners to ensure that the facility is maintained in proper working condition to meet design standards and any provisions established.
- b. The agreement shall be recorded by the applicant and/or owner in the land records of the County.
- c. The agreement shall also provide that, if after notice by the Department of Public Works to correct a violation requiring maintenance work and satisfactory corrections are not made by the owner(s) within a reasonable period of time (thirty (30) days maximum), the Department of Public Works may perform all necessary work to place the facility in proper working condition. The owner(s) of the facility shall be assessed the cost of the work and any penalties and there shall be a lien on the property, which may be placed on the tax bill and collected as ordinary taxes by the County/Municipality.
(Ord. #85-2, §9.1)

14-2.16 Maintenance Responsibility.

- a. The owner of the property on which work has been done pursuant to this Chapter for private stormwater management facilities, or any other person or agent in control of such property, shall maintain in good condition and promptly repair and restore all grade

surfaces, walls, drains, dams, and structures, vegetation, erosion and sediment control measures, and other protective devices. Such repairs or restrictions, and maintenance shall be in accordance with approved plans.

- b. The maintenance schedule shall be developed for the life of any stormwater management facility and shall state the maintenance to be completed, the time period for completion and who shall perform the maintenance on the stormwater management plan. (Ord. #85-2, §9.2)

14-3 APPEALS.

Any person aggrieved by the action of any official charged with the enforcement of this Chapter, as the result of the disapproval of a property filed application for a permit, issuance of a written notice of violation, or an alleged failure to properly enforce the Chapter in regard to a specific application shall have the right to appeal the action to the Cecil County Commissioners. The appeal shall be filed in writing within thirty (30) days of the date of official transmittal of the final decision or determination to the applicant, and shall state clearly the grounds on which the appeal is based. (Ord. #85-2, §10.0)

14-4 SEVERABILITY.

If any section, subsection, sentence, clause, phrase, or portion of this Chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Chapter, it being the intent of the Cecil County Commissioners that this Chapter shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof. (Ord. #85-2, §11.0)

14-5 PENALTIES.

Any person convicted of violating the provisions of this Chapter shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than five thousand (\$5,000.00) dollars or imprisonment not exceeding one year or both for each and every violation with costs imposed in the discretion of the court. Each day that the violation continues shall be a separate offense; In addition thereof, the County Commissioners of Cecil County may institute injunctive, mandamus or other appropriate action or proceedings at law or equity for the enforcement of this Chapter or to correct violations of this Chapter, and any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent, injunctions or mandamus or other appropriate forms of remedy or relief. (Ord. #85-2, §12.0)

CHAPTER XV

WATER AND SEWER.

NOTE: Town no longer provides water and sewer to town residents. Water is provided by Artesian, Maryland and sewer is provided by Cecil County Department of Public Works Wastewater Division.

15-1 WATER AND SEWER RATES.

15-1.1 Established.

- a. The Town of Port Deposit shall provide sewage disposal facilities and water services to the inhabitants of the Town and under certain circumstances to persons residing beyond the Town limits.
- b. In order to provide funds to pay in whole or in part the cost of operating and maintaining the sewage disposal facilities and the sewage treatment plant, and also to pay the cost of installation of the system and treatment plant and any cost or interest incident thereto, there is hereby imposed on all properties in the Town connected to the sewer system, a sewer service charge which shall be graduated according to use as set forth in this section. (Ord. #80-3, §§I, II)

15-1.2 Properties Within Town Limits.

- a. Base Rate - Water and Sewer:
A minimum or base rate per unit connected to the town water and/or sewer systems shall be \$60.00 per quarter. This sum is the minimum rate and shall be due and payable on a quarterly basis whether or not service is disconnected at the property owners request or disconnected due to non-payment.
- b. Usage Rates:
In addition to the Base Rate as provided in subsection (a) of this section each unit shall pay the following charges:

Unit costs per 1,000 gallons of water passing through the meter.

Water \$1.75

Sewer \$1.75

In the event that a meter is not installed at any residence the Town may charge a flat rate of \$100.00, plus the base rate of \$60.00 per quarter, provided however, if a meter is not installed due to the fault of the property owner the Town may discontinue service until the meter is installed.

15-1.3 Properties Outside Town Limits.

The following rates shall apply to consumers living outside the Town limits:

- a. Water and sewer service. A sum not less than one and one-half (1½) times the minimum rate charged consumers within the Town limits.
- b. Water only or sewer service only. A sum deemed by the Town to be equitable under the then existing circumstances but not less than one and one-half (1½) times the Town rate. (Ord. #80-3, §III)

15-1.4 Rate Adjustment.

The Town reserves the right to (a.) increase the rates and connection charges herein or hereinafter set out in the event that its operating experience indicates that the rate fails to yield a reasonable return after deduction for depreciation, debt retirement, and all other necessary and proper expenses and reserves Or (b.) decrease the rate should its operating experience indicate that after reasonable deduction for depreciation, debt retirement, and other necessary and proper expenses and reserves that the rate yields a higher than reasonable return. (Ord. #80-3, §IV)

15-1.5 Collection of Water and Sewer Charges:

All water and sewer charges shall be due and payable within thirty (30) days after said charges are billed and shall be delinquent upon the expiration of any such thirty-day period, after which a final notice will be mailed to all such delinquent accounts before shutoff or disconnection to the property, advising the property owner that the bill is in arrears and that water service will be discontinued 20 days after the date of said final notice. All such delinquent charges shall be added to the next quarterly bill for usage charges and shall constitute a first lien upon the property served until paid. At least once in each year, the Town Clerk shall furnish the Treasurer of Cecil County, or other appropriate county official, with a list of properties subject to the lien of delinquent water and sewer usage charges and shall request that the collection of said charges be enforced through tax sale in the same manner as delinquent town taxes are collected. The existence of such lien shall in no manner modify or impair the right of the Town, which is hereby reserved, to enforce collection of said water and sewer usage charges by suit against property owners responsible for any such delinquency, but the satisfaction of any judgment obtained in any such suit shall serve to discharge any lien. Interest shall accrue at the rate of 1% per month or fraction of a month that the payment is delinquent.

In any case where delinquency shall continue for thirty (30) days after mailing of any quarterly bill and final notice is sent, the Town shall shut off or disconnect water and sewer service to the property with respect to which such delinquency exists, but no such termination of service shall in any manner impair the lien for such delinquent charges hereby imposed.

No reconnection shall be made until said delinquent usage charges, plus charges for reconnection shall first be paid. The owner of any property for which water and sewer service is disconnected shall thereafter be liable for the minimum usage charge.

15-1.6 Connection Charges

All water and sewer connection charges shall be paid prior to the issuance of any building permit, zoning certificate and/or zoning occupancy pennit, unless the Mayor and Commissioners direct otherwise.(Ord. #95-4, §15-1.6)

15-1.7 Curtailment of Use of Water.

The Town is hereby authorized and empowered, whenever in its judgment it shall think it necessary for the preservation of the public health and safety, to suspend, curtail, regulate and prohibit the use of water from the municipal water system of the Town for the operation of fountains, swimming pools, pavement washers and hydrants for the sprinkling of pavements, street, lawns, flowers, shrubbery, gardens, etc., for washing automobiles and other vehicles, and to regulate, curtail or prohibit the use of water for any purpose other than ordinary household, domestic and culinary purposes.

The Town is hereby authorized and empowered to give reasonable notice whenever possible to all consumers of water to curtail, regulate or refrain from the use of water for all or any of the purposes specified in this section. (Ord. #80-3, §VII)

15-1.8 Discontinuance of Service.

- a. *At Request of Consumer.* Whenever the consumer desires to have his sewer service terminated or his water service discontinued, he shall so notify the Town in writing. Until such notice is received by the Town, the consumer shall be responsible for the payment for all services rendered by the Town. A reasonable time after the receipt of such notice shall be allowed the Town to take a final reading of the meter and to discontinue water and sewer service. The Town reserves the right to approve or reject any discontinuance application in its sole discretion.
- b. *By the Town.* Water or sewage service may be discontinued by the Town for any one of the following reasons:
 1. Misrepresentation in applications.
 2. Willful waste of water. Failure to comply with restrictions imposed under subsection 15-4.1.
 3. Molesting Town property or seals on appliances.
 4. Non-payment of bills when due.
 5. Cross-connecting the Town's service pipe with any other supply source.

6. Refusal of reasonable access to property to determine whether residential or commercial usage exist.

c. *Charge.* When water has been turned off or sewer service discontinued from any premises for any of the above reasons, or for any other violation of the Town's rules, a charge will be made for restoring service in the amount of \$25.00. (Ord. #95-4,15-1.8c)

15-2 DEFINITIONS.

As used in this Chapter:

Consumer shall mean the applicant for service receiving water and/or sewer service at one household or business.

Curb Line shall mean a location which in the Town's judgment is as near to the curb of the streets as it is feasible to terminate its service connection and/or install town-owned facilities.

House connection shall mean the sewer line, and/or water line running from a building to the curb line and connecting with the service connection or lateral.

Lateral shall mean the line from the main to the curb line.

Lot shall mean any vacant land on which no revenue unit is located or which is described in a deed separate from any lot on which a revenue is located.

Main shall mean the Town-owned piping and fixtures in or along public highway and streets, or along rights-of ways used for the transmission or distribution of water or supplying sewer service to consumers.

Persons shall mean any person, firm, association or corporation.

Service connection shall mean the sewer line and/or water line extended from the curb line to the main in the street.

Town shall mean The Town of Port Deposit or its duly authorized officers or agents. (Ord. #0-3, §IX)

15-3 APPLICATIONS FOR SERVICE.

15-31 Resale.

No water shall be resold or distributed by the recipient thereof from the Town supply to any premises other than that for which application has been made except in case of emergency. (Ord. #80-3, §XA)

15-3.2 Tampering.

It shall be unlawful for any person not authorized by the Town to tamper with, alter or injure any part of the Town water works or water supply system or any meter, or any part of the Town sewage system or sewage treatment facility. (Ord. #80-3, §XB)

15-3.3 Charges and Arrears to be Paid.

No application for service will be accepted by the Town until the applicant has paid, or made satisfactory arrangements, to pay all arrears and charges due by the applicant to the Town at any premises now or heretofore occupied by him. (Ord. #80-3, §XC)

15-3.4 Contents.

Every person desiring to connect into the sewage system shall apply in writing to the Town for permission to so connect and no connection shall be made until such application shall contain an agreement by the applicant to abide by and accept all of the provisions of this Chapter as conditions governing connections into the Town sewage system. (Ord. #80-3, §XIA)

15-3.5 Existing Main on Right-of-Way Required.

Applications for service installation of water or sewer will be accepted subject to there being an existing main in a right-of-way abutting on the premises to be served. (Ord. #80-3, §XIB)

15-3.6 Extensions of Mains in Excess of One Hundred (100') Feet.

Any extensions of either a water main or a sanitary sewer main shall be limited to one hundred (100') feet for each tap or connection and any extension in excess of one hundred (100') feet shall be at the sole expense of the property owner requesting the service; provided that should the excess extension footage be subsequently utilized for additional taps or connections, then costs of such excess footage or applicable portion thereof, shall be refunded, if utilized within five (5) years from the date of installation; provided, that the provisions of this Section relating to extension of either a water or sanitary sewer main shall not apply to an extension constructed for a shopping center, housing development, apartment buildings or industrial plant or area and similar uses, but the request of each such applicant for such extension shall be individually considered by the Town. (Ord. #80-3, §XIC)

SERVICE CONNECTION.

15-4.1 Time for Connection; Closing of Private Wells, Privy Vaults, etc.

When any water main or sanitary sewer main is declared ready for operation by the Town and reasonable notice given, all abutting property owners shall immediately connect all

fixtures with the water and sewer main or both the water and sewer where both mains are available. Upon notification that the sewage system is operational, all property owners shall within six (6) months at their own expense abandon, clean out, disinfect and permanently fill up their respective privy vaults, wells (filled or capped), cesspools and other drainage or sewage receptacles with clean fresh earth; provided that clean ashes or other approved material may be used with the permission of the Town. (Ord. #80-3, §XII)

5-4.2 Non-Compliance.

That should any owner of any such property refuse, neglect or fail to comply with any of the terms and requirements of the notice within the time therein stated, then upon the expiration of the time stated, the Town. its servants. agents and employees. are hereby . empowered and directed to enter upon the premises and to perform all the work required of the owner of the property and to supply all the material needed therefore at the expense of the owner, and upon the completion of the materials, and all expenses incurred, may be recovered by the Town from the owner. by suit or otherwise. if necessary; but, in the discretion, of the Town Council, no owner or other person in default under the provisions of this Chapter, no owner or other person in default under the provisions of the Chapter shall be permitted any use of said sewer or water or any part thereof, until security, adequate in the judgment of the Town Council, shall be given for the full payment and satisfaction of all cost and expenses incurred in any manner by it, for the benefit of such owner or other person, under the provisions of this Chapter; and, in addition thereto, the owner who shall refuse, neglect or fail to comply with any of the terms and requirements of said notice, may be subject to a fine of \$5.00 for each day until the terms and requirements of the notice are fully complied with, in addition to other penalties prescribed by this Chapter. (Ord. #80-3 § XII)

5-4.3 Connection Fees.

- a. *In-Town Connections.* The fee for the privilege of connecting into the Town sewer system shall be seven hundred fifty (\$750.00) dollars. The fee for the privilege of connecting into the Town water system shall be Seven hundred (\$750.00) dollars. These charges shall be waived as to all persons who grant a right-of-way across their property free of charge to the Town for the purpose- of installation, operation, repair and maintenance of mains. The cost of installation of the sewer and/or water service lines shall be at the expense of the property owner. The Town reserves the right to require a deposit sufficient to cover the estimated cost of installing the lines.
- b. *Out-~~of~~ Town Connection.* As to all persons residing outside the Town limits to whom service is furnished, whether both water and sewer or either of them, they shall pay a connection fee of one thousand five hundred (\$1,500.00) dollars for each service furnished, plus the actual cost of installation of the service connections. The Town reserves the right to require a deposit sufficient to cover the estimated cost of installing said lines. (Ord. #80-3, §XII; #84-1,§1)

5-4.4 Mains to be Property of Town.

Title to all services from main to curb line are vested in, and the same shall at all times remain the sole property of, the Town and shall not be trespassed upon or interfered with in any respect. This property shall be maintained by the Town.
(Ord. #80-3;§XIIIA)

15-4.5 Owner to Install and Maintain Connections Between Curb line and Building.

The house connections from the curb line to the building shall be installed at the expense of the owner of the premises. For this installation, the owner or applicant shall employ a registered plumber to do the work, shall obtain all necessary permits. And shall abide by all applicable laws and regulations pertaining to such an installation. Materials and methods of construction shall be approved by the Town. and if the house connection has not been installed in accordance with the Town's requirements, water will not be turned on or sewer service furnished until such defects have been remedied. The house connection between the curb line and the building and all piping and fixtures on or in the building of the owner or applicant shall be maintained by him and the work performed by a registered plumber in a manner satisfactory to the Town. (Ord. #80-3, §XIIIB)

15-4.6 New Construction.

No new construction within the Town limits which will require water and sewage shall be commenced or permitted unless satisfactory arrangements are made to connect to the Town water and sewage system. (Ord. #80-3, §XIV)

15-4.7 Uninhabited Property; Rate Reduction.

Whenever any property and/or unit as described in this Chapter has not been inhabited or used for a period of three consecutive months, The Mayor and Council of the Town, in their sole discretion, may reduce the sewer service charge by an amount not to exceed fifty (50%) percent of the stated charge as provided in this Chapter during the period of non-occupancy or non-habitation. (Ord. #80-3, §XVI)

15-4.8 Charges to Constitute a Lien.

All rates and/or charges referred to in this Chapter hereinbefore or hereinafter mentioned shall constitute a lien on the real estate served, collectible in the same manner as Town taxes, special assessments or by a suit at law. (Ord. #80-3.XVI)

DISCHARGE INTO THE SANITARY SEWAGE SYSTEM.

15-5.1 Rain Water.

It shall be unlawful to discharge rain water or other waste water usually conveyed by store sewers into the sanitary sewage system of the Town of Port Deposit (Ord. #80-3, §XVII)

15-5.2 Prohibited Substances.

It shall be unlawful to permit or cause the flow of any of the following substances into the sanitary sewage system of the Town:

- a. Any grease, fatty material, offal or garbage on a commercial basis that is not first approved by the Town.
- b. Any stone dust, sand, dirt, gravel, sawdust, metal filings, broken glass, or any material which may cause or create an obstruction in the sewer.
- c. Gasoline, benzene, fuel oil, or any petroleum products or volatile liquids.
- d. Milk or any liquid milk waste products in quantities in excess of ten gallons during each twenty-four (24) hour period. (Ord.#80-3, §XVIII A)

15-5.3 Chemicals.

It shall be unlawful to cause or permit to flow into the sanitary sewer system any cyanide, phenols or any other chemical or substance which interfere with or prevent the functioning of the sewage treatment plant. (Ord. #80-3, §XVIII B)

15-5.4 Interception Required in Commercial and Industrial Operations.

Every building or premises used or occupied by any sewer user where any commercial or industrial operations are conducted or permitted which result in the discharge into the sanitary sewage system of the Town of any of the products, waste products or other substances in the manner and to the extent prohibited in this Chapter, shall be equipped with an adequate and suitable catch basin, grease trap, filter or other interceptor, installed in such a manner that the products, waste products, or other substances herein set forth will not flow into or be discharged into the sanitary sewage system.

It shall be unlawful to permit the flow of waste from such buildings or premises into the sanitary sewage systems unless such interceptor is installed and in good working order and approved by the Town or local Health Department. (Ord. #80-3, §XVIII C)

15-5.5 B.O.D. Limits.

The admission into the public sewers of any waters or wastes having {1) a five {5} day biochemical oxygen demand greater than three hundred (300) parts per million, or (2) containing more than three hundred fifty (350) parts per million by weight of suspended solids, or (3) having an average daily flow greater than two (2%) percent of the average daily sewage flow of the Town, shall be subject to the review and approval of the Town. Where necessary, the owner shall provide, at his expense, such preliminary treatment as may be necessary to (i) reduce the biochemical oxygen demand to three hundred (300) parts per million and the suspended solids to three hundred fifty (350) parts per million by weight, or (ii) reduce objectionable characteristics or constituents to within the maximum limits provided for in subsection 1, or (iii) control the quantities and rates of discharge of such waters and wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Town and no construction of such facilities shall be commenced until said approvals are obtained in writing. (Ord. #80-3, §XVIII D)

15-6 PENALTY.

Any person who shall violate any provision of this Chapter shall, in addition to other penalties prescribed by this Chapter, upon conviction thereof, be guilty of a misdemeanor and shall be fined in the amount not exceeding one hundred (\$100.00) dollars for each violation, or shall be sentenced to a term not exceeding thirty (30) days in the County Jail or both for each violation. Each day in which any such violation shall continue shall be determined a separate offense. Any person violating any of the provisions of this Ordinance shall become liable to the Town for any expenses, loss or damage occasioned by the Town by reason of such violation. (Ord. #80-3, §XIX)

CHAPTER XVI

CABLE TELEVISION

16-1 GENERAL PROVISIONS.

16-1.6 Definitions.

For the purpose of this Chapter the following terms, phrases, and words shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in plural include the singular, and vice versa. The word "shall" is always mandatory.

Company shall mean Penn Communication, Inc., a corporation organized and existing under the laws of the State of Pennsylvania and it is the grantee of rights under this franchise.

Council shall mean the Council of Port Deposit Maryland, or its designated representative.

Engineer shall mean the Town's duly appointed engineer and includes Town's employee or officer qualified to discharge duties and obligations imposed under the provisions of this Chapter.

Federal Communications Commission or FCC shall mean the present federal agency of that name as constituted by the Communications Act of 1934, or any successor agency created by the United States Congress.

Gross subscriber revenues shall include any and all compensation or receipts derived from installation, disconnection, and reinstallation charges and recurring monthly service charges in connection with the carriage of broadcast signals and Federal Communications Commission mandated non-broadcast services, but shall not include any refunds or credits to subscribers or any taxes imposed on the services furnished by the Grantee. It does not include revenues derived from per-program or per-channel charges, leased channel revenues, advertising revenues, or any other income derived from the systems.

Person shall mean any person, firm, partnership, association, corporation, company, or organization of any kind.

Regular subscriber services shall include the carriage of broadcast signals and FCC mandated non-broadcast services but shall not include auxiliary services, which include, but are not limited to, advertising, leased channels, and pay-cable.

System shall consist of poles, wires, cables, antennas and other appliances for the reception, transmissions, and distribution of television impulses and energy to be constructed, installed, maintained, repaired, replaced, operated, and possibly removed by

Company for the television/radio reception, transmission, and distribution by what is commonly referred to as a cable television system.

Town shall mean the Town of Port Deposit, a municipal corporation under the laws of the State of Maryland. (Ord. #81-2, §I)

16-1.2 Grant of Authority.

In consideration of the faithful performance and observance of the conditions and reservations hereinafter specified, there is hereby granted to the Company, its successors and assigns, the right to erect, maintain, and operate a television transmission and distribution system in, under, over, along, across, and upon the streets, lanes, avenues, sidewalks, alleys, bridges, and other public places in Port Deposit, Maryland, and subsequent additions thereto provided that the Company has obtained permission from the legal owner of the premises prior thereto, evidence of which shall be files with the Town prior to commencement of any construction for the purpose of transmission and distribution of audio and visual impulses of television energy and other services including but not limited to cable television, closed circuit television, and two-way communications so long as all such services are provided in accordance with the laws and regulations and the ordinances and regulations of the Federal Communications Commission, the State of Maryland, and the ordinances and regulations of Port Deposit upon the stipulations and conditions hereinafter contained. (Ord. #81-2, §II)

16-1.3 Use of Existing Pole Line Facilities.

There is hereby granted the further right, privilege, and authority to the Company to lease, rent, or in any other manner obtain the use of towers, poles, lines, cables, and other equipment and facilities from any and all holders of public license and franchises within the limits of Port Deposit, including the telephone and power company and to use such towers, poles, lines, cables and other equipment and facilities, subject to all existing and future ordinances and regulations of the Town. The poles used for the Company's distribution system shall be those erected and maintained by the telephone and power company, when and where practicable, provided mutually satisfactory rental agreements can be entered into with said companies. Copies of such executed agreements shall be filed with the Town prior to using same and in any event within six (6) months from the date of the agreement as a condition precedent to the exercise of this permission. (Ord. #81-2, §IDA)

16-1.4 Non-exclusive Grant.

The right and privilege herein granted by the Town for the purposes herein set forth is not exclusive and Town reserves the right to grant similar right and privilege to any person, firm or corporation at any time during the term of the grant of this franchise or any renewal thereof. (Ord. #81-2, §IIIB)

16-1.5 Regulation Non-exclusive.

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Company shall at all times during the continuance of the right and privilege herein granted or any renewal thereof, be subject to all lawful exercise of the police power by Town, and to such legal and reasonable regulations as Town shall hereafter by ordinance or resolution enact. (Ord. #81-2, §IIC)

16-1.6 Conditions on Street Occupancy and System Construction.

- a. All attachments, installation, construction, maintenance, repair, replacement, operation, or removal of the System or parts thereof shall be made subject to the approval of Engineer. In cases where existing poles or other structures, conduits, or other facilities owned or leased by public utilities having the right to permit attachments thereto or location therein or thereon of System by Company are not available or are impractical for the purpose, then the proposed means of attachment, construction or conduit shall be submitted to the Engineer by drawings, plans, and explanatory documents including agreements, leases, or other papers granting the right of attachment, construction or conduit as in the case of original attachments, installations or construction at least twenty (20) days before such proposed attachment, installation or construction and shall be subject to approval in writing by Engineer before commencement of such attachment, installation or construction.
- b. The Company's transmission and distribution system, poles, wires, and appurtenances shall be located, erected, and maintained so as not to endanger or interfere with the lives of persons or to interfere with new improvements this Town may deem proper to make, or to unnecessarily hinder or obstruct the free use of the streets, alleys, bridges, or other public property; removal of poles to avoid such interference will be at the Company's expense.
- c. Construction and maintenance of the transmission distribution system shall be in accordance with the provisions of the National Electrical Safety Code, prepared by the National Bureau of Standards, the National Electrical Code of the National Board of Fire Underwriters, and such applicable ordinances and regulations of Port Deposit, Maryland, affecting electrical installation, which may be presently or hereinafter in effect.
- d. All installation of equipment shall be permanent of nature, durable, and installed in accordance with good engineering practices and of sufficient height to comply with all existing Town regulations, ordinances, and State laws and so as not to interfere in any manner with the right of the public or individual property owner, and such installation shall not interfere with the travel and use of public places by the public when installed or during construction, repair, or removal thereof, nor shall they obstruct or impede traffic.
- e. In the maintenance and operation of its television transmission and distribution system in the streets, alleys, and other public places and in the course of any new construction or addition to its facilities, the Company shall proceed so as to cause the least possible inconvenience to the general public; any opening or obstruction in the streets or other public places made by the Company in the course of its operations shall be guarded and

protected at all times by the placement of adequate barriers, fences, or boardings, the bounds of which, during periods of dusk and darkness, shall be clearly designated by red warning lights. Any excavation or taking up of pavement, curbing, or sidewalk shall be done only with the approval of the Town and shall be repaired by the Company.

- f. In the event the Town shall relocate a street, raise or lower a bridge, or make any other changes requiring the removal of utility installations, the Company at its sole expense shall remove or relocate its installations at the locations as instructed by the Town, no later than thirty (30) days from receiving the Town's instructions.
- g. In case of any disturbance by the grantee of pavement, sidewalk, driveway, or other surfacing, the grantee shall, at its own cost and expense and in a manner approved by the Town, replace and restore all paving, sidewalk, driveway, and other surfaced so disturbed in as good condition as before the work was commenced. Repairs, replacements, or restoration shall be completed within ten (10) days.
- h. Company shall on the request of any person, firm, or corporation holding a moving permit issued by the Town or other governmental regulatory agency having jurisdiction of the matter by which permit building or buildings, large pieces of equipment or structural materials or the like are to be moved from place to place, temporarily raise or lower its System necessary for so doing to permit the moving of such buildings, equipment, structural materials and the like. The expense of such temporary raising or lowering of System or any part thereof shall be paid by the person, firm, or corporation requesting the same. Company shall be given seventy-two (72) hours advance notice to arrange for such temporary changes.
- i. Town shall have the right to inspect all work of attachments, installation, construction, maintenance, repair, replacement, operation, or removal of System or any part thereof to insure Company's compliance with this Chapter or any other Town ordinance or governmental regulations applicable thereto. (Ord. #81-2, §IV)

16-1.7 Indemnification and Liability.

The Company shall indemnify, protect, and save harmless the Town from and against losses and physical damage to property, and bodily injury or death to persons, including payments made under any Workmen's Compensation Law and further including attorney fees incurred by the Town in defending itself from such claims. etc., which may arise out of or be caused by the erection, maintenance, presence, use, or removal of the System within the Town or by any act of the Company, its agents or employees. The Company shall carry insurance, to protect the parties hereto from and against all claims, demands, actions, judgments, cost, expenses, and liabilities which may arise or result, directly or indirectly from or by reason of such loss, injury, or damage. The amounts of such insurance against liability due to physical damages to property shall not be less than one million (\$1,000,000.00) dollars as to any one accident and not less than one million

(\$1,000,000.00) dollars aggregated in any single policy year, and against liability due to bodily injury or to death as to any person not less than one million (\$1,000,000.00) dollars as to any one person and no less than one million (\$1,000,000.00) dollars as to any one accident. The Company shall also carry such insurance required by Maryland State law to protect it from all claims under the Workmen's Compensation Laws in effect that may be applicable to the Company. All insurance required by this Chapter shall be and remain in full force and effect for the entire life of this Chapter¹ and shall name the Town as co-insured. Said policy or policies of insurance or a certified copy or copies thereof shall be deposited with and kept on file by the Town Clerk. Each policy shall contain a provision that no change or cancellation of the policy may be made without first giving thirty (30) days written notice in advance to the Town. In addition the Company shall indemnify the Town and its officials and shall hold them and each of them harmless of and from any and all liability with respect to alleged copyright infringements, and with respect the subject matter of any program transmitted by the Company. (Ord. #81-2, §V)

16-2 SERVICE PROVISION AND PROHIBITIONS.

16-2.1 Prohibitions.

- a. *Television Sales and Service.* The Company and its employees shall not engage in the sale, service, rental, or leasing of television receivers in Port Deposit, Maryland. Neither Company, nor its employees will be responsible for the operating condition of television receivers owned by its subscribers. (Ord. #81-2, §VIA)
- b. *Interference with Existing TV Reception.* Installation shall be maintained so as not to interfere with TV reception already in existence. (Ord. #81-2, §VIB)

16-2.2 Requirements.

- a. The Company shall install an all band CATV system carrying, so long as is technically and economically practical to do so, the number of television broadcast signals permitted by the current regulations of the Federal Communications Commission and any other regulatory agency. The television signals shall be capable of full fidelity color transmission.
- b. The Company shall at its own expense install and maintain a service drop to any Fire Station, Police Station, Public or Private School, Community Hall, Town Hall, or Public Library now or hereafter to be located in Port Deposit, Maryland.
- c. Upon receipt of formal authorization from the Town, Company agrees to take the necessary steps to apply to the Federal Communications Commission within a reasonable time, to obtain a Registration Statement. The Company agrees that the

FCC Registration Statement and all local utility agreements between the power company and telephone company and any permits needed will be obtained six (6) months from the day the franchise is granted. The Company further agrees that eighteen (18) months from the date all local utility agreements and permits are obtained System will be built. Violation of any portion of this section shall result in the forfeiture of this franchise. (Ord. #81-2, §VII)

16-2.3 Complaint Procedures.

- a. Company shall maintain a business office within the Town or shall maintain a toll-free telephone line to handle the receipt of complaints.
- b. Company shall investigate and resolve all subscribers' complaints regarding the quality of service, equipment malfunctions and similar matters expeditiously and in accordance with the following procedure:
 1. Company shall have qualified personnel available during normal working hours to investigate and resolve subscribers' complaints.
 2. Upon notification of service complaint, Company shall dispatch a qualified employee to investigate the complaint and adjust, repair, or replace Company equipment as necessary to resolve the complaint. Company shall not be responsible for malfunctions of any television receivers owned or operated by any subscriber.
 3. All complaints shall be investigated and resolved within twenty-four (24) hours after initial notification to Company.
 4. Company shall maintain a service log in which an entry shall be made of each complaint, the date of notification thereof, the nature of the complaint, and the means by which it was resolved. This log shall be made available to the Town for inspection upon request.
 5. Notice shall be given to subscribers of complaint procedure when they initially subscribe. (Ord. #81-2, §VIII)

16-2.4 Compliance with FCC Rules.

The Company agrees to comply with all rules and regulations promulgated by the Federal Communications Commission with respect to the operation of cable television systems. (Ord. #81-2, §IX)

16-3 FRANCHISE FEE.

The Company shall pay to the Town as a franchise fee, a sum equal to three (3%) percent of the Company's gross subscriber revenues per year in accordance with the definition of gross subscriber revenues contained herein at subsection 16-1.I. The payments shall be made

annually within thirty (30) days after the end of the Company's fiscal year, which ends on October 31st. (Ord. #81-2, §XA)

16-4 SUBSCRIBER RATES.

Penn Communications, Inc. agrees not to raise the rates to subscribers in Port Deposit.. Maryland, for the first eighteen (18) months of operation of system. (Ord. #81-2. §XB)

16-5 IMPLEMENTATION OF SERVICE; TERM OF AGREEMENT.

The franchise shall take effect and be in full force from and after the final passage hereof. subject to acceptance by the Company as herein provided, and the same shall continue in full force and effect for the term of fifteen (15) years beginning with the date of such acceptance, provided. however, that should FCC certification be necessary prior to implementation of the cable television service contemplated under this franchise, then the term shall begin upon the effective date of the grant by the FCC of the necessary certification. Company shall have the option to request renewal of this franchise for an additional period not to exceed fifteen (15) years. Should Company desire to exercise this option, it shall so notify the Town, in writing, not less than six (6) months prior to expiration of this franchise. The Town may consider the performance of Company under this franchise and any other factors deemed relevant in determining whether to renew this franchise. If this franchise is renewed by the Town, all of the terms and provisions contained herein shall be controlling during the renewal period except to the extent that the terms and provisions are modified by the Town or unless this franchise is superseded by a new franchise. (Ord. #81-2, §XI)

16-6 TERMINATION OF FRANCHISE; EQUIPMENT.

16-6.1 Surrender Right.

The grantee may surrender this franchise at any time upon filing with the Town Clerk of the Town written notice of its intention to do so at least six (6) months before the surrender date. On the surrender date specified in this notice, all of the rights and privileges and all of the obligations, duties, and liabilities of the grantee, other than those liabilities then pending or liabilities that may arise as a result of the operation of the system prior to surrender date, in connection with this franchise shall terminate. (Ord. #81-2, §XIIA)

16-6.2 Town's Right to Terminate Franchise.

Should Company violate any of the terms, conditions, and provisions of this Chapter for a period of fifteen (15) days after written notice thereof by Town to Company, then, in that event, Company shall be deemed to have forfeited the franchise herein granted. (Ord. #81-2, §XIIB)

16-6.3 Removal of Equipment at Termination.

Company shall within sixty (60) days after written notice from Town to Company remove all of its equipment, structures, facilities, apparatus and appurtenances and restore any disturbed areas to their original condition. (Ord. #81-2, §XIIC}

16-6.4 Bond Required to Cover the Installation Fee.

Notwithstanding any other provision of this Chapter the grantee shall at his own expense obtain a bond in the penalty amount of twenty-five (\$25.00) dollars per hookup to cover the installation fee which is to be returned to the user in the event that the grantee should cease service to the Town of Port Deposit before ten (10) years after the franchise takes effect. (Ord. #81-2, §XIID)

16-6.5 Transfers.)

All of the rights and privileges and all of the obligations, duties, and liabilities created by this franchise shall pass to and be binding upon the successors of the Town and the successors and assigns of the grantee, and the same shall not be assigned or transferred without the written approval of the Town Council which approval shall not be unreasonably withheld.
(Ord. #81-2, §XIII)

16-6.6 Separability.

If any section, subsection, sentence, clause, phrase, or portion of this Chapter is for any reason held invalid or unconstitutional by any Federal or State court or administrative agency of competent jurisdiction, specifically including the Federal Communications Commission, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof. (Ord. #81-2, §XIV)

16-7 ACCEPTANCE BY GRANTEE.

This Chapter when accepted by the grantee shall be and become a valid and binding contract between the Town and grantee, provided that this Chapter shall be void unless the grantee shall, within ninety (90) days after the final passage of this Chapter, file with the Town Clerk of the Town a written acceptance of this Chapter and the franchise herein granted, agreeing that it will comply with all of the provisions and conditions hereof and that it will refrain from doing all of the things prohibited by this Chapter. (Editor's Note: Chapter XVI was established by Ordinance #81-2).

CHAPTER XVII

SOIL MANAGEMENT

GRADING, EROSION AND SEDIMENT CONTROL

Note: All grading and sediment control permits are reviewed and issued through the Cecil County Department of Public Works Sediment and Control Division.

17-1.1 Purpose

The purpose of the Chapter is to safeguard the natural resources of the town by insuring compliance with minimum requirements for the control of grading and earth moving; to provide measures to control soil erosion and sedimentation; and to establish procedures by which these requirements and measures are to be administered and enforced. Provisions of this Chapter are adopted under authority of, and in compliance with, Sections 105 through 1110 of the Annotated Code of Maryland and Section 20 of the Cecil County Ordinance. (Ord. # 8-71, §1)

17-1.2 Scope

- a. A grading permit shall be obtained from Cecil County offices prior to the start of any grading, clearing or other earth change which may:
 1. Introduce sediment into any watercourse of the Town, county, or State, or
 2. Move more than one hundred (100) cubic yards of earth, or
 3. Create undue erosion and sediment damage to landowners downstream, adjacent to, or in the immediate vicinity of the subject site.
- b. Exceptions to this requirement are:
 1. Agricultural land management practices approved by and installed under supervision of the Cecil Soil Conservation District.
 2. Construction of agricultural structures or the construction of single-family residences and/or their accessory building on lots of two(2) acres or more.
 3. Construction or maintenance of county roads for which an erosion and sediment control plan has been approved by the Cecil Soil Conservation District.
- c. Existing Activities and Structures:

1. Construction of single-family residences actually under way on the date of adoption of this Chapter are generally exempt from the provisions of this Chapter*.
2. Where excel siltation or sedimentation is being caused by existing or in-progress structures, roads, streets, etc., the town reserves the right to order immediate correction in accordance with a properly executed grading and sediment control plan as approved by the Cecil Soil Conservation District.
3. Long term activities as the construction of roads (public and private) golf courses and shopping centers, the operation of gravel or borrow pits, mining and the like shall be conducted in accordance with a properly executed grading and sediment control plan if such activities are to continue under construction or operation longer than six (6) months after the effective day of this Chapter*. Approved plans shall be on hand at such activities not later than six (6) months after the effective date of this Chapter*.
(Ord. #8-71. §2)

17-1.3 Administration

- a. The grading, erosion and sediment control program of the Town of Port Deposit will operate under the control of and be administered by Cecil County agencies. Applications for all grading permits will be submitted to, and approved by, Cecil County. The requirements established by the county are outlined in Section 20 of the Cecil County Zoning Ordinance, a copy of which will be kept in the Port Deposit Town Hall. The basic technical reference guides for sediment control plans are contained in the U.S. Department of Agriculture, Soil Conservation Handbook, "Standard and Specification for Soil Erosion and Sediment Control in Urbanizing Areas" which will also be kept in Town Hall.
- b. Inspections will be conducted by county officials as prescribed in the County zoning Ordinance. However, law or enforcement officers of Port Deposit may require evidence of the county grading permit at any time such grading or construction is underway. Failure to produce the proper grading permit upon request may result in immediate suspension of the work underway and initiation of any corrective measures necessary to insure the protection of the natural resources or health and welfare of the town, should such elements be endangered by the work underway.
- c. Any fees associated with the grading permit or subsequent inspection will be assessed by and paid to the County agency charged with administration of this program.
(Ord. # 8-71, §3)

17-1.4 Penalties

Any violation of this Section shall be deemed a misdemeanor, and the person, partnership, or corporation who is found guilty of such violation shall be subject to a fine not exceeding one hundred (\$100) dollars or thirty (30) days imprisonment or both for each and every violation.

Any agency whose approval is required under this Section or any person in interest may seek an injunction against any person, partnership, or corporation whether public or private, violating or threatening violation of any provisions of this Section. Notice of violation of any of the provisions of this Section shall be filed with the Maryland Department of Natural Resources as well as with the appropriate County agencies. (Ord. # 8-71, §4)