

(b) If a dog is claimed on the application to have been spayed or neutered, it shall be the duty of the Owner to present a certificate from a Veterinarian that shall include the description, name, breed, color, age, and sex of the dog, unless such a certificate from a Veterinarian has already been supplied.

Section 19. Dog licenses - License tag and certificate.

(a) Upon licensing a dog, an identification tag shall be issued by the Treasurer or designee. The identification tag so issued and the certificate stub retained by the County shall be accepted as *prima facie* evidence of ownership. It shall be unlawful for any Person to take out a license for a dog in any name other than that of its Owner.

(b) A substitute metal license to replace a lost tag shall be issued to the dog's Owner upon surrender of the original certificate and upon payment of a replacement fee set by the Treasurer.

(c) No Person may use a license for any animal other than the animal for which it was issued.

Section 20. Dog licenses - Wearing of license tags.

A license tag on an Individual dog shall be securely affixed to a collar, harness or other device and shall be worn at all times by such animal except while such dog remains indoors or while attending training classes, dog shows, competitions, obedience or field trials, or hunting while accompanied by the Owner.

Section 21. Kennel licenses generally.

(a) Any Person owning or operating a Kennel shall obtain a license in compliance with this section.

(b) If not revoked, the Kennel license shall be valid for one year and shall begin each fiscal year on July 1. Application for a Kennel license may be made as follows:

- (1) Thirty (30) days prior to the beginning of each fiscal year,
- (2) Within thirty (30) days of obtaining more than five (5) dogs over the age of four (4) months, or
- (3) Prior to opening a Kennel in Washington County.

(c) An application for a Kennel license shall be filed with the Department and shall include the following:

(1) A written application on a form provided by the Department and containing the name, address and telephone number of the Owner or operator, the actual location of the Kennel, and the number and type of animals housed normally in the Kennel.

(2) Proof of a satisfactory inspection by the Agency on a form provided by the Department under the standards provided in Section 26.

(3) A certification from the zoning administrator that the location of the Kennel for which the license is sought is properly zoned for that use.

(4) If required for that district, an opinion of the board of appeals granting a special exception and a variance to meet the dimensional requirements of the applicable zoning ordinance.

(5) A current rabies vaccination certificate for all dogs and cats over four (4) months of age.

(6) An application fee for an annual Kennel license of \$10.00 for Kennels with twenty-five (25) or fewer animals and \$20.00 for Kennels with over twenty-five (25) animals. Effective July 1, 2001, the fee for all Kennel licenses shall be \$100.00.

Section 22. Kennel licenses - Individual tags.

The Kennel tag for each individual dog shall be securely affixed to a collar, harness or other device and shall be worn at all times by such animal except while such dog remains indoors or while attending training classes, dog shows, competitions, obedience or field trials, or hunting while accompanied by the Owner. A dog license tag shall not be required for any dog wearing a valid Kennel tag.

Section 23. Kennel licenses - Posting.

Every Person having a Kennel license shall keep such license posted and exhibited while in force in some conspicuous part of such establishment.

Section 24. Kennel licenses – Refusal, suspension and revocation.

(a) If a Kennel is being maintained in an unsanitary or inhumane manner or in violation of any specific provision of this Ordinance, the Agency may petition the Department to cause the refusal to issue, suspension, or revocation of a license for said Kennel. The decision to refuse to issue, suspend, or revoke a license on these grounds may be appealed to the Authority. The Agency shall notify the applicant or licensee in writing of the proposed refusal, suspension or revocation, the applicant's or licensee's right to a hearing before the Authority, and the procedure for appeal.

(b) If the applicant or licensee does not submit a written request for a hearing before the Authority to the Department within fifteen (15) days after receipt of the notice of the refusal, suspension or revocation, the application shall be refused or the license shall be suspended or revoked, as the case may be.

(c) An applicant shall have the burden of proving by clear and convincing evidence the applicant is eligible for and entitled to a license.

Section 25. Pet Shop license.

Pet Shops shall be licensed. All of the requirements for Kennels shall apply to Pet Shops, with the addition of specific regulations for Pet Shops to be adopted by the Board.

ARTICLE IV. STANDARDS FOR KENNELS

Section 26. Standards for Kennels; Inspections.

(a) In addition to the other requirements of this Ordinance, Kennels shall comply with the standards set forth in this section. Upon filing an application for a Kennel license, the Department shall refer the application to the Agency. The Agency will inspect each Kennel to ensure that the Kennel license applicant is in compliance with this Ordinance. The Agency may inspect any Kennel and any records thereof, required to be kept by federal, state or county law, at any reasonable time during normal business hours. Failure to meet these standards may be cause for refusal, suspension, or revocation of a Kennel license by the Department. The standards are as follows:

(1) All animals must be supplied with sufficient nutritious food and potable water. All food and water containers shall be clean and placed so that the animals cannot readily tip them over.

(2) All animals and animal quarters shall be kept in a clean and sanitary condition. Floors of buildings, runs and walls shall be of such material as to permit proper cleaning and disinfecting. Adequate ventilation, essential light and temperatures shall be maintained.

(3) Animals housed in Kennels must be maintained in quarters so constructed as to prevent their escape. All reasonable precautions shall be taken to protect the public from the animals and the animals from the public.

(4) Each cage shall be of sufficient size that an animal will have room to stand, turn and stretch to its full length.

(5) All animals housed in Kennels must be properly exercised in accordance with the age and species of the animal.

(6) Any animal housed in a Kennel that demonstrates signs of illness or disease shall be isolated in such manner as to prevent the spread of such illness or disease to other animals. The owner or lessee of such Kennel shall provide or cause to be provided appropriate veterinary care for such sick, diseased or injured animals.

(b) The standards set forth in subsection (a) shall be in conformity with the requirements of individual species and common veterinary practice.

(c) Any refusal, suspension or revocation of a Kennel license resulting from a failure to adhere to the standards in this section may be appealed to the Authority.

ARTICLE V. REQUIREMENTS OF OWNERS

Section 27. Animal at Large - Prohibited.

(a) No Owner shall allow an animal to be at large, as defined in Section 1.

- (b) The Animal at Large prohibition in subsection (a) shall not apply to:
- (1) Animals on the premises of another property with the permission of the property owner or lessee.
 - (2) Dogs being used for training, hunting; or obedience training.
 - (3) Dogs accompanied by the Owner or agent of the Owner on horseback.
 - (4) Farmers driving herds to and from pasture, different farms, or parts of farms. See Md. Code, Agriculture Article, §3-504.
- (c) An Animal Control Officer encountering a Farm Animal at large shall:
- (1) Check the immediate neighborhood for the owner
 - (2) Ask a farmer in the area to hold the livestock until the owner is found
 - (3) If necessary, hold the livestock in the Animal Control Shelter
 - (4) If necessary due to size, breed or quantity, hold the animals in a stockyard

Section 28. Animal waste.

- (a) It shall be unlawful for any Owner or custodian to allow his or her animal or any animal under his or her care to urinate or defecate on the property of another without the property owner's consent.
- (b) It shall be unlawful for any Owner or custodian to allow his or her animal or any animal under his or her care to defecate on public property unless the Owner or custodian of the animal immediately thereafter removes and disposes of any waste in a sanitary manner.
- (c) An Owner or custodian handling animal waste in accordance with an approved nutrient management plan shall be exempt from the provisions of this section.

Section 29. Dead animals.

It shall be the duty of every Owner of any animal and every property owner to dispose of any dead animal at the Owner's expense. No Person shall, nor cause to, place or leave the carcass of any dead animal in any street, alley or on public property or allow the same to remain on his or her property. Farm Animals are exempt from the provisions of this section. See Section 53.

Section 30. Confinement of female dogs in heat.

The Owner, agent or custodian of any female dog in estrus ("heat") must so guard and protect such dog that she will not be out of doors except on the Owner's property for the purpose of regular exercise under control of the Owner, for the purpose of natural relief, or during the process of conveying the dog to a place suitable for the purpose of medical treatment, boarding or breeding, and under the direct control of such Person.

Section 31. Owner release.

An animal turned in by an Owner to the Agency shall not be euthanized until the Owner provides a written statement to the effect that the animal has not bitten a human within the previous ten (10) days, unless a report of the circumstances of a bite from the police or the Health Department is presented by the Owner. Those Individuals responsible for euthanization of the animal shall not be held liable for damages for actions taken in accordance with applicable standards of practice.

Section 32. Public Nuisance Animals.

(a) No Person shall keep or maintain any animal in such a manner as to cause or permit such animal to be a Public Nuisance Animal. An animal may be deemed a public nuisance upon the existence of one of the following conditions:

(1) When an animal is found by the Agency to have been running at large two or more times in a six (6) month period.

(2) When an animal damages, soils, defiles or defecates on any private property, other than that of the Owner, or when an animal does so on common grounds or jointly owned property.

(3) When an animal or animals cause unsanitary, dangerous or offensive conditions due to the size or number of animals maintained at a single location, the inadequacy of the facilities, or the maintenance of the premises by the Owner.

(4) When an animal makes or causes excessive barking, whines or howls so as to disturb the quiet or comfort of Individuals in the surrounding areas.

(5) When an animal molests, intimidates, or acts in an aggressive manner towards an Individual or a vehicle when such Individual or vehicle is using any public street, highway or public space.

(b) Farm Animals are exempt from the provisions of this section. See Section 53.

Section 33. Animals as prizes or inducements; coloring.

(a) No Person shall offer or give away any dog, cat, rabbit, baby chick, duckling, or other fowl or animal as a prize for or as an inducement to enter any contest, lottery, drawing or auction. No animal may be used as an inducement to enter a place of amusement or as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade.

(b) No Person shall dye, color or stain any animal to change the natural color of said animal.

(c) Farm Animals are exempt from the provisions of this section. See Section 53.

Section 34. Exotic Animals or Wild Animals.

(a) No Person may own, sell, exhibit, barter or harbor any Exotic Animal or Wild Animal in the County without first obtaining permits required by state or federal law.

(b) The Agency may without prior notice to any Owner, impound from public or private property an animal not permitted in the County pursuant to this section.

(c) The Agency shall make a prompt and reasonable effort to notify the Owner that the animal has been impounded, the reason for the impoundment, and the conditions for the release of the animal. The animal shall be held for up to ten (10) days to give the Owner an opportunity to arrange for the prompt and permanent removal of the animal from the County and to give assurance of such removal. If the Owner has not arranged for removal of the animal from the County within ten (10) days, the animal shall be disposed of according to Section 41.

Section 35. Vicious and Dangerous Animals.

(a) An animal may be declared a Vicious and Dangerous Animal by the chief administrator of the Agency or his or her designee. An Owner may appeal any declaration that an animal is a Vicious and Dangerous Animal to the Authority within ten (10) days of being served with the notification.

(b) Every Owner or custodian of a Vicious and Dangerous Animal including, but not limited to dogs, shall keep such animal confined in a building or other secure enclosure in a manner as to prevent direct contact between the animal and human beings or other animals.

(c) No Vicious and Dangerous Animal may be removed from confinement unless such animal is first securely muzzled, leashed, and under the control of a Individual over the age of sixteen (16) years who is physically capable of restraining the animal.

(d) An Animal Control Officer may impound a Vicious and Dangerous Animal whose Owner is found in violation of this section.

(1) An Owner may appeal the impoundment to the Authority within five (5) days of receiving notice.

(2) Should an Owner fail to appeal, the animal may be disposed of pursuant to Section 41.

(e) An Owner of a Vicious and Dangerous Animal shall provide written notice to the Agency within five (5) days of selling or giving the animal away to another Person. The written notice to the Agency shall state the name and address of the new Owner of the animal, that the new Owner has been notified of the declaration that the animal is a Vicious and Dangerous Animal, and the details of the animal's vicious and dangerous behavior.

ARTICLE VI. ENFORCEMENT

Section 36. Animal Control Officers/inspectors; Powers of enforcement.

(a) Any Animal Control Officer shall have the right to enter upon any property where the officer has probable cause to believe that such entry is necessary for the purpose of discharging the duties imposed by this Ordinance, including but not limited to impoundment under Section 37. However, that

nothing in this section shall be construed as permitting the entry into a private building or other structure except in accordance with Maryland law.

(b) An Animal Control Officer is authorized to apply to a District Court or Circuit Court judge for a search and seizure warrant permitting entry into any private building or other structure. A warrant shall be issued upon written, described probable cause, supported by oath or affirmation, and particularly describing in writing the place to be searched, and the animal or other things to be seized, in accordance with Maryland law.

(c) It shall be unlawful for any Person to interfere or attempt to interfere with an Animal Control Officer or any Individual acting under the authority of this Ordinance, in the performance of the duties of the Officer or other authorized person, nor shall any Person without authority release or attempt to release any animal impounded pursuant to this Ordinance or State law.

Section 37. Impoundment – generally.

(a) Any animal found at large may be impounded by the Agency or any Animal Control Officer and taken to the Animal Control Shelter. The animal shall be confined there in a humane manner for a period of not less than five (5) business days, unless sooner claimed and redeemed by its Owner. See exemptions in Section 27.

(b) An exception to the five (5) day impoundment period will be made for litters of puppies and kittens over the age of eight (8) weeks, which will be made immediately available for adoption. For the purposes of this Ordinance, a litter shall consist of three or more animals.

(c) An exception to the five (5) day impoundment period will be made for any captured animal of unknown ownership determined to be a Vicious and Dangerous Animal, after 48 hours, which constitutes a personal threat to the staff of the Agency and the public.

(d) Where the Agency is unable with reasonable efforts to safely seize and impound a Vicious and Dangerous Animal, a Wild Animal, or an animal suspected to have rabies, local police agencies may use weapons as may be necessary to kill or subdue the animal, and shall do so in the most humane manner possible.

(e) An Animal Control Officer may seize an animal from any place if the officer determines that emergency conditions make it necessary to do so in order to protect its health and safety and the health and safety of the public or other animals.

(1) An Owner may appeal the removal of an animal under this subsection to the Authority within five (5) days of receiving actual or written notice of the impoundment.

(2) Should an Owner fail to appeal a removal to the Authority within five (5) business days of notice, the animal may be disposed of pursuant to Section 41.

Section 38. Impoundment - Notification of Owner.

Upon impounding any animal, the Agency shall make all reasonable efforts to locate and notify the animal's Owner of the impoundment.

Section 39. Sick or injured animals.

(a) Any impounded Animal at Large, the Owner of which is not known, and which is sick or injured, may be disposed of before the end of the statutory period at the discretion and direction of a Veterinarian. A Veterinarian shall not be liable to the Owner for such direction made in good faith and at the request of the Agency. As to Animals at Large, see Section 27.

(b) Any animal found in a critical, mortally wounded condition from wounds, injuries, or diseases may, at the discretion of a Veterinarian or an Animal Control Officer, be humanely destroyed. The Owner shall be notified as soon as possible thereafter, and shall immediately provide for expenses and burial or cremation of the animal if he or she knows of the death of the animal and the location of the carcass.

(c) The Agency is authorized to enter into agreements with Veterinarians for the care of sick or injured animals which are licensed or which give the appearance of having been given good care. If the Owner cannot be located within a reasonable time, the Agency shall pay for the expenses incurred. If the Owner is located, he shall promptly pay for the Veterinarian's services and other expenses incurred for the care of the animal.

Section 40. Impoundment - Redemption of impounded animals.

The Owner of an impounded animal shall be entitled to redeem such animal upon proof of ownership, compliance with the license provisions of this Ordinance, the payment of any fees imposed by the Agency, and compliance with any measures required by the Agency.

Section 41. Disposition of animals.

At the end of the minimum time period specified in this Article, unclaimed animals shall be deemed abandoned and become the property of the Agency, and shall be disposed of only by euthanasia or by adoption or, in the case of a wild animal, released in a suitable habitat where permitted. Any Owner of any animal deemed abandoned which has not been disposed of by euthanasia or adoption may reclaim said animal by paying the requisite fees to the Agency.

Section 42. Prohibited acts.

(a) No person shall beat, torment, overload, overwork, cause unnecessary suffering to or otherwise abuse any animal or cause, instigate or permit any dogfight, cockfight, bullfight or other combat between animals or between animals and humans. No Person shall abandon any animal on public or private property. Customary and normal veterinary and animal husbandry practices including but not limited to dehorning, castration, docking, and limit feeding, shall not be construed as being included in the provisions of this section. The Authority shall accept oral or written testimony from an agent of the Cooperative Extension Service on the issue of what are customary and normal animal husbandry practices, or from a Veterinarian on the issue of what are customary and normal veterinary practices, without the formal requirement of the presence of the agent or Veterinarian or qualification as to expertise.

(b) No Person shall entice an animal off the property of its Owner with the intent to allow said animal to become an Animal At Large. For Animals at Large, see Section 27. For Public Nuisance Animals, see Section 32.

(c) It shall be unlawful for any Person to conceal any animal or to falsely deny ownership of any animal owned or harbored by him from any Animal Control Officer or other person authorized to act by the provisions of this Ordinance.

(d) If an animal is impounded under this section and is not redeemed within ten (10) days of notice to the Owner, the animal may be disposed of pursuant to Section 41.

ARTICLE VII. PENALTIES

Section 43. Civil penalties.

(a) An Animal Control Officer may serve a Citation upon any Person found to have committed a violation of this Ordinance. The Citation shall impose upon such violator a civil penalty of up to twenty-five dollars (\$25.00) for a first offense. A civil penalty of up to one hundred dollars (\$100.00) may be imposed for a second offense. A civil penalty of up to two hundred fifty dollars (\$250.00) may be imposed for a third or subsequent offense. All civil penalties shall be paid to the Treasurer within twenty (20) days in full satisfaction of the assessed penalty. An Animal Control Officer is also empowered to issue a warning in lieu of a Citation in an appropriate case.

(b) A Citation to impose a civil penalty may be filed with the Authority in accordance with Section 6.

(c) In the alternative, a Citation to impose a civil penalty may be filed with the District Court pursuant to Md. Code, Courts and Judicial Proceedings, §4-401(10)(ix).

(d) Should collection proceedings be required for collection of a civil penalty, an attorney's fee of one hundred seventy-five dollars (\$175.00) and court costs shall be imposed on the Person who has failed to pay the civil penalty to cover the costs of collection.

(e) In addition to other authority, the District Court of Maryland shall have the power to grant equitable relief and may take the actions set forth in Section 6.(i)(1-4) of this Ordinance, pursuant to Md. Code, Courts and Judicial Proceedings, §4-401(8). This power is in addition to and concurrent with all other powers pertaining to enforcement of this Ordinance.

(f) Civil penalties collected under this Ordinance shall be credited to the general fund of the County or municipal corporation in which the violation occurred.

(g) The Authority and the District Court shall have the authority to reduce or modify, but not increase, a civil penalty assessed under this Ordinance.

(h) Procedure for civil ordinance violations in the District Court of Maryland.

(1) For purposes of this article, a violation of this Ordinance is a civil offense.

(2) The civil penalty shall be paid to the County by the Person charged in the Citation within 20 calendar days of service of the Citation.

(3) (i) Animal Control Officers may serve a Citation on any Person:

1. Whom they believe is committing or has committed a violation of this Ordinance; or
2. On the basis of an affidavit submitted to an appropriate official of the County, to be named by the County, citing the facts of the alleged violation of this Ordinance.

(ii) The Citation shall be served on the defendant:

1. In accordance with Maryland Rule 3-121; or
2. For real property-related violations, if proof is made by affidavit that good faith efforts to serve the defendant under Maryland Rule 3-121(a) have not succeeded, by:

A. Regular mail to the defendant's last known address; and

B. Posting of the Citation at the property where the ordinance violation has occurred or is occurring, and, if located within the County in which the ordinance violation has occurred or is occurring, at the residence or place of business of the defendant.

(iii) The Citation shall contain:

1. The Animal Control Officer's certification:

A. Attesting to the truth of the matter set forth in the Citation; or

B. That the Citation is based on an affidavit;

2. The name and address of the Person charged;
3. The nature of the ordinance violation;
4. The location and time that the ordinance violation occurred;
5. The amount of the civil penalty assessed;
6. The manner, location, and time in which the civil penalty may be paid to the County;
7. The Person's right to elect to stand trial for the Ordinance violation; and
8. The effect of failing to pay the assessed civil penalty or demand a trial within the prescribed time.

(iv) The Animal Control Officer shall retain a copy of the Citation.

(4) (i) If a Citation is served without a summons as provided in paragraph (6) of this subsection, the Person charged in the Citation may elect to stand trial for the Ordinance violation by

notifying the County in writing of the Person's intent to stand trial. The written notice shall be given at least five (5) days prior to the date of payment as set forth in the Citation.

(ii) Upon receipt of the written notice of the intent to stand trial, the County shall forward to the District Court having venue a copy of the Citation and the written notice.

(iii) Upon receipt of the Citation and the written notice, the District Court shall schedule the case for trial and notify the defendant of the trial date.

(5) (i) If a Person charged in a Citation fails to pay the civil penalty by the date of payment set forth on the Citation and fails to deliver to the County the written notice of intent to stand trial, the Person is liable for the assessed civil penalty.

(ii) The County may double the civil penalty to an amount not to exceed \$1,000 and request adjudication of the case through the District Court, including the filing of a demand for judgment on affidavit.

(iii) The District Court shall promptly schedule the case for trial and issue a summons for the defendant to appear.

(iv) The defendant's failure to respond to such summons shall result in the entry of judgment against the defendant in favor of the County in the amount then due if a proper demand for judgment on affidavit has been made.

(6) (i) 1. An Animal Control Officer may also serve a summons with a Citation that requires the Person to appear in District Court on a specified date and time.

2. The summons shall specify that the Person is not required to appear in District Court if the civil penalty is paid as provided in the Citation.

3. If approved by the Chief Judge of the Maryland District Court, the Citation form may contain the summons.

4. The Animal Control Officer shall coordinate the selection of court dates with the appropriate District Court officials.

(ii) If the defendant fails to pay the civil penalty as provided in the Citation and fails to appear in District Court as provided in the summons:

1. The County may double the civil penalty to an amount not to exceed \$1,000;

and

2. The Court may enter judgment against the defendant in the amount then due if the proper demand for judgment on affidavit has been made.

(7) If any Person shall be found by the District Court to have committed an Ordinance violation:

(i) 1. The District Court shall order the Person to pay the civil penalty, including any doubling of the civil penalty, not to exceed the limits under paragraph (2) of this subsection;

2. The civil penalties imposed shall constitute a judgment in favor of the County;
and

3. If the civil penalty remains unpaid for 30 days following the date of its entry, the judgment shall be enforceable in the same manner and to the same extent as other civil judgments for money unless the Court has suspended or deferred the payment of the civil penalty as provided under subparagraph (ii) of this paragraph;

(ii) The District Court may suspend or defer the payment of any civil penalty under conditions that the Court sets;

(iii) The Person shall be liable for the costs of the proceedings in the District Court; and

(iv) The Court may order the Person to abate the ordinance violation or enter an order permitting a County to abate any such Ordinance violation at the Person's expense.

(8) (i) If a County abates an Ordinance violation pursuant to an order of the District Court, the County shall present the defendant with a bill for the cost of abatement by:

1. Regular mail to the defendant's last known address; or

2. Any other means that are reasonably calculated to bring the bill to the defendant's attention.

(ii) If the defendant does not pay the bill within 30 days after presentment, upon a motion of the County, the District Court shall enter a judgment against the defendant for the cost of the abatement.

(9) All civil penalties or forfeitures collected by the District Court for an Ordinance violation shall be remitted to the County in which the ordinance violation occurred.

(10) If a defendant fails to pay any civil penalty or cost imposed by the District Court without good cause, the District Court may punish the failure as contempt of court.

(11) Adjudication of an Ordinance violation, as defined in paragraph (1) of this subsection, is not a criminal conviction for any purpose, nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction.

(12) In any proceeding for an Ordinance violation:

(i) It shall be the burden of the County to prove that the defendant has committed the Ordinance violation by clear and convincing evidence, and in any such proceeding, the District Court shall apply the evidentiary standards as prescribed by law or rule for the trial of civil causes;

(ii) The District Court shall ensure that the defendant has received a copy of the charges against the defendant and that the defendant understands those charges;

(iii) The defendant shall be entitled to cross-examine all witnesses who appear against the defendant, to produce evidence or witnesses in the defendant's own behalf, or to testify in the defendant's own behalf, if the defendant elects to do so;

(iv) The defendant shall be entitled to be represented by counsel of the defendant's own selection and at the defendant's own expense; and

(v) The defendant may enter a plea of guilty or not guilty of the Ordinance violation as charged, and the verdict of the District Court shall be guilty of an Ordinance violation or not guilty of an Ordinance violation, or the District Court may, before rendering judgment, place the defendant on probation.

(13) The court costs in an ordinance violation proceeding in which costs are imposed are five (\$5.00) dollars. A defendant may not be liable for payment to the Criminal Injuries Compensation Fund.

ARTICLE VIII. CONTROL OF RABIES

Section 44. Rabies - Immunizations of dogs and cats.

All dogs and cats of the age of four (4) months or older in the County shall be currently immunized against rabies by a Veterinarian or by an anti-rabies clinic authorized by the Health Department and the State Public Health Veterinarian. Immunity against rabies shall be maintained at a level approved by the State Community and Public Health Administration. If the animal was brought into the County from outside the State, an unexpired rabies inoculation certificate or tag issued by a veterinarian or anti-rabies clinic licensed in the state in which the animal was inoculated shall be acceptable.

Section 45. Rabies - Reports of an animal biting an Individual.

Any Owner, keeper or harbinger of an animal known to have bitten an Individual, as well as the Individual bitten, shall immediately report such bite to any law enforcement agency in the County. The law enforcement agency shall, within 24 hours, notify the Agency and the Health Officer of the details of the incident, and shall provide a description of the animal.

Section 46. Rabies - Confinement of biting animals.

(a) The Agency shall confine or provide for the confinement of any Domesticated Animal that has bitten any Individual, for clinical observation for a period of not less than ten (10) consecutive calendar days. The confinement may occur on the premises of the animal Owner, provided that the Owner signs a written agreement to provide for properly supervised confinement. In the alternative, the animal may be confined in the Animal Control Shelter or a veterinary hospital at the Owner's option and expense. No Person shall knowingly allow such confined animal to escape or sell, give away or otherwise dispose of such animal before the expiration of the ten (10) day confinement and observation period.

(b) The Health Officer shall be empowered to order an examination of any such animal, if not inoculated, to determine whether it may have rabies.

(c) If the Owner of any biting animal decides to euthanize the animal before the end of the ten (10) day confinement and observation period, the Owner shall notify the Agency and the animal shall be humanely euthanized and examined for rabies pursuant to this section.

(d) If an animal biting an Individual is injured or sick and its condition warrants euthanasia, that animal shall be humanely euthanized and examined for rabies pursuant to this section.

(e) The Agency shall be notified when any Individual or Domesticated Animal is bitten by any Wild Animal, and such Wild Animal shall be euthanized and examined for rabies pursuant to this section.

(f) An animal to be examined for rabies pursuant to this section shall have its head removed and sent immediately to a laboratory approved by the State Department of Health and Mental Hygiene for the examination at the Owner's expense.

ARTICLE IX. MISCELLANEOUS

Section 47. Adoptions.

(a) The Agency may provide for the adoption of impounded animals by a responsible Person after payment of the requisite fees.

(b) A dog or cat put up for adoption shall be no less than eight (8) weeks of age, free from known disease or injury unless notification has been given to the adopter, not vicious and released only after definite provisions have been made for sterilization, inoculation and licensing of such animal.

(c) The Agency may establish fees to be paid by any Person adopting an animal.

Section 48. Fees.

The Board shall, from time to time, review all fees that the Agency is empowered to set by this Ordinance and to set those fees that the Board is empowered to set pursuant to the Annotated Code of Maryland and this Ordinance.

Section 49. Owner's liability.

If any animal shall do any damage to the body, clothing or other property of any Individual, the Owner or keeper or, if the Owner or keeper be a minor, the parents or guardian of such minor shall be liable for such damages, unless such damages shall have been occasioned to the body or clothing of an individual who, at that time such damages were sustained, was committing a trespass or other tort, or was teasing, tormenting or abusing such animal. An individual is lawfully upon the private property of such Owner within the meaning of this Ordinance when the individual is on such property in the performance of any duty imposed by the laws of the State, County, or by the postal regulations of the United States, or when on such property upon the express or implied invitation of the Owner thereof.

Section 50. Public education.

The Board may cause to be instituted a permanent public education program in cooperation with the Agency to inform pet owners of the responsibilities of animal ownership, the proper care of animals, and the provisions of this Ordinance. As a part of this program, a brochure shall be created which contains

a summary of the chief provisions of the Ordinance, to be distributed to Veterinarians, Pet Shops, the Treasurer, the Agency, the Department, and all authorized outlets for the issuance of licenses, with the intention that each applicant for a license under this Ordinance shall receive a copy of the brochure. The Board and the Agency may also cooperate with the Board of Education in taking the public education program into the school system.

Section 51. Sterilization.

The Board may cause to be established a program for the sterilization of dogs and cats owned by County citizens.

Section 52. Volunteers.

The Agency is hereby authorized to permit, in its sole discretion, individuals who volunteer their services to assist the Agency in carrying out the non-coercive provisions of this Ordinance.

Section 53. Exemption of farm animals.

Farm Animals shall be exempt from all provisions of this Ordinance, except for the following:

- (a) Prohibited Acts under Section 42.
- (b) Licensing requirements under Section 15.
- (c) Animals at Large provisions under Section 27.

Adopted this ____ day of _____, 2001.

Effective the ____ day of _____, 2001.

CHAPTER 6

AN ORDINANCE REGULATING BICYCLES, SKATEBOARDS, ROLLER SKATES AND OTHER HUMAN POWERED VEHICLES

SECTION 1. DEFINITIONS

For the purpose of this Chapter, the terms used herein are defined as follows:

A. Bicycle – A vehicle that is designed to be operated by human power, has two (2) or three (3) wheels, of which one (1) is more than fourteen (14) inches in diameter, and has a wheel configuration as follows:

If the bicycle has two (2) wheels, with both wheels in tandem; or if the vehicle has three (3) wheels, with one (1) front wheel and with two (2) rear wheels that are spaced equal distance from the center of the bicycle; or a vehicle that is otherwise considered a bicycle under the Transportation Article of the Annotated Code of Maryland.

B. Roadway – Any part of a highway, street, road, or alley that is improved, designated, or ordinarily used for motor vehicle travel other than the shoulder or designated bike path.

C. Bike Lane – Any portion of a roadway or shoulder designed for single directional bicycle flow.

D. Motor Vehicle – Minibikes, motorbikes, motor scooters, go carts and other mechanically propelled vehicles of a similar nature.

E. Play Vehicles – Skateboards, roller skates, soap box vehicles and other similar devices. Play vehicles shall not include tricycles and/or other three (3) or more wheeled toys commonly used by small children under the supervision of an adult, parent or other responsible person unless otherwise specified herein.

F. Police Department – Police departments defined as either the officially designated Police Department for the Town or any other law enforcement agency acting within the corporate limits of the Town of Hancock. The term law enforcement officer is defined as any member of any law enforcement agency of the State, County or Town.

SECTION 2. PROPER RIDING CONTROL; COMPLIANCE WITH TRAFFIC REGULATIONS

The rider or operator of a bicycle or play vehicle as defined herein on any of the streets of the Town of Hancock shall have said vehicle under proper control and shall not operate or propel the bicycle on any of the streets of the Town recklessly or at a rate of speed greater than is reasonable and proper and shall not use the street or highways so as to endanger the property of any person. All operators of bicycles or play vehicles shall at all times comply with all other traffic regulations in force in the Town of Hancock and pursuant to the traffic regulations for the State of Maryland.

SECTION 3. RIDING ON SIDEWALKS

It shall be unlawful for any person to ride any bicycle, motor vehicle or play vehicle as defined in this Chapter on, over or upon the public sidewalks of the Town of Hancock, except during periods requiring the removal of snow from the sidewalks of the Town of Hancock.

SECTION 4. RIDING IN PARKS AND PLAYGROUNDS

It shall be unlawful for any person, operator or group of persons to ride or operate a bicycle, motor vehicle, or play vehicle, as defined in this Chapter, on any sidewalk, tennis court, basketball court, pavilion, swimming pool in any park or playground owned, operated and/or maintained by the Town of Hancock, except in those areas designed as "riding areas" or except in such areas as are public highways or roads.

SECTION 5. RIDING IN OR ON PARKING LOTS

It shall be unlawful for any person, operator, or group of persons to ride or operate a skateboard, bicycle, or play vehicle, as defined in this chapter on any parking lot owned, leased, or operated by the Town of Hancock, except in those areas designated as "riding areas" by the Town of Hancock.

SECTION 5. IMPOUNDING AND DISPOSITION OF BICYCLES, MOTOR VEHICLES, AND PLAY VEHICLES IN VIOLATION

A. Any bicycle, motor vehicle or play vehicle, as defined herein, found to be in violation of this Chapter shall be impounded by the Police and removed from the public thoroughfares of the Town.

B. The bicycle, motor vehicle, or play vehicle as defined herein that has been impounded shall be returned to a parent and/or guardian over the age of 18 after the payment of an impounding fee of \$10.00.

C. In the event that any bicycles, play vehicles or motor vehicles, as defined herein, are located or turned into the Police Department that have been abandoned within the Town of Hancock, the Police Department shall impound the same if they are unable to locate the true owners of said bicycle, play vehicle or motor vehicle.

D. If any of the foregoing impounded bicycles, play vehicles and/or motor vehicles are not redeemed within thirty (30) days from the impounding of the same if the owner is not known or within thirty (30) days of the impounding where the owner is known and has been notified in writing of the impoundment of said bicycle, play vehicle and/or motor vehicle then said Police Department shall sell said bicycles, play vehicles, and/or motor vehicles at a public sale to the highest bidder, after having been duly advertised by publishing notice of the time and place of such sale at least once ten (10) days prior to the sale in some newspaper published in the County.

SECTION 6. VIOLATIONS AND PENALTIES

A. Any person violating any provision of this Ordinance, on conviction thereof before the Court having jurisdiction, shall pay a fine as follows:

Any person violating this section may be determined to be guilty of a violation(s), the fine for which shall be twenty-five (\$25.00) Dollars. Repeat offenses of this section occurring within a period of one year from the initial violation date shall be subject to a fine of fifty (\$50.00) Dollars, or be confined in the Washington County Detention Center for a period of not more than thirty (30) days, or be both fined and imprisoned at the discretion of the court.

B. In addition to the penalties set forth in paragraph A, in the event that any law enforcement agency acting within the jurisdictional limits of the Town of Hancock observes any minor child operating a play vehicle, motor vehicle and/or bicycle in violation of the provisions of this Ordinance, the law enforcement officer may confiscate the play vehicle, motor vehicle and/or bicycle operated by said minor child and shall return the said play vehicle, motor vehicle, and/or bicycle to the said minor's parent or guardian. The law enforcement officer shall be authorized to confiscate a bicycle, play vehicle and/or motor vehicle as defined by this Ordinance under the provisions of this Ordinance whether or not he or she issues a citation for a violation of this Section.

C. In addition to the fines and the penalties described, the Mayor and Council of the Town of Hancock may avail themselves of any and all civil equitable remedies for the purposes of stopping continuing offenses of this Ordinance.

SECTION 7. EFFECTIVE DATE

The effective date of this Ordinance is May 9, 1999.

Former Chapter 6, Article 3, Hancock Code, effective May 4, 1999, recorded Liber 0008, folio 00525, among the Acts, Ordinances, and Resolutions of Towns of Washington County.

CHAPTER 7

AN ORDINANCE PERTAINING TO MINIMUM STANDARDS GOVERNING CONSTRUCTION AND MAINTENANCE OF BUILDINGS/STRUCTURES

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('This Section 3 sets forth all the Codes adopted by Washington County, Maryland, together with any subsequent amendments or revisions. The Codes are incorporated herein by reference together with all subsequent amendments or revisions.)	
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The County Building Code originally was adopted by the Town of Hancock as Chapter 4 of the Hancock Code on or about December 13, 1988. Hancock has consistently utilized County Codes and enforcement officers. This Ordinance is intended to confirm, revise, and update the Building Codes.

SECTION 1: PURPOSE.

The Mayor and Council have determined it to be in the best interest of the residents and citizenry of the community and in the interest of protecting the public health and safety to establish minimum standards governing the construction, alteration, addition, repair, removal, occupancy, livability, maintenance, and all other matters pertaining to buildings and structures.

SECTION 2: AUTHORITY.

The Charter of the Town of Hancock, Article 23, and of the Annotated Code of the General Laws of Maryland authorizes the Town of Hancock as a municipal corporation to establish certain minimum codes as set forth and to authorize, request and designate Washington County to enforce and administer such codes if it so desires.

SECTION 3. CODES.

The following are hereby adopted and considered to be in force in the appropriate limits of the Town of Hancock, a municipal corporation:

1. **BOCA National Building Code.**

The 1996 BOCA National Building Code, Thirteenth Edition, 1996 as published by the Building Officials and Code Administrators International, Inc., and as adopted by the Board of County Commissioners of Washington County, Maryland, on October 7, 1997, with an effective date of October 7, 1997, be and is hereby adopted in its entirety with the same insertions, amendments, and revisions as set forth therein. The BOCA National Building Code, Thirteenth Edition, 1996 as passed by the Board of County Commissioners of Washington County, Maryland, together with all insertions, amendments, and revisions is incorporated herein by reference, and attached and shall be kept on file with the Town Clerk.

Any subsequent replacements, revisions, supplements, amendments, and addendums issued thereto that from time to time may be adopted by the Board of County Commissioners of Washington County, Maryland are hereby adopted.

2. **CABO One and Two Family Dwelling Code.**

The 1995 addition of the CABO One and Two Family Dwelling Code as adopted by the Board of County Commissioners of Washington County, Maryland, be and is hereby adopted and enacted. The said 1995 addition of CABO One and Two Family Dwelling Code, in its entirety as adopted by the Board of County Commissioners of Washington County, Maryland effective on October 7, 1997, is attached hereto and made a part hereof by

reference and a copy with all revisions, amendments and insertions shall be kept on file with the Town Clerk.

Any subsequent replacements, revisions, supplements, amendments, and addendums issued thereto that from time to time may be adopted by the Board of County Commissioners of Washington County, Maryland are hereby adopted..

3. **The 1996 International Mechanical Code, First Printing.**

The 1996 International Mechanical Code, First Printing, except as otherwise set forth herein, as adopted by the Board of County Commissioners of Washington County, Maryland, with an effective date of October 7, 1997 be and is hereby adopted in its entirety with the same insertions, amendments, and revisions. The 1996 International Mechanical Code, First Printing, as passed by the Board of County Commissioners of Washington County, Maryland, together with all insertions, amendments, and revisions is incorporated herein by reference and shall be kept on file with the Town Clerk.

Any subsequent replacements, revisions, supplements, amendments, and addendums issued thereto that from time to time may be adopted by the Board of County Commissioners of Washington County, Maryland are hereby adopted.

4. **The National Electrical Code.**

The National Electrical Code as adopted by the Board of County Commissioners of Washington County, Maryland, with an effective date of October 7, 1997, as amended or intended to be amended, is hereby adopted in its entirety with the same insertions, amendments, and revisions. The National Electrical Code as passed by the Board of County Commissioners of Washington County, together with all insertions, amendments, and revisions is incorporated herein by reference and shall be kept on file with the Town Clerk.

Any subsequent replacements, revisions, supplements, amendments, and addendums issued thereto that from time to time may be adopted by the Board of County Commissioners of Washington County, Maryland are hereby adopted.

5. **The International Plumbing Code.**

The International Plumbing Code as adopted by the Board of County Commissioners of Washington County, Maryland, with an effective date of October 7, 1997, be and is hereby adopted in its entirety with the same

insertions, amendments, and revisions. The International Plumbing Code as passed by the Board of County Commissioners of Washington County, together with all insertions, amendments, and revisions is incorporated herein by reference and shall be kept on file with the Town Clerk.

Any subsequent replacements, revisions, supplements, amendments, and addendums issued thereto that from time to time may be adopted by the Board of County Commissioners of Washington County, Maryland are hereby adopted.

6. **The Code for the Handicapped.**

The Maryland Access Code for the Handicapped as adopted by the State of Maryland, and enforced by the Board of County Commissioners of Washington County, Maryland, as it now exists and/or may be amended from time to time, together with any subsequent replacements, revisions, supplements, amendments, and addendums issued thereto that from time to time may be adopted by the Board of County Commissioners of Washington County, Maryland are hereby adopted.

7. **Livability Code.**¹

§.01 GENERAL.

- A. **Title:** These regulations shall be known as the Town of Hancock Livability Code of "This Code".
- B. **Scope:** This Code is created to protect the public health, safety and welfare in residential structures and premises by:
 - (1) Establishing minimum property maintenance standard for basic equipment and facilities used for light, ventilation, heating and sanitation for residential structures and premises, and for safety and sanitary maintenance of residential structures and premises;
 - (2) Establishing minimum requirements for residential structures and premises for means of egress, fire protection systems and other equipment and devices necessary for safety from fire;
 - (3) Fixing the responsibilities of property owners, operators and tenants of residential structures and premises; and
 - (4) Providing for administration, enforcement and penalties.

¹ The Livability Code was adopted by the Town of Hancock on February 8, 1989 as Chapter 4, Article 3, Property Maintenance Standards. This Ordinance replaces same.

- C. Intent. This Code shall be construed liberally and justly to protect public health, safety and welfare insofar as they are affected by the continued use and maintenance of residential structures and premises.

§.02 DEFINITIONS

A. Rules of Interpretation:

- (1) Unless otherwise expressly stated, the terms defined in Section B shall have the meanings indicated for purposes of the Code.
- (2) Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.
- (3) Where terms are not defined, through the methods authorized by this section, they shall have their ordinarily accepted meanings such as the context may imply.

B. Terms Defined:

- (1) "Act" means §11-403 of Article 41 of the Annotated Code of Maryland.
- (2) "Basement" means that portion of a structure which is partly or completely below grade and having at least 50% of its floor to ceiling height below finished grade.
- (3) "Building Code" means the BOCA Basic/National Code.
- (4) "Central Heating" means the heating system permanently installed and adjusted so as to provide the distribution of heat to all habitable areas from a source outside of these areas.
- (5) "Code" means the Livability Code.
- (6) "Code Official" means the Director of the Department of Permits and Inspections or his/her authorized agent or designee.
- (7) "Condemn" means to declare a structure or part thereof, premises, or equipment, unsafe or unfit for use or occupancy.
- (8) "Electrical Code" means the National Electrical Code.
- (9) "Extermination" means the control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poison spraying, fumigating, trapping, or by any other pest elimination

methods which have received all necessary and legally required approvals.

- (10) "Garbage" means the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.
- (11) "Habitable Area" means the space in a structure used for living, sleeping, eating, or cooking including bathrooms and toilet compartments.
- (12) "Housing Board of Review" - "Board" means the Mayor and Council to hear waiver requests and appeals and render decisions.
- (13) "Housing Unit" means a single unit of a structure providing or intended to provide complete living and sleeping facilities for one or more persons.
- (14) "Infestation" means the presence, within or contiguous to, a structure or premises of insects, rodents, vermin or other pests.
- (15) "Maintenance" means the repair and other acts intended to prevent a decline in the condition of a structure, premises, or equipment below the standards established by this Code and other applicable statutes, codes and ordinances.
- (16) "Occupant" means any individual having possession of a space within a housing unit.
- (17) "Operator" means a person who has charge, care or control of a structure or premises which is offered for occupancy.
- (18) "Person" includes an individual, partnership, limited partnership, trust, estate, association or corporation.
- (19) "Plumbing" means the practice, materials, facilities and fixtures used in the installation, maintenance, extension or alteration of all piping, fixtures, appliances and appurtenances within the scope of the Washington County Plumbing Code.
- (20) "Plumbing Fixture" means a receptacle or device which is either permanently or temporarily connected to a water distribution system of the premises, and demands a supply of water there from; or discharges used water, liquid-borne waste materials, or sewage either directly or indirectly to the drainage system of the premises; or which requires both a water supply connection and a discharge system of the premises.

- (21) "Premises" means a lot, plot or parcel of land including the structure thereon.
- (22) "Property Owner" means any person having a legal or equitable interest in the premises, including the guardian of the estate of any such person, or the executor or administrator of the estate of such person if ordered to take possession of the premises by a court.
- (23) "Rubbish" means refuse composed of paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass crockery, dust and/or other similar materials as well as the residue from the burning of wood, coal, coke and other combustible materials.
- (24) "Structure" means a residential structure for human habitation.
- (25) "Tenant" means an occupant other than a property owner.
- (26) "Ventilation" means the process of supplying and removing air by natural or mechanical means to or from any space.
 - (a) Mechanical: Ventilation by power-driven devices.
 - (b) Natural: Ventilation by opening to outer air, air through windows, skylights, doors, louvers, or stacks without power-driving devises.

§.03 APPLICATION

- A. The Livability Code shall apply to residential structures located in the Town of Hancock used for human habitation except:
 - (1) Owner-occupied single family housing units;
 - (2) Any housing exempted by the Mayor and Council of Hancock.
 - (3) Any repairs or alterations to a structure, or changes of use therein, which may be caused directly or indirectly by the enforcement of this Code shall be done in accordance with the procedures and provisions of applicable local building code, plumbing code, mechanical code and electrical code, or any other code or standard applicable to housing.
 - (4) The provisions in the Code shall not abolish or impair any remedies available to the Code Official relating to the

removal or demolition of any structures which are deemed to be dangerous, unsafe and unsanitary.

- (5) All repairs, maintenance, alterations or installations which are required for compliance with this Code shall be executed and installed in accordance with industry standards so as to secure the results intended by this Code.

§.04 CODE ENFORCEMENT

- A. Enforcement: It shall be the duty and responsibility of the Mayor and Council to enforce the provisions of this Code as herein provided.
- B. A person may not be displaced by enforcement of this Code unless the structure is deemed unsafe, unsanitary, deficient in adequate exit facilities or which constitutes a fire hazard, or is otherwise dangerous to human life by the Code official. The Code Official shall notify the Mayor and Council and shall make every effort to find alternate housing of comparable affordability for any displaced persons.

§.05 DUTIES AND POWERS OF CODE OFFICIALS ¹

- A. General: The Board of County Commissioners shall designate the Code Official to enforce the provisions of this Code except as may otherwise be specifically provided by these regulations.
- B. Notices and Orders: The Code Official shall issue all notices and orders necessary to insure compliance with this Code. Such notices and orders shall include the procedure by which the person served may appeal.
- C. Inspection: The Code Official is authorized to enter any structure or premises upon invitation by the owner or at any reasonable time upon providing reasonable notice to the occupant and owner, for the purpose of making inspections and performing duties under this Code.
- D. Alterations and Repairs: The Code Official has the authority to require and approve any alterations or repairs necessary to bring a structure or premises into compliance with this Code. The determination of what may be necessary to bring such premises into compliance shall take into consideration the use of alternatives and equivalent approaches as provided for

¹ The Mayor and Council of the Town of Hancock by Resolution pursuant to §.05 of the Livability Code passed a Resolution designating the Code officials designated by the Board of County Commissioners as the enforcement officers. Said Resolution was passed January 1, 1989 and is incorporated by reference and attached.

in this Code. The Code Official shall have authority to approve changes in any alterations or repairs in the field when conditions are encountered which make the originally approved work impractical, provided such changes in approved work can be readily determined to be in compliance with this Code and other applicable codes as outlined in §.03(B) and are requested by the property owner or by his agent, describing the change in work and the reasons and justification for the change, and shall be filed with the permit for the project.

- E. Right of Entry: If any property owner, tenant or operator of a structure refuses, impedes, inhibits, interferes with, restricts, or obstructs entry and free access to any part of the structure or premises where inspection authorized by the Code is sought, the Code Official may seek, in a court of competent jurisdiction, an order that such property owner, tenant, or operator cease and desist from such interference.
- F. Access by Property Owner or Operator: A tenant of a structure or premises shall give the property owner or operator thereof, or agent or employee, access to any part of such structure or its premises at reasonable time upon being given reasonable notice for the purpose of making such inspection, maintenance, repairs or alterations as are necessary to comply with the provisions of this Code.
- G. Credentials: The Code Official shall disclose his credentials for the purpose of inspecting any structure or premises.
- H. Coordination of Enforcement: The inspection of structures and premises, the issuance of notices and orders and enforcement thereof shall be the responsibility of the Code Official. Whenever, in the opinion of the Code Official initiating an inspection under this Code, it is deemed necessary or desirable to have inspections by any other governmental official or agency the Code Official shall arrange for the coordination of such inspections so as to minimize the number of visits by inspectors. The Code Official shall confer with the other governmental official or agency for the purpose of eliminating conflicting orders before any are issued. The Code Official shall not, however, cause the delay of the issuance of any orders by any governmental official or agency which the governmental official or agency determines must be issued.
- I. Rule Making Authority: The Code Official shall have the power as may be necessary in the interest of public safety,

health and general welfare, to promulgate and adopt rules and regulations to interpret and implement the provisions of this Code to further the intent thereof.

§.06 CONDEMNATION

- A. General: When a structure or part thereof is found by the Code Official to be unsafe or unfit for human occupancy or use as defined in the Code, the Code Official may condemn the structure or part thereof and may order the structure or part thereof to be placarded and vacated pursuant to the provisions of this Code. The structure or part thereof shall not be reoccupied without approval of the Code Official. Unsafe equipment may be condemned, placarded and placed out of service pursuant to the provisions of this Code.
- B. Unsafe Structure: An unsafe structure is one which all or part thereof is found by the Code Official to be dangerous to life, health, property, or the safety of its tenants by not providing minimum protection from fire or because it is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation that it is likely to partially or completely collapse.
- C. Unsafe Equipment: Unsafe equipment includes any boiler, heating equipment, cooking equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that it is found by the Code Official to be hazardous to life, health, property or safety of the tenants of the premises of structure. Unsafe equipment may contribute to the finding that the structure is unsafe or unfit for human occupancy or use.
- D. Structure Unfit for Human Occupancy: A structure is unfit for human occupancy or use whenever the Code Official finds that it is unsanitary, vermin or rodent infested, contains filth or contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this Code.
- E. Closing of Vacant Structures: Upon failure of a property owner to close or vacate a premise within the time specified in an order, the Code Official may cause the premises to be closed through any available public agency or by contract or arrangement with private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

If the owner fails to repay the Town for expenses incurred, pursuant to this procedure, within thirty (30) days after written demand has been mailed to the last known address, the Code Official shall notify the Town Treasurer and a tax lien in favor of the Town for the amount of the expenses incurred shall be attached to the property. The property may be sold at tax sale to satisfy a lien authorized by this section.

§.07 NOTICES AND ORDERS

- A. General: Whenever the Code Official determines that there has been a violation of this Code or has reasonable grounds to believe that a violation has occurred, or whenever the Code Official has determined to condemn any structure or part thereof or equipment under the provisions of §.06, notice shall be given to the property owner, operator or to the tenant in the manner prescribed in this Code. Such notices and orders shall include the procedure by which the person served may appeal. If the Code Official has condemned the structure or part thereof or equipment, the Code Official shall serve prior notice to the property owner or operator and to the tenants of the intent to:
 - (1) Order the structure or part thereof placarded or vacated; or
 - (2) Order the equipment placed out of service.
- B. Service by Notice: Notice shall be deemed to be properly served upon a property owner, operator or tenant by one of the following methods:
 - (1) By delivering to the person to be served or his/her agent a copy of the notice and all other necessary papers; or
 - (2) a) By mailing to the person to be served at his/her last known address or to his/her agent by certified or registered mail with return receipt requested a copy of the notice and all other necessary papers; or
 - b) If the certified or registered letter is returned with receipt showing that it has not been delivered, by posting a copy thereof in a conspicuous place in or about the structure affected by such notice.
- C. Notice to Vacate: When a condemnation order is served on a tenant, the tenant shall be given reasonable time to vacate the structure in accordance with applicable laws.
- D. Transfer of Ownership: A property owner who has received a compliance order or upon whom a notice of violation has

been served shall not sell, transfer, mortgage, lease or otherwise dispose of the premises until the provisions of the compliance order or notice of violation have been complied with, or until the property owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of the compliance order or notice of violation issued by the Code Official and shall furnish to the Code Official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, in which he acknowledges the receipt of the compliance order or notice of violation and states that he fully accepts and assumes the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

- E. Removal of Placard: A property owner, operator or tenant shall not deface or remove a condemnation placard without the approval of the Code Official.

§.08 VIOLATIONS

- A. Penalty: Any property owner, operator or tenant who willfully violates any provision of this Code is guilty of a misdemeanor and on conviction for each violation is subject to a fine not exceeding \$100 for each day that the violation exists or imprisonment not exceeding three months, or both.
- B. Other Penalties: Any penalty ordered under this Code is in addition to and is not a substitute for any other penalty authorized under a federal, state or local law.

§.09 RIGHT TO APPEAL

- A. Petition: Any person affected by any decision of the Code Official which has been made in connection with the enforcement of any provision of this Code, or of any rule or regulation adopted pursuant to this Code, may request and may be granted a hearing in a manner prescribed by the Mayor and Council of Hancock. Any person affected desiring a hearing shall make a written request for a hearing within 15 days upon receipt of a Certified letter of violation from the Code Official.

§.10 ENVIRONMENTAL REQUIREMENTS

- A. Scope: The provisions of this regulation shall establish the minimum standards for maintenance of premises and structures.

B. Premises Conditions:

- (1) Sanitation: All premises shall be maintained in a clean, safe and sanitary condition free from any accumulation of rubbish or garbage.
- (2) Insect and Rodent Control: The premises shall be free from infestation of insects, rodents, vermin or other pests.

C. Exterior Structure:

- (1) General: The exterior of a structure shall be maintained in good repair, and shall be structurally sound and maintained in a sanitary condition so as not to pose a threat to the health, safety or welfare of the occupants.
- (2) Structural Members: All supporting structural members of a structure shall be kept structurally sound, free of deterioration and maintained capable of safely bearing the dead and live loads imposed upon them in accordance with the Building Code.
- (3) Exterior Surfaces: Every foundation, exterior wall, roof, and all other exterior surfaces shall be maintained in good repair and shall be kept in such conditions to exclude rodents and other pests.
- (4) Foundation Walls: All foundation walls shall be structurally sound and shall be maintained free from open cracks and breaks.
- (5) Exterior Walls: Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit rain or dampness to the interior portions of the walls or to the occupied areas of the structure.
- (6) Roofs and Drainage: The roof shall be structurally sound, and shall not have defects which might admit rain. Roof drainage shall be adequate to prevent rain water from causing dampness or deterioration in the walls or interior portion of the structure.
- (7) Decorative Features: All cornices, entablatures, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.
- (8) Signs, Marquees and Awnings: All canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts and similar overhang extensions shall be maintained in good

repair, be properly anchored and kept in a safe and sound condition. They shall be protected from the elements and against decay and rust by the periodic application of a weathercoating material such as paint or other protective treatment.

- (9) Chimneys: All chimneys, cooling towers, smoke stacks and similar appurtenances shall be maintained structurally sound, safe, properly flashed and caulked and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weathercoating materials such as paint or similar surface treatment.
- (10) Stairs and Porches: Every exterior stair, porch, fire escape balcony and all appurtenances attached thereto shall be safe to use and capable of supporting the anticipated loads and shall be maintained in a safe and sound condition and good repair. Guards and handrails shall be maintained in accordance with the Building Code.
- (11) Windows, Doors and Frames: Every window, door and frame shall be maintained so as to exclude rain and rodents as completely as possible, and to substantially exclude wind from entering the structure.
- (12) Weathertight: Every window and exterior door shall be fitted reasonably in its frame and be weathertight. Every window shall be free of cracks and holes.
- (13) Openable Windows: Every window, other than a fixed window, shall be capable of being easily opened from the inside and shall be capable of being held in position.
- (14) Insect Screens: During the period from April 1 to December 1, every door and window or other outside opening use for ventilation purposes shall be supplied with tight fitting insect screens.
- (15) Exception: Upon the prior approval of Code Official, screens may not be required for exterior doors or other types of openings which make screening impractical, such as openings equipped with air conditioning units or openings above the fourth floor. The Code Official may approve alternatives to screens.
- (16) Door Hardware: Every exterior door and its hardware shall be maintained in good condition. Door locks on all

interior and exterior doors entering housing units shall be in good repair and capable of tightly securing the door.

D. Interior Structure:

- (1) General: The interior of a structure and its equipment and facilities shall be maintained in good repair, structurally sound and in a sanitary condition so as not to pose a threat to the health, safety or welfare of the occupants.
- (2) Structural Members: All supporting structural members of a structure shall be kept structurally sound, free of deterioration and maintained capable of safely carrying the loads imposed upon them in accordance with the Building Code.
- (3) Interior Surfaces: Floors, walls (including windows and doors), ceilings and other interior surfaces shall be maintained in good repair and in clean, safe and sanitary condition.
- (4) Bathroom and Kitchen Floors: Every toilet, bathroom and kitchen floor shall be maintained so as to be substantially impervious to water to permit such floor to be easily kept in a clean and sanitary condition.
- (5) Sanitation: The interior of a structure shall be maintained in a clean and sanitary condition free from any accumulation of rubbish or garbage. Rubbish or garbage shall not be allowed to accumulate or be stored in public halls or stairways.
- (6) Insect and Rodent Harborage: A structure shall be kept free from any infestation, and where infestation is found, the area shall be promptly exterminated by processes which will not be harmful to human health. Continuing or repeated incidents of infestation, as determined by the Code Official, shall require the installation of rodent and vermin-proof walls. The rodent and vermin-proof walls shall be installed in accordance with the Building Code.
- (7) Exit Doors: Every door available as an exit shall be capable of being opened easily from the inside.
- (8) Exit Facilities: All interior stairs and railings and other exit facilities of a structure shall be maintained in sound condition and good repair. Every interior stair used for exit shall be maintained so as to be safe to use and capable of supporting the anticipated loads.

- (9) Lead Paint Abatement: All surfaces such as walls, ceilings, doors, trim molding, window frames, radiators, stair banisters in a deteriorated condition which present a potential health hazard due to lead paint shall have the painted surfaces abated by and in accordance with the Maryland Department of the Environment Regulations Title 26, Subtitle 02, "Procedures for Abating Lead Containing Substances from Buildings", effective August 8, 1988.

§.11 LIGHT AND VENTILATION REQUIREMENTS

A. General

- (1) Scope: The provisions of this regulation shall govern the minimum standards for basic equipment and facilities used for light and ventilation of a structure.
- (2) Alternative Methods and Devices: In place of the means for natural light and ventilation herein prescribed, alternative arrangement of windows, louvers or other devices or methods that will provide the equivalent minimum performance requirements shall be permitted in order to comply with the Building Code.

A. Light:

- (1) General: All areas in a structure shall be provided sufficient light so as not to endanger health and safety. All areas in a structure shall be provided with natural light or equipment to accommodate artificial light of sufficient intensity and distributed so as to permit the maintenance of sanitary conditions and the safe use of the area and the appliances, equipment and fixtures.
- (2) Common Halls and Stairways: Every common hall and stairway in a structure, other than one and two-family structures, shall be adequately lighted at all times with an illumination equivalent to the foot candles provided by at least a 60-watt standard incandescent light bulb for each 200 square feet of floor area, provided that the spacing between lights shall not be greater than 30 feet. Every exterior stairway shall be illuminated.

B. Mechanical Ventilation:

Where mechanical ventilation is provided in lieu of natural ventilation, such mechanical ventilating system shall be maintained in operation during the occupancy of the

structure or portion thereof. When part of the air provided by a mechanical ventilation system is recirculated, the portion or volume of air recirculated shall not be recirculated to a different habitable area.

§.12 PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

A. Scope:

The provisions of this regulation shall govern the minimum standards for plumbing facilities and fixtures.

B. Required Plumbing Facilities:

Every housing unit shall include its own plumbing facilities which shall be maintained in proper operating condition, can be used in privacy, and are adequate for personal cleanliness and the disposal of human waste. The following minimum plumbing facilities shall be supplied and maintained in a sanitary and safe working condition:

(1) Water Closet and Lavatory: Every housing unit shall contain within its walls, a room separate from other habitable areas, which provides a water closet supplied with cold running water and which affords privacy. A lavatory shall be placed in the same room as the water closet or located in another room, in close proximity to the door leading directly into the room in which said water closet is located. The lavatory shall be supplied with hot and cold running water;

(2) Bathtub or Shower: Every housing unit shall contain a room which is equipped with a bathtub or shower supplied with hot and cold running water and which affords privacy; and

(3) Kitchen Sink: Every housing unit shall contain a kitchen sink apart from the lavatory required under Subsection (1), and such sink shall be supplied with hot and cold running water.

C. Alternative Plumbing:

Alternative plumbing facilities and fixtures for use in housing units may be allowed as approved on a case-by-case basis by the Code Official.

D. Plumbing Fixtures:

- (1) General: All plumbing fixtures shall be maintained in a safe and usable condition. All plumbing fixtures shall be of nonabsorbent material and shall have received all necessary and legally required approvals.
- (2) Connections: Water supply lines, plumbing fixtures, vents and drains shall be properly installed, connected and maintained in working order and shall be kept free from obstructions, leaks and defects and shall be capable of performing the function for which they are designed. All repairs and installations shall be made in accordance with the provisions of the Building Code or Plumbing Code.
- (3) Maintenance: All plumbing fixtures shall be maintained in a clean and sanitary condition so as not to breed insects and rodents, or produce dangerous or offensive gases or odors.
- (4) Access for Cleaning: Plumbing fixtures shall be installed to permit easy access for cleaning the fixture and the area around it.

E. Water System:

- (1) General: Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing facility shall be properly connected to either a public water system or to a private water system which has received all necessary and legally required approvals.
- (2) Contamination: The water supply shall be maintained free from contamination. All water inlets for plumbing fixtures shall be located above the overflow rim of the fixture.
- (3) Water Supply: The water supply system shall be installed and maintained to provide at all times a supply of water to plumbing facilities, fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable them to function satisfactorily.
- (4) Water Heating Facilities: Water heating facilities shall be installed in a manner which has received all necessary and legally required approvals, properly maintained with emergency relief valves in accordance with the Plumbing Code, and properly connected with hot water lines to the fixtures required to be supplied with the hot water. Water heating facilities shall be

capable of heating water to such a temperatures so as to permit an adequate amount of water to be drawn at every kitchen sink, lavatory basin, bathtub, shower and laundry facility or other similar facilities, at a temperature of not less than 100 degrees F.

F. Sewage System:

(1) General: Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing facility shall be properly connected to either a public sewer system or private sewage disposal system which has received all necessary and legally required approvals.

(2) Maintenance: Every plumbing stack, waste and sewer line shall be installed and maintained so as to function properly and shall be kept free from obstructions, leaks and defects to prevent structural deterioration or health hazards. All repairs and installations shall be made in accordance with the provisions of the Building Code or Plumbing Code.

§.13 MECHANICAL AND ELECTRICAL REQUIREMENTS

A. General:

(1) Scope: The provisions of this regulation shall govern the minimum standards for mechanical and electrical facilities and equipment.

A. Heating Facilities:

(1) Residential Structures: Every housing unit shall be supplied with sufficient heat or heating equipment capable of supplying sufficient heat during the period from October 1 to May 15, to maintain a room temperature of not less than 65 degrees F. in all habitable areas during the hours between 6:30 a.m. and 10:30 p.m. of each day and maintain a temperature of not less than 60 degrees F. during other hours. The temperature shall be measured at a point 3 feet above the floor and 3 feet from exterior walls. EXCEPTION: When the exterior temperature falls below 0 degrees F. and the heating system is operating at its full capacity, a minimum room temperature of 60 degrees F. shall be maintained at all times.

(2) Cooking and Heating Equipment: All cooking and heating equipment, components and accessories in every heating, cooking and water heating device

shall be maintained free from leaks and water flow obstructions, and kept functioning properly so as to be free from fire, health and safety hazards. All installations and repairs shall be made in accordance with the provisions of the Building Code, Electrical Code, or other applicable laws or ordinances thereto. Portable cooking equipment employing flame is prohibited, except for residential type food trays or salvers which are heated by a candle or alcohol lamp and which have received all necessary and legally required approvals.

- (3) Installation: All mechanical equipment used for heating and cooking shall be properly installed and safely maintained in good working condition, and shall be capable of performing the function for which it was designed and intended.
- (4) Fuel-Burning Equipment: All fuel-burning equipment shall be connected to a chimney, flue or vent in accordance with applicable local or State codes or per manufacturer's instructions in cases where no local or State codes apply.
- (5) Clearances: All necessary and legally required clearances to combustible materials shall be maintained in accordance with the Building Code.
- (6) Safety Controls: All safety controls for fuel-burning equipment shall be maintained in effective operation in accordance with applicable local or State codes, or per manufacturer's instructions in cases where no local or State codes apply.
- (7) Combustion Air: A supply of air for complete combustion of the fuel and for ventilation of the space be provided for fuel-burning equipment.
- (8) Unauthorized Devices: Devices purporting to reduce gas consumption by attachment to a gas appliance, the gas supply line thereto, or the vent outlet or vent piping therefrom shall not be used unless labeled for such use and the installation has specifically received all necessary and legally required approvals.
- (9) Fireplaces: Fireplaces, and other construction and devices intended for use similar to a fireplace, shall be stable and structurally safe and connected to chimneys

which have received all necessary and legally required approvals.

- (10) Climate Control: When facilities for interior climate control (heating, cooling and humidity) are integral functions of housing units, such facilities shall be maintained and operated in accordance with the designed capacity.

B. Electrical Facilities:

- (1) Facilities Required: Provided that there is usable electric service available from a power line not more than 300 feet away, a structure shall be adequately and safely provided with an electrical system in compliance with the requirements of this section.
- (2) Receptacles: Each habitable area in a housing unit shall contain at least one receptacle outlet. Each laundry area and bathroom shall contain at least one GFCI protected receptacle. Any receptacle within 6'0" of a plumbing fixture shall be GFCI protected.
- (3) Lighting Fixtures: Every public hall, interior stairway, water closet compartment, bathroom, laundry room and furnace room shall contain at least one electric lighting fixture.
- (4) Service: When the electrical system requires modification to correct a violation of this section, the service shall be corrected to a minimum of 60 ampere, three wire service.
- (5) Installation: All electrical equipment, wiring and appliances shall be installed and maintained in a safe manner in accordance with the Electrical Code. All electrical equipment shall be of a type which has received all necessary and legally required approvals.

§.14 FIRE SAFETY REQUIREMENTS

A. Scope:

The provisions of this regulation shall govern the minimum standards for fire safety facilities and equipment. All structures shall be constructed and maintained to prevent and avoid fire hazards, and in a manner conducive to fire safety.

B. Means of Egress:

- (1) General: A safe, continuous and unobstructed means of egress shall be provided from the interior of a structure to the exterior as a street, yard, court, or passageway leading to a public open area at grade.

- (2) Direct Exit: Every housing unit shall have access directly the outside or to a common area that leads directly to the outside.
- (3) Doors: All doors in the required means of egress shall be easily opened from the inner side.
- (4) Fire Escapes: All fire escapes shall be maintained in working condition and structurally sound.
- (5) Exit Signs: All exit signs shall be illuminated and visible in accordance with the Building Code.
- (6) Emergency Escapes: Every sleeping room located in a basement shall have at least one openable window and exterior door for emergency egress or rescue in accordance with the Building Code which has received all necessary and legally required approvals or shall have access to two separate exits which have received all necessary and legally required approvals in accordance with the Building Code.

C. Accumulations and Storage:

- (1) General: Garbage or rubbish shall not be allowed to accumulate or be stored overnight in stairways, passageways, doors, windows, fire escapes or other means of egress.
- (2) Flammable Matter: Highly flammable or explosive matter, such as paints, volatile oils and cleaning fluids, or combustible rubbish such as waste paper, boxes and rags, shall not be accumulated or stored on premises except in reasonable quantities consistent with normal usage.
- (3) Residential Unit: A housing unit shall not be located within a structure containing an establishment handling, dispensing or storing flammable liquids with a flash point of 100 degrees F. or lower, except as provided for in the Building Code.

D. Fire Resistance Ratings:

Floors, walls, ceilings, and other elements and components which are required by the Fire Code to comply with a fire resistance rating shall be maintained so that the respective fire resistance rating of the enclosure, separation, or construction is preserved.

E. Fire Protection Systems:

- (1) General: All fire protection systems and equipment shall be maintained in proper operating condition at all times.

- (2) Smoke Detectors: All housing units shall be provided with a minimum of one single station smoke detector in the vicinity of each sleeping area. The smoke detectors shall be installed and maintained in accordance with the Building and Electrical Codes. When actuated, the smoke detector shall provide an alarm suitable to warn the occupants within the unit.
- (3) Fire Suppression System: Fire suppression systems in housing units so equipped shall be maintained in good condition, free from mechanical defect. Sprinkler heads shall be kept clean and free of corrosion and paint, and shall not be bent or damaged.
- (4) Fire Extinguisher: All portable fire extinguishers in housing units so equipped shall be visible and accessible, and maintained in an efficient and safe operating condition.

F. Fire Doors:

All necessary and legally required fire resistance rated doors or smoke barriers shall be maintained good working order, including all hardware necessary for the operation thereof. The use of door stops, wedges and other hold-open devices which have not received all necessary and legally required approvals or which have been denied approval is prohibited.

§.15 RESPONSIBILITIES OF PERSONS

A. Scope:

The property owner, operator or tenant shall be responsible for compliance with the provisions of this Code, and may be cited for violations thereof, except as provided in this regulation. A person shall not rent or lease to another person for occupancy or use any housing unit unless the structure and premises comply with the provisions of this Code.

B. General:

A property owner or operator may not be cited for a violation of this Code that is caused by the negligent, wrongful or malicious acts or omissions of a tenant, provided that the property owner's acts or omissions have not contributed in any way to cause the violation.

C. Sanitary Conditions:

- (1) The tenant shall be responsible for keeping that part of the structure or premises which the tenant occupies, controls or uses in a clean and sanitary condition.

Every property owner of a structure containing two or more housing units shall maintain, in a clean and sanitary condition, the common areas of the structure and premises.

- (2) Disposal and Storage of Rubbish and Garbage: The tenant shall be responsible for the storage and disposal of rubbish and garbage in a clean and sanitary manner as may be required by applicable laws or ordinances.
- (3) Supplied Fixtures and Equipment: The tenant shall be responsible for keeping owner-supplied equipment and fixtures clean and sanitary, and for the exercise of reasonable care in their proper use and operation. The property owner shall be responsible for maintaining such equipment and fixtures in good and proper operating condition.
- (4) Furnished by Tenant: The tenant shall be responsible for the maintenance of equipment and fixtures furnished by the tenant. Such equipment and fixtures shall be properly installed, and shall be maintained in good working condition, kept clean and sanitary, and free of defect, leaks or obstructions.

D. Extermination:

- A. All Structures: If necessary, the property owner, operator or tenant shall be responsible for extermination within the structure and on the premises prior to renting or leasing the structure.
- B. Single Occupancy: The tenant of a structure containing a single housing unit shall be responsible for the extermination of any insects, rodents or other pests in the structure or on the premises.
- (2) Multiple Occupancy: Every property owner or operator of a structure containing two or more housing units shall be responsible for the extermination of any insects, rodents or other pests in the structure or on the premises except where infestation within a housing unit is caused by a failure of the tenant to take reasonable action to prevent such infestation within the housing unit.

E. Fire Safety:

Responsibility for installing and maintaining in good working order any smoke detector installed pursuant to this Code shall be in accordance with the State Fire

§.15 SEVERABILITY

The provisions of these regulations are severable. A judgment by any court of competent jurisdiction finding or declaring that any provisions of these regulations or the application of any provision to any person or circumstance is invalid does not affect the validity of the remaining provisions of the regulations or any other application of these regulations, and the remaining regulations shall have full force and effect as if no judgment has been entered.

SECTION 4. APPLICABILITY.

All portions of any of the above ordinances referred to shall be construed and be applicable within the geographical confines of the Town of Hancock, Maryland.

Where appropriate and in the sense of understanding where proper the Mayor and Council of Hancock, and/or Town of Hancock is hereby inserted and made applicable.

SECTION 5. ENFORCEMENT.

This ordinance shall be enforced by the Board of County Commissioners of Washington County pursuant to the provisions of Article 23A, §2B of the Annotated Code of Maryland unless otherwise indicated and determined by resolution of the Mayor and Council of the Town of Hancock as its duly constituted legislative body.¹

Any person or agency designated throughout this ordinance as the building official(s), inspector, building inspector, code official, and/or code enforcement official, or other equivalent position shall be any person or persons designated by the Board of County Commissioners of Washington County, Maryland, from time to time unless otherwise designated by the Mayor and Council of the Town of Hancock.

¹ December 1988 the Mayor and Council enacted a Resolution appointing a Code Official designating the County Commissioners as the enforcement agency for the Town of Hancock Building Code (original Chapter 21). This was reenacted on September 11, 1989. Section 5 of this Ordinance provides that the Board of County Commissioners shall enforce this Building Code. In addition thereto from a historical standpoint, the Mayor and Council enacted a "Resolution to Appoint Code Enforcement Official-Livability Code" and designated the Board of County Commissioners of Washington County or their respective delegated officer as the enforcement agency for said Code. It was reenacted September 11, 1989 and was originally recorded in Liber 2, folio 493. Copies of the Resolutions are incorporated herein and incorporated in the Addendum.

SECTION 6. APPEALS.

Any appeals under this Code, unless otherwise specifically set forth, shall be taken to the appropriate agency designated in each of the Codes adopted herein. If not specifically set forth in said Code, then any appeal shall be taken to the Mayor and Council of Town of Hancock within thirty (30) days of the Building Official(s) decision. If a person is aggrieved by the decision by any determinative agency pursuant to the provisions of the Codes adopted herein, and/or the decision of the Mayor and Council if applicable, said person shall have the right to appeal the decision to the Circuit Court for Washington County, Maryland in accordance with the Maryland Rules of Administrative Procedure as they now exist and as from time to time may be amended.

SECTION 7. CONFLICT.

If this ordinance as adopted, conflicts in any way with any federal, state, county or municipal act, ordinance or regulation applicable to any of the matters contained herein, then and in said event then the regulation, ordinance or statute or act which contains the more stringent regulations shall take precedence and control.

SECTION 8. SEVERABILITY.

If any portion of this ordinance shall be deemed invalid by a court of competent jurisdiction, all remaining portions of this ordinance shall remain in full force and effect.

Copies of the Ordinances passed by the Board of County Commissioners of Washington County, Maryland referred to in §3 Codes, BOCA National Building Code, CABO and Two Family Dwelling Code, The International Mechanics Code, The BOCA National Fire Prevention Code, The National Electrical Code, The International Plumbing Code, and The Code for the Handicapped are attached hereto and incorporated herein by reference. The current Resolutions as enacted by the Board of County Commissioners and or any amendments thereto are considered a part hereof and incorporated herein by reference. The Town Manager/Clerk Treasurer has on file a document entitled "Codes Pertaining to Minimum Standards Governing Construction and Maintenance of Buildings/Structures in the Town of Hancock, Maryland." Said document is incorporated herein and made a part of this Ordinance.

Former Chapter 4 of the Code of Hancock, updated and revised June 1, 2006.

**ADDENDUM TO AN ORDINANCE PERTAINING TO
MINIMUM STANDARDS GOVERNING CONSTRUCTION AND
MAINTENANCE OF BUILDINGS/STRUCTURES**

Section 3 sets forth certain codes adopted by Washington County which are incorporated in this Ordinance by reference.

Those contained herein for reference purposes are as follows:

- A. The 1996 BOCA National Building Code, Thirteenth Edition, 1996 as published by the Building Officials and Code Administrators International, Inc., and as adopted by the Board of County Commissioners of Washington County, Maryland, on October 7, 1997, with an effective date of October 7, 1997, and amended January 4, 1999, effective July 1, 1999, amended June 8, 1999, and amendments adopted October 19, 2004, effective November 1, 2004.
- B. The 1995 edition of CABO One and Two Family Dwelling Code, in its entirety as adopted by the Board of County Commissioners of Washington County, Maryland effective on October 7, 1997, and amended October 4, 1997, July 1, 1999, June 8, 1999, October 19, 2004, effective November 1, 2004.
- C. The 1996 International Mechanical Code, First Printing, with local amendments, as adopted by the Board of County Commissioners of Washington County, Maryland, with an effective date of October 7, 1997, amended and effective January 1, 1998, and amendments October 19, 2004 effective November 1, 2004.
- D. The National Electrical Code as adopted by the Board of County Commissioners of Washington County, Maryland, with an effective date of 1994, amended October 7, 1997, with amendments effective October 1, 2002.
- E. The International Plumbing Code as adopted by the Board of County Commissioners of Washington County, Maryland, with an effective date of October 7, 1997, amendments adopted November 4, 1997, effective amendment July 1, 1998, amendments October 19, 2004 effective November 1, 2004.

Note: All of the amendments adopted by the Board of County Commissioners of Washington County, Maryland, are incorporated herein by reference and made a part hereof for reference purposes. The current codes as adopted in this Ordinance and as may be amended from time to time by the Board of County Commissioners and on file with the County are intended and shall be the applicable codes within the corporate limits of the Town of Hancock.

INDEX

CODES PERTAINING TO MINIMUM STANDARDS GOVERNING CONSTRUCTION AND MAINTENANCE OF BUILDINGS/STRUCTURES

CODE

1. BOCA National Building Code, 13th Edition
2. CABO One and Two Family Dwelling Code
3. International Mechanical Code
4. National Electrical Code
5. International Plumbing Code

All of the aforementioned Codes are incorporated and made a part hereof by reference. The Resolutions of the Board of County Commissioners of Washington County, Maryland, are contained in Supplement to Volume I entitled "Codes Pertaining to Minimum Standards Governing Construction and Maintenance of Buildings/Structures in Hancock, Maryland" on file in the Town of Hancock Town Manager/Clerk Treasurer's Office. Said Supplement is incorporated herein and made a part of this Ordinance.

1.

The 1996 BOCA National Building Code

The 1996 BOCA National Building Code, Thirteenth Edition, 1996 as published by the Building Officials and Code Administrators International, Inc., and as adopted by the Board of County Commissioners of Washington County, Maryland, on October 7, 1997, with an effective date of October 7, 1997, and amended January 4, 1999, effective July 1, 1999, amended June 8, 1999, and amendments adopted October 19, 2004, effective November 1, 2004.

2.

CABO One and Two Family Dwelling Code

The 1995 edition of CABO One and Two Family Dwelling Code, in its entirety as adopted by the Board of County Commissioners of Washington County, Maryland effective on October 7, 1997, and amended October 4, 1997, July 1, 1999, June 8, 1999, October 19, 2004, effective November 1, 2004.

3.

International Mechanical Code

The 1996 International Mechanical Code, First Printing, with local amendments, as adopted by the Board of County Commissioners of Washington County, Maryland, with an effective date of October 7, 1997, amended and effective January 1, 1998, and amendments October 19, 2004 effective November 1, 2004.

4.

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International Plumbing Code

The International Plumbing Code as adopted by the Board of County Commissioners of Washington County, Maryland, with an effective date of October 7, 1997, amendments adopted November 4, 1997, effective amendment July 1, 1998, amendments October 19, 2004 effective November 1, 2004.

CHAPTER 8

BUSINESS LICENSES, PERMITS AND ADMISSION TAXES

Section 1. Business License, Door-To-Door and Street Vendor Permits

- A License Required
- B Fees for Vendors Permits
- C Business License
- D Penalty for Violation

Section 2. Traveling Entertainment

- A License Required
- B Fees for Traveling Entertainment Licenses
- C Penalty for Violation

Section 3. Admissions and Amusement Taxes

- A Amount of Levy
- B Manner of Collection
- C Penalty for Violation
- D Appendix 1

SECTION 1. BUSINESS LICENSE, DOOR-TO-DOOR AND STREET VENDOR PERMITS

A. Permit Required

It shall be unlawful to hawk, peddle, or sell any merchandise, either upon the street, sidewalk, or door-to-door within the corporate limits of the Town of Hancock without first having obtained a permit from the Mayor and Council.

B. Fees For Vendors Permit

Vendors who are required to obtain a permit under the provisions of this section will be subject to the following fees:

(1.) Annual vendor fee: \$250.00

(2.) Daily Fee: A vendor who desires a permit for less than one year may obtain it by paying a fee of \$50.00 for each day he desires to sell, peddle or

hawk merchandise upon any street, sidewalk or from door-to-door within the corporate town limits.

(3.) Exceptions: Any charitable, religious, school, public service organization or community non-profit sponsored group selling or promoting charitable fund raising events are exempt from the provisions of Article 1, Sections 1 and 2. Although exempt from paying fees, these organizations will submit to the Mayor and Council, a letter of intent, and described dates and purpose of activity.

(4.) Yard Sales: Individuals operating "yard sales" are exempt from permits or licenses and fees, providing the yard sale is held on their owned property or rented/leased property. Any "yard sale" which sells previously purchased items for specific purposes of selling for a profit are subject to the laws of Washington County and the State of Maryland with regards to Business Traders License and collection of appropriate sales tax. Sales of previously purchased items for specific intent to resell fall in the category of "flea markets" and is covered elsewhere within this Ordinance.

(5.) Farmers Market: No permit is required to sell "home grown" produce and vegetables. Individuals who purchase produce and/or vegetables from wholesalers or other sources for the specific purpose of re-selling the produce or vegetables, must obtain a license as required by Article 1, Section 2.a. and 2.b.

(6.) Flea Market: Operators of a "flea market" must obtain a Traders License from Washington County and have a "State Sales Tax Number."

(a) Permanent Flea Market: Any business that operates as a "flea market" and is located in a permanent building structure and has applied for a building permit and received an occupancy certificate from the Washington County Building Inspection Office, does not need any local permit to operate.

(b) Temporary-Part Time Flea Market: Any "flea market" operation that is conducted in an open air atmosphere (along streets, under tents, back of trucks or vehicles, porches, etc. will be required to obtain a Temporary Peddlers permit. The fees for said temporary permit shall be as set forth in Article 1, Section 2.B, "Daily Fee," or as may be established by the Council from time to time by resolution.

C. Business License

Individuals operating a business within the Town limits of the Hancock and those who are desirous of starting a business in the Town limits of Hancock must obtain necessary Traders License from the Washington County Court House and also obtain

necessary Maryland State Sales Tax Number from the State of Maryland. The Mayor and Council has given the Hancock Police Department the authority and responsibility to enforce this requirement. Periodic courtesy checks will be made of businesses to insure compliance with the law and so determine if the appropriate licenses are properly displayed. Businesses that are in violation will be given a written notice of non-compliance and given 15 days to correct the situation.

(1.) Local Requirements: Any new business established within the Town limits of the Town of Hancock will be required to obtain a statement from the Town indicating that the type of business is authorized in accordance with the Comprehensive Plan developed and adopted by the Mayor and Council on 13 November 1996. This letter is required and must be presented to the Washington County Clerk's Office prior to issuance of any license. Businesses that wish to be established in the Town of Hancock that do not meet the Permitted Uses outlined in the Comprehensive Plan may appeal to the Town Planning Commission for review.

(2.) Renewal of License: Washington County Trader's Licenses are issued for period 1 May through 30 April each year. Amount of license fees are determined by the Annual Assessment and Taxation Form each business must file indicating various items such as inventory of personal equipment, operating equipment and value of same. This form is usually completed by the business accountant and it will determine the amount of your license fees.

D. Penalty For Violation

Any person convicted of a violation of this Article shall be guilty of a misdemeanor and subject to a fine not to exceed \$100 for each offense.

SECTION 2. TRAVELING ENTERTAINMENT

A. License Required

(1.) It shall be unlawful to establish or sponsor any show, circus, concert, or other type of traveling entertainment without first having obtained a license from the Mayor and Council.

(2.) A license issued by the Mayor and Council under Section 2. A.(1.) shall specify the time period and location of the requested entertainment.

(3.) Non-profit, civic organizations are exempt from obtaining a license, however, the Mayor and Council will be notified of type, location, period of time and purpose of any activity indicated in Article 2, Section 1.

(4.) If required by the Council, the licensee issued a license under this Section of the Ordinance, shall furnish a certificate of insurance for liability and/or have the Town added to their policy as an additional insured.

B. Fees For Traveling Entertainment Licenses

The Mayor and Council will determine the fee for any such license issued under Article 2, Section 1, based on type of Town services that may be required and length of activity. Fees will be established by the Mayor and Council by resolution passed at a duly constituted meeting. In establishing and determining the amount of fees, the Mayor and Council shall consider the following:

(1.) Utilities and costs thereof that will be required, i.e., electric, water, sewer, trash pick up.

(2.) Cost of services that will be required, i.e., police, traffic and/or crowd control.

(3.) Whether to require security deposits and/or proof of liability and personal injury insurance as set forth above.

C. Penalty For Violation

Any person or organization convicted of a violation of Article 2, Section 2, shall be guilty of a misdemeanor and subject to a fine not to exceed \$100 for such offense.

SECTION 3. ADMISSIONS AND AMUSEMENT TAXES

A. Amount of Levy

In accordance with provisions of the State of Maryland Annotated Code, the Town of Hancock has adopted and does adopt an admissions and amusement tax that is applicable to listed services and recreation-entertainment (Appendix 1 incorporated herein). A tax on the gross receipts of entertainment and amusement activities that take place within the corporate limits of the Town of Hancock will be taxed at 10% of the gross receipts. If the activity and services are subject to State sales tax or use tax, the Admissions and Amusement Tax cannot exceed 5% of gross receipts. Any business in this category will notify the Comptroller, State of Maryland and make application for Admissions & Amusement Tax Collections.

(1.) Exemptions: The State of Maryland currently exempts bowling alleys, boxing and wrestling matches, and a variety of charitable, religious and non-profit activities.

B. Manner Of Collection

The Comptroller of the State of Maryland shall collect the taxes levied in accordance with this Article and shall return them to the Town of Hancock in the manner prescribed in the Annotated Code of Maryland.

C. Penalty For Violation

Any person convicted of a violation of Section 3 shall be guilty of a misdemeanor and subject to a fine not to exceed \$250 plus taxes owed, penalties and interest owed the Town of Hancock.

Note: Former Chapter 7, Business Licenses, Permits and Admission Taxes, enacted February 8, 1999, amended effective September 28, 1999, recorded Liber 9, folio 600 among the Acts, Ordinances and Resolutions of Towns in the Office of the Clerk of the Court for Washington County, Maryland.

APPENDIX 1

Section 3: Admissions and Amusement Tax

ACTIVITIES SUBJECT TO ADMISSIONS AND AMUSEMENT TAX AS DETERMINED BY THE COMPTROLLER OF THE TREASURY, REVENUE ADMINISTRATION DIVISION, REVENUE ADMINISTRATION CENTER, ANNAPOLIS, MARYLAND 21404.

- | | |
|-------------------------------------|---|
| 01. Amusement Parks | 18. Coin-operated Movies |
| 02. Athletic Events | 19. Non-coin operated Amusement Devices |
| 03. Auto/Motorcycle Races | 20. Concessions |
| 04. Circuses | 21. Amusement Rides |
| 05. Horse Racing | 22. Golf, Green Fees |
| 06. Motion Pictures | 23. Golf Cart Rentals |
| 07. Shows, Exhibits | 24. Miniature Golf |
| 08. Theater/Concerts/Etc. | 25. Driving Ranges |
| 09. Beaches | 26. Horse Riding Rentals |
| 10. Swimming Pools | 27. Horse Riding Academics |
| 11. Athletic Facilities | 28. Skating |
| 12. Athletic Equipment Rental | 29. Skate Rentals |
| 13. Billiards (non-coin operated) | 30. Ski Slopes |
| 14. Bingo | 31. Ski Rentals |
| 15. Boat Ride/Excursion | 32. Cover Charges |
| 16. Rental of Boats | 33. Sales w/Entertainment |
| 17. Coin-operated Amusement Devices | |

AMUSEMENT DEVICES LEASED FROM DISTRIBUTORS REQUIRE THE DISTRIBUTOR TO REPORT GROSS RECEIPT INFORMATION AND PAY APPROPRIATE TAXES WITHHELD FROM LEASED EQUIPMENT RECEIPTS TO COMPTROLLER, STATE OF MARYLAND.

Note: Former Chapter 7, Hancock Code, enacted September 28, 1999, recorded Liber 8, folio 600 among the Acts, Ordinances and Resolutions of Towns in the Office of the Clerk of the Court for Washington County, Maryland, amended effective June 1, 2006,

CHAPTER 9

ORDINANCE AND AGREEMENT

GRANTING NON-EXCLUSIVE CABLE TV FRANCHISE

TO

**CMA CABLE VISION ASSOCIATES, II, LP
(also known locally as Telemedia/Adelphia)
Effective July 1, 2004**

Effective Date: August 1, 2002

Termination Date: July 31, 2017

Recorded in Liber 9, folio 1045 on September 12, 2002

Formerly Chapter 30 of the Code of Ordinances of Hancock, Maryland.

RESOLUTION AND
ENACTING ORDINANCE THEREON

RESOLUTION OF THE TOWN OF HANCOCK, MARYLAND, a Maryland municipal corporation, authorizing the renewal of a non-exclusive cable television franchise.

Recital

The Town of Hancock ("Town") is a municipal corporation existing under and by virtue of the laws of the State of Maryland.

CMA Cablevision Associates XI, L.P., (hereinafter "CMA"), is a corporation existing and authorized to conduct a cable television transmission business in the State of Maryland and as such is doing business as, and locally known as, Telemedia/Adelphia.

The Mayor and Council ("Council"), as the duly constituted legislative body of the Town, have previously awarded a non-exclusive cable television franchise to the predecessors of and to CMA.

Said non-exclusive cable television franchises were granted by appropriate legislative enactment by the Mayor and Council at duly constituted public meetings.

Recently, the non-exclusive franchise agreements have been extended by Resolution/Ordinance to July 30, 2002 or until an appropriate document has been negotiated and agreed upon by and between the parties.

CMA has requested in accordance with the appropriate statutory regulations and requirements that the existing franchise be renewed at this time for a period of Ten (10) Years.

The Mayor and Council, as the duly constituted legislative body of the Town, have determined that the existing Ordinance shall be repealed and amended in accordance with the Ordinance attached hereto.

Each and every paragraph of this Recital is incorporated in the renewal Ordinance attached, and each and every paragraph of the following Ordinance and Acceptance Agreements and attachments thereto are incorporated in this Resolution and Recital.

NOW, THEREFORE, be it **RESOLVED, ENACTED** and **ORDAINED** that a non-exclusive franchise be and is hereby granted to CMA Cablevision Associates XI, L.P., a Maryland corporation authorized to do business in the State of Maryland (franchisee) (CMA) (doing business and locally known as Telemedia/Adelphia) and that the following renewal Ordinance is hereby enacted.

**AN ORDINANCE RENEWING A NON-EXCLUSIVE FRANCHISE TO
CMA CABLEVISION ASSOCIATES XI, L.P. (CMA) (DOING BUSINESS AS AND
LOCALLY KNOWN AS TELEMEDIA/ADELPHIA)**

Preamble

The Town of Hancock, a municipal corporation existing under and by virtue of the laws of the State of Maryland, pursuant to applicable federal law and the applicable provisions of the Annotated Code of Maryland, Article 23A, is authorized to grant by Ordinance one or more non-exclusive franchises or to renew same to construct, operate, maintain and reconstruct cable television systems within the corporate limits of the municipal corporation.

The Mayor and Council, as the legislative body of the Town, has determined at a duly constituted public meeting that the public convenience, safety and general welfare of the citizens can best be served by granting a non-exclusive franchise as set forth herein.

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Section 1: Definitions

- A. "Town" means The Town of Hancock, Washington County, Maryland, a Maryland municipal corporation, including all areas within its existing boundaries and territory hereafter acquired or annexed.
- B. "Town Agency" means the person, department, committee or agency designated by the Council in a contemporaneous Resolution to act for it in certain matters relating to cable television; or otherwise the Council itself.
- C. "Council" means the legislative body of The Town of Hancock.
- D. "FCC" means the Federal Communications Commission.
- E. "Cable Communications System", or "System", or "Cable TV System", or "CATV System", or "Broadband Communications Network", means a system of antennas, cables, amplifiers, towers, microwave links, waveguides, laser beams, satellites, or any other conductors, converters, equipment or facilities, designed and constructed for the service of producing, receiving, amplifying, storing, processing, or distributing audio, video, digital, or other forms of electronic signals, and the facilities of a common carrier to the extent that such facility is used in the transmission of video programming directly to subscribers.
- F. "Subscriber" means any person, firm, institution, corporation or other entity who or which elects to receive, for any purpose, the service provided by the cable communications system.
- G. "Residential Subscriber" means a subscriber who receives service in an individual dwelling unit, where the service is not in connection with a business, trade, profession or institution.
- H. "Commercial Subscriber" means a subscriber who receives service in connection with a business, trade or profession or institution.
- I. "Programmer" means any person, firm, corporation, institution or entity who or which produces or otherwise provides program material for distribution to subscribers by means of the cable communications system.
- J. "Channel" means a frequency path, 6 megahertz wide, in the electromagnetic spectrum.
- K. "Local Origination Channel" means any channel where the franchisee is the programmer.
- L. "Public Access Channel" means any channel where any member of the general public may be a programmer.

M. "Educational Access Channel" means any channel where educational authorities are the designated programmers.

N. "Local Government Access Channel" means any channel where the Council or other local governments or agencies are the designated programmers.

O. "Leased Access Channel" means any channel designed for commercial lease.

P. "Private Channel" means any channel which is available only to subscribers who possess equipment to receive signals of the appropriate frequency.

Q. "Secure Channel" means any channel so arranged electronically as to be available only to subscribers who possess special decoding equipment in order to receive a usable signal.

R. "Converter" means an electronic device which converts signals to a frequency not susceptible to interference within the TV receiver of a subscriber, and by an appropriate channel selector which also permits a subscriber to view all signals delivered at designated dial locations.

S. "Broadcast Signal" means a signal that is transmitted by a Cable Communication System, including microwave links, which is not involved in a broadcast transmission path.

T. "Basic Subscriber Service" means the transmission of local broadcast video channel signals required to be carried pursuant to Subpart D of Part 76 of the Rules and Regulations of the Federal Communications Commission.

U. "Additional Services include:

1. The services such as the transmission of all leased access signals not included in the basic subscriber service, non-local broadcast signals, and pay television signals.

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

V. "Public Street" means the surface of and the space above and below any public street, avenue, highway, boulevard, concourse, driveway, bridge, tunnel, park, parkway, waterway, dock, bulkhead, wharf, pier, alley, right-of-way, public utility easement, public utility and any other public ground or water subject to the jurisdiction and control of the Town.

W. "Pay Television" means the delivery to subscribers over the cable communications system, of television signals for a fee or charge to subscribers over and above the charge for basic subscriber service, on a per-program, per-channel, or other subscriber basis.

X. "Monitoring" means observing a one-way communications signal, where the observer is neither the subscriber nor the programmer, whether the signal is observed by visual or electronic means for any purpose whatsoever.

Y. "Illegal Connection" means observing a two-way communications signal exchange, where the observer is neither of the communicating parties, whether the communications signal exchange is observed by visual or electronic means, for any purpose whatsoever.

Z. "Total Gross Receipts" means any and all compensation and other consideration collected or received or in any manner gained or derived by a franchisee from the operation of its CATV service within the service area of the Town.

AA. "Gross Subscriber Revenues" means all revenues received by the Franchisee from monthly fees for furnished basic subscriber service, pay television service and other services billed directly to the subscriber.

AB. "Subscriber Service Drop" means each extension wiring from the franchisee's distribution lines to a subscriber's point of use.

AC. "Franchise" or "Franchise Agreement" means this Ordinance by which a franchise is granted to a franchisee.

AD. "Ordinance" shall include the ordinances of The Town of Hancock, Maryland.

AE. "Service Area" means the geographical area in which the franchisee provides CATV service, as legally granted by the franchisor.

AF. "Franchisee" means CMA Cablevision Associates XI, L.P. (CMA) (doing business as and locally known as Telemedia/Adelphia), its approved successors and assigns.

AG. "Cable Act" means the Cable Communications Policy Act of 1984, 47 U.S.C. §52-611 1982 & Supp. V 1987) (and all other applicable provisions of 47 U.S.C) as amended by the Cable Television Consumer Protection and Competition Act of 1992, Pub.L. No. 102-385, and as may, from time to time, be amended.

Section 2. Application Procedures

The Mayor and Council ("Council"), as the duly constituted legislative body of the Town, have awarded in the past non-exclusive television franchises to CMA Cablevision Associates XI, L.P. (doing business as and locally known as Telemedia/Adelphia) and its predecessors by duly constituted Ordinance(s).

CMA Cablevision Associates XI, L.P. (doing business as and locally known as Telemedia/Adelphia) has given notice and expressed its desire to renew the non-exclusive franchise previously granted in accordance with the provisions of the Annotated Code of Maryland, FCC regulations and applicable USC provisions.

The Mayor and Council are desirous and do hereby grant a non-exclusive cable television franchise to CMA Cablevision Associates XI, L.P., a Maryland corporation, authorized to do business in the State of Maryland under the name of and locally known as Telemedia/Adelphia, in accordance with the terms and provisions hereinafter set forth.

Section 3. Franchise Award

A. The Mayor and Council (Council) are desirous and do hereby grant unto CMA Cablevision Associates XI, L.P., (CMA), a Maryland corporation, doing business as and locally known as Telemedia/Adelphia, a renewal of its non-exclusive franchise to engage in the business of providing cable service and such other services as may be permitted by this franchise and any agreements hereunder for a period of ten (10) years commencing on the 1st day of August, 2002, and terminating automatically on the 31th day of July, 2012.

By this Ordinance, the Council confirms the granting of a franchise renewal for the operation of a CATV system Cablevision Associates XI, L.P. (doing business as and locally known as Telemedia/Adelphia) as, in the Council's opinion, best qualified to render proper and efficient CATV service to subscribers in the Town. Such grant is non-exclusive, provided, however, that the Town shall not authorize or permit another cable communication system to operate within the Town without first conducting a hearing, in which existing Company(ies) may participate, which will consider (1) highest and best use of the public rights-of-way; (2) public convenience and necessity; (3) impact on private property; (4) aesthetic consequences; (5) economic impact on delivery of cable services and cable service areas; (6) other societal interests implicated in cable communication franchising; provided further that the Town shall not authorize or permit a cable communication system to operate within the Town on terms or conditions more favorable or less burdensome to such operator than those applied to Company(ies) pursuant to its Franchise; and provided further, that if the Town authorizes or permits another cable communication system to operate within the Town, it shall do so on condition that such cable communication system indemnify and hold harmless existing Company(ies) from and against all costs and expenses incurred in strengthening poles, replacing poles, rearranging attachments, placing underground facilities, and all other costs and expenses incurred in strengthening poles, replacing poles, rearranging attachments placing underground facilities, and all other costs including those of company's(ies's), Town, and utilities, incident to inspections, make-ready, and construction of an additional cable communication system in the franchise area; and provided further that existing Company(ies) shall be designated a third party beneficiary of such conditions as are incorporated into the authorization(s) granted to another cable communication system.

Section 4: *** Franchise Provisions and Restrictions.

A. General Provisions:

The franchise granted pursuant to this Ordinance is subject to the following:

1. Federal, state and local laws, rules, regulations, and ordinances, as they exist and as from time to time may be amended.

2. The Right of the Council:

a. To terminate the same for failure to comply with any material provisions of the Ordinance, and federal, state or local laws, ordinances, rules or regulations.

b. To require reasonable extension of plant, service and maintenance thereof in accordance with the map attached hereto and made a part hereof.

c. To control and regulate the use of its streets, alleys, bridges and public places and the space above and beneath them. The franchisee shall pay such part of the reasonable cost of improvement or maintenance of streets, alleys, bridges and public places, as shall arise from the franchisee's use thereof and shall protect and save the County, Town, their agents, employees and servants harmless from all claims and/or damages arising from said use.

d. To require joint-use of the property and appurtenance of each franchisee located in the streets, alleys and public places of the Town at reasonable compensation, insofar as joint-use may be reasonable and practicable.

e. Through its appropriately designated representatives, inspect construction or installation work performed subject to the provisions of this Ordinance, rule or regulation thereunder, and make such inspections as are reasonably necessary to insure compliance therewith. However, the franchisee shall remain primarily responsible for design and installation and for compliance with all requirements.

f. To require, at the expiration of the term of this franchise, or its renewal term, or upon the termination and cancellation as provided herein, the franchisee to remove, at its own expense any and all portions of the CATV system from the public ways within the service area within a reasonable period of time, not to exceed 180 days.

3. The franchise shall not be transferred or assigned, either in whole or in part, or leased, sublet, or mortgaged in any manner, nor shall title thereto, either legal or equitable, or any right, interest or property therein, pass to or vest in any person, corporation, association or other entity either by act of the franchisee or by operation of law, except as security for monies borrowed, or intra-corporate transfers, without the written consent of the Council, which consent shall not be

unreasonably withheld.

4. Prior approval of the Council shall be required where control of more than 25% of the franchisee or all or substantially all of its assets is/are proposed to be acquired by a person, partnership, association, corporation or group of persons acting in concert, none of whom own or control 25% or more of such right of control, singularly or collectively, at the time the franchise is granted. By its acceptance of a franchise, the franchisee acknowledges and agrees that any such acquisition occurring without prior approval of the Council shall constitute a violation of the franchise.

5. The franchise shall be non-exclusive and shall be for a renewal term of ten (10) years from the effective date. Subsequent renewals shall conform to the Cable Communications Policy Act of 1984 and be approved by ordinance in accordance with applicable provisions of the Annotated Code of Maryland.

6. The franchisee shall be governed by the lawful rules and regulations of the FCC and other applicable local state and federal laws, ordinances and regulations as are now in force and as may be subsequently amended from time to time.

7. The franchisee shall not disseminate information as to the names, addresses or telephone numbers of subscribers or any subscriber information furnished in connection with a request for service except in conformity with Section 631 of the Cable Communications Policy Act of 1984; subject, however to the right of the Council to audit the records of the franchisee to establish compliance with this Ordinance.

8. The franchisee shall have the right to erect, maintain and operate a cable communicates system in, under, over, along, across and upon the streets, lanes, avenues, sidewalks, alleys, bridges, easements, rights-of-way, utility poles and other public places in the Town and subsequent additions thereto, for the service of transmission and distribution of audio and visual impulses and television energy as hereinbefore defined, in accordance with the laws and regulations of the United States of America, the State of Maryland, and the ordinances and regulations of the Town. The Town specifically reserves the right to grant a similar use of said streets, lanes, avenues, sidewalks, alleys, bridges, rights of way, utility poles and other public places to any person at any time during the period of this franchise. Detailed plans and specifications for the installation of works or improvements authorized herein shall first be approved by the Council, which approval shall not be unreasonably withheld, and may be inspected by the Council during the construction to ensure compliance to plans and specifications.

9. (a) The franchisee shall when and where practicable lease, rent, or in any other lawful manner obtain, the use of towers, poles, conduits, cables and other equipment and facilities, from present holders of public licenses and franchises within the corporate limits of the Town on such terms as agreed, subject to all existing and future Ordinances and regulations of the Town and copies of all agreements with public utilities operating within the Town shall be placed on file in the

office of the Council upon their execution. (b) Whenever such facilities are not reasonably available from the sources specified in Section 9(a) hereof, the franchisee shall have the right at its own expense to erect and maintain its own poles, conduits and related facilities as may be necessary for the proper construction and maintenance of its cable television distribution system, subject to applicable laws, ordinances and regulations and restrictions of title.

10. (a) All transmission and distribution structures, lines and equipment erected by the franchisee within the Town shall be so located as to cause minimum interference with the rights or reasonable convenience of property owners who adjoin any of the said streets, alleys, or other public ways and places. Any opening or obstruction in the streets or other public places made by the franchisee in the course of its operations shall be guarded and protected at all times by the placement of adequate barriers, fences or boardings, the bounds of which, during periods of dusk and darkness, shall be clearly designated by warning lights. (b) In case of any disturbance of pavements, sidewalks, driveway or other surfacing, the franchisee shall, at its own cost and expense, and in a manner authorized by the Town, replace and restore all paving, sidewalk, driveway or surface of any street or alley disturbed, in as reasonably as good condition as before said work was commenced. (c) In the event that at any time during the period of this franchise the Town shall lawfully elect to alter, or change the grade of any public street, water main or sewer mains, the franchisee shall upon reasonable notice by the Town, remove, re-lay and relocate its poles, wires, cables, underground conduits, manholes and other telephone fixtures at its own expense. Where public funds are made available for purposes such as urban renewal or historic preservation, which requires relocation of franchisee's facilities, franchisee shall share ratable in such funds. (d) The franchisee shall not place new poles or other fixtures where they will interfere with any gas, electric or telephone fixtures, water hydrant or main sewer main, sewer and water services, or other fixtures placed in any street, and they shall, where practicable, be placed at the outer edge of the sidewalk and inside the curb line, and those placed in alleys shall be placed close to the line of the lot abutting on said alley, and then in such a manner as not to interfere with the usual travel on said public streets. (e) The franchisee shall, upon the request of any person holding a building moving permit, temporarily raise or lower its wires to permit the moving of buildings. The expense of such temporary removal, raising or lowering of wires shall be paid by the person requesting the same, and the franchisee may require such payment in advance. The franchisee shall be given not less than forty-eight (48) hours advance notice to arrange for such temporary wire changes. (f) the franchisee may trim trees upon and overhanging streets, alleys, sidewalks and public places of the Town so as to prevent the branches of such trees from coming in contact with the wires and cables of the franchisee, all trimming to be done at the expense of the franchisee.

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

condition in good order and repair wherever situated or located.

12. Copies of all petitions, applications and communications by or to the franchisee involving the Federal Communications Commission or any state or county or Town regulatory commission or agency or department having jurisdiction in respect to any matters affecting the franchisee shall also be furnished to the Council by the franchisee.

13. The franchisee shall obtain all permits and authorizations required in the conduct of its business.

14. The franchisee shall, throughout the life of such franchise, keep the Council fully informed with respect to the matters specified below, and the failure to disclose such information during the life of such franchise shall be considered a violation of the franchise and may subject such franchisee to suspension or termination in the case of material violations which are not cured after reasonable notice.

a. The franchisee shall allow the town to audit its financial records relating to gross subscriber revenues upon reasonable notice; make available its engineering, statistical, and customer service records relating to its system; and at all times maintain complete and accurate books of account and records of its business and operation.

b. The franchisee shall file annually with the Council a report indicating all persons who, at any time during the preceding year, controlled an interest in the franchise of 3% or more, setting forth for each the extent of this interest, and all creditors, secured and unsecured, in excess of \$10,000.00, setting forth for each the amounts loaned.

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

B. Number of Channels

The franchisee's distribution system shall be capable of carrying 78 channels, including all TV stations required to be carried by the FCC. The system capacity in the forward path shall be at least 550 megahertz. The system shall be designed to have the capability of providing simultaneous reverse direction signals for digital, audio and video signal transmission on all elements of the system when and as allowed by the FCC.

1. The system shall comply with lawful technical regulations promulgated by

the FCC. ***

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

C. Use of Channels

1. Cablecasting shall be offered pursuant to Subpart G of Part 76 of the Rules and Regulations of the Federal Communications Commission as amended from time to time.

2. There shall be at least one (1) channel designated for local access.

D. Subscriber Equipment

The franchisee shall make available to every subscriber all equipment necessary for reception on the subscriber's set of channels to which he has subscribed. The franchisee shall install all equipment and begin service to each subscriber within ten (10) working days after requested by such subscriber to do so, provided that service is available to a public way abutting the subscriber's property or can readily be made available.

E. Public Service Installations and Basic Service

The franchisee shall provide one free installation and free basic service to all Municipal Buildings, Police Stations, Fire Stations, Public Libraries, Rescue Squad, Youth Center, and Public Schools within the service area. Such installation shall be made at such reasonable locations as shall be requested by the respective units of government or public educational institutions. Any charge for relocation of such installation shall, however, be charged at actual costs. Additional installations at the same location may be made at cost plus 10%. No monthly service charges shall be made for distribution of the franchisee's basic subscriber service within such publicly-owned buildings.

F. Other Business Activities

This franchise authorizes only the operators of a system as provided for herein, and does not take the place of any other franchise, license or permit which might be required by law of the franchisee in order to install its system.

G. Building Apartments

No franchisee shall be required to pay any fee to the building(s) owner(s) to provide cable television service to any member of the public in any privately-owned buildings which are in the Town. Provided, however, that an owner may negotiate and receive reasonable reimbursement from ACTV

for the utilization and installation of equipment on the premises in question. Any disputes between ACTV and a building owner shall be heard at and resolved by a hearing by the Council. Each franchisee shall report to the Council any building owner who requests a fee from the franchisee as a condition for allowing the franchisee to install a cable system service in the building owner's building. Provided, however, that an owner may receive reasonable reimbursement for direct adverse economic impact of such access, if any, based upon evidence of the diminution of investment-back expectations, the impairment of the premises' usefulness, the amount of space occupied by the facilities of the cable communications system, the prior use, if any, of the space, the continued physical availability of space on the premises for installations of alternative modes of television program reception or delivery, the difference in fair market value of the premises resulting from the installation of system facilities and other reasonable, non-speculative factors excluding the holdup value resulting from a landlord's monopoly control of such access. The aforesaid economic impact shall be rebuttably presumed to be a one-time charge of one dollar per dwelling unit. Any controversy or dispute over the reasonableness of reimbursement shall be submitted for resolution by the Council.

H. Repair

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

I. Removal of Facilities Upon Request

Upon termination of service to any subscriber, the franchisee shall promptly remove all its facilities and equipment from the premises of such subscriber upon his written request. Franchisee shall not charge a fee for same. Such removal shall be accomplished within fifteen (15) working days after request in writing is made by subscriber to do so.

Section 5: Forfeiture or Surrender of Franchise.

A. Forfeiture of the franchise may occur:

If the franchisee fails to substantially comply with the material provisions of the Ordinance, except for causes beyond the reasonable control of the franchisee, as heretofore provided and fails, within thirty (30) days written notice from the Town to correct and/or commence the correction of such default or noncompliance.

B. Upon the termination or forfeiture of this franchise or any renewal thereof, the franchisee shall within 6 months thereafter remove its posts, poles, and all above ground equipment from the streets, lanes, sidewalks, highways, alleys, bridges and other public places in the service area and shall restore such streets, lanes, highways, sidewalks, alleys, bridges and other public places as nearly as possible to their original condition.

C. The franchisee may surrender this franchise at any time upon filing with the Town a written notice of its intention to do so, at least sixty (60) days before the surrender date. On the surrender date specified in such notice, all the rights and privileges, and all of the obligations, duties and liabilities of the franchisee shall cease and terminate; except that the franchisee shall have an additional six (6) months to remove its plant and equipment from the Town streets and all other public lands upon which it is located. At the end of said six (6) months, any property owned by the franchisee and not removed from Town properties will become the property of the Town, to do with as it may choose. Any costs occurring to the Town in removing the franchisee's former possessions from Town streets or land will be a claim against the franchisee. Provided, however, that the Town must comply with Section 627 of the Cable Communications Policy Act of 1984.

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

1. The Council shall have approved the transfer of this franchise, as and in the manner in this Ordinance provided; and

2. Such successful bidder shall have covenanted and agreed with the Council to assume and be bound by all the terms and conditions of the franchise.

Section 6: Town's Right of Intervention

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

Section 7: Local Office: Complaint Procedures

A. The franchisee shall maintain a local business office with the system for the purpose of receiving and resolving all complaints regarding the quality of service, equipment malfunctions and other similar matters.

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

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

D. Any complaints received from subscribers shall be investigated by the franchisee within eight working hours (9:00 A.m. to 5:00 P.M., Monday through Friday) and corrected in accordance with applicable state rules and regulations, including but not limited to FCC rules and regulations Section 76-309 as enacted or subsequently amended..

E. The franchisee shall keep records that will indicate the nature of each complaint, the name of the employee of the franchisee receiving the complaint, the date and time it was received, the disposition of the complaint, and the time and date thereof. In said records, the franchisee shall state the specific steps taken by the company to remedy the complaint. These records shall be made available for reasonable inspection by the Town.

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

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

H. The franchisee shall employ qualified technicians to respond to complaints or malfunctions at other than normal office hours.

I. If a subscriber has an unresolved complaint regarding cable service, the subscriber may file his complaint with the Town and thereafter may meet jointly with a representative of the Council and a representative of the franchise to fully discuss and resolve such matter. The Town in no manner shall, nor does it intend, to exercise and control or regulation over any complaints or unresolved complaints or rights to reimbursement between subscriber(s) and the franchisee.

Section 8: Insurance and Indemnification

A. Liabilities and Indemnification of the Town

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

Town, agents, servants, officials and employees harmless therefrom.

B. Insurance

Franchisee shall carry insurance in such form and in such companies as shall be approved by the Town, such approval not to be unreasonably withheld, to protect the Town, its agents, servants, officials and employees and the franchisee from and against any and all claims injury or damage. The insurance policies obtained by the franchisee in compliance with this and other sections shall be issued by a company, or companies, acceptable to the Council, and a current certificate or certificates of insurance shall be filed and maintained with the Council during the term of the franchise and prior to commencement of construction. Said policies shall contain a provision that a written notice of cancellation or reduction in coverage of said policy shall be delivered to the Council thirty (30) days in advance of the effective date thereof. The policies shall protect the Town, their agents, servants, officials, and employees and the franchisee from and against any and all claims, injury or damage to persons or property, both real and personal, caused by the construction, erection, operation or maintenance of the system. The amount of such insurance shall be at the discretion of the Council, but not less than the following:

General Liability Insurance:

1 person	\$	500,000
1 accident	\$	1,000,000
Property damage	\$	100,000

Automobile Insurance:

1 person	\$	100,000
1 accident	\$	300,000
Property damage	\$	50,000

Workmen's Compensation Insurance shall also be provided as required by the laws of the State of Maryland.

Section 9: Area of Coverage and Construction

A. The franchisee shall offer service throughout the Town as rapidly as practicable. Inability to obtain easements if necessary, shall excuse franchisee from expanding its system, unless the Town exercises its power of eminent domain on franchisee's behalf.

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

C. Attached hereto is franchisee's map for projected areas of service to be completed within one (1) year of the date of this agreement.

Section 10: Rates, Changes in Rates and Refunds for Basic Subscriber Service

The Town shall not regulate the rates charged by franchisee except to prevent discrimination among customers of basic cable service. The franchisee is permitted to enter into bulk-rate agreements at rates less than those charged to residential subscribers. In cases where franchisee fails to respond to legitimate complaints of service failures, poor service, inferior audio/video signals, the Council may: (a) require the franchisee to adjust billing charges for service deficiencies in whole or in part; or (b) require the franchisee to make reasonable refunds, in addition to any other remedies the Council may have by law or under this agreement.

Section 11: Franchise Fee

A. Annual Fee

During the term of this franchise, the franchisee shall pay to the Town for the use of its streets and public ways and other facilities, as well as the maintenance, improvements, and supervision thereof, an annual franchise fee equal to five percent (5%) of the annual gross subscriber revenues received by it from operations conducted within the Town. Such fee shall not exceed any limitation imposed by the FCC. This payment shall be in addition to any other tax owed to the Town by the franchisee.

B. Method of Computation

Payments due under the terms of the franchise shall be computed semi-annually and paid within sixty (60) days of December 31, and June 30, respectively. A statement shall be furnished with each payment certified as correct by the franchisee or by a certified public accountant. All statements shall reflect the total amount of gross subscriber service revenues. Statements accompanying payments of the franchise fee shall set forth a detailed computation of the payment.

C. Right of Recomputation

No acceptance of any payment shall be construed as a release or as an accord and satisfaction of any claim the Town may have for further or additional sums payable as a franchise fee under the Franchise Agreement or for the performance of any other obligation hereunder, unless such acceptance constitutes a waiver or acquiescence under governing law.

D. Failure to Make Required Payments

Failure to pay any fees required by this Section shall be considered a material violation of the franchise and may, at the option of the Council, result in suspension or termination of the franchise granted, and reinstatement thereof may, at the option of the Council, be had upon payment of the delinquent fee or fees, plus any interest and/or penalties as may be required by the Council, unless such failure constitutes a waiver or acquiescence by the Town under governing law.

Section 12.

Section 13. System Extension

A. Within twelve (12) months of the receipt of final orders granting all necessary permits and authorizations which are required in the conduct of its business, including but not limited to utility joint-use attachment agreements, microwave carrier licenses issued by the FCC, and any other permits, licenses, and authorizations to be granted by duly constituted regulatory agencies having jurisdiction over the operation of cable television systems or their associated microwave transmission facilities, franchisee shall have an operable headend completed, and shall have extended energized trunk cable to Phase I as shown on attached map of the service area. The service area shall be the Town limits.

B. No person, firm or corporation in the franchisee's service area shall be arbitrarily refused service, provided that franchisee may charge an additional cost for providing service to subscribers who are beyond 125 feet from existing trunk or distribution cable.

Section 14: Miscellaneous

A. Captions. The captions to sections are inserted solely for information and shall not affect the meaning or interpretation of the franchise.

B. Cable Modem Capabilities. Franchisee shall provide cable modem capabilities to the residents of the Town of Hancock, Maryland, within one (1) year of acceptance of this Ordinance.

C. Recourse. The franchisee shall have no recourse whatsoever against the Council or Town or its officers, officials, boards, commissions, agents or employees for any loss, cost, expense or damage arising out of any lawful provisions or requirements of this franchise or because of its lawful enforcement.

D. Separability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance 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 portions hereof.

E. Costs. The franchisee shall pay a reasonable attorney fee for the legal services provided to the Town in connection with this agreement not to exceed \$300.00.

Section 15: Effective Date

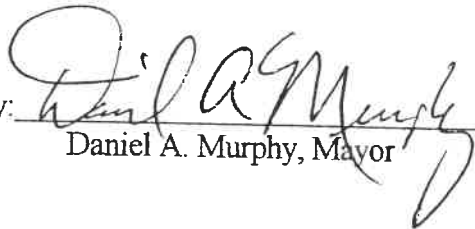
The franchise represented by this Ordinance shall take effect immediately upon its acceptance by the franchisee in the form of an acceptance agreement which is incorporated herein by reference.

Each and every paragraph of this Renewal Ordinance granting a non-exclusive franchise is incorporated in and made a part of the acceptance agreement of this franchise and each and every paragraph of the acceptance agreement of Franchisee is made a part of this Ordinance.

WITNESS AND ATTEST:

THE TOWN OF HANCOCK,
MARYLAND



By: 
Daniel A. Murphy, Mayor

Date of Introduction: August 14, 2002

Date of Passage: JUNE 10, 2004

Effective Date: JULY 1, 2004

Record and return to: Mr. Lawrence L. Logan
Town of Hancock
P. O. Box 235
Hancock, MD 21734

**AGREEMENT AND ACCEPTANCE OF TERMS OF RENEWAL
OF A NON-EXCLUSIVE CABLE TELEVISION FRANCHISE
ORDINANCE**

This Agreement and Acceptance entered into this 1st day of JULY, 2004, by and between The Town of Hancock, a municipal corporation existing under and by virtue of the laws of the State of Maryland, hereinafter "**TOWN**" and CMA Cablevision Associates XI, L.P., doing business as and locally known as Telemedia/Alelphia, hereinafter "**CMA**" a Maryland corporation.

Now, therefore, the **TOWN** and **CMA** hereto agree as follows:

1. The Town, pursuant to its Charter and the provisions of Article 23A of the Annotated Code of Maryland is authorized to grant, and/or renew non-exclusive revocable franchises to operate, construct, maintain and reconstruct a cable television system within the geographical limits of the Town.
2. The Council of the Town, after due consideration and at a duly constituted public meeting, has determined that it is in the best interest of the Town and its citizenry to renew its non-exclusive franchise Ordinance and agreement with CMA to perform such service.
3. The Council of the Town enacted an Ordinance renewing a NON-EXCLUSIVE franchise to CMA. The non-exclusive franchise granted by said Ordinance is to become effective upon acceptance by the franchisee.
4. CMA, franchisee, hereby accepts and agrees to all of the terms and conditions of said Ordinance which is incorporated herein as if fully set forth, and agrees to perform its obligations as set forth therein
5. Each and every part of the Ordinance and Resolution enacting same, together with all attachments, is incorporated in this Agreement and made a part hereof.
6. Notices: All notices, reports or any other writings required shall be sent or delivered to:

Mayor and Council of Hancock
Attention: Lawrence L. Logan
Town Hall
126 W. High Street
Hancock, MD 21750

CMA Cablevision Associates XI, L.P.

7. CMA Cablevision Associates XI, L.P., d/b/a and locally known as Tele-Media Company/Adelphia, does hereby warrant that the undersigned is duly authorized to execute this agreement and duly bind the franchisee to the terms and conditions of this Agreement. A certified corporate Resolution authorizing said action is attached together with Disclosure of Ownership and Certificate of Good Standing from the Maryland Department of Assessment and Taxation.

8. In the event of any conflict between the Ordinance and this Agreement accepting the terms of same, then the terms of the Ordinance shall govern.

WITNESS the hands and seal of the franchisee's duly authorized representative and the duly authorized representative of the Town.

WITNESS AND ATTEST
AS TO CORPORATE SEAL

WITNESS AND ATTEST
AS TO CORPORATE SEAL

Lawrence L. Logan

CMA CABLEVISION ASSOCIATES XI, L.P.

By:

Printed Name

As Its:

TOWN OF HANCOCK, MARYLAND

By:

Daniel A. Murphy

CHAPTER 10

CIVIL EMERGENCIES

SECTION 1:

A. Definitions

1. A civil emergency is hereby defined to be:
 - a. A riot or unlawful assembly characterized by the use of actual force or violence or any threat to use force if accompanied by immediate power to execute such force by three (3) or more persons acting together without authority of law.
 - b. Any natural disaster or man-made calamity including flood, conflagration, cyclone, tornado, earthquake or explosion within the corporate limits of the Town resulting in the death or injury of persons or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare.
2. Curfew is hereby defined as a prohibition against any person or persons walking, running, loitering, standing or motoring upon any alley, street, highway, public property or vacant premises within the Corporate Limits of the Town during the hours in which a curfew has been imposed, excepting persons officially designated to duty with reference to said civil emergency.

B. Proclamation by Mayor

When in the judgment of the Mayor a civil emergency as defined herein is deemed to exist he shall forthwith proclaim in writing the existence of same.

C. Imposition of Curfew

After proclamation of a civil emergency by the Mayor, he may order a general curfew applicable to such geographical areas of the Town or to the town as a whole, as he deems advisable and applicable during such hours of the day or night as he deems necessary in the interest of the public safety and welfare.

D. Additional Regulations

After proclamation of a civil emergency the Mayor may also in the interest of public safety and welfare make any and all of the following orders:

1. Order the closing of all retail liquor stores.
2. Order the closing of all taverns.
3. Order the closing of all private clubs or portions thereof wherein the consumption of intoxicating liquor and/or beer is permitted.
4. Order the discontinuance of the sale of beer.
5. Order the discontinuance of selling distributing or giving away gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle.
6. Order the closing of gasoline stations and other establishments, the chief activity of which is the sale, distribution or dispensing of liquid flammable or combustible products.
7. Order the discontinuance of selling, distributing, dispensing or giving away of any firearms or ammunition of any character whatsoever.
8. Order the closing of any or all establishments or portions thereof, the chief activity of which is the selling, distribution, dispensing or giving away of firearms and/or ammunition.
9. Issue such other orders as are immediately necessary for the protection of life and property.

E. Emergency Powers

During the period of a declared state of emergency the Mayor shall have the power to invoke any or all of the following provisions:

1. Alcoholic beverages.

No person shall consume any alcoholic beverages in a public street or place which is publicly owned or in any motor vehicle driven or parked thereon which is within a duly designated restricted area.

2. Weapons.

No person shall carry or possess any rock, bottle, club, brick or weapon, who uses or intends to use the same unlawfully against the person or property of another.

3. Incendiary Missiles.

No person shall make, carry, possess or use any type of "Molotov Cocktail", gasoline or petroleum base fire bomb or other incendiary missile.

4. Restricted Areas.

No person shall enter any area designated by the Mayor as a restricted area unless in the performance of official duties or with written permission from the Mayor or his duly designated representative, or such person shall prove residence therein.

F. Penalties

Any person violating any provisions of this Ordinance shall be punished in accordance with the provisions as set forth in Chapter I, Article III of the Code of the Town of Hancock.