

CHAPTER 11

COMPETITIVE BIDDING REQUIREMENTS

SECTION 1. PURCHASING IN GENERAL

A. The Town Manager is authorized to act as purchasing agent or contract for all supplies and contractual services needed by the Town of Hancock, or any using agency or department, which derives its support, wholly or in part, from the Town of Hancock, in accordance with the following procedures set forth in this Ordinance and such other rules and regulations which may, from time to time, be prescribed by the Mayor and Council by Ordinance.

B. In addition to any specific powers and duties prescribed by this article, the Town Manager shall:

1. Act to procure for the Town the highest quality in supplies and contractual services at the lowest expense to the Town;
2. Discourage uniform bidding and endeavor to obtain as full and open competition as possible on all purchases and sales;
3. Recommend to the Mayor and Council that they establish and amend, when necessary, all rules and regulations authorized by this chapter and any other necessary to its operation. The Mayor and Council shall make such changes by Ordinance.
4. Keep informed of current developments in the field of purchasing, pricing, market conditions, and new products, and secure for the Town the benefits of research done in the field of purchasing by other governmental jurisdictions, national technical societies, trade associations having national recognition, and by private businesses and organizations;
5. Prescribe and maintain such forms as shall be found reasonably necessary to the operation of this article.
6. Exploit the possibilities of buying "in bulk", so as to take full advantage of discounts.
7. Act so as to procure for the Town all federal and state exemptions to which it is entitled.

8. To advise the Mayor and Council as to vendors who default in their contractual obligations, quotations, and irresponsible bidders and to keep the Mayor and Council fully apprised of same so that the Mayor and Council may make a determination as to whether or not to deal, negotiation, and/or contract with said vendors.

9. Compile and maintain a list of qualified bidders and vendors.

SECTION 2: COMPETITIVE BIDDING

A. Any purchase of supplies or contractual services, when the estimated or known cost thereof exceeds five thousand (\$5,000.00) dollars shall be authorized by the Mayor and Council, at a duly constituted meeting, and a contract shall be entered into for such services, contractual services, and/or supplies. Such purchases or contracts shall be entered into only after the taking of competitive bids, unless the taking of competitive bids, as hereinafter provided, is not required.¹

B. Public notice of all required bidding shall be given in one issue of a newspaper having general circulation within the Town and such other newspapers or trade publications as may be considered appropriate for notifying a sufficient number of vendors to assure effective competition. Such public notice shall be published not less than twenty (20) days prior to the opening of bids. Copies of the notice may be mailed to qualified vendors by the Town Manager. The list of vendors shall include all responsible prospective suppliers who have requested their names to be placed on the list of bidders. Special attention shall be given to notifying vendors having offices or residing within the town of Hancock, Washington County, or which have qualified with the federal government, state or county as a minority-owned business enterprise. The notice required herein shall include a general description of the articles to be purchased or sold, or work to be performed, and shall state where bid specifications may be secured, and the time and place for opening of the bids. Copies of the bid notice shall be provided each member of the Town Council at the same time.

C. The closing date and time for receiving bids shall be during normal business hours at the Town or at the time of a meeting of the Mayor and Council. Bids shall be identified as bids on the sealed envelope. Bids shall be publicly opened by the Town Manager or the designated agent in a room suitable for accommodating persons who may wish to be present immediately following the closing of the time for the receiving of bids and shall be publicly read. All bids received shall be tabulated and copy of the tabulation furnished to each vendor submitting an acceptable bid.

D. For purchases or contracts for which the taking of competitive bids is required, the Town Manager shall furnish the Mayor and Council as soon as practical a tabulation and analysis of all bids, the Town Manager's recommendation as to the bid and

¹ Amended October 11, 1995, recorded in Liber 00005, folio 00804.

such other information as the Mayor and Council may need or shall require. The Mayor and Council shall consider the bids and then award the proposed contract if it deems advisable within its discretion to the most qualified and acceptable bidder in accordance with the provisions of this Ordinance.

E. The Mayor and Council of the Town of Hancock shall have the right to accept or reject any and all bids, either in whole or in part, within its absolute discretion and re-advertise.

F. The Town Manager shall not accept the bid of a contractor who is in default on the payment of any taxes, licenses, fees or other monies due to the Town of Hancock.

G. In determining the best available bid, the Town Manager shall consider and advise the Mayor and Council, for their determination and consideration, of the following matters:

1. The ability, capacity and skill of the bidder to perform the contract or provide the service required.
2. Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference.
3. The character, integrity, reputation, judgment, experience and efficiency of the bidder.
4. The quality of performance of previous contracts or services with the Town of Hancock and/or communities, businesses or projects the Mayor and Council are aware of.
5. The previous and existing compliance by the bidder with the laws and ordinances relating to the contract or services.
6. The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service;
7. The quality, availability and adaptability of the supplies, or contractual services to the particular use required;
8. The ability of the bidder to provide future maintenance and service of the items to be purchased, if required, and the convenience to the Town of the location at which such maintenance or service will be performed.
9. The number and scope of conditions attached to the bid;
10. The estimated life cycle costs of the items to be purchased when it is possible to reasonably estimate such costs.

11. The cost of delivery of supplies or services to be purchased, or, if the Town must obtain delivery of supplies or receive services at a place other than the premises of the Town, the convenience of the location at which delivery or receipt is to be made;

12. Whether or not the bidder is a person or business located within the corporate limits of the Town of Hancock, or a minority-owned business enterprise that has submitted a bid which has been adjudged to be equal in all other respects to the bids received from bidders which are neither minority-owned or located with the corporate limits of the Town;

13. Such other information which, in the discretion of the Mayor and Council, may have a bearing upon the determination as to which bidder has offered the most acceptable bid under all of the surrounding circumstances.

SECTION 3: EXCEPTIONS TO REQUIREMENTS

A. Subject to the approval of the purchase or contract by the Mayor and Council, the requirements for the taking of competitive bids SHALL BE REQUIRED for the following:

1. Lease and/or rental of property, except as may be required by Article 23A of the Annotated Code of Maryland pertaining to the sale and lease of property.

2. Purchase of patented or manufactured products offered for sale in a noncompetitive market or solely by a manufacturer's authorized dealer, and are a sole source.

3. Contracts involving policies of insurance or surety company bonds.

4. Purchase made through the state or against federal purchase contracts.

5. Contracts with public utility service companies under tariffs on file with the Public Utility Commission, contracts made with another political subdivision of the State of Maryland or of another state adjoining the State of Maryland, the Federal Government and or any agency of the State of Maryland or any municipality authority.

6. Contracts involving the services of members of the medical or legal profession, architects, engineers, accountants, surveying or planning, or other personal services involving professional expert advice.

7. Purchase of supplies and equipment required for parts or components being procured as replacement parts in support of equipment specifically designed

by the manufacturer, where data available is not adequate to assure that the part or component is identical with the part it is to replace or where contemplated procurement is to match or compliment equipment or components previously purchased.

8. Purchase of technical, nonpersonal services in connection with the assembly, installation or servicing (or the instruction of personnel therein) of equipment of a highly technical or specialized nature.

9. Purchase of items through the Maryland State contract office.

B. Local Preference.

The Mayor and Council reserves the right to show preference to local bidders in the purchase of supplies, equipment and services. The amount shall not exceed six percent (6%) of the total amount bid or quoted. A "local bidder" is defined as an individual or business who maintains a place of business in the Town of Hancock or Washington County, Maryland; or maintains an inventory of merchandise in the Town of Hancock or Washington County, Maryland; is subject to real and/or property taxes payable to the Town of Hancock or Washington County, Maryland. Any local bidder in default on payments of any county, state or town tax or license shall not be eligible to receive preference until all taxes and/or licenses due are paid. Notice of preference availability shall be included in the invitation to bid and in all advertisements.

SECTION 4: PURCHASE ORDER FORMS AND FUNDS VERIFICATION.

All purchases estimated to be in excess of one hundred (\$100.00) dollars shall be made by the Town Manager and/or other person designated by the Mayor and Council on a written purchase order form. Prior to making any such purchase, the Town Manager shall obtain verification of the availability of appropriated funds for the purchase and that funds have been budgeted for the amount of the estimated purchase. The Town Manager will also verify that these purchases are consistent with the needs of the Town and Annual Budget Requirements.

SECTION 5: SMALL PURCHASES (LESS THAN \$100.00).

The Town Manager may establish administrative simplified procedures for the purchase by department managers for the purchase of supplies and services to support their departments' daily needs if the cost of supplies and/or services is less than one hundred (\$100.00) dollars. Such procedures may provide for the authorizing of such purchases to be made at the departmental level without prior approval of the Town Manager. Whenever purchases are authorized at the department level, it shall be the responsibility of the authorizing individual to ascertain that the purchase made shall not exceed the balance remaining of an appropriate and that the purchase is made in compliance with Section 3.

SECTION 6: SALE OF SURPLUS EQUIPMENT/STOCK.

A. All using departments shall submit to the Town Manager at such times and in such forms as the Town Manager prescribes, reports showing stock levels of all supplies; parts and/or equipment which are no longer used or which have become obsolete, worn or scrapped.

B. The Town Manager shall have the authority to transfer surplus stock and/or equipment to other departments, as needed.

C. The Town Manager shall have the authority to sell all supplies and/or obsolete, worn equipment, which have become unsuitable for public uses; or to exchange the same for, or trade in the same on, new supplies and/or equipment. Sales under this section shall be made to the highest responsible bidder, either through sealed bids or public sale.

SECTION 7: SEVERABILITY

If any provision of this Ordinance shall be deemed by a Court of competent jurisdiction to be invalid, the remainder of the Ordinance shall remain in full force and effect.

SECTION 8: EFFECTIVE DATE

The effective date of this Ordinance is October 6, 1995.

Former Chapter 16, Hancock Code, effective October 11, 1995 and recorded in Liber 0005, folio 00804 among the Acts, Ordinances and Resolutions of Towns in the Office of the Clerk of the Court for Washington County, Maryland.

CHAPTER 12

AN ORDINANCE PROVIDING FOR THE APPROVAL AND ADOPTION OF A MAP DEPICTING THE LOCATION AND BOUNDARIES OF DRUG-FREE SCHOOL ZONES AND MAKING AN OFFICIAL FINDING AND RECORD OF THE LOCATION AND BOUNDARIES OF SUCH ZONES

SECTION 1.

Pursuant to the provisions of the Annotated Code of Maryland, the Charter of the Town of Hancock, and in particular but not limited thereto, the provisions of Article 27 of the Annotated Code of Maryland and Article-Education, Section 412, the Mayor and Council of the Town of Hancock, Maryland, do hereby declare that the drug-free school zone map produced on or about the 1st day of October, 1989 by the Board of Education of Washington County, Maryland, a copy of which is attached hereto, incorporated herein, and made a part hereof is hereby approved and adopted as an official finding and record of the location and areas within the municipality of property which is used for school purposes and which is owned by or leased to any private or public elementary or secondary school or school board, and of the areas on or within one thousand (1,000) feet of such school property.

SECTION 2.

The Drug-Free School Zone Map approved and adopted pursuant to Section 1 of this Ordinance shall continue to constitute an official finding and record as to the location and boundaries of areas on or within one thousand (1,000) feet of property owned by or leased to any private or public elementary or secondary school or school board which is used for school purposes until such time if any that this Ordinance shall be amended to reflect any additions or deletions with respect to the location and boundaries of school property and Drug-Free School Zones.

SECTION 3.

The school board, or the chief administrative officer in the case of any private or parochial school, is hereby directed and shall have the continuing obligation to promptly notify the Town engineer and the Town attorney of any changes or contemplated changes in the location and boundaries of any property owned by or leased to any elementary or secondary school or school board and which is used for school purposes.

SECTION 4.

The Town Clerk of the Town of Hancock is hereby directed to receive and to keep on file the original of the map approved and adopted pursuant to Section 1 of this Ordinance, and to provide at a reasonable cost a true copy thereof to any person, agency or court which may from time to time request such a copy, along with a certification that such copy is a true copy of the map approved and adopted herein and kept on file and the date thereof. It is hereby further directed that a true copy of such map and of this Ordinance shall be provided without cost to the county clerk, the clerk of the Circuit Court for Washington County, Maryland, and to the office of the States Attorney for Washington County, Maryland.

SECTION 5.

The following additional matters are hereby determined, declared, recited and stated:

A. It is understood that the map approved and adopted pursuant to Section 1 of this Ordinance was prepared and is intended to be used as evidence in prosecutions arising under the criminal laws of this State, and that pursuant to State law, such map shall constitute prima facie evidence of the following:

- 1) The location of elementary and secondary schools within the municipality;
- 2) The boundaries of the real property which is owned by or leased to such schools or a school board;
- 3) That such school property is and continues to be used for school purposes, and
- 4) The location and boundaries of areas which are on or within one thousand (1,000) feet of such school property.

B. (Except as is otherwise expressly noted on the face of the approved and adopted map, which is incorporated herein) all of the property depicted on the map approved and adopted herein as school property was owned by, occupied by, leased to or utilized for school purposes to a school or school board as defined herein, and was being used for school purposes as of July 9, 1978.

C. Pursuant to the provisions of the Annotated Code of Maryland, a prosecutor is not precluded from introducing or relying upon any other evidence or testimony to establish a violation of the offense defined in that statute, including use of a map or diagram other than the one approved and adopted pursuant to Section 1 of this Ordinance. The failure of the map approved herein to depict the location and boundaries of any property which is, in fact, used for school purposes and which is owned by or leased to any elementary or secondary school or school board (as

defined herein) whether the absence of such depiction is the result of inadvertent omission or the result of any changes in the location and boundaries of such property which have not yet been incorporated into a revised approved map, shall not be deemed to be an official finding and record that such property is not owned by or leased to a school or school board, or that such property is not used for school purposes.

D. All of the requirements set forth in L. 1988, c. 44 concerning the preparation, approval and adoption of a Drug-Free School Zone map have been complied with and insofar as are applicable are incorporated herein and made a part hereof by reference.

E. All other provisions of the Annotated Code of Maryland applicable to the subject of this Ordinance are incorporated herein and made a part hereof insofar as same are pertinent and applicable.

Note: Former Chapter 22, Hancock Code, effective December 13, 1989, revised February 7, 2006.

CHAPTER 13

DUST ABATEMENT ORDINANCE

SECTION 1: PURPOSE

The Mayor and Council, as the duly constituted legislative body of the Town of Hancock, Maryland, have determined that heavy trucks, material handling equipment, and regular motor vehicles when driven over unpaved surfaces on a regular basis generate dust which tends to become airborne and thereby becomes a public nuisance.

Unpaved road and lot surfaces during heavy rains generate dirt and gravel run off which tends to be injurious to the Town's storm drainage system and creates undue clean up expense to the Town.

The Mayor and Council of the Town of Hancock deem it advisable and in the best interest of the residents and citizens of the Town of Hancock that same be regulated.

SECTION 2: PROHIBITED ACTIONS

It shall be deemed unlawful to maintain a place of business, commercial establishment, or manufacturing facility within the Town limits of the Town of Hancock containing open lots, roads, or storage areas over which heavy trucks, material handling equipment, and motor vehicles of any kind regularly travel unless the surface of said lot, road or storage area is paved with asphalt and/or black top or a similar material acceptable to the Town of Hancock.

SECTION 3: REQUIRED ACTIONS

It shall be unlawful to maintain a place of business, commercial establishment, or manufacturing facility within the town limits of the Town of Hancock containing open lots, roads, or storage areas over which heavy trucks, material handling equipment, and motor vehicles of any kind, regularly travel unless the surface of said lot, road or storage area is maintained in such a manner to prevent the creation of airborne dust and run off of dirt, dust and stone and gravel from said lot, road or storage area on to adjoining private or public property.

SECTION 4: DEFINITIONS

A. The words, "lots, roads, storage areas," are intended to include all surface area within the boundaries of the land occupied by the business, commercial establishment, or the land occupied by the business, commercial establishment, or manufacturing facility that is open to the air and weather and accessible to vehicular traffic.

B. The word "paved" is intended to mean a surface covering of sufficient thickness to withstand the weight of the establishment's normal traffic without deteriorating or breaking up.

C. The words "maintained in such a manner to prevent the creation of dust and run off dirt, dust and stone and gravel," are intended to include:

1. Sweeping sand and dirt from the surface.
2. Watering down the surface.
3. Replacing deteriorated or broken asphalt or blacktop.

D. The words "travel on a regular basis" are intended to mean traffic related to the commercial and/or manufacturing business staff or the general public, and is not intended to include isolated trips of less than four (4) trips per day or twenty (20) trips per month.

SECTION 5: ENFORCEMENT

A. **Notice:** In the event of a violation of the Ordinance, the Town Manager or other person designated by the Mayor and Council shall notify the property owner(s), his agent(s) and/or lessee(s) of the violation. The property owner(s), his agent(s) and/or lessee(s) shall have sixty (60) days from the date of said notice to take corrective action.

B. **Citation:** If the property owner(s), his agent(s), or lessee(s) fails to comply with the notice given pursuant to Section 4-404(a) of this Chapter within the time limit set forth in the Notice, he/she/it shall have deemed to have violated this Ordinance and the Town of Hancock Code of Ordinances. A violation of the Ordinance shall be deemed a municipal infraction pursuant to Article 23-A, Section 3, Annotated Code of Maryland (1977 Repl. Vol.) or as subsequently amended. Any person who violates this Ordinance shall be subject to a fine not to exceed One Hundred (\$100.00) Dollars per day for each and every day of violation upon a finding by the District Court of Washington County, Maryland that said person has committed a municipal infraction under this Ordinance. Said person(s) shall also be subject to such other remedies as the District Court for Washington County, Maryland may deem necessary and appropriate.

C. **Other Remedies:** In addition to the issuance of a citation pursuant to Article 23-A, Section 3, of the Annotated Code of Maryland, the town of Hancock may take whatever civil action is available to it under the law against any person or firm that violates this Ordinance.

Note: Former Chapter 28, Hancock Code of Ordinances, An Ordinance Designed to Abate a Public Nuisance Which May be Injurious to the Health, Safety, Comfort, Convenience, Welfare and Happiness of the Residents of the Town of Hancock by Requiring the Paving of all Commercially Utilized Road, Lots and Yard Surfaces over which Motor Vehicles Travel., date of passage December 18, 1983, effective date twenty days thereafter.

CHAPTER 14

ELECTIONS

SECTION 1: GENERAL PROVISIONS

A. General Elections

It is recognized and declared that Federal, State and County Elections are governed by the Constitution of the State of Maryland and the applicable provisions of the Annotated Code of Maryland and any regulations adopted by the Board of Election Supervisors of the State and County in reference to the conduct of same, and that said provisions are applicable and in force in the Town of Hancock in reference to said elections.

B. Municipal Elections

Municipal elections are and shall be governed by the provisions of the Charter and any applicable Ordinances which are incorporated herein and made a part hereof by reference.

SECTION 2: ABSENTEE BALLOTING

A. General Elections

1. A qualified voter, on the day of the conducting of any Federal, State, or County general election of any kind, may vote by absentee ballot if said voter meets the requirements of Section A.2 below.

2. The provisions of Article 33, Election Code, Title 9, Voting, Subtitle 3, Absentee Voting, of the Annotated Code of Maryland, as it now exists and as it may be amended from time to time, shall and does govern and regulate absentee voting in general elections in the Town of Hancock. Same is incorporated herein and adopted and made a part hereof in its entirety by reference.

B. General Provisions – Municipal Elections

1. Applicability – This subtitle applies to every municipal election conducted in the Town.

2. Forms – The Board of Supervisors of Elections shall prescribe all forms required to comply with this provision and any requirements of relevant

Federal Law. The form utilized may be the same form utilized by the Washington County Board of Election Supervisors of the State Board of Elections Supervisors if deemed applicable. Any forms compiled by the Board of Supervisors of Elections shall be approved by Resolution of the Mayor and Council prior to implementation.

C. Documentation by Local Board

The Board of Supervisors of Elections shall maintain a full record of absentee voting in the municipality including, for each absentee voter:

- (a) The date and time of the Board's receipt of an application for an absentee ballot;
- (b) The action taken with regard to the application;
- (c) The appropriate ballot style;
- (d) The date of issuance of the ballot;
- (e) If mailed, the address to which the ballot is sent;
- (f) The date and time of the receipt of the voted absentee ballot;
- (g) Any other information specified as being required by the Board of Supervisors of Elections.

D. Guidelines

The Board of Supervisors of Elections shall establish guidelines established for the administration of absentee voting by the Board. Said guidelines as established by the Board of Supervisors of Elections and as may be revised from time to time, shall be approved by a Resolution of the Mayor and Council passed at duly constituted meeting.

The guidelines shall follow insofar as same are applicable to the Town of Hancock, the provisions of Article 33, Subtitle 3, Absentee Voting, Section 9-303, Guidelines, of the Annotated Code of Maryland as it now exists and as it may be amended from time to time.

E. Qualifications for Absentee Voting

Generally any person who is a qualified registered voter, may vote in municipal elections by absentee ballot if the voter:

- (a) Will be absent on election day from the Town of Hancock;
- (b) Because of accident, illness, or physical disability, will be unable to go to the polling place on election day;
- (c) Because of confinement in or restriction to an institution, will be prevented from going to the polling place on election day;
- (d) Is a full-time student at an institution of higher education located outside the Town of Hancock, and academic requirements prevent the voter from going to the polling place on election day;

(f) Is an individual who may vote by absentee ballot if authorized under an applicable Federal law.

F. Application for Absentee Ballot

Applications for an absentee ballot, signed by the voter, may be made on a form established by the Board of Supervisors of Elections and supplied to the voter upon request. The form shall provide for information concerning the voter's name and residence address, the address to which the ballot is to be mailed, if different from the residence, and the reason, as authorized in this Ordinance for absentee voting.

The form utilized may be a form that is used for general elections as established by the Washington County Board of Election Supervisors if same is adaptable. Any form utilized shall be approved by the Mayor and Council by Resolution at a duly authorized meeting.

An application for an absentee ballot for a municipal election shall be made to the Board of Supervisors of Elections or in Town Hall to a duly authorized person not later than fourteen (14) days prior to the date of the election in question.

All applications shall be made under penalty of perjury, but without the necessity of a formal oath, specifying the reason for the absentee voting. After review of the application, if the board of Supervisors of Elections finds that the voter qualifies for absentee voting in the municipal election, the absentee ballot shall be issued to the voter or to the voter's duly authorized agent. A candidate for office cannot act as the duly authorized agent for a voter.

G. Review of Application; Issuance or Rejection

(a) The Mayor and Council by Resolution may designate and appoint the Washington County Board of Election Supervisors to review the application and determine whether the applicant is eligible to vote by absentee ballot in the municipal election in lieu of the Hancock Board of Election Supervisors. If the Mayor and Council designate the Board of Election Supervisors of Washington County to act in this capacity, then they shall perform the duties as set forth in this section. If the Mayor and Council do not appoint the Washington County Board of Election Supervisors, then the Hancock Board of Supervisors of Elections shall perform the functions hereinafter set forth.

(b) Review of Application – Promptly upon receipt of an application, the Board of Supervisors of Elections shall review the application and determine whether the applicant is eligible to vote by absentee ballot in the municipal election.

(c) Transmittal of Ballot – If the applicant qualifies to vote, the ballot shall be mailed as soon as practicable after receipt of the request.

(d) Rejection of Application – If the Board of Supervisors of Elections determine that an applicant is not entitled to vote by absentee ballot, the Board shall notify the applicant as soon as practicable after receipt of the application of the reasons for rejection. The determination shall be made at least twelve (12) days before the election.

(e) Appeals – A candidate or absentee voter aggrieved by the decision of the Board of Supervisors of Elections to reject, or not reject, an absentee ballot shall have the right to appeal to the Circuit Court of the county. The appeal shall be made in accordance with the Maryland Rules and Article 33, Title 9, Election Code, Subtitle 3, Section 11-303 of the Annotated Code of Maryland.

H. Use of Agent in Absentee Ballot Process

(a) Use Authorized – A qualified applicant may designate a duly authorized agent to pick up and deliver an absentee ballot for municipal elections.

(b) Qualifications of Agent – In order for an agent to be qualified under this section, he or she:

- (1) Must be at least 18 years of age.
- (2) May not be a candidate on that ballot;
- (3) Shall be designated in a writing signed by the voter under penalty of perjury; and
- (4) Shall execute an affidavit under penalty of perjury that the ballot was delivered to the voter who submitted the application and marked and placed in an envelope by the voter, or with the assistance as allowed by regulation, in the agent's presence, and returned to the Board by the agent.

I. Assistance in Marking Ballot

(a) Absentee Ballot – A voter who requires assistance in casting an absentee ballot by reason of disability, inability to write, or inability to read the ballot may be assisted by any individual other than:

- (1) A candidate who is on that ballot;
- (2) The voter's employer or an agent of the employer; or
- (3) An officer or agent of the voter's union.

(b) Regular Ballot – A voter who requires assistance in casting a ballot at the polls by reason of disability, inability to write, or inability to read the ballot may be assisted by any individual other than:

- (1) A candidate who is on that ballot;
- (2) The voter's employer or an agent of the employer;
- (3) An officer or agent of the voter's union, or

(4) A poll worker, challenger, or checker.

(c) Certification of Assistance – An individual rendering assistance under this section shall execute a certification as prescribed by the Board of Supervisors of Elections and included in the instructions furnished with new ballots.

J. Instructions

All absentee ballots shall be accompanied by instructions, prescribed by the Board of Supervisors of Elections, for marking and returning the ballot.

K. Envelopes – Return of Ballot

(a) Envelopes – An absentee ballot shall be enclosed in specially printed envelopes, the form and content of which shall be prescribed by the Board of Supervisors of Elections insofar as same may be applicable, those envelopes or a form similar utilized in general elections as prescribed in Article 33, Election Code, of the Annotated code of Maryland may be utilized. The form of envelopes shall be approved by the Mayor and Council, as part of the Board of Supervisors of Elections regulations of municipal elections, by Resolution, at a duly constituted Mayor and Council meeting.

When voted and returned to the Board, an absentee ballot shall be enclosed in a valid envelope or valid return envelope, on which has been printed an oath prescribed by the Board of Supervisors of Elections.

(b) Return of Ballot – Absentee ballots must be marked and mailed or hand delivered by the absentee voter or the voter's agent, representative or delivery service to the Board of Supervisors, or its designee, of Elections in the return envelope furnished and in accordance with the provisions by using the form provided. Same must be received and date and time stamped by the Board of Supervisors of Elections, or its designee, no later than the time of the closing the polls on the day of the election in question. In the event that same is not received prior to said time, then said ballot shall be deemed null and void and not counted.

SECTION 3: COUNTING OF VOTES OF MUNICIPAL ELECTIONS

A. Counting of Votes

In all municipal elections of any kind at the closure of the polls, the Board of Supervisors of Elections shall meet and begin the counting, tallying, and verifying the count against the number of voters against the number of ballots cast in accordance with regulations established.

Absentee ballots shall be opened, tallied, and counted immediately thereafter. An absentee ballot received after the deadline specified by the Ordinance or regulations and guidelines, shall not be counted.

The Board of Supervisors of Elections shall submit to the Mayor and Council the certified results of the municipal election no later than forty-eight (48) hours after the closing of the polls. All records pertinent to the election shall be retained for six (6) months after the election.

B. Candidates Challengers/Checkers

Each candidate listed on the official ballot in municipal elections, may designate one individual as Challenger/Checker who will be allowed to monitor election proceedings during hours of voting. No electioneering by any candidate or his representatives shall be conducted within one hundred (100) feet of any authorized polling place. This shall mean and be construed as that distance from the exterior of the building where the polling place is located.

C. Headings-Miscellaneous

The paragraph headings contained herein are for convenience in reference, and are not intended to define or limit the scope of any provisions. All references made, and all nouns and pronouns used in this Ordinance shall be construed in the singular or plural, and in such gender, as the sense and circumstances require.

The provisions of this Ordinance are in addition to, and not in derogation of any other applicable Federal, State, County or municipal laws or Ordinances.

In the event that there is a conflict between this Ordinance and any other existing Ordinance of the Town of Hancock, Maryland, governing the subject of this Ordinance, then the provisions of this Ordinance shall be and are declared applicable.

D. Severability

If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the remainder of this Ordinance and the application of the remaining provisions shall remain in full force and effect.

SECTION 4. PENALTY FOR OFFENSES RELATING TO MUNICIPAL ELECTIONS

A. Penalty

Any person who is convicted of a violation of any of the provisions of this subtitle as it is applicable to Municipal Elections, is subject to a fine of not more than one hundred (\$100.00) Dollars or imprisonment for not more than thirty (30) days or both.

Note: Former Chapter 2, Elections, Code of Hancock, effective Date November 29, 2000, recorded at Liber 9, folio 0030 among the Acts, Ordinances and Resolutions of Towns in the Office of the Clerk of the Court for Washington County, Maryland. Former section 2-109, Review of Application, current Section 2-G, amended as of date of adoption of this Code. Former section 2-111, Assistance in Marking Ballot, current Section 2-I, amended effective the date of enactment of this Code.

CHAPTER 15

AN ORDINANCE FOR THE CONTROL OF EROSION AND SEDIMENTATION

SECTION 1. AUTHORITY AND JURISDICTION.

A. Authority

Pursuant to the authority granted by Section 105 to Section 110, inclusive of Article 96A of the Code of Public General Laws of Maryland, title "Water Resources," subtitle "Sediment Control," the provisions of which subtitle are hereby made a part hereof, the following regulations be and the same are hereby expressly adopted by the Mayor and Council of the Town of Hancock.

B. Jurisdiction

These regulations shall govern all the erosion and sediment-control practices for all construction in the Town of Hancock, Maryland.

SECTION 2. DEFINITIONS AND WORD USAGE.

A. Definitions

1. Town: Within the corporate limits of the Town of Hancock together with adjoining areas over which the town has planning jurisdiction.
2. Town Council: The Town Council of the Town of Hancock, Maryland.
3. Development Plan: Any legally adopted part or element of the Development plan of the Town of Hancock or its environs. This may include, but is not limited to: Zoning Ordinance, Subdivision Ordinance, Community Facilities Plan, Major Street Plan, Capital Expenditures Program and Land Use Plan.
4. Town Specifications: The Town Specifications of the Town of Hancock, which have been adopted by the Town Council.
5. Town Engineer: The duly designated Town Engineer of the Town of Hancock, Maryland.
6. Embankment or Fill: A deposit of soil, rock or other materials placed by man.

7. Erosion: The process by which the ground surface is worn away by action of wind or water.

8. Excavation: Any act by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced or relocated, and shall include the conditions resulting there from.

9. Grading: Any stripping, excavating, filling, stock-piling or any combination thereof, and shall include the land in its excavated or filled condition.

10. Major Street Plan: The Major Street Plan as adopted by the Planning Commission as an element of the Development Plan, and shown on the Plat of the Town of Hancock.

11. Owner's Engineer: The Civil Engineer registered and in good standing with the State Board of Registration of Maryland who is the agent of the owner or applicant.

B. Approved Plan and Permit Required for Land Disturbance.

Unless otherwise provided in this Ordinance, the surface of land in this Town shall not be disturbed or changed for any non-agricultural purposes whatever including, but not limited to, the construction of buildings, roads and streets, except where performed by the Town, the mining of minerals, and the development of housing, commercial, industrial or recreation areas by any private person, partnership, corporation, association or firm, or County agency except in accordance with a plan for control of erosion and sedimentation approved by the Soil Conservation District grading permit issued by the Mayor and Council of the Town of Hancock through the Town Engineer or its duly appointed representative as hereinafter provided.

C. Exemptions.

The provisions of this Ordinance shall not apply to agricultural land management practices, or to the construction or agricultural structures, or to the construction of single-family residences or their accessory buildings on lots of one (1) acre or more.

SECTION 3. APPLICATION FOR APPROVAL AND PERMIT.

A. Application for Plan Approval and Permit.

1. Application: Prior to issuance of a grading permit, a separate application for approval shall be required for each plan. The plan, specifications and a time schedule of work shall be submitted with each application for approval, accompanied by the applicant's certification that all

land clearing, construction and development will be done pursuant to said Plan. Plans shall be prepared or approved and signed by a professional engineer, land surveyor, landscape architect, architect or other persons acceptable to the Town Council.

2. Filing of Application: Eight (8) copies of the application, with required plans, specifications and time schedule, shall be filed with the Planning Commission, to be distributed and considered within the Town Council in the same manner as provided in the Washington County, Maryland Subdivision Ordinance, as amended, including specifically the Soil Conservation District and the Town Engineer or other duly appointed persons.

3. Application Data Required: The plan and specifications accompanying the application shall, to the extent required by the Soil Conservation District or the Town Engineer, include the following data:

(a) A vicinity map drawn to a scale of not less than two thousand (2,000) feet to one (1) inch, showing the relationship of the site to its general surroundings.

(b) A plan of the site drawn to a scale of not less than one hundred (100) feet to one (1) inch showing:

(i) The boundary lines of the site on which the work is to be performed, including the approximate acreage of the site.

(ii) Existing topography on the site and on land adjacent to the site within one hundred (100) feet of the site boundary lines.

(iii) Existing contours with intervals of not more than five (5) feet where the slope is ten percent (10%) or greater, and not more than two (2) feet where the slope is less than ten (10%) percent.

(iv) Proposed improvements on the site, including present development and future utilization, if known.

(v) All drainage provisions, erosion and sediment-control measures, vegetative practices, or other protective devices to be constructed in connection with, or as part of, the proposed work.

(vi) Provisions for erosion control during construction (temporary), and during the life of the facility (permanent). Such provision shall include a timing schedule and sequence of operations indicating the anticipated starting and completion of effective erosion and sediment-control measures, and other related data such as seeding mixes, and rates, type of sod, seedbed preparation, lime and fertilization applications, mulching.

- (vii) A complete and adequate grading plan for borrow pits, quarries, and material processing facilities where applicable.
 - (viii) A general description of the predominant soil types on the site.
 - (ix) The name and address of the owner, developer and petitioner.
 - (x) The applicant's certification stating that all land clearing, construction and development will be done pursuant to the approved plan.
 - (xi) Title, scale, north arrow, date and name of individual or organization preparing plans.
- (c) The plan and specifications shall be supported by such supplemental reports, data and additional information as the Soil Conservation District or the Town Engineer may reasonably require, including, but not limited to, any of the following:
- (i) Finished contours at the same interval as required or used for existing topography, proposed building and pavement grades, and the elevations, dimensions, locations, extent and slope of all proposed grading.
 - (ii) Storm drainage computations and studies including the estimated runoff from the area served by any drains, ditch and pipe computations, and map showing the drainage area of land tributary to the site.
 - (iii) Field investigation reports indicating the nature, condition and characteristics of existing drainage and flooding conditions.
 - (iv) Results from actual soil investigations, reports or test borings, if applicable.

B. Fees and Bonds.

1. Fees: The Town Council of the Town of Hancock, Maryland, shall from time to time, establish by resolution such fees for filing, inspection, or others deemed necessary to cover the cost of administering the provisions of this Ordinance; except that the filing fee shall be a minimum filing fee of Ten (\$10.00) Dollars per application, which can be increased by Resolution as herein set forth.
2. Insurance Policy: The applicant shall file a bond or insurance policy conditioned to protect and save harmless the Town of Hancock from all claims

for damages to property or injury to persons by reason of such construction, alteration, clearing, grading or grubbing work.

3. Security Bond: The applicant shall file concurrently with the insurance policy, as stipulated under §3.B. Paragraph 2, a security bond from a person, firm or company qualified to transact business in the State of Maryland or residing in the State of Maryland in an amount equal to the estimated cost of installation of the required improvements, whereby improvements may be made and utilities installed without cost to the City in the event of default of the applicant; subject to approval of the Town Council.

4. Bonding and Insurance agencies, individuals, persons, firms or companies shall be released from financial responsibility upon official acceptance of the work or expiration of the guaranteed maintenance period, as may be appropriate.

C. Supervision and Control.

1. Failure to Comply: All construction, alteration, clearing, grading or grubbing work for which a permit is granted hereunder shall be under the control of the Town Council of the Town of Hancock, Maryland, through its duly authorized representative. The Town Council or its representative shall have the authority to cause all operations for which a permit is granted hereunder to cease when the permittee fails to comply with one (1) or more of the Town standards.

2. Extension of Time: When a permit has been issued, work thereunder must be commenced within thirty (30) days and thereafter to be continued to conclusion of all work. Upon showing a reasonable necessity, the Town Engineer, or other representative of the Council, may extend the expiration date of a permit without payment of additional fee. A permit shall automatically expire one (1) year after its issuance. No extension shall be granted unless the bond filed with the permit by its terms continues in full force and effect or a new bond is filed.

3. Failure to Correct Deficient Work: Upon failure of permittee to correct deficient work within thirty (30) days of receipt of notice to do so, the Town Council may order the work appropriately revised and cost thereof recovered as stipulated under §3.B. Paragraph 3.

4. Inspection Services: Inspection services will be maintained by the Town Council of the Town of Hancock to assure compliance with the permit.

SECTION 4. STANDARDS.

A. Design Standards for Erosion and Sediment Control.

All grading plans and specifications shall include provisions for erosion and sediment control in substantial accordance with "Design Manual for Erosion and Sediment Control for Hagerstown, Washington County, Maryland, 1970," which is hereby incorporated in this Ordinance by reference.

B. Approval of Application.

In the application conforms substantially to the requirements of this Ordinance, the Soil Conservation District shall approve same and forward one (1) copy to the Town Clerk, and two (2) copies to the Planning Commission, Hancock, Washington County, which shall issue one (1) of such copies, with a grading permit, to the applicant forthwith. If the application does not so conform, the application shall be disapproved by the Soil Conservation District, and its written approval, with the reasons therefore, shall be forwarded and issued in the same manner as above provided for approvals. Applications may be modified at any time subsequent to filing.

In the event the application is not acted upon, passed or rejected within sixty (60) days of filing, same shall be considered approved.

C. Responsibility of Applicant.

During grading operations, the Applicant shall be responsible for carrying out the proposed work in accordance with the grading permit, approved plan, specifications and time schedule, and in compliance with all the requirements of this Ordinance.

D. Maintenance Requirements.

Persons carrying out soil erosion and sediment-control measures under this Ordinance, and all subsequent owners of property concerning which such measures have been taken, shall maintain all permanent anti-erosion devices, retaining walls, structures, plantings and other protective devices.

E. Variances and Exceptions.

The Planning Commission of Hancock, with the approval of the Mayor and Council may, upon application to it and showing of undue hardship, grant variances and exceptions to any of the provisions of this Ordinance, provided such variance or exception is in harmony with its general purpose and intent.

F. Violations and Penalties.

Any person who violates any of the provisions of this Ordinance shall, upon conviction, be guilty of a misdemeanor, punishable by fine of no greater than Five Hundred (\$500.00) Dollars, and each day of violation shall be considered a separate offense.

G. Appeals.

Any applicant who shall feel aggrieved by any action, or inaction, of the Soil Conservation District or the Town Engineer, or by any action of the Planning Commission of Hancock, Washington County, may appeal to the Circuit Court of Washington County, which shall hear the same de novo. Such appeal shall be filed within thirty (30) days of the action complained of and within a reasonable time after inaction complained of.

H. Severability.

If any 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 portion of this Ordinance.

EFFECTIVE DATE: March 1, 1983

RESOLUTION AND ORDINANCE REPEALING CHAPTER 16

CODE OF ETHICS

WHEREAS, Section 15-803 of the State Ethics Law requires that each county and municipal corporation in the State of Maryland shall enact provisions to govern the public ethics of local officials and employees unless exempted in whole or in part; and

WHEREAS, on August 13, 1982, the Town of Hancock adopted an Ethics Law which was thereafter re-codified as Chapter 16 of the Hancock Code of Ordinances and is entitled "Code of Ethics" effective June 1, 2006;

WHEREAS, COMAR 19A.04.03.03 allows some municipalities to be exempt from the requirement of adopting an ethics law or policy and municipalities may request an exemption of same based upon such factors such as size of government, number of public employees, population of municipality, etc.;

WHEREAS, the Mayor and Council deemed it to be in the best interest of the citizenry of the Town of the Hancock to request an exemption as aforesaid and, if granted, to repeal in its entirety the existing Chapter 16, Code of Ethics from the Town's Code of Ordinances;

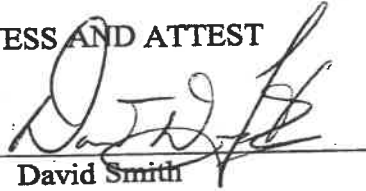
WHEREAS, the State Ethics Commission granted the Town of Hancock a full exemption from the requirement of §15-803 of the Public Ethics Law on May 17, 2012 a copy of which is attached hereto and made a part hereof by reference;

NOW, THEREFORE, be it **RESOLVED, ENACTED and ORDAINED** that Chapter 16, Code of Ethics be and the same is hereby repealed in its entirety; and be it further

RESOLVED, ENACTED and ORDAINED that the Mayor be and is hereby authorized to execute any documents necessary to effectuate the purpose of this Amendment to the aforementioned Ordinance, and be it further

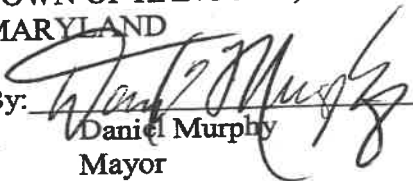
RESOLVED, ENACTED and ORDAINED that this Resolution shall be considered an Emergency Ordinance and shall be effective on the date of its introduction and passage, December 10, 2014.

WITNESS AND ATTEST

By: 

David Smith
Town Administrator

TOWN OF HANCOCK,
MARYLAND

By: 

Daniel Murphy
Mayor

NOTICE

Notice is hereby given that the Mayor and Council, as the duly constituted Legislative Body for the Town of Hancock, Maryland, at a duly constituted meeting held on December 10, 2014 introduced and passed a Resolution and Ordinance to Repeal Chapter 16, Code of Ethics, pursuant to granting of an exemption for the Town by the State Ethics Commission. Said Ordinance was introduced and passed as an emergency Ordinance.

The entire Resolution to repeal said Ordinance is located in the Office of the Clerk, City Hall, 126 W. High Street and may be reviewed during regular business hours. The effective date of said Ordinance is May 19, 2004

MAYOR AND COUNCIL
FOR THE TOWN OF
HANCOCK, MARYLAND

David Smith, Town Administrator

Daniel A. Murphy, Mayor

PUBLISH: _____

MAIL BILL AND CERTIFICATION TO:

Mr. David Smith
Town Administrator
Town of Hancock
126 W. High Street
Hancock, MD 21750

Whereas the town of Hancock was granted a full exemption of the requirements of the Maryland State Annotated Code Title 15 – Section 803. By the state ethics board, And whereas the Town of Hancock wishes to encourage participation in the process of elected government, and where as the financial disclosure section of the Annotated Code of the State of Maryland requires all **candidates** for public office to file a financial disclosure form with the state.

The mayor and council hereby move to repeal Chapter 16 “Code of Ethics” in its entirety.

Motion by Councilman Salvagno Introduces an emergency Ordinance to repeal the Chapter 16 – Ethics Ordinance in its entirety . Councilman Hamilton Seconds the motion and a vote is taken by council. It is briefly discussed , and noted that the ordinance as introduced being and emergency in nature will take effect immediately. The vote is unanimous.

CHAPTER 16

CODE OF ETHICS

SECTION 1. PURPOSE

The purpose of this Ordinance is to comply with Article 40A of the Annotated Code of the State of Maryland and to provide for certain guidelines and criteria for Standards of Conduct for those persons to which this Ordinance is applicable.

APPLICABILITY.



*Service
Above Self*

2012
exempted from
financial disclosure
& lobbying

inance, unless otherwise herein provided, shall be
and members of boards and commissions, of the Town
at not limited to, the following where such offices are

or and Council.

ment of the Town by whatever title they are known.
ards, commissions and committees appointed by the Mayor

J. boards, commissions and committees appointed by the
Governor of the State of Maryland where such boards, commissions and
committees are not declared by the State Ethics Commission not to be
executive agencies in the State Government.

SECTION 3. ETHICS COMMISSION.

A. There is hereby established an Ethics Commission for the Town of Hancock, Maryland. The Ethics Commission shall be composed of the five (5) members of the Ethics Committee appointed by the Board of County Commissioners of Washington County, Maryland, pursuant to and under the provisions of an ordinance enacting an ethics law for Washington County, Maryland, passed on February 23, 1982.

B. In the event that the County Commissioners shall fail to appoint an Ethics Commission as set forth in said Ordinance, then the Mayor, with the advice and consent of the Council of the Town of Hancock, shall appoint an Ethics Commission consisting of five (5) members, who shall be and are charged with the responsibilities as set forth in this Chapter.

C. The commission referred to herein shall be advised by the County Attorney and shall have the following responsibilities:

1. To devise, receive and maintain all forms generated by this Chapter and any law applicable to the operation and function of the Ethics Commission and/or the enforcement of the Ethics Ordinance.
2. To provide published advisory opinions to persons subject to the Chapter.
3. To process and make determinations as to complaints filed by any person alleging violations of this Chapter.
4. To conduct a public information program regarding the purposes and application of this Chapter.

D. Upon the effective date of this Ordinance, the term and tenure of any current member of the Hancock Ethics Commission appointed by the Mayor and approved by the Council shall terminate automatically by operation of law.

SECTION 4. CONFLICTS OF INTEREST, PROHIBITED ACT.

Town officials and employees who are subject to this Ordinance shall not:

- A. Participate on behalf of the Town in any matter which would, to their knowledge, have a direct financial impact, as distinguished from the public generally, on them or their immediate family including spouse, children (dependent or otherwise), parents, brothers, sisters or in-laws, or a business entity with which they are affiliated.
- B. Hold or acquire an interest of either Ten Thousand (\$10,000.00) Dollars or five (5%) percent or greater in a business entity that has or is negotiating a contract of One Thousand (\$1,000.00) Dollars or more with the Town, or is regulated by their agency, except as exempted by the Commission where the interest is disclosed pursuant to Section 7 of this Ordinance.
- C. Be employed by a business entity that has or is negotiating a contract of more than One Thousand (\$1,000.00) Dollars or more with the Town, or is regulated by their agency, except as exempted by the Commission pursuant to Section 6 of this Ordinance.
- D. Hold any outside employment relationship that would impair their impartiality or independence of judgment.
- E. Represent any party, for a contingent fee, before any Town body.

F. Within one (1) year following termination of Town service, act as a compensated representative of another in connection with any specific matter in which he participated substantially as a Town official or employee.

G. Solicit any gift or accept gifts of greater than Twenty-five (\$25.00) Dollars in value, from any person that has or is negotiating a contract with the Town, or is regulated by their agency, except when these gifts would not present a conflict of interest as determined by the Commission. For the purposes of this section, gift includes the transfer of anything of economic value regardless of form without adequate and lawful consideration.

H. Use the prestige of their office for their own benefit or that of another.

I. Use confidential information acquired in their official Town position for their own benefit or that of another.

SECTION 5. FINANCIAL DISCLOSURE; EXEMPTIONS; FILING REQUIREMENTS.

A. The Town officials and employees listed in Paragraph C of this section shall file annually not later than January 31 of each calendar year during which they hold office, a statement with the Commission disclosing any gifts, as hereinafter limited, received during the preceding calendar year from any person that has or is negotiating a contract with the Town, or any person regulated by their agency. The statement shall identify the donor of the gift and its approximate retail value at the time of receipt. Disclosure of gifts of the following items where the reasonable value thereof does not exceed Twenty-five (\$25.00) Dollars, shall not be required:

- (1) Meals and beverages.
- (2) Ceremonial gifts or awards which have insignificant value.
- (3) Unsolicited gifts of nominal value or trivial items of informational value.
- (4) Reasonable expenses for food, travel, lodging, and scheduled entertainment of the official or the employee for a meeting which is given in return for participation in a panel or speaking engagement at the meeting.
- (5) Gifts or tickets or free admission, extended to an elected official or employee to attend a professional or inter-collegiate sporting event or charitable, cultural or political event, if the purpose of this gift or admission is a courtesy or ceremony extended to the office.
- (6) Gifts from a person related by blood or marriage, or a spouse, child, ward, financially dependent parent, or other relative who shares the official's or employee's legal residence, or a child, ward, parent, or other relative over whose financial affairs the person has legal or actual control.
- (7) A specific gift or class of gifts which the Mayor and Council or the Commission exempts from the operation of this section upon a finding, in writing, that acceptance of the gift or class of gifts would not be

detrimental to the impartial conduct of the business of the Town, and that the gift is purely personal and private in nature.

(8) Honoraria.

B. Candidates for elective offices listed in paragraph C of this section shall file statements consistent with the requirements of Subsection A of this section at the time that they file their certificates of candidacy.

C. Officials and employees required to file (provided the offices exist and are applicable):

- (1) Mayor
- (2) Members of the Council
- (3) Town Manager
- (4) Town Clerk
- (5) Town Finance Director
- (6) Town Attorney
- (7) Town Treasurer
- (8) Members of all boards, commissions and committees listed in §2 of this Ordinance, the members of which receive any compensation for their services as such members.

D. All Town officials and employees or candidates for elective office to positions subject to this section shall file a statement with the Commission disclosing any interest or employment the holding of which would require disqualification from participation pursuant to §4.A of this Ordinance, sufficiently in advance of any anticipated action to allow adequate disclosure to the public.

E. Disclosure statements filed pursuant to this section shall be maintained by the Commission as public records available for public inspection and copying.

SECTION 6. LOBBYING DISCLOSURE.

A. Any person who personally appears before any Town official or employee with the intent to influence that person in performance of his official duties, and who, in connection with such intent, expends or reasonably expects to expend in a given calendar year in excess of One Hundred (\$100.00) Dollars on food, entertainment or other gifts for such officials, shall file a registration statement with the Commission not later than January 15, of the calendar year or within five (5) days after first making these appearances.

B. The registration statement shall include complete identification of the registrant and of any other person on whose behalf the registrant acts. It shall also identify the subject matter on which the registrant proposes to make these appearances and shall cover a defined registration period not to exceed one (1) calendar year.

C. Registrants under this section shall file a report within thirty (30) days after the end of any calendar year during which they were registered, disclosing the value, date and nature of any food, entertainment or the gift, provided to a Town official or employee. When a gift or series of gifts to a single official or employee exceed Twenty-five (\$25.00) Dollars in value, the official or employee shall also be identified.

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

SECTION 7. GRANTING OF EXEMPTIONS OR MODIFICATIONS BY COMMISSION.

The Commission may grant exemptions and modifications to the provisions of §4. and §5. of this Ordinance if it determines that application of those provisions would:

- A. Constitute an unreasonable invasion of privacy.
- B. Significantly reduce the availability of qualified persons for public service.
- C. Not be required to preserve the purposes of this Ordinance.

SECTION 8. ENFORCEMENT; DISCIPLINARY ACTION; VIOLATIONS AND PENALTIES

A. The Commission may issue a cease and desist order against any person found to be in violation of this Ordinance and may seek enforcement of this order in the Circuit Court of Washington County. The Court may issue a cease and desist order and may also impose a fine of up to One Thousand (\$1,000.00) Dollars for any violation of the provisions of this Ordinance.

B. A town official or employee found to have violated this Ordinance may be subject to disciplinary or other appropriate personnel action, including suspension of town salary or other compensation.

C. Violation of §6. of this Ordinance shall be a misdemeanor subject to a fine of up to One Thousand (\$1,000.00) Dollars or imprisonment of up to one (1) year.

This is former Chapter 15, enacted August 13, 1982, amended July 12, 2004 and recorded among the Acts, Ordinances and Resolutions of Towns in the office of the Clerk of the Circuit Court in Liber 10, folio 381.

CHAPTER 17

EXCAVATIONS

SECTION 1: PERMITS

Any person, desiring to dig up, tear up, destroy, disturb, or repair any of the streets, lanes or alleys of the Town of Hancock, Maryland for the purpose of laying pipes, repairing same, or for any purpose whatsoever shall first obtain a written permit therefore from the Town Manager.

SECTION 2: APPLICATIONS

All applications for permits to dig up, tear up, destroy, disturb or repair any street, lane or alley in the Town of Hancock for the purposes set forth above not limited thereto, shall be in writing on a form prepared by the Town Manager. Each of the applications shall state the street, lane or alley to be dug up, torn up or repaired, the time for which such permit is desired and the admission of the financial responsibility of the applicant to the Town of Hancock for the complete restoration of said street, lane or alley, so dug up, torn up or repaired. Such permit shall expire on the date specified therein.

SECTION 3: SAFETY MEASURES

Any person who has obtained a permit to dig up or disturb any of the streets, lanes or alleys of the Town of Hancock, is required to take all proper measures to insure the safety of passing vehicles and pedestrians from loss of life or injury to person and property, by the erection of a fence or barrier by day, and in addition thereto by displaying proper lanterns at night, at the portion or portions left open, and also at every street crossing on the line of work, the same may be left open.

SECTION 4: RESTORATION COSTS

Whenever any person shall receive a permit to dig up, tear up or repair any street, lane or alley in the Town of Hancock, said person receiving such permit shall obligate himself or itself to pay to the Town of Hancock a sum of money equal to the costs of a complete restoration of the street, lane or alley of the Town of Hancock so dug up, torn up or repaired. Said person obtaining the permit shall prior to the expiration of the time named in the written application therefore and the permit restore the street, lane or alley to the same level and condition in accordance with good engineering practices.

SECTION 5: REMEDIES

In the event of the failure of any person to comply with the provisions of this Ordinance, said person shall be subject to the penalty provision set forth in Chapter I, Article III of the Code of the Town of Hancock.

In addition thereto, any person, firm, corporation or legal entity who has violated this Ordinance shall still be responsible to compensate the Town of Hancock for any expense incurred in restoring the premises to their original condition. In addition to the penalties set forth herein, any person, firm, corporation or legal entity who has caused damage to town property or property of others, shall hold the Town of Hancock harmless from any suits, demands, liabilities, or expenses of whatsoever nature or kind incurred directly or indirectly in reference to said violation and/or restoring the premises to their original condition.

CHAPTER 18
FIRE REGULATIONS

ARTICLE I

SECTION 1. PURPOSE

The purpose of this Chapter is to establish minimum requirements that will provide a reasonable degree of fire prevention and safe guard life, property and be in the best interest of the citizenry and the public welfare.

SECTION 2. AUTHORITY

The Town of Hancock has the authority to pass ordinances in accordance with its general police powers to protect the health, welfare and safety of the citizenry. The authority is further granted in Article 23A of the Annotated Code of Maryland and the Charter of the Town of Hancock.

SECTION 3. ADOPTION OF FIRE PREVENTION CODE

The Annotated Code of Maryland, Public Safety Article, Title 6, State Fire Prevention Commission and State Fire Marshall, authorizes and mandates that the Fire Commissioners of the State shall adopt comprehensive regulations to be known and designated as a Fire Prevention Code. The State Fire Comprehensive Code has been adopted pursuant to said statutory mandate. Same is effective August 1, 2004 and is attached hereto and incorporated by reference and made a part hereof.

SECTION 4. ADOPTION OF FIRE PREVENTION CODE

The Fire Prevention Code of the State of Maryland as set forth and incorporated herein is adopted by the Town of Hancock, as said Fire Prevention Code now exists and as it may be subsequently amended from time to time in the future.

All provisions of the Code are adopted and shall be effective in the corporate limits of the Town of Hancock.

ARTICLE II

PROHIBITED ACTS

SECTION 1. BURNING ON PRIVATE PROPERTY

It is unlawful for any person, firm, corporation, or legal entity of whatsoever nature or kind to burn or incinerate either in open or closed containers on their property or the property of others, open fires, or any other fires of whatsoever nature or kind, except as hereinafter provided or as may be allowed and provided for in accordance with applicable Fire Prevention Code requirements, any material of any kind including but not limited thereto, i.e. wastepaper, leaves, straw, garbage, and hazardous material.

SECTION 2. BURNING ON PUBLIC WAYS

It is unlawful to burn either in open fires or containers any leaves, debris, garbage, paper or materials of any kind on public streets, public ways, or public alleys in the Town of Hancock.

SECTION 3. OFFENSIVE SMOKE

It is unlawful to burn or permit at any time the burning by any person, firm, corporation or legal entity on their property or the property of others, any rubber, tile, linoleum, leather, garbage, trash, litter, hazardous material, combustible materials, or anything else that would cause an offensive smoke or odor.

SECTION 4.

Nothing in this Ordinance shall prohibit charcoal fires, gas grill fires, or similar fires for the purpose of domestic private cookouts. Bonfires at special functions may be permitted providing a permit is first obtained from the Fire Marshall or from a duly authorized enforcement officer designated by the Mayor and Council.

SECTION 5. ENFORCEMENT

As provided in the Fire Prevention Code, Annotated Code of Maryland, this Ordinance shall be enforced by the State Fire Marshall as to the applicable provisions thereof and/or any other person that may be designated by the Mayor and Council of the Town of Hancock to enforce the provisions of Article II.

SECTION 6. MISCELLANEOUS

The adoption of this Ordinance is in addition to and not in derogation of any existing or subsequently passed statutes or regulations.

SECTION 7. PENALTY

Unless otherwise specified in the Fire Prevention Code adopted herein for any violation, the penalty for violation of this Ordinance shall be as provided in Chapter I, Article III of the Code of the Town of Hancock.

SECTION 7. EFFECTIVE DATE

This Ordinance shall be effective on the date of passage.

Maryland State Fire Marshal

Fire Prevention Code

TITLE 29 DEPARTMENT OF STATE POLICE

SUBTITLE 06 FIRE PREVENTION COMMISSION

CHAPTER 01 FIRE PREVENTION CODE

Authority: Public Safety Article §§ 6-206 and 6-501

Annotated Code of Maryland

(Amended Effective August 1, 2004)

.01 Title.

This chapter shall be known and may be cited as the State Fire Prevention Code.

.02 Purpose.

A. The purpose of this chapter is to establish minimum requirements that will provide a reasonable degree of fire prevention and control to safeguard life, property, or public welfare from:

- (1) The hazards of fire and explosion arising from the storage, handling, or use of substances, materials, or devices; and
- (2) Conditions hazardous to life, property, or public welfare in the use or occupancy of buildings, structures, sheds, tents, lots, or premises.

B. This chapter incorporates by reference NFPA 1 Uniform Fire Code (2003 Edition), except as amended in Regulations .08 and .09 of this chapter, and NFPA 101 Life Safety Code (2003 Edition), except as amended in Regulation .07 of this chapter. Certain requirements of the International Building Code 2003 are also adopted by incorporation by reference in Regulations .06 — .17 of this chapter and are considered minimum standards.

C. The State Fire Prevention Commission recommends the use of the NFPA National Fire Codes or other nationally recognized standards in technical matters not specifically addressed by this chapter.

.03 Application and Scope.

A. This chapter applies to both new and existing buildings and conditions. In various sections there are specific provisions for existing buildings that may differ from those for new buildings. Unless otherwise

noted, this chapter does not apply to facilities, equipment, structures, or installations that were existing or approved for construction or installation before the effective date of this chapter, except in those cases in which it is determined by the authority having jurisdiction that the existing situation constitutes a hazard so inimicable to the public welfare and safety as to require correction. The requirements for existing buildings and conditions may be modified if their application clearly would be impractical in the judgment of the authority having jurisdiction, but only if it is clearly evident that a reasonable degree of safety is provided. The State Fire Marshal or the legally appointed designee has the authority to make a determination of the applicability of this chapter to any building or condition in it, subject to the right of appeal to the State Fire Prevention Commission as prescribed in COMAR 29.06.02.

B.* The requirements of this chapter do not apply to work areas subject to COMAR 05.16 (Maryland Building Rehabilitation Code) adopted by the Department of Housing and Community Development under Article 83B, §6-503, Annotated Code of Maryland, except as provided by COMAR 05.16 (Maryland Building Rehabilitation Code).

C.* The provisions of this chapter do not apply in Baltimore City except to those buildings and conditions specifically prescribed in Public Safety Article, Title 6,

Subtitle 4, Annotated Code of Maryland.

.04 Enforcement.

A. Enforcement of this chapter is the responsibility of:

- (1) The State Fire Marshal;
- (2) A legally designated fire official of a county or municipal corporation of the State; or
- (3)* Other persons legally appointed by the State Fire Marshal under Public Safety Article, Title 6, Subtitle 3, Annotated Code of Maryland.

B. The State Fire Marshal or the legally appointed designee may accept alternate methods of satisfying the intent of this chapter if the material, method, or work is at least the equivalent of that required by this chapter in quality, effectiveness, durability, and safety, and meets or exceeds the intent of the chapter.

C. If there are differing or conflicting requirements between this chapter and codes or standards adopted by incorporation by reference by this chapter, the State Fire Marshal or the legally appointed designee shall determine which requirements apply, subject to the right of appeal to the State Fire Prevention Commission.

D. If the Public Safety Article, Annotated Code of Maryland, or this chapter requires that a permit or certificate of approval be obtained from the State Fire Marshal, the permit shall be obtained from the State Fire Marshal, or other appropriate authority, of the county, city, or incorporated town where the activity or equipment for which the permit or certificate required is located.

E. A violation of this chapter is subject to the penalties set forth in the Public Safety Article, Annotated Code of Maryland.

.05 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

- (1) "Authority having jurisdiction" means the State Fire Marshal or the legally appointed designee as prescribed in this chapter.
- (2)* "Individuals with disabilities" means those individuals who have a disability as defined in the Fair Housing Amendment Act of 1988, 42 U.S.C. §3601 et seq. as follows:
 - (a) A physical or mental impairment which substantially limits one or more of the person's major life activities;
 - (b) A record of having such an impairment; or
 - (c)* Being regarded as having such an impairment, but this term does not include current, illegal use of or addiction to a controlled substance (as defined in 21 U.S.C. § 802).
- (3) "International Code Council (ICC)" means International Code Council, Inc., 5203 Leesburg Pike, Suite 708, Falls Church, VA 22041-3401.
- (4) "Legally appointed designee" means those local or county officials specifically authorized under the Public Safety Article, Annotated Code of Maryland, to enforce the provisions of the State Fire Laws and State Fire Prevention Code.
- (5) "New building or condition" means a building, structure, installation, plant, equipment, renovation, or condition:
 - (a) For which a building permit is issued on or after the effective date of this chapter;
 - (b) On which actual construction is started on or after the effective date of this chapter in a jurisdiction where a building permit is not required;
 - (c) Which represents a change from one occupancy classification to another on or after the effective date of this chapter; or
 - (d) Which represents a situation, circumstance, or physical makeup of any structure, premise, or process that was commenced on or after the effective date of this chapter.
- (6) "NFPA" means National Fire Protection Association, 1 Batterymarch Park, P.O. Box 9101, Quincy, MA 02269-9101.

.06 Incorporation by Reference.

A. In this chapter, the following documents are incorporated by reference, with the amendments specified in this chapter. Tentative interim amendments and supplements to these documents and to the codes and standards referenced in these documents are not included as part of this chapter unless specifically adopted by this chapter.

B. Documents Incorporated.

- (1) NFPA 1, Uniform Fire Code (2003 Edition).
- (2) NFPA 101, Life Safety Code (2003 Edition).
- (3) International Building Code 2003, which can be found under COMAR 05.02.01.02-1 in depository libraries and in the depositories described in §C of this regulation.

C. Incorporation by Reference Locations. The documents incorporated by reference in §B of this regulation are available for inspection at the following depositories:

- (1) Office of the State Fire Marshal, Headquarters, 300 East Joppa Road, Suite 1002, Towson, MD 21286, (410) 339-4200, 1-800-525-3124;
- (2) Office of the State Fire Marshal, Northeast Regional Office, 2 South Bond Street, Bel Air, MD 21014, (410) 836-4844;
- (3) Office of the State Fire Marshal, Eastern Regional Office, 315 Aurora Park Drive, Unit 2, Easton, MD 21601, (410) 822-7609;
- (4) Office of the State Fire Marshal, Western Regional Office, 12 North Jonathan Street, Suite 100, Hagerstown, MD 21740, (301) 791-4758;
- (5) Office of the State Fire Marshal, Southern Regional Office, 200 Duke Street, Prince Frederick, MD 20678, (410) 535-8845;
- (6) Office of the State Fire Marshal, Metro Regional Office; 7543 Main Street, Suite 101, Sykesville, MD 21784 (410) 552-0154;
- (7) Office of the State Fire Marshal, Maryland State Police Barracks "C", 1125 National Highway, Cumberland, MD 21502, (301) 729-5021;
- (8) Office of the State Fire Marshal, 170 East Main Street, Elkton, MD 21921, (410) 996-0630;
- (9) Office of the State Fire Marshal, 201 Baptist Street, Suite 17, Salisbury, MD 21801, (410) 543-6573;
- (10) Office of the State Fire Marshal, Garrett County Public Safety Center, 67 Friendsville Road, McHenry, MD 21541, (301) 387-0437;

(11) Department of Legislative Services Library, 90 State Circle, Annapolis, MD 21401, (410) 946-5400;

(12) Maryland State Law Library, Courts of Appeal Building, 361 Rowe Boulevard, Annapolis, MD 21401, (410) 260-1430;

(13) Marshal Law Library, University of Maryland School of Law, 111 South Greene Street, Baltimore, MD 21201, (410) 706-0783;

(14) McKeldin Library, University of Maryland, Marylandia Department, College Park, MD 20742, (301) 405-0800; and

(15) State Library Resource Center, Enoch Pratt Central, Maryland Department, 400 Cathedral Street, Baltimore, MD 21201, (410) 396-1789.

.07 National Fire Protection Association 101 Life Safety Code.

The NFPA 101 Life Safety Code (2003 Edition) is incorporated by reference, except for the following amendments:

A. Amend Section 2.2 to delete the referenced publication NFPA 5000 Building Construction and Safety Code, 2003 edition. Wherever NFPA 5000 is referenced, substitute the building code adopted by the authority having jurisdiction.

B. Amend section 3.3.47 to add the following new subsection and definition:

3.3.47.3 Bulkhead Door. A type of door assembly covering an opening in the ground providing direct access to a basement, the floor of which is not more than 8 feet below ground level. The door consists of a single rigid leaf or two overlapping rigid leaves or covers which need to be pushed or lifted upwards in order to be opened. A person, after opening the door, can walk up a series of steps to escape to the outside.

C. Amend subsections 3.3.110.1, 16.6.1.1.2, and 17.6.1.1.2 to change the definition of "Day-Care Home" by deleting the phrase "...more than three, but...".

D. Amend subsections 3.3.152.4 and 6.1.4.1 to change the definition of "Day-Care Occupancy" by deleting the phrase "...four or more...".

E. Amend subsections 3.3.152.13 and 6.1.9.1 to change the definition of "Residential Board and Care Occupancy" by changing "A building or portion thereof.." to "A building or portion thereof that does not qualify as a one- and two-family dwelling...".

F. Amend section 4.8 to add the following additional subsection: 4.8.2.4 Emergency plans shall be maintained in a location approved by the authority having jurisdiction.

G. Amend subsection 7.9.1.2 to replace the word "only" in the first sentence with ", but not be limited to,".

H. Amend subsections 12.2.5.4.1(1), 12.2.5.4.1(2), 13.2.5.4.1(1) and 13.2.5.4.1(2) to change "1000" to "250".

I. Amend section 12.3.5 to add the following subsection:

12.3.5.4 The following assembly occupancies shall be protected throughout by an approved, supervised automatic sprinkler system in accordance with section 9.7: Bars, dance halls, discotheques, nightclubs, assembly occupancies with festival seating.

J. Amend subsections 12.7.6.3 and 13.7.6.3 to add the following regarding audiences to be informed of exits:

(1) It is the duty of the individual in charge to call the attention of those present, immediately before the beginning of the proceedings for which the people are assembled, to the number and location of the exits, and to state that the doors to all exits are unlocked. Before making the announcement, it is the duty of the individual to make an actual inspection to verify that the doors are unlocked and the means of egress are free of obstructions, and to correct any deficiencies found.

(2) It is the duty of the individual in charge to call the attention of everyone present at the proceedings to the exits by displaying or announcing the following: "Notice. For your own safety, look for your nearest exit. In case of emergency, walk, do not run, to that exit."

(3) The requirement for calling the attention of everyone present at the proceedings to the exits is complied with by one of the following methods:

(a) Oral announcement of the notices in this section at the beginning of the proceedings.

(b) Showing the notices in this section on the viewing screen where the motion pictures are shown.

(c) Printing the notices in this section in bold type letters not less than ¼ inch in height on the back of programs for the proceedings. Nothing but the notice shall be placed on the back of the program.

(d) Having a fixed sign or signs displaying the notices in this section printed in letters of a size and clearness that can be easily read from each point in the assembly room.

K. Amend section 13.3.5 to add the following subsection:

13.3.5.4 Where occupant load exceeds 100, the following assembly occupancies shall be protected throughout by an approved, supervised automatic sprinkler system in accordance with section 9.7: Bars, dance halls, discotheques, nightclubs, assembly occupancies with festival seating.

L. Amend sections 16.1 and 17.1 to add the following subsections:

16.1.1.6 and 17.1.1.6 Day-care centers providing day care for school-age children before and after

school hours in a building which is in use as a public or private school are not required to meet the provisions of this chapter, but shall meet the provisions for educational occupancies.

M. Amend sections 16.2 and 17.2 to add the following subsections:

16.2.11.1.1(4) and 17.2.11.1.1(4) For windows at grade the minimum net clear opening shall be permitted to be 5.0 square feet.

N. Amend subsections 16.6.1.4.1(A) and 17.6.1.4.1(A) to delete "...more than three, but..." and change "...seven..." to "...nine...".

O. Amend subsections 16.6.1.4.1(B) and 17.6.1.4.1(B) to change "...not less than seven..." to "...not less than nine...".

P. Amend subsections 16.6.1.7.1 and 17.6.1.7.1 to delete existing wording and replace with the following:

In family day-care homes, a day-care provider's own children under the age of two years shall be counted as clients served and the following shall apply:

- (1) At any given time, a day-care provider may not care for more than eight clients, of whom no more than four may be under the age of two years.
- (2) An adult to child ratio of at least one adult to every two children under the age of two years shall be maintained at all times.

Q. Amend subsection 16.6.2.1 and 17.6.2.1 to add the following sentence:

Bulkhead doors may not serve as a primary means of escape.

R. Amend subsections 16.6.2.2 (Reserved) and 17.6.2.2 (Reserved) as follows:

SLIDING DOOR: For family day-care homes, a sliding door used as a required means of egress shall comply with the following conditions:

- (1) The sliding door shall have not more than one, easily operated, locking device that does not require special knowledge, effort, or tools to operate;
- (2) There may not be draperies, screens, or storm doors that could impede egress;
- (3) The sill or track height may not exceed 1/2 inch above the interior finish floor;
- (4) The surface onto which exit is made shall be an all weather surface such as a deck, patio, or sidewalk;
- (5) The floor level outside the door may be one step lower than the inside, but not more than 8 inches lower;

- (6) The sliding door shall open to a clear open width of at least 28 inches;
- (7) Before day-care use each day, the sliding door shall be unlocked and tested to the full required width to be sure it is operating properly, and the door shall be nonbinding and slide easily; and
- (8) During periods of snow or freezing rain, door tracks shall be cleared out and the door opened periodically throughout the day in order to ensure proper operation.

S. Amend subsections 16.6.2.3 (Reserved) and 17.6.2.3 (Reserved) as follows:

SPECIAL MEANS OF ESCAPE REQUIREMENTS: For family day-care homes, deadbolt locks shall be provided with approved interior latches, or these locks shall be of a captured key design from which the key cannot be removed from the interior side of the lock when the lock is in the locked position. These locks shall be unlocked at all times when the home is occupied for the purpose of family day care. Exception: A double-keyed dead-bolt lock may be used on the secondary means of escape if the key is readily accessible and the lock is unlocked when the home is occupied for family day care.

T. Amend subsection 16.6.3.4.3 to add the following exception:

Exception: Battery-operated smoke alarms shall be accepted in place of house electric service-powered smoke alarms if, in the opinion of the authority having jurisdiction, the facility has demonstrated testing, maintenance, and battery replacement programs that ensure reliability of power to the smoke alarms.

U. Amend subsections 16.7.4.1 and 17.7.4.1 to add the following exception:

Exception: Day-care homes.

V. Amend subsections 16.7.5 and 17.7.5 to add the following exception:

Exception: Day-care homes with no more than three clients for overnight lodging.

W. Amend subsection 17.6.3.4.4 to delete the word "existing".

X. Amend subsection 24.1.1.1 by placing a period after the word "dwellings" and replacing the remainder of the sentence with the following:

One- and two-family dwellings include:

- (a) A building containing not more than two dwelling units in which each dwelling unit is occupied by members of a single family with not more than five outsiders, if any, accommodated in rented rooms.
- (b) A living unit for five or fewer individuals with disabilities as defined in Regulation .05B of this chapter, in addition to live-in staff.
- (c) A living unit for six to eight individuals with disabilities as defined in Regulation .05B of this chapter, in addition to live-in staff, if specific information is presented to the authority having jurisdiction that the residents of

the living unit have no unique and specific needs which warrant imposition of the fire safety standards required by either Chapter 26, 32 or 33 of the NFPA 101 Life Safety Code, (2003 Edition).

Y. Amend subsections 24.2.2.3(C), 32.2.2.3.1(3), and 33.2.2.3(3) by adding the phrase ", or not less than 5.0 square feet when at grade" after the word "(5.7 square feet)".

Z. Amend subsection 24.2.5.1 to add the following exception:

Exception: Maximum riser heights of 8¼ inches (210mm) and minimum tread depths of 9 inches (229mm) are permitted for stairs in new construction. A nosing not less than ¾ inch (19mm) but not more than 1¼ inches (32mm) shall be provided on stairs with solid risers where the tread depth is less than 11 inches (279mm).

AA. Amend subsection 26.1.1.1 to change "...buildings..." to "...buildings that do not qualify as one- and two-family dwellings..."

BB. Amend subsection 32.3.1.3 by replacing the phrase "Chapter 7 of NFPA 5000, Building Construction and Safety Code", with "33.3.1.3."

CC. Delete subsections 36.4.4.8(1)(b) and 37.4.4.8(1)(b).

DD. Amend subsection 42.8.2.2.3.1 to add the following exception:

Exception: Subsection 7.2.2.5.1 does not apply to open-air parking structures.

.08 National Fire Protection Association 1 Uniform Fire Code.

The NFPA 1 Uniform Fire Code (2003 Edition) is incorporated by reference, except for the amendments in Regulation .09 of this chapter and the following amendments:

A. Delete section 1.8.

B. Delete section 1.9.

C. Delete section 1.10. (See COMAR 29.06.02.)

D. Delete subsection 1.11.3.

E. Amend subsection 1.12.1 to add the following new subsection:

1.12.1.1 Permits, certificates, notices, approvals, or orders required by this code shall be governed by the policies and procedures of the authority having jurisdiction.

F. Amend subsection 1.12.19 to change the word "shall" to "may".

G. Amend Section 2.2 to delete the referenced publication NFPA 5000 Building Construction and Safety Code, 2003 edition. Wherever NFPA 5000 is referenced, substitute the building code adopted by the authority having jurisdiction.

H.* Amend subsection 3.3.91.1 to change definition of "Consumer Fireworks" by adding the following to the end of the sentence: "...and as referenced in Public Safety Article § 10-101, Annotated Code of Maryland."

I. Amend subsection 3.3.138.5 to change the definition of "Day-Care Home" by deleting the phrase "...more than three but...".

J. Amend subsection 3.3.138.6 to change the definition of "Day-Care Occupancy" by deleting the phrase "...four or more...".

K. Amend subsection 3.3.138.19 to change the definition of "One- and Two-Family Dwelling" by replacing the definition with the following:

One- and two-family dwellings include:

(a) A building containing not more than two dwelling units in which each dwelling unit is occupied by members of a single family with not more than five outsiders, if any, accommodated in rented rooms.

(b) A living unit for five or fewer individuals with disabilities as defined in Regulation .05B of this chapter, in addition to live-in staff.

(c) A living unit for six to eight individuals with disabilities as defined in Regulation .05B of this chapter, in addition to live-in staff, if specific information is presented to the authority having jurisdiction that the residents of the living unit have no unique and specific needs which warrant imposition of the fire safety standards required by either Chapter 26, 32 or 33 of the NFPA 101 Life Safety Code (2003 Edition).

L. Amend subsection 3.3.138.22 to change the definition of "Residential Board and Care Occupancy" by changing "A building or portion thereof..." to "A building or portion thereof that does not qualify as a one- and two-family dwelling...".

M. Amend subsection 4.5.8.1 to delete "...for compliance with the provisions of this Code ,...".

N. Amend subsection 4.5.8.2 to delete "...by the Code...".

O. Amend subsection 10.1.2 to add "...except as amended by COMAR 29.06.01.07 and COMAR 29.06.01.08."

P. Amend subsection 10.8.2 to change "incident commander" to "authority having jurisdiction".

Q. Delete subsection 10.15.1, including Table 10.15.1. (See COMAR 29.06.06)

R. Delete subsection 10.15.9. (See COMAR 29.06.06)

S. Amend subsection 10.16.2 to insert the phrase ", but not limited to," after the words "such as" and add the following subsections:

10.16.2.1 The owner or operator of a crop maze amusement attraction shall advise all employees of the

fire and/or life safety regulations established in this chapter prior to employees assuming their respective duties.

10.16.2.2 The owner or operator of a crop maze or their employees shall provide safety instructions to the visitors and patrons of a crop maze prior to their entrance to the maze.

10.16.2.3 At least two employees shall be on duty to monitor a crop maze during hours of operation. At least one of the two employees on duty monitoring the maze shall be located on an elevated platform at least ten feet above the maze.

10.16.2.4 The owner or operator of a crop maze shall contact the local fire department and provide the fire department with the opportunity to prepare a pre-plan of the crop maze amusement attraction prior to the start of seasonal operations.

10.16.2.5 There shall be no open flame producing devices or equipment within the confines of a crop maze.

10.16.2.6 There shall be no smoking permitted within the confines of a crop maze.

10.16.2.7 Not more than 200 persons per acre, including adults and children, shall occupy a crop maze at any one time.

10.16.2.8 Motorized vehicles may not be parked within 75 feet of a crop maze.

10.16.2.9 A fire lane at least 10 feet wide shall be cleared between a crop maze and any structures or vegetation outside the maze.

10.16.2.10 During hours of darkness, visitors to a crop maze may only use flashlights to illuminate their travel through the maze. Candles, gas-fired lanterns, cigarette lighters, or similar open flame or flame producing devices shall be prohibited for use inside a crop maze at all times.

10.16.2.11 A public address system shall be readily available to employees at a crop maze to assist them in making announcements to the visitors or patrons of a crop maze in the event of an emergency. A bull horn or loud speaker shall suffice as a public address system.

10.16.2.12 The entrance and exit from a crop maze may not be blocked or obstructed at any time the theme park is open for business and occupied by the public.

10.16.2.13 Fireworks may not be discharged within 300 feet of any crop maze at any time.

T. Amend subsection 10.17.2 to delete existing wording and replace with the following:

The authority having jurisdiction shall have the authority to require that outdoor storage of any combustible material be enclosed by an approved fence or other protective enclosure to prevent unauthorized access.

U. Delete subsection 10.17.5

V.* Amend subsection 13.2.2.2 to delete existing wording and replace with the following:

All new buildings shall be equipped with an approved standpipe system where required by the International Building Code 2003. Where a Class III system is required, a Class I system shall be permitted.

W.* Amend subsection 13.3.2.1 to add the following new subsection:

13.3.2.1.1 All new buildings shall be equipped with an automatic sprinkler system or other automatic fire suppression system where required by Section 903 of the International Building Code 2003.
Exception: Day care facilities that comply with the sprinkler requirements of the NFPA 101 Life Safety Code 2003.

X. Amend subsection 13.3.2.3 to add ", ambulance and rescue" after the word "fire".

Y. Delete subsection 13.5.2.

Z. Amend subsection 13.6.1.2 by adding the following to the end of the sentence: ", unless otherwise permitted by the authority having jurisdiction."

AA. Amend subsection 13.7.2.23.3 to add the following exception:

Exception: Battery-operated smoke alarms rather than house electric service-powered smoke alarms shall be accepted when, in the opinion of the authority having jurisdiction, the facility has demonstrated testing, maintenance, and battery replacement programs that ensure reliability of power to the smoke alarms.

BB. Amend subsection 13.7.2.24.3.4 to delete the word "existing".

CC. Amend subsection 14.13.1.2 to replace the word "only" in the first sentence with ", but not be limited to,".

DD. Amend subsection 18.2.2 to add the following statement:

The authority having jurisdiction shall have the authority to require and designate public or private fire lanes and fire department access roads as considered necessary.

EE. Amend subsection 18.2.2.1.1 to delete "When there are not more than two one- and two-family dwellings or private garages, carports, sheds, and agricultural buildings,".

FF. Amend sections 20.1.1 and 20.3.1 to add "...except as amended by COMAR 29.06.01.07 and COMAR 29.06.01.08."

GG. Amend subsection 20.1.4.6.3 to add the following regarding audiences to be informed of exits:

(1) It is the duty of the individual in charge to call the attention of those present, immediately before the beginning of the proceedings for which the people are assembled, to the number and location of the several exits in the building or hall, and to state that the doors to all exits are unlocked. Before making the announcement, it is the duty of the individual to make an actual inspection to verify that the doors are unlocked and the means of egress are free of obstructions, and to correct any deficiencies found.

(2) It is the duty of the individual in charge to call the attention of everyone present at the proceedings to the exits by displaying or announcing the following: "Notice. For your own safety, look for your nearest exit. In case of emergency, walk, do not run, to that exit."

(3) The requirement for calling the attention of everyone present at the proceedings to the exits is complied with by one of the following methods:

(a) Oral announcement of the notices in this section at the beginning of the proceedings.

(b) Showing the notices in this section on the viewing screen where the motion pictures are shown.

(c) Printing the notices in this section in bold type letters not less than 1/4 inch in height on the back of programs for the proceedings. Nothing but the notice shall be placed on the back of the program.

(d) Having a fixed sign or signs displaying the notices in this section printed in letters of a size and clearness that can be easily read from each point in the assembly room.

HH. Amend subsections 20.2.1, 20.5.1, 20.10.1, 20.11.1, 20.14.1, 20.15.1, and 29.1.1 to add "...except as amended by COMAR 29.06.01.07."

II. Amend subsection 20.3.3.1.1 to delete "...more than three but...".

JJ. Amend subsection 20.3.3.2.3.4(A) to add the following exception:

Exception: Day-care homes.

KK. Amend subsection 20.3.3.2.3.4(E) to add the following exception:

Exception: Day-care homes with not more than three clients for overnight lodging.

LL. Amend subsection 28.1.6.2.2 to add the following additional exception:

Exception No. 2: Covered slips less than 12,000 square feet in total area.

MM. Amend subsection 31.3.6.2.2 to add the following additional item:

(8) Piles containing leaves and other extraneous or hogged material, such as whole tree chip piles, shall be turned or reclaimed at least every 3 months.

NN. Delete subsection 31.3.6.3.1

OO. Amend subsection 31.3.6.3.2 to delete existing wording and replace with the following:

Piles may not exceed 18 feet in height, 50 feet in width, and 350 feet in length. Piles shall be subdivided

by fire lanes having at least 25 feet of clear space at the base of piles.

PP. Amend section 42.2.7.11 to add the following additional subsections:

42.2.7.11.7 Management/owner officials or employees shall conduct daily site visits to ensure that all equipment is operating properly.

42.2.7.11.8 Regular equipment inspection and maintenance at the service station shall be conducted.

42.2.7.11.9 The telephone number of the owner or operator of the service station shall be posted at a prominent place at the station.

42.2.7.11.10* The exact address of the service station shall be listed on the emergency instruction card required to be posted at a telephone or other approved, clearly identified means to notify the fire department as required in Section 9-5 of NFPA 30A.

42.2.7.11.11 Fuel dispensing equipment shall comply with one of the following:

- (1) The amount of fuel being dispensed is limited in quantity by preprogrammed card; or
- (2) Dispensing devices shall be programmed or set to limit uninterrupted fuel delivery of not more than 25 gallons and shall require a manual action to resume continued delivery.

QQ. Amend Table 60.2.2.1(a), Notes a and b to replace the words "34.1.3.2 of NFPA 5000" and "34.2.4 of NFPA 5000" with "the building code adopted by the authority having jurisdiction."

RR. Delete subsection 60.5.12.2.

.09 Fireworks and Explosive Materials.

The NFPA 1 Uniform Fire Code (2003 Edition) is incorporated by reference, except for the amendments in Regulation .08 of this chapter and the following amendments:

A. Permits shall be required for the following:

- (1) Fireworks displays;
- (2) Pyrotechnics before a proximate audience; and
- (3) Flame effects before an audience.

B. Amend sections 65.2, 65.3, and 65.4 to add the following:

(1) All applications for permits for display shall be filed at least 10 business days before the fireworks display is to be held.

(2)* Under Public Safety Article, Title 10, Annotated Code of Maryland, the following requirements apply to public liability and property damage insurance:

(a) In order to meet the requirement of the statute, the State shall be named as an insured in the contract of insurance;

(b) Because the policy shall cover all damages to persons or property, a deductible form of coverage may not be accepted;

(c) The minimum amount of coverage that the State can accept on any display is \$25,000 for the injury of one person, \$50,000 for more than one person, and \$10,000 for property damage; and

(d) A duplicate policy of a certificate of insurance shall be attached to the application.

(3) The policy or certificate shall provide that:

(a) The coverage may not be canceled without at least 30 days notice to the State Fire Marshal;

(b) The duplicate policy or certificate shall set forth all of the terms, conditions, endorsements, and riders which are or which will become part of the policy when issued;

(c) It is understood and agreed that limitations cannot be included in the policy which are not set forth in the duplicate policy or certificate of insurance which has been filed;

(d) If the policy is issued by an insurer authorized to do business in the State, it shall be validated by the signature of an agent licensed by the Maryland Insurance Administration to represent the insurer;

(e) If coverage is provided by an insurer who is not authorized to do business in the State, the duplicate policy or certificate of insurance shall be accompanied by a power of attorney or other satisfactory evidence that the person, firm, or corporation acting as agent in accepting the risk has authority to bind risks and issue policies for the insurer;

(f) The State Fire Marshal's Office specifically reserves the right to disapprove contracts issued by any authorized insurer if the Fire Marshal's Office determines the insurer is unsatisfactory; and

(g) If the policy issued by the unauthorized company

is acceptable to the Fire Marshal's Office, it shall be registered and the registration fee and tax paid.

C. Amend section 65.5 to add the following regarding the manufacture of fireworks:

(1) A building containing hazardous mixes or items may not be located closer than 20 feet to the property line.

(2) In §B(3) of this regulation, the following terms have the meanings indicated:

(a) "Trainees" means employees undergoing initial training in a specific process for a period not to exceed 24 consecutive work hours.

(b) "Transients" means:

(i) Supervisors not regularly assigned to the area;

(ii) Bona fide government agency personnel engaged in official business; and

(iii) Material-handling personnel actively engaged in the transfer of materials into or out of the area.

(3) The maximum number of workers, excluding one trainee and three transients, permitted in a building at one time shall be limited to one person per 100 square feet gross floor area or one person in buildings of less than 100 square feet gross floor area.

(4)* The total amount of explosives or pyrotechnic composition including raw materials, material being processed, and finished products, that may be safely permitted in any building at a given time, shall be determined by the enforcement agency based upon the American Table of Distances for Storage of Explosives, without recognition for barricades. However, distances may not be less than those required by Public Safety Article, § 10-204(a), Annotated Code of Maryland. The amount of explosives or other pyrotechnic composition may not exceed the amount necessary for production for 4 hours.

(5) Before beginning work, all fireworks plants shall submit for approval accurate scale plot plans of their premises to the State Fire Marshal of all proposed changes of location of any of the structures, fences, and gates.

D. Amend section 65.5 to add the following new subsection: 65.5.3 Sale or use of sparklers shall comply with the following:

(1) Before the sale, offering for sale, or use within the State, of any sparkler, every manufacturer of sparklers shall submit sufficient samples for inspection to the State Fire Marshal, with a laboratory report from a certified testing laboratory affirming that the analysis of these sparklers showed that they contain no chlorates or perchlorates.

(2) All sparklers sold in the State shall be sold in boxes, and each box shall be clearly marked that the sparklers contain no chlorates or perchlorates.

(3) The manufacturer shall furnish the State Fire Marshal with a current list of wholesalers, jobbers, retailers, or retail outlets, who handle or supply sparklers, or maintain a list of wholesalers, jobbers, retailers, or retail outlets, subject to inspection by the State Fire Marshal.

E. Amend section 65.9 reference to NFPA 495 as follows:

(1) Delete sections 10.1 and 10.2.

(2) Amend section 3.3 to add the following definition:

Demolition. The explosive razing of any manmade structure or any part thereof that cannot be covered with overburden or blasting mats.

(3) Amend section 4.4 to add the following new subsection:

4.4.6 Each applicant for a Demolition Class D permit shall possess 5 years of experience in the field of demolition and shall pass the demolition examination as approved by the Office of the State Fire Marshal.

F. Amend section 65.10 reference to NFPA 490 to delete subsection 2-2.1.

.10 Control of Airblast and Ground Vibration for Blasting Operations.

A. Control of Airblast for Blasting Operations.

(1) This section applies to airblast effects as recorded at the location of a private dwelling, public building, school, church, and community or institutional building not owned or leased by the person conducting or contracting for the blasting operation.

(2) Airblast from blasting shall be controlled so that the maximum allowable airblast at:

(a) An inhabited building, resulting from blasting operations, may not exceed 130 decibels peak when measured by an instrument having a flat frequency response, +3 decibels, over a range of at least 6 — 200 hertz; and

(b) A building not inhabited, resulting from blasting

operations, may not exceed 140 decibels peak when measured by an instrument having a flat frequency response, +3 decibels, over a range of at least 6 — 200 hertz.

(3) If requested by a property owner registering a complaint and considered necessary by the State Fire Marshal, measurements on three consecutive blasts, using approved instrumentation, shall be made near to the structure in question.

B. Control of Ground Vibration for Blasting Operations.

(1) This section provides for limiting ground vibrations at structures that are not owned or leased by the person conducting or contracting for the blasting operation. The requirements and monitoring methods of this section are intended to protect low-rise structures including dwellings. Engineered structures may safely withstand higher vibration levels and, based on an approved engineering study, the State Fire Marshal may allow higher levels for engineered structures.

(2) When blasting operations, other than those conducted at a fixed site such as a quarry, are to be conducted within 200 feet of a pipe line or high voltage transmission line, the contractor shall take additional precautionary measures and shall notify the owner of the line, or the owner's agent, that blasting operations are intended.

(3) Methods. Each method described in §B(4)—(6) of this regulation, progressing from §B(4)—(6), has an increasing degree of sophistication and each can be implemented either by direction of the State Fire Marshal as a result of complaints or by the contractor to determine site specific vibration limits.

(4) Charge Weight Per Delay Dependent on Distance Method.

(a) If a seismograph is not used to record vibration effects, the explosive charge weight per delay, 8 milliseconds or greater, may not exceed the limits shown in Table A of this regulation. If charge weights per delay on any single delay period exceed 520 pounds, ground vibration limits for structures shall comply with §B(5) or (6) of this regulation.

(b) Table A.

Distance Versus Weight of Explosives Method

Distance to a Building	Weight of Explosive per Delay
------------------------	----------------------------------

Feet Over	Feet Not Over	Pounds
0 — 5		$\frac{1}{4}$
5 — 10		$\frac{1}{2}$
10 — 15		$\frac{3}{4}$
15 — 60		**
60 — 70		6
70 — 80		$7\frac{1}{4}$
80 — 90		9
90 — 100		$10\frac{1}{2}$
100 — 110		12
110 — 120		$13\frac{3}{4}$
120 — 130		$15\frac{1}{2}$
130 — 140		$17\frac{1}{2}$
140 — 150		$19\frac{1}{2}$
150 — 160		$21\frac{1}{2}$
160 — 170		$23\frac{1}{4}$
170 — 180		25
180 — 190		28
190 — 200		$30\frac{1}{2}$
200 — 220		34
220 — 240		39
240 — 250		42
250 — 260		45

260 — 280	49
280 — 300	55
325 — 350	69
350 — 375	79
375 — 400	85
400 — 450	98
450 — 500	115
500 — 550	135
550 — 600	155
600 — 650	175
650 — 700	195
700 — 750	220
750 — 800	240
800 — 850	263
850 — 900	288
900 — 950	313

Distance to a Building		Weight of Explosive per Delay
Feet Over	Feet Not Over	Pounds
950 — 1,000		340
1,000 — 1,100		375

1,100 — 1,200	435
1,200 — 1,300	493

This table over 60 feet is based upon the formula: $W = \frac{D^{1.5}}{90}$

90

** .10 of a pound of explosive per foot of distance to a building.

(5) Monitoring Method. If a blaster determines that the charge weights per delay given in Table A are too conservative, the blaster may choose to monitor at the closest conventional structure each blast with an approved seismograph and meet the standard in §B(6) of this regulation. When starting to monitor at a new blasting operation with instrumentation, the initial blasts shall contain explosive charge weights per delay close to the limits established in Table A. From this point onwards the explosive charge weight per delay may be increased but the vibration levels detailed in §B(6) may not be exceeded.

(6) Peak Particle Velocity Dependent on Distance Method.

(a) In this subsection, "peak particle velocity" means the maximum component of the three mutually perpendicular components of motion as recorded at the closest structure not owned or leased by the person conducting the blasting.

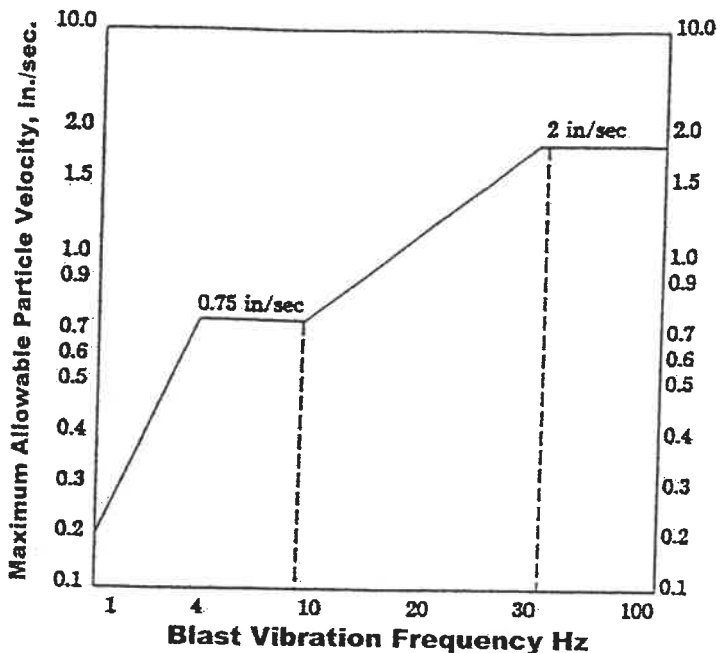
(b) Table B.

Distance Versus Peak Particle Velocity Method

Distance		Peak Particle Velocity of Any One Component
Feet Over	Feet Not Over	Inches Per Second
0 — 100		2.00
100 — 500		1.50
500 — 1,000		1.00
over 1,000		0.75

(c) For peak particle velocity of any one component under §B(6)(b) of this regulation, the instrument's transducer shall be firmly coupled to the ground.

(7) Particle Velocity Criteria Dependent on Frequency Content. The following chart provides continuously variable particle velocity criteria dependent on the frequency content of the ground motion. The method of analysis shall be approved by the State Fire Marshal and provide an analysis showing all the frequencies present within the 1—50 hertz range:



C. Instrumentation.

(1) A direct velocity recording seismograph capable of recording the continuous wave form of the three mutually perpendicular components of motions, in terms of particle velocity, shall be used. Each seismograph shall have a frequency response from 2 — 150 hertz or greater, and a velocity range from 0.0 — 2.0 inches per second or greater.

(2) All field seismographs shall be capable of internal dynamic calibration and shall be calibrated according to the manufacturers' specifications at least once a year.

(3) All seismographs shall be operated by competent individuals trained in the correct use of seismographs. Seismograph records shall be analyzed and interpreted by an independent third party approved by the State Fire Marshal.

D. Records.

(1) A record of each blast shall be kept. All records, including seismograph reports, shall be retained for at least 3 years, be available for inspection, and include the following items:

- (a) Name of company or contractor;
- (b) Location, date, and time of blast;
- (c) Name, signature, and Social Security number of blaster in charge;
- (d) Type of material blasted;
- (e) Number of holes, burden, and spacing;
- (f) Diameter and depth of holes;
- (g) Type of explosives used;
- (h) Total amount of explosives used;
- (i) Maximum amount of explosives per delay period of 8 milliseconds or greater;
- (j) Method of firing and type of circuit;
- (k) Direction and distance in feet to nearest dwelling house, public building, school, church, and commercial or institutional building not owned or leased by the person conducting the blasting;
- (l) Weather conditions including such factors as wind direction;
- (m) Height or length of stemming;
- (n) If mats or other protection to prevent fly rock were used;
- (o) Type of detonators used and delay period used;
- (p) Seismograph records which include the following:
 - (i) Name and signature of the individual operating the seismograph;
 - (ii) Name of the individual analyzing the seismograph records; and

(iii) Seismograph reading;
and

(q) The maximum number of holes per delay period of 8 milliseconds or greater.

(2) The person taking the seismograph reading shall accurately indicate the exact location of the seismograph, if used, and shall also show the distance of the seismograph from the blast.

E. Liability Insurance for Explosives Handlers.

(1)* As provided in Public Safety Article, Title 11, Annotated Code of Maryland, proof of liability insurance shall be provided by an applicant for a license to:

- (a) Manufacture explosives;
- (b) Engage in the business of dealing in explosives; or
- (c) Possess any explosives other than for use in firearms.

(2) The minimum amount of liability insurance required for licensing for the activities specified in §E(1) of this regulation is \$1,000,000.

.11 Fire Extinguishers.

A. Permit to Service or Repair Portable Fire Extinguishers. A permit shall be obtained from the Fire Marshal's Office by every individual, firm, or corporation commercially servicing, repairing, filling, or refilling portable fire extinguishers, except fire departments.

B. Sale of Portable Fire Extinguishers.

(1) It is unlawful for a person, directly or through an agent, to sell or offer for sale in the State any make, type, or model of portable fire extinguisher, either new or used, unless the make, type, or model of extinguisher has been tested and listed by a testing laboratory accepted by the State Fire Marshal.

(2) An extinguisher is not approved even if it bears the label of an accepted testing laboratory if it contains any of the following liquids:

- (a) Carbon tetrachloride, chlorobromomethane, azeotropic chloromethane, dibromodifluoromethane, 1,2-dibromo-2-chloro-1,2-trifluoroethane;
- (b) 1,2-dibromo-2,2-difluoroethane, methyl bromide, ethylene dibromide;
- (c) 1,2-dibromotetrafluoroethane, hydrogen bromide,

methylene bromide, bromodifluoromethane,
dichlorodifluoromethane; or

(d) Any other toxic or poisonous liquid.

.12* Sale and Installation of Fire Alarm or Fire Detection Systems.

It is unlawful for a person, directly or through an agent, to sell, offer for sale, or install any make, type, or model of fire alarm, fire detection, or smoke detection system or device unless the system or device has been tested and listed by a testing laboratory accepted by the State Fire Marshal. See Public Safety Article, § 9-105(b), Annotated Code of Maryland.

.13* Smoke Detectors for the Deaf or Hearing Impaired — Signs.

A sign required under Public Safety Article, § 9-102(c), Annotated Code of Maryland, shall:

- A. Be conspicuously posted in such a manner that it is readily visible and legible to the public;
- B. Be printed or typed in contrasting colors with respect to the background color of the sign or surface on which it is mounted; and
- C. State "Smoke Detectors for the Deaf or Hearing Impaired are Available Upon Request", or other appropriate wording as may be specifically approved by the Fire Marshal, or by the Chief of the Baltimore City Fire Department if the building is located in Baltimore City.

.14 Sale and Use of Heaters and Stoves

A.* Gasoline Stoves. The sale or use of gasoline stoves or other similar fuel-burning cooking or heating appliances using Class I flammable liquids as defined in NFPA 1 Uniform Fire Code (2003 Edition), NFPA 30 Flammable and Combustible Liquids Code (2000 Edition), is prohibited unless the appliance has been tested and listed by a testing laboratory accepted by the State Fire Marshal. The appliance shall be installed, operated, and maintained in a safe manner in accordance with the prescribed recommendation of the manufacturer and the conditions stated in the listing by the respective testing laboratory.

B. Unvented Portable Kerosene-Fired Heaters.

(1)* The sale or use of unvented portable kerosene-fired heaters is permitted only if the heater or appliance meets the U.L. Subject 647 and bears the label of a testing laboratory accepted by the State Fire Marshal.

(2)* The heaters shall only be used as permitted under Commercial Law Article, §14-1310, Annotated Code of Maryland.

(3)* Each heater shall contain a warning label stating: "This device must not be operated while unattended". In addition, the heater shall contain the manufacturer's warning label required by Commercial Law Article, §14-1310, Annotated Code of Maryland.

.15 Sale or Use of Flame Retardant Chemicals.

An individual, firm, or corporation may not sell or offer for sale in the State any type of flame-retardant or flame-proofing compound, powder, or liquid, for fire-retardant purposes unless the product has been tested, listed, and bears the mark of a recognized testing laboratory accepted by the State Fire Marshal.

.16* Manufactured Homes and Trailer Parks.

The smoke detector requirements of Public Safety Article, Title 9, Subtitle 1, Annotated Code of Maryland, apply to manufactured homes.

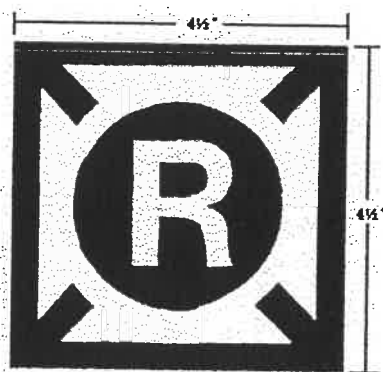
.17 Symbol for Occupants Needing Evacuation Assistance.

A.* Under Public Safety Article, § 9-504, Annotated Code of Maryland, the following description applies to the display of a sign, sticker, or other appropriate symbol for the purpose of indicating an occupant of a building needing evacuation assistance:

- (1) Size — square, 4½
- (2) Design — Maltese cross with capital letter "R";
- (3) Color — international orange; and
- (4) Material — reflectorized, cross and letter.

B. Sponsorship may not appear on the face of the symbol described in §A of this regulation, but may be imprinted on the adhesive backing paper.

C. A diagram of the approved design of the symbol described in §A of this regulation is as follows:



D. Mounting. When symbols are provided, one symbol shall be affixed to the upper left quadrant of the front door or on the window closest to the left side of the door and one shall be affixed to the window occupied by each person needing evacuation assistance. If this room is the location of the window closest to the left side of the front door, both symbols shall be affixed with one above the other.

E. Distribution. A symbol for evacuation assistance may not be distributed in Maryland unless it complies with §§A—C of this regulation.

CHAPTER 19

FIREARMS AND WEAPONS ORDINANCE

SECTION 1.

It shall be unlawful for any person to fire, discharge or shoot any firearm, gun, air gun, bb-gun, blow gun, spring gun, gas operated gun, blow pipe, sling shot, bean shooter, any toy gun, or any other contrivance, manufactured and calculated to throw, sling or discharge any shot or other missile, within the city limits, and it shall be unlawful for any person, other than a law enforcement officer, or a duly licensed person, to possess any such weapon upon the streets, alleys, or other public ways of the Town, except while transporting such weapon from the place of purchase to his home or from his home to a point outside of the city boundaries and return.

SECTION 2.

It shall be unlawful for any parent or other person standing in loco parentis to knowingly permit a minor to do any act in violation of the provisions of Section 1.

SECTION 3.

This Ordinance shall not be construed to prohibit any officer of the law from discharging a firearm in the performance of his duty.

CHAPTER 20

AN AMENDMENT TO THE TOWN OF HANCOCK'S FLOODPLAIN MANAGEMENT ORDINANCE

RECITAL

The Mayor and Council of the Town of Hancock, as its duly constituted legislative body, adopted an Ordinance entitled "AN ORDINANCE ADOPTING THE WASHINGTON COUNTY FLOODPLAIN MANAGEMENT ORDINANCE OF 1992".

Said Ordinance is recorded among the Acts, Ordinances and Resolutions of Incorporated Towns of Washington County, Maryland, in the Office of the Clerk of the Circuit Court for Washington County, Maryland.

The entire Ordinance is incorporated herein and made a part hereof.

In order to fully comply with applicable regulations, the Mayor and Council deem it advisable to amend said Ordinance.

NOW, THEREFORE, be it RESOLVED, ENACTED and ORDAINED that any references to maps are hereby deleted and revoked;

Be it further RESOLVED, ENACTED and ORDAINED that Article IV Establishment of Floodplain Zones, Section 4.1 Identification of Flood Zones, is hereby amended to read as follows:

Article IV Establishment of Floodplain Zones

Section 4.1 Identification of Flood Zones

The regulatory floodplain shall be those areas of the Town of Hancock which are subject to the 100-year flood, delineated on the most recent revision of the community's Floodway Maps and Flood Insurance Rate Maps (FIRM) and described in the Flood Insurance Study prepared by the Federal Emergency Management Agency (FEMA).

Be it further RESOLVED, ENACTED and ORDAINED that all other provisions of the foregoing Ordinance remain in full force and effect.

Note: The Mayor and Council of the Town of Hancock on September 29, 1992 adopted the Washington County Floodplain Management Ordinance of 1992 and authorized the County to implement and enforce same. Subsequently, at the request of various agencies, Hancock and other towns were required to delineate the Floodplain Zone within their geographical limits. A Resolution and Ordinance was passed implementing same.

TOWN OF HANCOCK

FLOODPLAIN MANAGEMENT

ORDINANCE 1992

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Article I Purpose and General Provisions

Section 1.1 Purpose and Authority

The purposes of this Ordinance are to minimize property damage, encourage appropriate construction practices to minimize future damage, protect water supply, sanitary sewage disposal, and natural drainage. The prevention of unwise development in areas subject to flooding will reduce financial burdens to the community and the State, and will prevent future displacement and suffering of its residents. This protection is achieved through the review of all activities proposed within identified floodplains and by the issuance of permits for those activities that comply with the objectives of this Ordinance.

Floodplains are an important asset to the community. They perform vital natural functions such as temporary storage of floodwaters, moderation of peak flood flows, maintenance of water quality, groundwater recharge, prevention of erosion, habitat for diverse natural wildlife populations, recreational opportunities, and aesthetic quality and should be kept in their natural state.

This Ordinance provides a unified, comprehensive approach to floodplain management which addresses these natural floodplain functions and the Federal and State programs concerned with floodplain management. These programs are: the National Flood Insurance Program (44 CRF 59-79) and the State's Waterway Construction Permit Program for nontidal floodplains. Decisions to alter floodplains, especially floodways and stream channels, should be the result of careful planning processes which evaluate resource conditions and human needs.

Section 1.2 Abrogation

The Town of Hancock Floodplain Management Ordinance effective May 2, 1988 is repealed.

Section 1.3 Applicability

Any person or entity proposing to do any development within the floodplain zone regulated by this Ordinance must first obtain a building permit for that development from the local permitting agency, and must comply with all provisions of this Ordinance.

Section 1.4 Partial Invalidity and Severability

If any part of this Ordinance is declared invalid, the remainder of the Ordinance shall not be affected and shall remain in force.

Section 1.5 Disclaimer of Liability

The degree of flood mitigation provided by this Ordinance is considered reasonable for regulatory purposes and is based on engineering experience and scientific methods of study. Floods of greater magnitude may occur or flood heights may be increased by man-made or natural causes. This Ordinance does not imply that flooding will not occur outside of the delineated floodplain zone, nor that permitted development and land uses within the floodplain will be free of flooding and associated flood damage. This Ordinance does not create liability on the part of the Community, any officer, or employee thereof for any damage which may result from reliance on this Ordinance.

Article II Definitions

- 2.1 **Accessory Structure** - a detached structure on the same parcel of property as the principal structure, the use of which is incidental to the principal structure, eg. a shed or detached garage.
- 2.2 **Appeals Board** - the Board of Appeals of Washington County.
- 2.3 **Base Flood** - the 100-year frequency flood event as indicated in the Flood Insurance Study, as amended, the elevation of which is used for regulatory purposes in this Ordinance.
- 2.4 **Basement** - an enclosed area which is below grade on all four sides.
- 2.5 **Certificate of Occupancy and Use** - a permit to legally occupy or use a building for the intended purpose.
- 2.6 **Development** - any man-made change to improved or unimproved real estate, including, but not limited to buildings and other structures, dredging, fill, grading, paving, clearing, excavation, dumping, extraction, or storage of equipment or materials. Development includes subdivision of land.

- 2.7 **Elevation Certificate** - form supplied by the Federal Emergency Management Agency (FEMA) to certify as-built elevations of structures above mean sea level (NGVD).
- 2.8 **Essential Utilities** - for purposes of this Ordinance, shall comprises underground or overhead electrical, gas, communications, water or sewerage systems, including mains, drains, sewers, pumping stations, conduits, hydrants, regulating and measuring devices, and the structures in which they are housed, and other similar equipment and accessories in connection therewith. It does not include buildings, yards, stations used for storage, repair or processing of equipment or material, and does not include buildings, yards, stations, or substations for transforming, boosting, or switching purposes, where such facilities are constructed on the ground.
- 2.9 **Engineering Analysis** - includes, but is not limited to, hydraulic, hydrologic, or any other type of analytical evaluation presented in report form; complete with assumptions, calculations, and the necessary plans required by the Permitting Official to support any conclusions, and bearing the original signature and seal of a Maryland registered professional engineer.
- 2.10 **Flood** - general and temporary condition of partial or complete inundation of normally dry land areas from overflow of inland or tidal waters, or rapid unusual accumulation of runoff from any source.
- 2.11 **Flood Insurance Rate Map (FIRM)** - map which depicts the minimum special flood hazard area to be regulated by this Ordinance (unless a Floodway Map is available).
- 2.12 **Floodplain** - that land typically adjacent to a body of water with ground surface elevations that are inundated by the base flood.
- 2.13 **Floodproofing** - any combination of structural or nonstructural changes which reduce or eliminate flood damage to improved property.
- 2.14 **Floodproofing Certificate** - form supplied by FEMA to certify that a building has been designed and constructed to be structurally dry floodproofed to the Flood Protection Elevation.
- 2.15 **Flood Protection Elevation (FPE)** - the elevation of the base flood plus one foot freeboard.

- 2.16 **Floodway** - the channel and adjacent land area required to discharge the waters of the 100-year flood of a watercourse without increasing the water surface elevations more than a specified height.
- 2.17 **Floodway Map** - map which depicts floodways and special flood hazard areas to be regulated by this Ordinance.
- 2.18 **Floodway Fringe** - that portion of the floodplain outside the floodway.
- 2.19 **Freeboard** - an increment of elevation added to the base flood elevation to provide a factor of safety for uncertainties in calculations, wave actions, subsidence, or other unpredictable effects.
- 2.20 **Historic Structure** - a structure listed individually on the National Register of Historic Places, the Maryland Inventory of Historic Properties, a local inventory of historic places certified by the Maryland Historic Trust or the Secretary of the Interior, or preliminarily determined as meeting the requirements for such listing by the Maryland Historic Trust or the Secretary of the Interior, or determined as contributing to the historic significance of a historic district registered with Secretary of the Interior.
- 2.21 **Local Permitting Agency** - the Town of Hancock, 116 West High Street, Hancock, Maryland 21750.
- 2.22 **Local Permitting Official** - the Director of the Washington County Department of Permits & Inspections.
- 2.23 **Lot of Record** - for purposes of this Ordinance, a lot of record shall mean a lot existing at the time this Ordinance was enacted.
- 2.24 **Lowest Floor** - the lowest floor of the lowest enclosed area, including basement. An unfinished enclosure constructed of flood resistant materials used solely for parking of vehicles, storage, or building access in an area other than a basement is not the lowest floor, as long as it is supplied with water equalizing vents.
- 2.25 **Manufactured Home** - a transportable structure which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities.

- 2.26 **NGVD - National Geodetic Vertical Datum of 1929** - elevation reference points set by the National Geodetic Survey based on mean sea level.
- 2.27 **New Construction** - a structure for which the start of construction commenced on or after the effective date of the adoption of a Floodplain Management Ordinance, and includes any subsequent improvements.
- 2.28 **One Hundred (100) Year Frequency Flood** - the Base Flood, having a one chance in a hundred (one percent chance) of being equalled or exceeded in any year.
- 2.29 **Permanent Construction** - any structure occupying a site for more than 180 days per year.
- 2.30 **Recreational Vehicle** - a vehicle built on a single chassis which is 400 square feet or less at the longest horizontal projection, self propelled or towable, and designed primarily for temporary living while traveling or camping.
- 2.31 **Site Plan** - for purposes of this Ordinance, a site plan shall mean a scaled drawing containing the information set forth in Section 3.2 of this document.
- 2.32 **Start of Construction** - the date of issue of the building permit for any development, including new construction and substantial improvements to existing structures, provided that the actual start of the construction or improvement was within 180 days of permit issuance.
- 2.33 **Structure** - for purposes of this ordinance shall be a walled and roofed building, including, but not limited to, manufactured homes, gas and liquid storage tanks, garages, barns, and sheds.
- 2.34 **Substantial Damage** - damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.
- 2.35 **Substantial Improvement** - any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure (less land value) either: (a) before the improvement or repair is started; or (b) if the structure has incurred substantial damage and been restored, before the damage occurred. Substantial improvement occurs when the

first alteration of any wall, ceiling, floor, or other structural part of the building commences. The minimum repairs needed to correct previously identified violations of local health, safety, or sanitary codes, and alterations to historic structures which do not preclude their continued designation as historic structures are not considered substantial improvements.

2.36 **Temporary Structure** - any structure completely removed within 180 days from issuance of the permit.

2.37 **Variance** - the grant of relief from a term or terms of this Ordinance.

Article III Permit Procedures

Section 3.1 General

A permit is required for all development in a 100 year Floodplain. A permit issued by the local permitting official under this Ordinance does not authorize any construction until all other required permits are obtained from the appropriate federal or State agencies.

Section 3.2 Information for a Permit

Applications for a Building Permit shall contain, at a minimum, the following information:

- a. name, address, and phone number of applicant (owner or agent of owner);
- b. name, address, and phone number of owner, if different;
- c. name, address, and phone number of contractor;
- d. proposed uses for the site;
- e. type, dimensions, and estimated cost of development proposed;
- f. site topography and improvements; and
- g. other information deemed appropriate by the local permitting official.

All permit applications must have a site plan drawn to scale which shows:

- a. dimensions of site;
- b. size and location of existing and proposed structures or alterations;
- c. setbacks;
- d. elevation contours in mean sea level (NGVD);
- e. delineation of the 100-year flood elevation and boundary; and
- f. proposed elevation of the lowest floor and method of elevation, if applicable.

All applicants shall agree in writing to provide an Elevation Certificate completed by a registered professional engineer or surveyor to certify the as-built lowest floor of a structure which must be elevated to or above the Flood Protection Elevation. An Elevation Certificate must be submitted before a Certificate of Use and Occupancy may be issued. Work undertaken prior to submission of the certification is at the applicant's risk. For enclosed areas below the Flood Protection Elevation, a requirement to install water equalizing vents as specified in Section 6.2 of this Ordinance may be required.

If an improvement to an existing structure is proposed, adequate information on the cost of the improvement and the market value of structure before the improvement must be supplied to the local permitting official to allow a determination of the value of the substantial improvement. The local permitting official may use tax assessment records to determine the value of the substantial improvement.

Section 3.3 Subdivision Proposals

In addition to the information required in Sect. 3.2, an applicant for subdivision in the nontidal floodplain shall submit a plan to demonstrate that a building site for each lot is outside of the 100-year floodplain. The plan for

utility ingress, stormwater drainage structures, road access, and other rights of way shall be evaluated in light of the site characteristics.

Section 3.4 Issuance of Permit

Considerations

Prior to issuance of a permit, the local permitting official shall confirm the location of the project relative to floodways and floodplains based on information required under Section 3.2 of this Ordinance and FEMA maps, and shall note on the permit the proper elevation to which the lowest floor of proposed structures must be elevated. In approximate floodplains where a 100 year flood elevation is not available, the applicant shall be required to obtain such elevation. The applicant must agree to secure all other required permits, an Elevation Certificate, Floodproofing Certificate, engineering analysis, or other required verifications deemed appropriate by the local permitting official.

Permits shall be granted by the local permitting official only after determining that the proposed development will be in complete conformance with the requirements of this Ordinance.

Dam Safety

The applicant is urged to exercise caution when proposed improvements are to be located downstream of existing or proposed dams, stormwater management or other water retention systems. Downstream development within the dam break flood wave of dams known to the local permitting official shall be denied unless the dam meets the design standards for a high hazard dam as determined by the appropriate state and federal agencies.

After Issuance and During Construction

After issuance of a permit, no changes shall be made to the application, permit, or any of the plans, specifications, or other documents submitted with the application without the written approval of the local permitting official. A copy of the permit or other verification must be displayed at the construction site during construction activity.

Work on the permitted activity shall begin within 180 days of the issuance of the permit, or the permit shall expire, unless a written extension is granted by the local permitting official. Work shall be completed within one year of the date of the permit unless a

greater time is specified in the permit or a written extension is granted.

During construction, the local permitting official or an authorized representative shall inspect the site to determine that the work is in compliance with the permit. Any work found to be noncompliant must be corrected before any additional work is undertaken.

Record of Permits

A record of all floodplain permits shall be maintained and be available upon request by the Federal Emergency Management Agency or its authorized agent (Water Resources Administration) during periodic assessments of this community's participation in the National Flood Insurance Program. All documents needed to support any permit action, such as Elevation Certificates, map amendments or revisions, variance actions, shall be available for review during these assessments.

Section 3.5 Fees

An application fee of twenty-five dollars (\$25.00) shall accompany each application.

Section 3.6 Violations, Penalties, Continuing Offenses

A violation of this Ordinance is declared to be a misdemeanor and any person, firm or corporation who fails to obtain a permit and/or fails to comply with the provisions of the Ordinance shall be fined not more than one thousand dollars (\$1,000.00). Each and every day during which such illegal, erection, construction, reconstruction, enlargement, change, maintenance or use continues shall be deemed a separate offence. All violations shall be corrected prior to any further work progressing on the project.

If the local permitting official shall find any of the provisions of this Ordinance being violated, he shall:

- a. notify the Federal Insurance Administrator and the Water Resources Administration within 30 days after the issuance of any violation which requires a fine or court appearance;
- b. notify in writing by certified mail, the owner or person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it;

- c. order discontinuance of illegal use of buildings or structures, removal of illegal buildings or structures or of alterations or structural changes thereto; discontinuance of any illegal work being done; and
- d. unless compliance is met within a reasonable time, take any other action authorized by this Ordinance to insure compliance with or prevent violations of its provisions.

Section 3.7 Conditioned Permits for Accessory Structures and Garages

A conditioned permit may be issued at the discretion of the local permitting official when the 300 square foot exemption is exceeded for accessory structures up to a total size of 600 square feet. In order to qualify, the structure's use must be incidental to the primary structure, and it can be used only for limited storage and parking of vehicles. The provisions of Sect. 6.6 must be met.

A conditioned permit is subject to the applicant's completion of a Nonconversion Agreement stating that the use of the accessory structure may not change from that permitted. A statement of the greater flood risk and possibly higher flood insurance premiums must be included. In addition, a recordation on the deed or Memorandum of Land Restriction must be made as described in Sect. 7.2, stating that the permitted structure may not be used for human habitation without first complying with the construction requirements of this Ordinance and must be equipped with the proper water equalizing vents.

Article IV Establishment of Floodplain Zones

Section 4.1 Identification of Flood Zones

The regulatory floodplain shall be those areas of the Town of Hancock which are subject to the 100-year flood, delineated on the most recent revision of the community's Floodway Maps and Flood Insurance Rate Maps (FIRM) and described in the Flood Insurance Study (FIS) prepared by the Federal Emergency Management Agency (FEMA). Floodway Maps and the FIS, if available for the community, must be used.

Section 4.2 Floodplain Zones

A community may have the nontidal floodplain zones:

- a. Floodway Fringe - that part of the floodplain outside of the floodway.
- b. Floodway - reserved to carry the waters of the 100-year flood.

Nontidal floodplains may have detailed engineering study data, profiles, and water surface elevations, or may have approximate delineations only.

Section 4.3 Floodplain Boundaries

Floodplain Zone Determination

The local permitting official will determine the floodplain zone in which the development activity is proposed using the Floodway Maps and FIS if available, or, if not, by using the FIRM. Without prior approval from FEMA, the community shall use no other data to enforce floodplain management regulations. Where map boundaries and elevations disagree, elevations prevail, with no approval from FEMA required.

Approximate Floodplain Determination

For development proposed in the approximate floodplain (no water surface elevations or floodway data provided), the applicant must use the best available information to determine the elevation of the 100-year flood and the extent of the floodway, and must delineate these on the site plan submitted for approval.

For existing lot of record or new subdivisions with up to five (5) lots, if no data are available, the point-on-the-boundary method may be used. In this method, the distance is scaled from a reference point at the site to the edge of the 100-year floodplain boundary indicated on the FIRM. An elevation of the 100-year flood is determined at that point by survey.

For new subdivisions, the applicant must have the 100-year flood elevations certified by a registered professional engineer based on hydrologic and hydraulic analyses which include a floodplain analysis.

Unmapped Streams

In cases in which development is proposed in the vicinity of unmapped streams, State permits may be

required and applicants are advised to seek a determination from the State.

Article V Development Regulations in Floodplain Zones

In order to minimize excessive flood damage and to allow for the protection of the natural and beneficial floodplain functions, the following provisions shall apply to all development, new construction, and substantial improvements to existing structures in all floodplain zones. If a structure is in more than one zone, the more stringent provisions shall apply to the entire structure. The specific requirements contained in Article VI also apply to development in this Article. Any approved development shall comply with all other zoning, environmental, water quality and sanitary regulations, as well as applicable State and federal requirements.

Watercourses

In all floodplain zones, any development which proposes to alter a watercourse must obtain a variance prior to the issuance of any permits. All permit conditions for encroachment in the floodway must be met and adverse impacts to aquatic resources must be minimized. Adjacent communities and property owners, FEMA, and the Maryland Water Resources Administration must be notified by the applicant before any modification may occur to watercourses. Any activity falling within the 100-year nontidal floodplain may require a waterway construction permit from the Water Resources Administration.

Wetlands

Encroachment by development into wetlands is not allowed without State and federal permits.

Sediment, Erosion Control and Stormwater Management

Any land disturbance permitted in the floodplain may be required to have a stormwater management and sediment and erosion control plan in accordance with State and local regulations. The plan must include design of land contours that will not increase surface water runoff onto neighboring properties.

Part A. Floodway Fringe

Section 5.1 General

Before a permit is issued, the applicant shall demonstrate that new structures cannot be located out of the floodway fringe and that encroachments onto the

floodway fringe are minimized where alternatives exist for the parcel of land in question.

Section 5.2 Elevation Requirements - New and Substantially Improved Structures

All new or substantially improved residential and nonresidential structures, including manufactured homes, shall have the lowest floor elevated to or above the Flood Protection Elevation. Basements are not permitted. Horizontal expansions which increase the footprint and that are less than substantial shall also have the lowest floor elevated to or above the Flood Protection Elevation. The elevation of the lowest floor shall be certified by a registered surveyor or professional engineer on the Elevation Certificate, after the lowest floor is in place. Enclosures below the Flood Protection Elevation must be constructed with water equalizing vents to meet the specifications of Sect. 6.2.

Section 5.3 Fill

The placement of more than 600 cubic yards of fill per parcel/lot in the floodplain is prohibited except by variance. Elevating buildings by other methods must be considered unless 600 cubic yards or less of fill are required. An applicant shall demonstrate that fill is the only alternative to raising the building to at least the Flood Protection Elevation, and that the amount of fill used will not affect the flood storage capacity or increase flooding onto neighboring properties.

In the event buildings on adjacent properties are known or determined to be subject to flooding under current conditions, the local permitting official may require submission of hydrologic and hydraulic analyses to adequately demonstrate the effects of the proposed fill. The conditions described in Sect. 6.8 must be met whenever fill is used.

Part B. Floodways

Section 5.4 General

Floodways shall be preserved to carry the discharge of the 100-year flood. With the exception of necessary public facilities such as roads, bridges and essential utilities as defined in this ordinance, New development shall not be permitted in the floodway.

Any development in the floodway which may result in any increase in water surface elevations or change to the floodway must be submitted to FEMA for a Conditional Letter of Map Revision. Hydrologic and hydraulic analyses based on existing floodway models and performed in accordance with standard engineering practices and certified by a registered professional engineer, licensed by the State of Maryland, must be submitted. Failure to receive this Letter shall be grounds for denial of the permit.

An alternative analysis must be prepared for any development in the floodway before a permit may be issued. The provisions of Part A above, as well as Part B, apply to floodways.

Section 5.5 Alternative Analysis Requirement

Before a permit may be issued, an applicant shall submit an alternative analysis which demonstrates that:

- a. no reasonable alternatives exist outside the floodway;
- b. encroachment in the floodway is the minimum necessary;
- c. the development will withstand the 100-year flood without significant damage; and
- d. the development will not increase downstream or upstream flooding or erosion.

Section 5.6 Existing Structures

Existing structures in the floodway shall be substantially improved only by variance and if they can be brought into conformance with this Ordinance without increasing the footprint. Minor additions (less than substantial) must be elevated to the Flood Protection Elevation on pilings or columns. In the event of substantial damage, the applicant shall submit an alternative analysis to determine if the structure can be relocated out of the floodplain where alternatives exist for the parcel of land in question. Where replacement structures cannot be relocated, they shall be limited to the footprint of the previous structure and must comply with the elevation requirements of Sect. 5.2 of this Ordinance.

Section 5.7 Obstructions

Structures or fill which may impede, retard, or change the direction of the flow of flood waters, or any materials that may be carried downstream to cause damage shall not be placed in the floodway. Fences, except four (4) single wire fences, shall not be placed in the floodway.

Article VI Specific Requirements

Section 6.1 Placement of Buildings and Materials

All structures permitted in the floodplain shall be oriented so as to offer the least resistance to the flow of flood waters..

Materials which are buoyant, flammable, explosive, hazardous to health, or which at times of flooding may be injurious to human, animal, or plant life, shall not be stored below the Flood Protection Elevation.

Section 6.2 Enclosures Below Lowest Floor

Buildings which have been elevated and have fully enclosed areas below the Flood Protection Elevation (other than basements), as well as garages and accessory structures which are not elevated (Sect. 6.6), shall be constructed with water equalizing vents which meet or exceed the following standards:

- a. a minimum of two openings on different walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
- b. the bottom of all openings shall be no higher than one foot above grade; and
- c. openings may be equipped with screens, louvers, valves, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters to equalize hydrostatic forces on the walls.

Fully enclosed areas below the Flood Protection Elevation shall be used solely for parking of vehicles, access to the building, or storage. If such areas are enclosed, a Nonconversion Agreement, as described in Section 3.7, must be signed by the applicants, bearing a legal description of the site location and stating that the use of the accessory structure may not change from that permitted. A statement of the greater flood risk and possibly higher flood insurance premiums must be included. In addition, a recordation on the deed or Memorandum of Land Restriction must be made as described in Sect. 7.2, stating that the permitted structure may not be used for human habitation without first complying with the construction requirements of this Ordinance and must be equipped with the proper water equalizing vents.

Section 6.3 Manufactured Homes and Manufactured Home Parks

New manufactured homes and manufactured home parks are prohibited in the floodplain. In the floodway fringe, replacement, or substantially improved manufactured homes, whether in a manufactured home park or not, shall comply with Sect. 5.2 of this Ordinance.

Methods of anchoring shall include use of over-the-top and frame ties to ground anchors. Pilings or columns designed and properly reinforced in accordance with local building codes shall be used to maintain storage capacity of the floodplain.

Manufactured homes repaired or replaced because of substantial damage due to flooding or other causes must fully comply with Sect 5.2.

Owners of manufactured home parks or subdivisions that are partially or fully within the floodplain must file an evacuation plan with the local emergency management agency.

Section 6.4 Anchoring

All structures shall be firmly anchored in accordance with acceptable engineering practices to prevent flotation, collapse, and lateral movement during flooding. All air ducts, large pipes, and storage tanks located below the Flood Protection Elevation shall be firmly anchored to resist flotation.

Section 6.5 Utilities

Electric

All electric utilities to the building side of the meter, both interior and exterior to the building, are regulated by this Ordinance. Distribution panel boxes must be at least 2 feet above the Flood Protection Elevation. All outlets and electrical installations, such as heat pumps, air conditioners, water heaters, furnaces, generators, distribution systems, must be installed at or above the Flood Protection Elevation.

Plumbing

Toilets, sinks, showers, water heaters, pressure tanks, furnaces, and other permanent plumbing installations must be installed at or above the Flood Protection Elevation.

Gas

Gas meters and gas appliances must be installed at or above the Flood Protection Elevation.

Water Supply and Sanitary Facilities

Water supply distribution and sanitary disposal collection systems must be designed to minimize or eliminate the infiltration of flood waters into the systems or discharges from the systems into flood waters and shall be located and constructed so as to minimize or eliminate flood damage. On-site sewage disposal systems shall comply with State Health Department requirements.

Essential utilities as defined herein are exempt from the terms of this Ordinance.

Section 6.6 Accessory Structures and Garages

Accessory structures and garages should be located out of the floodplain or elevated to or above the Flood Protection Elevation. When these measures are not feasible the following apply:

- a. the floor of the structure must be at or above grade;
- b. the structure must be located, oriented, and constructed so as to minimize flood damage; and
- c. the structure must be firmly anchored to prevent flotation.

Attached Garages

A garage attached to the main structure shall be elevated to the greatest extent possible, but may be permitted as an exemption to the strict elevation requirement if it is used solely for parking of vehicles, storage, or building access and is no more than 600 square feet in area. Attached garages must meet the venting requirements of Section 6.2, have all interior walls, ceilings, and floors below the Flood Protection Elevation unfinished, and have no machinery or electric devices or appliances located below the Flood Protection Elevation. A Nonconversion Agreement as described in Sect. 3.7 must be signed by the property owner stating that the garage may never be used for human habitation without first becoming fully compliant with this Ordinance.

Detached Garages and Accessory Structures

An accessory structure or detached garage may be permitted as an exemption to the elevation requirement if it is less than 300 square feet, used solely for parking of vehicles and limited storage, meets the venting requirements of Sect. 6.2, has all interior wall, ceiling, and floor elements below the Flood Protection Elevation unfinished, and has no machinery, electric devices, or appliances located below the Flood Protection Elevation. A Nonconversion Agreement must be signed by the property owner.

An accessory structure or a detached garage between 300 square feet and 600 square feet may be permitted below the Flood Protection Elevation only by a conditioned permit described in Sect. 3.7.

A Nonconversion Agreement must be signed by the applicant bearing a legal description of the site location and stating that the use of the accessory structure may not change from that permitted. A statement of the greater flood risk and possibly higher flood insurance premiums must be included. The agreement shall include restriction that the permitted structure may not be used for human habitation without first complying with the construction requirements of this Ordinance and must be equipped with the proper water equalizing vents.

An accessory structure or garage larger than 600 square feet in area must be elevated properly or be able to meet all applicable requirements under the variance procedure in Sect. 7.1 of this Ordinance.

Section 6.7 Recreational Vehicles

Recreational vehicles located within the floodplain may be exempted from the elevation and anchoring requirements provided they are:

- a. located on the site less than 30 consecutive days per year;
- b. fully licensed and ready for highway use; and
- c. properly permitted.

A recreational vehicle is ready for highway use if it is on its wheels and jacking system, is attached to the site only by quick disconnect type utilities and securing devices, and has no permanently attached additions.

Section 6.8 Fill

Fill is discouraged because storage capacity is removed from floodplains. Other methods of elevating structures should be considered first, and fill used only if other methods are not feasible. Fill may not be placed in the floodway. Fill may not be placed in nontidal wetlands without the required State and federal permits.

Fill must consist of soil and rock materials only. Dredged material may be used as fill only upon certification of suitability by a Maryland registered professional geotechnical engineer. Landfills, rubble fills, dumps and sanitary fills are not permitted in the floodplain.

Fill used to support structures must be compacted to 95% of the maximum density obtainable by the Standard Proctor Test (ASTM Standard D-698), and its suitability to support structures certified by a Maryland registered professional engineer. Fill slopes shall be no greater than two horizontal to one vertical. Flatter slopes may be required where velocities may result in erosion.

The use of fill shall not increase flooding or cause drainage problems on neighboring properties.

Article VII Variances

Section 7.1 Reasons for Granting

The Appeal Boards shall hear and decide appeals and requests for variances from the requirements of this Ordinance. Conditions may be attached to the Appeals Board decision, and their decisions must be consistent with sound floodplain management. Variances may not be issued except as specified below, nor shall variances be issued for any encroachment in floodways if any increase in the 100-year flood levels will result.

Variances shall only be issued upon:

- a. a showing of good and sufficient cause;
- b. a determination that failure to grant a variance would result in exceptional hardship (other than economic) to the applicant; and
- c. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing local and State laws or ordinances.

The Appeals Board decision shall be the minimum necessary, considering the flood hazard, to afford relief. In considering the granting of a variance, the Appeals Board must consider the comments from the State Coordinating Office of the Water Resources Administration.

Section 7.2 Conditions

Variances may not be granted for the following:

- a. placement of fill or any development in the floodway if any increase in flood levels would result; or
- b. new structures in the floodway.

For any variance issued, a letter shall be sent to the applicant indicating the terms and conditions of the variance, the increased risk to life and property in granting the variance, and the increased premium rates for National Flood Insurance coverage. The applicant

shall be notified in writing of the need to secure all necessary permits as conditions for granting a variance.

The local permitting official shall maintain a record of all variance actions and the justification for their issuance, as well as all correspondence. This record must be submitted as a part of the Biennial Report to FEMA, and be available for periodic review.

Section 7.3 Functionally Dependent Uses

Variances may be issued for new construction and substantial improvements for the conduct of a functionally dependent use. A functionally dependent use cannot perform its intended purpose unless it is located or carried out in close proximity to water. It includes only docking facilities and boat repair facilities, but does not include long-term storage or related manufacturing facilities. The variance may be issued only upon sufficient proof of the functional dependence. The provisions of Sect. 7.1 and 7.2 must be met and the structure must be protected by methods that minimize flood damage up to the Flood Protection

Elevation and must create no additional threats to public safety. This may require methods of "wet floodproofing" which allow the structure to flood without significant damage. Methods of floodproofing must not dependant upon human intervention such as manual sealing of doors and windows.

Article VIII Effective Date and Subsequent Amendments

This ordinance is effective as of September 29, 1992. This Ordinance shall be amended as required by the Federal Emergency Management Agency, 44 Code of Federal Regulations. All subsequent amendments to this Ordinance are subject to approval of the Federal Emergency Management Agency and the Maryland Department of Natural Resources.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of Hancock, Maryland, that the Town of Hancock Floodplain Management Ordinance adopted May 2, 1988 is repealed effective , 1992, AND BE IT FURTHER ORDAINED that the above Ordinance entitled "Town of Hancock Floodplain Management

Ordinance of 1992 is enacted effective the 29 day of September , 1992.

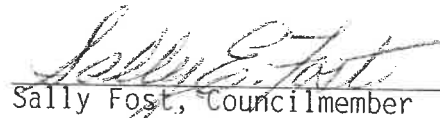
Adopted this 9 day of September, 1992.

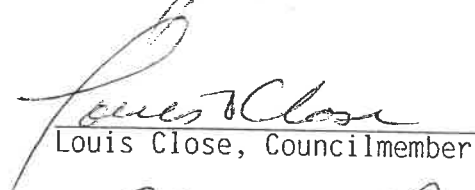
ATTEST:

HANCOCK MAYOR AND COUNCIL
OF WASHINGTON COUNTY, MARYLAND

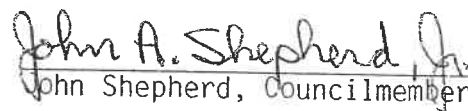



James G. Myers, Mayor


Sally Fost, Councilmember


Louis Close, Councilmember


Gerald Shaw, Councilmember


John Shepherd, Councilmember

Approved as to form and
legal sufficiency:

Kuczynski & Kuczynski
Town Attorney