

CHAPTER 21

FOREST CONSERVATION ACT

RECITAL

The Town of Hancock, a municipal Corporation existing under and by virtue of the laws of the State of Maryland is required pursuant to the provisions of the Annotated Code of Maryland, Natural Resources, Subtitle 16, Forest Conservation, §5-1603, Local Forest Conservation Program, to develop a Forest Conservation Program or to assign the obligations under the Forest Conservation Act to the Board of County Commissioners of Washington County, Maryland, with the concurrence of the Board of County Commissioners and the Department of Natural Resources.

The Mayor and Council Town of Hancock, as its duly constituted legislative body has determined to assign said obligations to the Board of County Commissioners of Washington County, Maryland, pursuant to the provisions of said act.

NOW, THEREFORE, BE IT RESOLVED, ENACTED, AND ORDAINED that pursuant to the provisions of the Annotated Code of Maryland, Natural Resources, Subtitle 16, §5-1603 (a)(3) Local Forest Conservation Program, the Town of Hancock, a Municipal Corporation with Planning and Zoning Authority, does hereby request to and does assign its obligations under said act which is commonly known and designated as the Forest Conservation Act to the Board of County Commissioners of Washington County, Maryland, (Washington County); and

BE IT FURTHER RESOLVED, ENACTED AND ORDAINED; that the Mayor is hereby authorized and directed to execute the attached assignment of obligations under the Forest Conservation Act Agreement; and

BE IT FURTHER RESOLVED, ENACTED AND ORDAINED; that the Mayor is further authorized and directed to execute any other instruments and documents necessary to effectuate the purposes of this Ordinance, Resolution, and Agreement.

DATE OF PASSAGE: _____ 1

¹ The Forest Conservation Act was adopted previously and has been administered and enforced by the County. This Ordinance is in confirmation thereof.

**ASSIGNMENT OF OBLIGATION UNDER
THE FOREST CONSERVATION ACT**

Pursuant to §5-1603(a)(3) of the Forest Conservation Act, the Mayor and Council of the Town of Hancock hereby requests to assign its obligations under the Forest Conservation Act to the Board of County Commissioners of Washington County, Maryland (Washington County).

The Mayor and Council of the Town of Hancock agrees to abide by the program developed by the Board of County Commissioners of Washington County, Maryland pursuant to the County's obligations under the Forest Conservation Act. The Town of Hancock further agrees to coordinate its approval activities, if any, for subdivision plans, local government projects, grading and sediment control permits with the Forest Conservation Program of the County. The Town of Hancock will not approve a subdivision or project plan or issue a grading or sediment control permit until the County has approved the Forest Conservation Plan for that activity.

THE MAYOR AND COUNCIL OF
THE TOWN OF HANCOCK

BY: Daniel A. Murphy, Mayor

Pursuant to §5-1603(a)(3) of the Forest Conservation Act, the Board of County Commissioners of Washington County, Maryland acknowledges its intent to implement a Forest Conservation Program and hereby agrees to accept the assignment of The Mayor and Council of Hancock obligations under the Forest Conservation Act and to approve Forest Conservation Plans within the Municipality of the Town of Hancock.

BOARD OF COUNTY COMMISSIONERS OF
WASHINGTON COUNTY, MARYLAND

Pursuant to Section 5-1603 (a)(3) of the Forest Conservation Act, the Department of Natural Resources hereby approves the assignment of the Mayor and Council of the Town of Hancock obligations under the Forest Conservation Act and understands that required Forest Conservation Plans originated within the Town of Hancock shall be approved by the Board of County Commissioners of Washington County, Maryland.

DEPARTMENT OF NATURAL RESOURCES

CHAPTER 22

HOUSING AUTHORITY

WHEREAS, the State of Maryland in Article 44A of the Annotated Code of Maryland created Housing Authorities in all the counties and cities of the State of Maryland as defined in Paragraph 3B; and

WHEREAS, the Board of County Commissioners under Article 44A of the Annotated Code of Maryland, Paragraph 23, created a Housing Authority for Washington County; and

WHEREAS, such Housing Authority includes in its area of operation, all of the county except any portion of the county which lies within the territorial boundaries of any city for which a Housing Authority may be created; and

WHEREAS, the governing body of any such city may by resolution consent to its inclusion in the area of operation of a county Housing Authority.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF HANCOCK, that they do consent to the inclusion of the incorporated Town of Hancock, Maryland in the area of operation of the Housing Authority of Washington County.

/S/ Daniel A. Murphy
Mayor

/S/ Lisa Fleege
Clerk

ENACTED: _____

RENACTED: _____

CHAPTER 23

INVESTMENT POLICY AND PROCEDURES TOWN OF HANCOCK WASHINGTON COUNTY, MARYLAND

SECTION 1. POLICY

It is the policy of the Town of Hancock to invest public funds in a manner which will provide the highest investment return with the maximum security while meeting the daily cash flow demands of the Town and conforming to all state and local Ordinances governing the investment of public funds.

SECTION 2. SCOPE

The investment policy applies to all financial assets of the Town. These funds are accounted for in the Town's Comprehensive Annual Financial Report and include all Town funds.

SECTION 3. STANDARDS OF CARE

1. **Prudence.** Investments shall be made with judgment, care, prudence, and skill – under circumstances then prevailing – which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of this capital as well as the probable income to be derived.
2. The standard of prudence to be used by investment officials shall be the “prudent person” standard and shall be applied in the context of managing an overall portfolio. Investment officers acting in accordance with written procedures and the investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

SECTION 4. OBJECTIVES

The primary objectives, in priority order, of the Town's investment activities shall be:

1. **Safe Investments.** Safety of principal and, in particular, safe investments, is the foremost objective of the investment program. Investments of the Town shall be

undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. To attain this objective, diversification is required in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.

2. **Liquidity**. The Town's investment portfolio will remain sufficiently liquid to enable the Town to meet all operating requirements which might be reasonably anticipated.

3. **Returns on Investments**. The Town's investment portfolio shall be designed with the objective of attaining a rate of return throughout budgetary and economic cycles, commensurate with the Town's investment risk constraints and the cash flow characteristics of the portfolio.

SECTION 5. DELEGATION OF AUTHORITY: MANAGEMENT

Management responsibility for the investment program is hereby delegated to the Clerk-Treasurer who shall establish written procedures for the operation of the investment program consistent with this investment policy. Procedures should include reference to: safekeeping, PSA repurchase agreements, wire transfer agreements, banking service contracts and collateral/depository agreements. Such procedures shall include explicit delegation of authority to person responsible for investment transactions. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Clerk-Treasurer. The Clerk-Treasurer shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of any subordinate officials.

SECTION 6. ETHICS AND CONFLICTS OF INTEREST

Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions. Employees and investment officials shall disclose to the Mayor any material financial interests in financial institutions that conduct business within this jurisdiction, and they shall further disclose any large personal financial/investment positions that could be related to the performance of the Town, particularly with regard to the time of purchases and sales.

SECTION 7. AUTHORIZED FINANCIAL INSTITUTIONS

No public deposit shall be made except in a qualified public depository as established by state laws.

SECTION 8. AUTHORIZED INVESTMENTS

The town is empowered by statute to invest in securities, including but not limited to:

1. Obligations for which the United States has pledged its faith and credit, including U.S. Treasury Bills, Notes, Bonds and other direct obligations of the U.S. Government.
2. Obligations that a federal agency or federal instrumentality has issued in accordance with an act of Congress, including but not limited to the Federal Farm Credit Bank, Federal Home Loan Bank, Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporate and Student Loan Marketing Association.
3. Repurchase Agreements collateralized in an amount not less than 102% of the principal amount by an obligation of the United States or its agencies or instrumentalities if the collateral is held by a custodian other than the seller designated by the buyers.
4. Bank's acceptances guaranteed by a financial institution with a short-term debt rating in the highest letter and numerical rating by at least one nationally recognized statistical rating organization as designated by either the SEC or the Treasurer.
5. Certificates of deposit or other interest bearing time deposits or savings accounts in any bank in the State of Maryland or savings and loan association or building and loan association provided such deposits are insured or the bank or association has collateralized the deposit.
 - a. Commercial Banks must have a short-term rating of at least investment grade from the appropriate bank rating agency. All banks shall provide their most recent Consolidated Report of Condition at the request of the Town.
6. Commercial Paper that has received the highest letter and numerical rating by at least one nationally recognized statistical rating organization as designated by the SEC. Not more than 5% of the total funds available for investment may be invested in commercial paper.
7. Money Market Mutual Funds registered under the Investment Company Act of 1940, operated in accordance with Rule 2A-7 and having the highest possible rating from at least one statistical rating organization designated by the SEC. The management company of the fund must take delivery of the collateral either directly or through an authorized custodian.

8. An obligation or security of, or other interest in, any open-end or closed-end management type investment company or investment trust registered under the Investment Company Act of 1940 if the portfolio thereof is limited to direct obligations of the United States Government and repurchase agreements fully collateralized thereby and the investment company or trust or its custodian holds the collateral.

9. Any investment portfolio created under the Maryland Local Government Investment Pool defined under Article 95 § 22G of the Code that is administered by the Office of the State Treasurer.

SECTION 9. COLLATERALIZATION

Collateralization will be required on two types of investments: certificates of deposit over the Federal insurance limit of \$100,000, and repurchase (and reverse) agreements. In order to anticipate market changes and provide a level of security for all funds, the collateralization level will be (102%) of market value of principal and accrued interest.

The Town chooses to limit collateral to those instruments permitted under Section 6-202 of the State Finance and Procurement Article of the Annotated Code of Maryland.

The right of collateral substitution is allowable and granted.

SECTION 10. SAFEKEEPING AND CUSTODY

All security transaction, including collateral for repurchase agreements, entered into by the Town shall be conducted on a delivery-versus-payment basis. Securities will be held by the Town or the designated custodian for the Town and evidenced by safekeeping receipts and/or identified on the custodian's books as belonging to the Town. Further, if held by a custodian, the custodian must be a third party, not a counterpart (buyer or seller) to the transaction.

SECTION 11. DIVERSIFICATION

The Town will diversify its investments by security type and institution. With the exception of U.S. Treasury securities and authorized pools, no more than 50% of the Town's total investment portfolio will be invested in a single security type or with a single financial institution.

SECTION 12. MAXIMUM MATURITIES

To the extent possible, the Town will attempt to match its investments with anticipated cash flow requirements. Unless matched to a specific cash flow, the Town will not directly invest in securities maturing more than eighteen (18) months from the date of purchase. However, the town may collateralize its repurchase agreements using longer-dated investments not to exceed thirty (30) years to maturity.

Reserve funds may be invested in securities exceeding 18-24 months if the maturity of such investments is made to coincide as nearly as practical with the expected use of funds.

SECTION 13. INTERNAL CONTROL

The Clerk-Treasurer shall establish an annual process of independent review by an external auditor. This review will provide internal control by assuring compliance with policies and procedures.

SECTION 14. PERFORMANCE STANDARDS

The investment portfolio shall be designed with the objective of obtaining a rate of return throughout budgetary and economic cycles, commensurate with the investment risk constraints and the cash flow needs.

SECTION 15. REPORTING

A review of all investments and investment results shall be presented by the Clerk-Treasurer to the Mayor, or such parties as he/she may designate, on a quarterly basis or as required. The report will include the following:

- a. A listing of individual securities held at the end of the reporting period.
- b. Unrealized gains or losses resulting from appreciation or depreciation by listing the cost and market value of securities over one year duration that are not intended to be held until maturity.
- c. Average weighted yield to maturity of portfolio on entity investments as compared to applicable benchmarks.
- d. Listing of investment by maturity date.
- e. The percentage of the total portfolio which each type of investment represents.

SECTION 11. INVESTMENT POLICY ADOPTION

The Town's investment policy shall be adopted by resolution of the Town's Mayor and Council. The policy shall be reviewed annually by the Mayor and Council and any modifications thereto must be approved by the Mayor and Council.

SECTION 12. BORROWING PROHIBITION

The Town shall not borrow money solely for the purpose of reinvesting the loan proceeds.

CHAPTER 24

JUNK AND SALVAGE AREAS ORDINANCE

SECTION 1: DEFINITIONS

A. **Junk Area**: An area where waste and/or discarded materials are bought, sold, exchanged, baled, parked, stored, disassemble, or handled, and yards for storage of such or like materials, including any equipment associated therewith; but does not include an area where such activity is conducted entirely within a completely enclosed building or a fenced area designed to conceal such activity.

B. **Junk**: Any form of trash, rubbish, debris, or other unsightly materials, including but not limited to, newspapers, cardboard or wooden boxes of any style, crates, and containers, tires, etc.

C. **Salvage Area**: An area which is maintained, operated or used for the storing, keeping, buying, selling or processing of salvage, or for the operation and maintenance of a motor vehicle graveyard, appliances or machinery, and/or any recycling or refurbishing operation. Any collection of three or more automobile hulks, any parts or combinations thereof of any appliances and/or machinery shall be considered a salvage area; but does not include an area where such activity is conducted entirely within a completely enclosed building or a fenced area designed to conceal such activity.

D. **Salvage**: Any old scrap, copper, brass, rope, rags, batteries, junked dismantled or wrecked machinery or appliances, motor vehicles, or any parts thereof in any combination, and other ferrous or non ferrous materials.

SECTION 2: REGULATIONS

A. It shall be unlawful for any property owner or tenant to operate any junk area or salvage area within the corporate limits of the Town of Hancock unless:

1. Such business is conducted in a completely enclosed building, or
2. Such business activity is concealed by a fence designed and sufficient enough to conceal any item(s) associated with said business.

SECTION 3: ENFORCEMENT

A. Enforcement of this Ordinance shall be the responsibility of the Town Manager of the Town of Hancock. The Town Manager shall first visit and observe the area, verbally advising the property owner/tenant of the violation(s). This shall be

followed by a certified letter to the property owner and/or tenant advising of the violation(s). The property owner and/or tenant will have a thirty (30) day period to cease and desist or make provisions to comply with this Ordinance.

B. At the end of the thirty (30) days, on an-site inspection shall be made once again. If in violation, the Mayor and Town Council at a duly constituted meeting, may authorize the Town Attorney to proceed with proper civil action and/or injunctive relief to cause the property owner and/or tenant to cease and desist from the alleged violation(s).

SECTION 4: PENALTY

A. Any property owner and/or tenant found to be in violation of this Article shall upon conviction, be guilty of a misdemeanor and subject to a fine of up to Five Hundred (\$500.00) Dollars for each location, each day. Each day shall be considered a separate violation.

Note: Former Section 9, Article 7, Junk and Salvage Areas, effective November 28, 1995, recorded Liber 5, folio 875 among the Acts, Ordinances and Resolutions of Towns in the Office of the Clerk of the Court for Washington County, Maryland.

CHAPTER 25

MOBILE HOMES/VEHICLES

SECTION 1. PROHIBITED USE

A. No tractor trailer, portable building or structure, trailer, mobile home, recreational vehicle, camper, or similar vehicle or unit shall be placed, located, maintained, occupied, or utilized within the corporate limits of the Town of Hancock, for dwelling, sleeping, storage, conduct of any business, profession or occupation, or any other reason whatsoever, except as set forth herein.

B. Definitions: The term unit as used in this Ordinance, in addition to its ordinary meaning shall be construed as and be synonymous with and include tractor trailers, portable buildings and structures, trailer, mobile home, recreational vehicle, camper, or similar vehicle.

SECTION 2. PERMITTED USES

A. It is recognized that a mobile home residential park exists in the corporate limits of the municipality. The trailers/mobile homes that exist in said trailer court are connected to utilities and are considered as residential uses and non-conforming uses up to and including this date.

B. In the event that any of the mobile homes contained in the existing mobile home residential park are untenable, destroyed, or removed, same cannot be replaced without the consent of the Planning Commission and the Mayor and Council and be subject to and in compliance with all Federal, State, County and municipal acts, ordinances and regulations.

SECTION 3. TEMPORARY USE/PERMIT

A. Purpose: Any person, firm, corporation, organization, or any legal entity of whatsoever kind or nature may obtain a permit to temporarily place a mobile home, recreational vehicle, camper, construction trailer, storage trailer, or any similar vehicle or temporary structure for the following purpose:

(1.) If necessary for protection and safety, to commence, manage, or operate a building or construction project where proper applicable permits have been obtained in accordance with all Federal, State, County and municipal acts, statutes, ordinances, and/or administrative regulations;

(2.) For purposes of an educational exhibit;

(3.) To operate a temporary concession stand, carnival stand or for purposes of a show;

(4.) To be used in connection with a public service, charitable, or non-profit function; or

(5.) Political campaigns.

B. Issuance of Temporary Permit:

(1.) Requirements: An application for a permit for any of the above referred activities or functions shall be filed with the Town Manager at least fourteen (14) days before the requested commencement of the date of utilization of the permit. The applicant for temporary permit provided for in this section of this Ordinance shall furnish the following information:

a. The exact name and address of the owner or owners of the unit. For purposes of this section and this Ordinance the unit is defined as being any of the vehicles or storage units described in this section.

b. The exact name and address of responsible individuals and/or lessees of the unit.

c. The exact location where the unit is requested to be placed.

d. The exact use intended for the unit and hours of operation, if applicable.

e. The exact date of placement of the unit and termination of the activity.

f. A certificate of liability insurance holding the Town harmless and/or naming the Town as an additional insured, where applicable.

g. Any other information and matters that may be required by the Town Manager and/or the Mayor and Council to properly consider whether to issue the temporary permit in question.

C. Additional Requirements: The Mayor and Council reserve within their absolute discretion, the right to allow, refuse, and/or place additional conditions upon any temporary permit that may be issued.

D. Permit issued: In the event that no special conditions will be required, the Town Manager may issue the temporary permit to the applicant for the period set forth on the permit. The permit also shall be issued with a provision that same is issued subject the

applicant and/or their agents, servants, employees, personal representatives complying with all Federal, State, County and municipal regulations applying to the activity.

E. Permit Termination: The permit shall automatically terminate on the date set forth in the permit, or ninety (90) days after the issuance of the permit, or the lesser period, which ever is applicable.

F. Permit Extension: Upon proper application and approval, the temporary permit may be extended for a maximum one-time extension of thirty (30) days by the Mayor and Council or the Town Manager, whichever is applicable.

G. Fee for Temporary Permit: The Mayor and Council shall establish from time to time, by Resolution, fee schedules for the temporary permit provided for in this Ordinance. All fees shall be paid in full upon application for the permit. The Mayor and Council within their absolute discretion may waive all or a portion of any of the applicable fees when the proposed use is for an educational, public, or charitable purpose.

SECTION 4: EXCEPTIONS

A. In addition to the uses specified in this Ordinance, one owner/occupied mobile home, trailer, recreational vehicle, camper or similar unit may be stored on the premises of an occupied dwelling within an accessory private garage, building, or in the rear yard of the premises, provided that same is not connected to any utilities and a permit for same is issued by the Town Manager. Same shall not be utilized for occupancy, sleeping, or any other reason other than storage of the unit in question.

B. Exception Permit: The applicant for a permit under this section shall file the application with the Town Manager and furnish the following information:

- (1.) A complete description of the unit to be stored, including any license numbers and/or vehicle numbers, if applicable.
- (2.) The exact name of the owner and address of the owner of the unit.
- (3.) The name of the fee simple owner of the premises wherein the unit is stored.
- (4.) If occupied by a tenant, the complete name and address of the tenant.
- (5.) Evidence of whether or not the unit is insured and/or whether the owner has liability insurance (if applicable).
- (6.) Any other information that may be required by the Town Manager and/or the Mayor and Council by establishment of the regulations by resolution.

C. Approval: The approval of the permit by the Mayor and Council under this section of the Ordinance is not required. Same may be issued by the Town Manager if all of the above conditions have been complied with as required.

D. Term of Permit: The term of any permit issued under this section shall be for a period of one year, commencing on the date of issuance and renew on an annual basis for a fee as established and set by resolution of the Mayor and Council.

SECTION 5: LIMITATION OF NUMBER OF PERMITS

A. Transfer of Permit: No permit of any kind issued under any provision of this Ordinance may be assigned or transferred to any other person, firm, corporation, or any other location other than as designated on the permit.

B. No person, firm or corporation may be issued or possess more than one permit of any kind described in this Ordinance.

C. No person, firm or corporation may be issued or possess a permit for more than one unit as defined in this Ordinance covering the same period or place of use.

D. In the event that a corporate or legal entity of whatsoever nature or kind has common officers and/or directors, then and in said event, only one such legal entity or corporate structure shall be entitled to any type of permit allowed for in this Ordinance and only for the location and period set forth therein.

SECTION 6: CONFLICTS

In the event that any provision of this Ordinance is in conflict with any Federal, State, County or municipal ordinance or regulation, the stricter requirement shall be applicable.

SECTION 7: PENALTY

Any person convicted of a violation of this Ordinance shall be guilty of a misdemeanor and subject to a fine not to exceed Fifty (\$50.00) Dollars for each offense. Each day of violation shall be considered a separate offense.

Note: Former Chapter 14, Hancock Code.

CHAPTER 26

NOISE ORDINANCE

SECTION 1. CERTAIN NOISES PROHIBITED

It shall be unlawful for any person to make, continue or cause to be made or continued any loud, unnecessary, unnatural or unusual noise OR any noise that either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the corporate limits of the Town of Hancock.

SECTION 2. ENUMERATION OF PROHIBITED NOISES

The following acts, among others, are hereby declared to be loud, disturbing and unnecessary noises in violation of this Ordinance, but said enumeration shall not be deemed to be exclusive:

A. The sounding of any horn or other audible signaling device on any type of motor or non-motorized vehicle on any street, alley, avenue, parking lot(s) or any other area(s) open to the use of the general public, except as a danger warning; the creation of which produces any unreasonably loud or harsh sound; and the sounding of such device is for an unreasonable or unnecessary length of time when traffic is delayed for any reason or length of time; or to attract the attention of others.

B. The using, operating or permitting to be played, used or operated any radio receiving set, television, musical instrument, phonograph, amplifier or other machine or device to produce or reproduce any sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants OR at any time with volume louder than is necessary for the convenient hearing of the person(s) who are in the room, vehicle or chamber in which such machine or device is operated and are voluntary listeners thereto. The operation of any such set, instrument, amplifier, machine or device at any time in such a manner as to be plainly audible at a distance of **twenty-five (25) feet** from any building, structure or vehicle in which it is located, shall be prima facie evidence of a violation of this article.

C. Yelling, shouting, hooting, whistling, or singing on any street, alley, avenue, parking lot(s) or any other area(s) open to the use of the general public at any time so as to annoy or disturb the quiet, comfort or repose of persons in any dwelling, hotel, or other type of residence or any other person(s) at a distance in excess of **twenty-five (25) feet**.

D. The keeping, maintaining or permitting on any premises owned, occupied or controlled by a person, any animal or bird otherwise permitted to be kept, which by frequent or habitual howling, barking, meowing, squawking, or other noise; unreasonably

disturbs the peace and quiet of any neighborhood or causes discomfort or annoyance to any person(s) between the hours of **10 p.m. and 7 a.m.**

E. Each violation shall be considered a separate and distinct violation, punishable as prescribed herein.

SECTION 3. EXEMPTIONS

The following activities are exempt from the application of this Ordinance:

A. Authorized emergency vehicles of any law enforcement, fire and rescue or related agencies when operated within the scope of their authority or as necessary for the public's safety.

B. Between the hours of **7 a.m. and 7 p.m.**, noise created by loading commercial, industrial or residential trash or debris from any construction site; the loading or unloading of any boxes, crates, equipment or other objects related to general conduct of routine business within the Town of Hancock.

C. Noise created by equipment, vehicles, etc., as necessary for the purpose of conducting emergency work, i.e., that work necessary to restore property to a safe condition following a public calamity or to protect persons or property from an imminent exposure to danger, **regardless of the time.**

D. Noise created by routine construction work by the Town of Hancock or a bonafide contractor during daylight hours, i.e., between official sunrise and sunset.

E. Exemptions authorized by permission of the Mayor and Council, Town of Hancock, at a duly authorized meeting for the intended purpose of entertainment.

SECTION 4. PENALTIES

A. Any violation of the provisions of this Ordinance shall be deemed a misdemeanor and shall be punishable by a fine of fifty (\$50.00) dollars for the first offense and a fine of not more than one hundred fifty (\$150.00) dollars or imprisonment in the Washington County Detention Center of not more than six (6) months, or both, for the second and each subsequent offense, upon conviction thereof.

Note: Former Hancock Code Article 6, effective November 28, 1995, recorded Liber 5, folio 872, among the Acts, Ordinances and Resolutions of Towns in the Office of the Clerk of the Court for Washington County, Maryland.

CHAPTER 27

PLANNING COMMISSION FOR THE TOWN OF HANCOCK, MARYLAND

SECTION 1. PURPOSE

The Mayor and Council of the town of Hancock, a municipal corporation, adopted a Comprehensive Plan and Land Subdivision Ordinance in 1974. The Planning Commission was established and a methodology was utilized over a period of time to carry out the functions of this body. The original Ordinance establishing the Planning Commission was effective August 12, 1974.

The Mayor and Council, as the legislative body of the municipality feel it is in the best interest of the citizenry and community to clarify and formally re-establish the Planning Commission by this Ordinance.

SECTION 2: CREATION

Pursuant to the powers and authority vested in the Mayor and Council of Hancock, a municipal corporation, by and pursuant to Article 66B, §3.01 et seq. of the Annotated Code of the Public General Laws of Maryland, 1957 Edition, as subsequently amended, there is hereby created and reconstituted a Planning Commission to be known as the "Hancock Planning Commission."

SECTION 3. POWERS AND DUTIES

A. The general powers and duties of the Hancock Planning are those powers, duties and responsibilities defined in Article 66B of the Annotated Code of the Public General Laws of Maryland, 1957 Edition, insofar as the same are applicable and pertain to municipal planning for the Town of Hancock as now set forth in Article 66B and as may be subsequently amended and as prescribed in the applicable Ordinances of the Mayor and Council of Hancock, a municipal corporation, as they now exist and as may be subsequently amended. This chapter shall not in any way affect the powers and duties vested in the Mayor and Council of the Town of Hancock, as its legislative body, by any laws of the State of Maryland, nor shall it affect the powers and duties vested in the Board of Zoning Appeals by any laws of the State of Maryland or by an ordinance passed pursuant thereto.

B. The Planning Commission may promulgate rules and regulations for the conduct of its business. Said rules and regulations shall be approved by the Mayor and Council by resolution at a duly constituted meeting. The Planning Commission shall not

have the authority to make any revisions or changes in the Subdivision Ordinance or any other land use ordinance or regulation.

SECTION 4. MEMBERSHIP; COMPENSATION; TERMS OF OFFICE; VACANCIES

A. The Commission shall consist of seven (7) members, one (1) of whom may be a member of the Council to serve in an ex officio capacity concurrent with that person's official term of office.

B. The members shall be appointed by the Mayor and confirmed by the Council.

C. All members of the Commission shall serve as such without compensation, except as provided by the Mayor and Council by appropriate resolution.

D. The term of office of each member, except for the member of the Council, shall be for five (5) years from the date of his or her appointment or until his or her successor takes office; except that the respective terms of the five (5) members first appointed originally and those now serving shall be on a staggered basis and shall terminate as previously provided until the expiration of their terms, at which time their successors shall be appointed for the term established herein.

E. Vacancies occurring, other than through the expiration of a term, shall be filled for the unexpired term by appointment of the Mayor and confirmation by the Council.

F. Members may, after a public hearing before the legislative body, be removed by the Mayor and Council for inefficiency, neglect of duty, or malfeasance in office. In the event of a removal of a member as set forth, the Mayor and Council shall file a written statement of reasons for that removal.

Note: Resolution Ordinance adopting Planning Commission enacted August 12, 1974, recorded at Liber 1, folio 169. Ordinance provided for five members. Subsequent revisions December, 1994, February 22, 1995

The statutory powers of the Planning Commission are set forth in Article 66B, Land Use, Planning Commission Generally, Section 3.01 through Section 3.09, of the Annotated Code of Maryland.

Former Hancock Code Chapter 13, amended, revised, reconstituted June, 2006.

CHAPTER 28

AN ORDINANCE OF THE TOWN OF HANCOCK, MARYLAND TO CONFER UPON THE TOWN, ITS DESIGNEES, AGENTS, AND ASSIGNS, A RIGHT OF ENTRY UPON PRIVATE PROPERTY FOR THE PURPOSE OF CONSTRUCTION AND REPAIR OF SIDEWALKS, DRAINAGE SYSTEMS, PUBLIC UTILITIES, STREET LIGHTS, LANDSCAPING AND TO THE EXISTING ENTRANCES TO THE STREET AND SIDEWALK

WHEREAS, it is the duty of the Town to Maintain streets, sidewalks and the areas contiguous to them, in a reasonably safe condition for public use; and

WHEREAS, the Town Charter/Code states that it should be the obligation of the owner(s) of each lot or premises within the corporate limits fronting on any street or alley in the Town to maintain, at the owner's expense, a sidewalk of such materials and specifications as required by the Town and it is the duty of said owner(s) to keep such sidewalks in good repair, at the expense of the owner; and

WHEREAS, funding for this project, Streetscape II, is being funded by Maryland State Highway Administration at no cost to the Town of Hancock or its citizens; and

WHEREAS, the Town Charter confers upon the Town the power to grade, layout, construct, reconstruct, pave, repair, extend or otherwise alter streets and sidewalks on Town or private property along any public way or part thereof;

WHEREAS, The Mayor and Council have determined that certain streets and sidewalks within the Town limits are in need of construction and repair to protect the public health, safety, comfort, convenience and welfare of its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF HANCOCK, MARYLAND AS FOLLOWS:

SECTION 1: In order to protect the public health, safety, comfort, convenience and welfare of the Town of Hancock, it has become necessary to initiate construction and repair of the streets and sidewalks.

SECTION 2: The required work shall consist of the construction and repair of the streets and sidewalks, the drainage systems, the various utility systems, including the location or relocation of water, sewer, electric, telephone and cable transmission lines, street and sidewalk lights, landscaping, as well as maintaining existing entrances from public and private property to the street and sidewalks, and to do all things necessary to accomplish same.

SECTION 3: To carry out the aforesaid street and sidewalk construction and repairs as duly authorized by the Town Charter and Town Code, the Town employees, its agents and assigns, shall have the right of entry, for the purpose of accomplishing said work, at all reasonable hours, upon any premises in the Town which abut a Town street or sidewalk.

SECTION 4: This Ordinance shall take effect twenty days from the date of enactment.

Note: Former Chapter 32, Hancock Code, enacted December 13, 2000.

CHAPTER 29

AN ORDINANCE PERTAINING TO THE SALARIES AND COMPENSATION OF THE MAYOR AND COUNCIL OF THE TOWN OF HANCOCK, MARYLAND

PREAMBLE

WHEREAS, the Charter of the Town of Hancock, Maryland, a municipal corporation, provides for compensation for the Mayor and Council Members of said Town; and

WHEREAS, said Town Charter further provides that each of said officers shall receive an annual salary as may be ordained by said Mayor and Council. Now this Ordinance is passed for the specific purpose of establishing and confirming the salaries of the Mayor and Council Members that have been established and are as set forth herein.

SECTION 1. SALARIES

It is hereby ordained by the Mayor and Council of the Town of Hancock, Maryland that the following salaries shall be applicable to each officer as set forth herein;

A. The Mayor

The Mayor shall receive the sum of Eight Hundred (\$800.00) Dollars per annum payable from the date of the commencement of his/her term of office.

B. Council Members

Each Council Member elected to the Town Council of the Town of Hancock shall receive the sum of Six Hundred (\$600.00) Dollars per annum payable from the date of the commencement of his/her term of office.

SECTION 2: APPLICABLE CONDITIONS.

A. Method of Payment

The method of payment of the Mayor and all Council Members shall be in a manner commensurate with the Accounting Practices and Procedures adopted by the Mayor and Council and followed by the Town Manager/Clerk-Treasurer.

B. The salary scale set forth in this Ordinance is currently in effect and is hereby ratified and confirmed and effective as of the date of passage. The salary scale schedule set forth herein shall be applicable only to the Mayor and all Council Members elected or re-elected thereafter.

C. Any revisions in the salaries as set forth in this Ordinance must be confirmed by Ordinance in accordance with the provisions of the Charter of the Town of Hancock.¹

SECTION 3. DEFINITIONS.

A. Mayor and Council

The Mayor and Council as used herein, shall be defined as the Mayor and the four Councilpersons as provided for in the Charter of the Town of Hancock, Maryland.

B. Officers

The term "officers" as used herein, shall be defined to mean all persons to whom this Ordinance is applicable, to-wit: The Mayor and the four Council Members.

¹ Charter Section 7, Salary of Council Members, Charter Section 19, Salary of the Mayor, are the applicable governing provisions.

CHAPTER 30

SANITATION SERVICES

SECTION 1. SERVICES TO BE PROVIDED

The Town of Hancock shall provide, by use of its own employees and equipment, or by contract, in accordance with the provisions of the Charter of the Town of Hancock and the Annotated Code of Maryland, for the removal disposal of materials commonly known and designated as garbage, including but not limited to cans, bottles, decayed vegetables and other discarded refuse within the corporate limits of the municipality, for **RESIDENTIAL PROPERTY OWNERS ONLY**. Commercial, retail, and industrial refuse pick-up is the sole responsibility of the business firms.

Refuse from multiple use buildings must be properly separated as to residential and commercial/industrial.

SECTION 2. MATERIALS CONSIDERED NON-COLLECTIBLE

The following materials shall not be accepted for collection by either the municipal employees, agents or servants or contractors of the municipality:

- a. Poisons, acids, caustic explosives, and other volatile materials, soils, rocks, stumps, batteries, tires, petroleum waste, and material that may accumulate as a result of construction or repair and/or considered hazardous.
- b. Industrial waste originating from manufacturing or packaging processes shall not be collected.
- c. Medical waste of whatsoever nature or kind shall not be collected by the municipality, its agents, servants or contractors.
- d. All other materials that may be considered hazardous or pollutants of any kind pursuant to Federal, State, County, or Municipal Acts, Statutes, Ordinances, or Regulations shall not be accepted nor collected nor disposed of by the municipal agents, servants and/or contractors.

SECTION 3. DISPOSITION OF HAZARDOUS MATERIALS

All hazardous materials of whatsoever nature or kind located within the geographical confines of the municipality of Hancock shall be disposed of by the owners or occupants of the property wherein same is located at their expense and in compliance with all Federal, State, County and Municipal Statutes, Acts, Ordinances and Regulations.

SECTION 4. DEFINITIONS

In the construction of this Ordinance, the following definitions and rules shall be observed, unless the context otherwise indicates:

1. Authorized Private Receptacle: A litter storage and collection receptacle made of metal or other suitable material, watertight, strong, durable, rodent and insect proof, and provided with tight covers. The capacity of such shall not exceed thirty-two (32) gallons or weigh more than thirty-five (35) pounds.

2. Garbage: Putrefiable animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

3. Litter: Any "garbage," "refuse," and "rubbish" as defined herein and all other waste material which, if thrown or deposited on streets or public places is herein prohibited, tends to create a danger to public health, safety and welfare.

4. Private premises: Any dwelling, house, building, or other structure, designed or used either wholly or in part for private residential purposes, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building, or other structure.

5. Public Place: Any and all streets, sidewalks, boulevards, alleys or other public ways; and any and all public parks, squares, spaces, grounds, and building; and any and all parking lots except such parking spaces as reserved for single family dwellings.

6. Refuse: Nonputrescible solid wastes consisting of both combustible and non-combustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery, and similar materials.

SECTION 5. RULES AND REGULATIONS

A. The Mayor and Council as the duly constituted legislative body of the Town of Hancock and/or its authorized designee shall prescribe rules and regulations pertaining to the collection and disposal of garbage and refuse within the corporate limits. Said rules and regulations shall be adopted by resolution at a duly constituted meeting of the Mayor and Council.

B. Said regulations shall only be applicable to the methodology of collection, type of containers, placement of materials, prescribed time allocations for the collection of garbage and refuse and general regulatory measures for a the orderly collection and disposition of the materials referred to in this Ordinance.

C. No property owner, householder or other person may place refuse on any street, alley or public place earlier than twenty-four (24) hours prior to scheduled pick-up times as established by the Mayor and Council.

SECTION 6. CONTAINERS AND STORAGE AREAS

It shall be and is the duty of householder, occupant, and/or person utilizing the collection services set forth in this Ordinance to furnish one (1) or more appropriate containers for the reception of garbage and refuse.

Said containers shall comply and meet all environmental standards as established by the Federal, State, County, and Municipal Statutes, Acts, Ordinances and Regulations. The Mayor and Council and/or its authorized designee have prescribed regulations establishing the type of container to be utilized by all residential and/or multi-residential units, within the corporate limits that utilize the service provided by this Ordinance (Section 4, 1.).

It is recognized that commercial properties may be required, pursuant to said regulations, to provide dumpsters or other specified containers or enclosures and to arrange through contractual agreement with private concerns removal of all refuse generated by their business.

SECTION 7. COLLECTION FEES AND BILLINGS

The Mayor and Council of the Town of Hancock, as its duly constituted legislative body, deems it advisable and necessary that certain charges be made to the householders and/or persons, utilizing the collection and disposal services provided for under this Ordinance. A schedule of fees shall be adopted and from time to time amended by the Mayor and Council by Resolution at a duly constituted meeting.

SECTION 8. ADDITIONAL GARBAGE, TRASH AND REFUSE COLLECTION SERVICE

In the event that any person, firm legal entity, corporation, occupant or owner of any residence, multi-unit residence, industry, commercial establishment, or otherwise, deems it necessary to obtain additional services, same shall not be furnished by the Town except as prescribed by this Ordinance.

SECTION 9. PENALTY

A. A violation of the terms of this Ordinance by any person firm, or corporation of whatsoever nature or kind shall constitute a municipal infraction and shall be punishable and enforced in accordance with the provision of Article 23-A, Section 3(b) of the Annotated Code of Maryland as it now exists or may be amended from time to time. Same is incorporated herein by reference. Nothing herein contained shall prevent the Town from taking such other lawful action as necessary to prevent such violation.

B. Fines for violation of this Ordinance shall be twenty-five (\$25.00) dollars for each initial violation. Each day a violation continues shall constitute a separate and distinct violation.

Former Chapter 5, Sanitation Services Rules, Regulations, Hancock Code, effective May 10, 1995. Recorded Liber 0005, folio 00507, among the Acts, Ordinances and Resolutions of Towns in the Office of the Clerk of the Court for Washington County, Maryland.

Former Section 5-201, now Section 5.A, amended this date.

CHAPTER 31

AN ORDINANCE PROVIDING FOR THE CONSTRUCTION OF SIDEWALKS AND DRIVEWAYS BY ADJACENT PROPERTY OWNERS

SECTION 1. ABUTTING PROPERTY OWNERS' RESPONSIBILITY

Sidewalks, curbs, driveways and any other improvements located along and in the public streets and thoroughfares within the corporate limits of the Town of Hancock shall be constructed and paved with some suitable material authorized by the Mayor and Council or its designee.

Same shall be constructed in accordance with specifications that may be established by the Mayor and Council from time to time or by some other person, agency, or designee authorized by the Mayor and Council to establish said standards.

Said improvements shall be constructed at the expense of the owner and/or occupant of any lot, lots, or parts of a lot abutting existing streets or future streets, as the same are presently approved for subdivision or as may hereafter be approved for subdivision and/or construction within the corporate limits of the Town.

Said sidewalks, curbs, driveways and any other improvements located along and in the public streets and thoroughfares within the corporate limits of the Town of Hancock shall be maintained and kept in a reasonable state of repair at the expense of the abutting property owner and/or occupant of any lot, lots, or parts of a lot as referred to herein.

SECTION 2. NOTICE TO OWNER/OCCUPANT

When the owner/occupant of any lot, lots, or part of a lot, as referred to herein, is given notice to construct or repair a sidewalk, curb, driveway or any part thereof, as provided for in this Ordinance, and if said owner/occupant fails to comply with said notice within ninety (90) days after said notice is given, then said person, firm or corporation failing to observe the provisions of this section shall be deemed guilty of a violation of this Ordinance and subject to the penalty provisions set forth herein.

In addition thereto, in the event that the owner of any lot, lots, or part of a lot refuses or neglects to comply with said notice within the period set forth in reference to the repair of said sidewalks, curbs, driveways or other improvements, after having been ordered to do so by the Mayor and Council or its authorized designee, the Mayor and Council is hereby authorized to cause said work to be performed in a proper manner, and the cost of same shall be charged to the owner or occupant of the abutting property. The cost of said work shall be

considered a lien upon the real estate and shall be collected in the same manner as are town taxes or by suit at law.

In addition to the reasonable charges that may be incurred in the enforcement and collection of same, any other costs and expenses that may be incurred shall be charged to the owner or occupant of the abutting property.

SECTION 3. CONSTRUCTION PERMITS

It shall be unlawful for any person to construct, reconstruct, repair, or remove any sidewalk, curb, or driveway, or any portion of same which is in a public right of way, without first obtaining a permit to do so in compliance with this Ordinance. Permits shall be issued by the Town Manager in the same manner as are all other permits and there shall be a basic administrative fee established from time to time by Resolution of the Mayor and Council.

SECTION 4. STANDARDS AND SPECIFICATIONS

All sidewalks, footwalks, driveways, curbs and curb cuts shall be constructed as set forth in this Ordinance in accordance with standards and specifications as shall be established by the Mayor and Council or their duly authorized representative or designee. Said standards and specifications, once promulgated, shall be adopted by Resolution of the Mayor and Council and shall be incorporated and made a part of this Ordinance as from time to time same may be revised or changed.

Such standards and specifications shall be furnished to each person, firm or corporation obtaining a permit under this Ordinance. Each notice or notification given to owners or occupants to construct, reconstruct or repair sidewalks, driveways, curbs or other improvements shall also contain a copy of the standards and specifications referred to herein.

SECTION 5. APPLICABILITY OF ORDINANCE – REPAIR OF EXISTING SIDEWALKS/DRIVEWAYS/CURBS/CURB CUTS

Sidewalks, driveways, curbs, curb cuts, and improvements to any portion of the public right of way of the Town of Hancock after July 1, 1994 shall be constructed, reconstructed or repaired in accordance with the standards and specifications as shall be established by the Mayor and Council or their duly authorized representative or designee.

SECTION 6. METHOD OF NOTICE

The notice provided for in this Ordinance shall be given by personally serving a copy of the same on said abutting property owner or occupant, or by sending a copy thereof by

registered or certified United States mail, addressed to said owner/occupant as the same appears on the tax records of the Town of Hancock.

In the event that service cannot be made in accordance therewith, notice shall also be placed in a conspicuous manner and posted upon the property.

SECTION 7. PENALTY/REMEDIES

(a) A violation of the terms of this Ordinance by any person, firm, or corporation of whatsoever nature or kind shall constitute a municipal infraction and be punishable and enforced in accordance with the provision of Article 23A, Section 3(b) of the Annotated Code of Maryland as it now exists or may be amended from time to time. Same is incorporated herein by reference. Nothing herein contained shall prevent the Town from taking such other lawful action as necessary to prevent such violation.

(b) Fines for violation of this chapter shall not exceed \$100.00 for each initial violation. Each day a violation continues shall constitute a separate and distinct violation.

SECTION 8. EFFECTIVE DATE OF ORDINANCE

The effective date of this Ordinance is July 1, 1994 and shall be applied prospectively.

Sidewalk Ordinance former Chapter 9, Article 6 of Hancock Code of Ordinances, effective July 1, 1994.
Recorded at Liber 5, folio 640 among the Acts, Ordinances and Resolutions of Towns in the Office of the Clerk of the Court for Washington County, Maryland.

CHAPTER 32

RESOLUTION/ORDINANCE CONCERNING THE ADMINISTRATION OF THE WASHINGTON COUNTY STORMWATER MANAGEMENT ORDINANCE IN THE TOWN OF HANCOCK

WHEREAS, The Board of County Commissions of Washington County, Maryland, (the “Board”), has duly adopted an Ordinance entitled “Stormwater Management Ordinance for Washington County, Maryland” pursuant to Maryland Code, Environment Article, Title 4, Subtitle 2, hereinafter referred to as the “County Ordinance”.

WHEREAS, the Mayor and Council of the Town of Hancock, as its duly constituted legislative body, have reviewed the County Ordinance, and believe it satisfactory and in the best interests of the citizenry of the community and the Town; and

WHEREAS, the Board of County Commissioners of Washington County, Maryland, have agreed to provide the administration and enforcement of the County Ordinance within the corporate limits of the Town as provided by the Annotated Code of Maryland and the Administrative Regulations of the State and County; and

WHEREAS, the Mayor and Council has determined to adopt the County Ordinance and Regulations promulgated in reference to Stormwater Management;

BE IT RESOLVED, ENACTED AND ORDAINED, by the Mayor and Council, as the duly constituted legislative body, of the Town that the existing Resolutions and Ordinances pertaining to Stormwater Management are hereby revoked; and

BE IT FURTHER RESOLVED, ENACTED, AND ORDAINED that an Ordinance entitled “Stormwater Management Ordinance for Washington County, Maryland” enacted by the Board of County Commissioners of Washington County (the “Board”), is hereby adopted as it now exists and as it may from time to time be amended; and

BE IT FURTHER RESOLVED, ENACTED, AND ORDAINED that said Ordinance which was passed by the Board on July 17, 2001, is hereby attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED, ENACTED, AND ORDAINED that the Board of County Commissioners of Washington County, Maryland, the Washington County Engineering Department and, if applicable, all other appropriated and designated agencies or

agents thereof, shall administer and enforce the provisions of the County Ordinance with the corporate limits of the Town; and ¹

BE IT RESOLVED, that the provisions hereof shall be and become effective twenty (20) days after the date of its passage.

Note: Former Chapter 23, Hancock Code, effective August 8, 2001, recorded at Liber 9, folio 446 among the Acts, Ordinances and Resolutions of Towns in the Office of the Clerk of the Court for Washington County, Maryland.

¹ See attached correspondence between Robert E. Kuczynski, Attorney for the Town of Hancock, and Richard Douglas County Attorney for Washington County, Maryland, advising of the enactment of the Washington County Stormwater Management Ordinance by the Town of Hancock, copy of the Resolution of the Board of County Commissioners authorizing and accepting said administration of the Washington County Stormwater Management Ordinance in the Town of Hancock; correspondence from the Maryland Department of the Environment dated _____ approving the stormwater management program.

Acts, Ordinances, Resolutions-County
Clerk of the Circuit Court
Washington County

Acts, Ordinances, Resolutions-Towns
Clerk of the Circuit Court
Washington County

TOWN OF HANCOCK

RESOLUTION CONCERNING STORMWATER MANAGEMENT

WHEREAS, Washington County adopted a Stormwater Management Ordinance designated as Stormwater Management Ordinance pursuant to the Environment Article, Title 4, Subtitle 2, Annotated Code of Maryland (formerly, the Natural Resources Article, Title 8, Subtitle 11A) on July 17, 2001, and

WHEREAS, the Town of Hancock has reviewed the County's ordinances and believes it is Satisfactory to protect the lives and property of our municipal (Town) residents, and

WHEREAS, Washington County is willing to administer and enforce stormwater laws within the corporate limits of the Town of Hancock.

THEREFORE, BE IT RESOLVED that the Mayor and Council of the Town of Hancock hereby adopt Washington County's Stormwater Management Ordinance and any regulations promulgated thereunder or pursuant thereto, and

BE IT FURTHER RESOLVED that Washington County is authorized to administer and enforce the provisions of said stormwater management ordinance within the corporate limits of the Town of Hancock.

Nov 03, 2001 13:30

TOWN OF HANCOCK MAYOR AND COUNCIL

Passed: 8 August 2001

James A. Murphy
Mayor

Effective: 8 August 2001

Karwin Mills
Councilmember

Attest:

James A. Murphy

W. Gregory Post
Councilmember

[Signature]
Councilmember

[Signature]
Councilmember

Approved as to form and legal sufficiency this 13th day of August, 2001.

[Signature]
Town of Hancock Attorney

STORMWATER MANAGEMENT ORDINANCE FOR WASHINGTON COUNTY, MARYLAND

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**RESOLUTION TO ADMINISTER AND ENFORCE THE STORMWATER
MANAGEMENT ORDINANCE FOR WASHINGTON COUNTY, MARYLAND
IN THE TOWN OF HANCOCK**

RECITALS

The Board of County Commissioners of Washington County, Maryland, is the duly constituted legislative body of Washington County (the "County").

The Mayor and Council of the Town of Hancock (the "Town") is the duly constituted legislative body for the said municipal corporation.

Md. Code, Environment Article, Title 4, Subtitle 2 (the "Statute") and regulations promulgated thereunder by the Secretary of the Environment (the "Regulations") grant the County the authority to adopt a stormwater management ordinance. Amendments to the Regulations that took effect in October 2000 required the County to undertake a significant revision to the existing stormwater management ordinance. Pursuant to the authority granted by the Statute, the revised Stormwater Management Ordinance (the "Ordinance") was adopted by the County on July 17, 2001, and became effective that same day. The Ordinance is incorporated herein by reference.

The Town, pursuant to Md. Code, Article 23A, §2B, has the authority to request and authorize the County to administer and enforce ordinances within the corporate limits of the municipal corporation.

The Mayor and Council of the Town reviewed the Ordinance and, believing it to be in the best interests of the citizens of the Town and in the interest of uniformity and efficiency to adopt the same, passed a resolution authorizing and directing the County to administer and enforce the Ordinance within the geographical confines of the Town to provide for the control, safety and welfare of the community. A copy of the Town's resolution is attached hereto and incorporated herein by reference.

The County, having expressly found that it would be in the best interests of the citizens of the County to enforce the Ordinance within the geographical confines of the Town, has agreed to do so.

1431
FEB 15 2005

Liber 9 Folio 1053

Acts, Ordinances, Resolutions-County
Clerk of the Circuit Court
Washington County

NOW, THEREFORE, BE IT ~~RESOLVED~~ ^{Resolved} by the Board of County Commissioners of Washington County, Maryland, that, pursuant to the request of the Town in the attached resolution, the County agrees to administer and enforce the Stormwater Management Ordinance for Washington County, Maryland within the geographical confines of the Town.

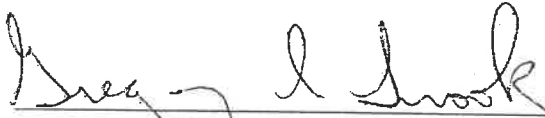
Adopted this 2nd day of April, 2002, effective as of the date of adoption of the Town's resolution.

ATTEST:

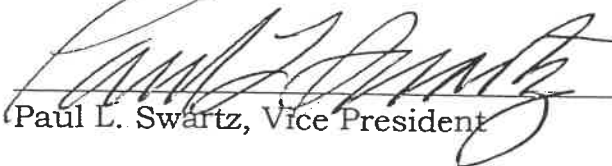
BOARD OF COUNTY COMMISSIONERS OF
WASHINGTON COUNTY, MARYLAND



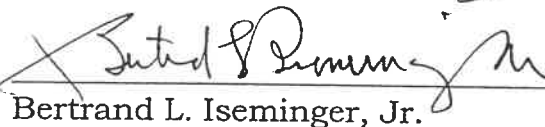
Joni L. Bittner, Clerk



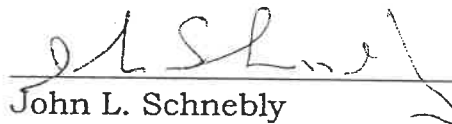
Gregory I. Snook, President



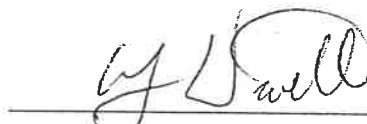
Paul L. Swartz, Vice President



Bertrand L. Iseminger, Jr.

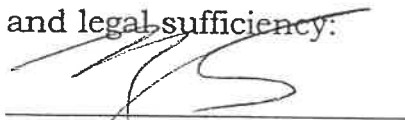


John L. Schnebly



William J. Wivell

Approved as to form
and legal sufficiency:



Richard W. Douglas
County Attorney

Liber 9 Folio 1054

Acts, Ordinances, Resolutions-County
Clerk of the Circuit Court
Washington County

Mail to:

Richard W. Douglas
Washington County Attorney
100 W. Washington Street
Room 213
Hagerstown, MD 21740

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STORMWATER MANAGEMENT ORDINANCE FOR WASHINGTON COUNTY, MARYLAND

1.0 PURPOSE AND AUTHORITY

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

The provisions of this Ordinance are adopted under the authority of and pursuant to the Environment Article, Title 4, Subtitle 2, Annotated Code of Maryland, 1996 replacement volume and 2000 Supplement, Code of Maryland Regulations Title 26, Subtitle 17, Chapter 2 (26.17.02.01 et seq.), and §7-105 of the Code of the Public Local Laws for Washington County, Maryland.¹ This Ordinance shall apply to all development occurring within the unincorporated areas of Washington County. The application of this Ordinance and the provisions expressed herein represent the minimum stormwater management requirements and shall not be deemed a limitation or repeal of any other powers granted by statute. The Chief Engineer for the Engineering Department of the Washington County Division of Public Works shall be primarily responsible for the coordination and enforcement of the provisions of this Ordinance.

1.1 Incorporation by Reference

For the purposes of this Ordinance, the following documents are incorporated by reference:

A. The 2000 Maryland Stormwater Design Manual, Volumes I & II (Maryland Department of the Environment, April 2000) shall serve as the official guide for stormwater principles, methods, and practices.

1. 1-701. Drainage; sewage systems authorized. The County Commissioners may establish, construct, and improve and generally regulate stormwater drainage, sanitary sewers, sewage disposal systems, and refuse disposal along the county roads, streets, alleys, and public rights of way in the county. (1957 Code, sec. 188. 1955, ch. 313; 1970 ed. sec. 8-22; 1984, ch. 289; 1984 ed. sec. 1-701; 1991, ch. 211)

B. USDA Natural Resources Conservation Service, Maryland Conservation Practice, Standard Pond Code 378 (January 2000).

C. The document dates listed above are for the edition in effect at the time of the adoption of this Ordinance. The latest edition incorporated by reference into the Code of Maryland Regulations 26.17.02.01-1, as amended from time to time, shall be applied in performing all work required by this Ordinance.

2.0 DEFINITIONS

A. For the purposes of this Ordinance, the following definitions describe the meaning of the terms used in this Ordinance:

"Administration" means the Maryland Department of the Environment (MDE) Water Management Administration (WMA).

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

"Agricultural land management practices" means those methods and procedures used in the cultivation of land in order to further crop and livestock production and conservation of related soil and water resources. Specifically excluded from this definition are those large-scale animal husbandry facilities that are required to have a preliminary consultation with the Washington County Planning Department in order to comply with § 22.93(b)(5) of the Washington County Zoning Ordinance, as amended from time to time.

"Applicant" means any person, firm, or governmental agency that executes the necessary forms to procure official approval of a project or a permit to carry out construction of a project.

"Aquifer" means porous water bearing geologic formation generally restricted to materials capable of yielding an appreciable supply of water.

"Best Management Practice (BMP)" means a structural device or nonstructural practice designed to temporarily store or treat stormwater runoff in order to mitigate flooding, reduce pollution, and provide other amenities.

"Certifying Engineer" means the professional engineer, professional land surveyor or registered landscape architect who will be responsible for signing and sealing the "Engineer's Stormwater Management Certification" required on all stormwater management plans.

"Channel Protection Storage Volume (Cpv)" means the volume used to design structural management practices to control stream channel erosion. Methods for calculating the channel protection storage volume are specified in the Design Manual.

"Chief Engineer" means the Chief Engineer of the Washington County Division of Public Works, Engineering Department, or a duly authorized representative.

"Clearing" means the removal of trees and brush from the land above the ground surface but shall not include the ordinary mowing of grass.

"County" means those departments, agencies, and employees to whom the authority to perform governmental functions has been delegated by the Board of County Commissioners of Washington County, Maryland, including but not limited to the enforcement of this and other ordinances.

"County Commissioners" means the elected County Commissioners of Washington County, or a duly authorized representative.

"Design Manual" means the 2000 Maryland Stormwater Design Manual, Volumes I & II that serves as the official guide for stormwater management principles, methods, and practices, including all addenda and revisions.

"Detached Dwelling" means a building containing only dwelling units surrounded by yards or other open space on the same zoning lot.

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

"Development" means any activity, other than normal agricultural activity, which materially changes or affects the existing runoff characteristics of a parcel of land in conjunction with residential, commercial, industrial, or institutional construction or alteration. For the purpose of this Ordinance, large-scale animal husbandry facilities required to comply with § 22.93(b) of the Washington County Zoning Ordinance, as amended from time to time, shall be considered "development" rather than normal agricultural activity.

"Director" means the Director of the Washington County Division of Public Works or a duly authorized representative.

"Disturb" or any derivative thereof, such as "disturbance" refers to any activity causing a permanent or temporary physical change to the grades or cover of the ground surface.

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

"Dwelling Unit" means one or more rooms in a residential building or in a mixed building, which are arranged, designed, used or intended for use by one or more persons living together and maintaining a common household, and which includes lawful cooking space and lawful sanitary facilities reserved for the occupants thereof.

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

"Engineering Department" means the Engineering Department of the Washington County Division of Public Works, or a duly authorized representative.

"Exemption" means those land development activities that are not subject to the stormwater management requirements contained in this Ordinance.

"Extended detention" means a stormwater design feature that provides gradual release of a volume of water in order to increase settling of pollutants and protect downstream channels from frequent storm events. Methods for designing extended detention BMPs are specified in the Design Manual.

"Extreme flood volume (Qf)" means the storage volume required to control those infrequent but large storm events in which overbank flows reach or exceed the boundaries of the 100-year floodplain.

"Flow attenuation" means prolonging the flow time of runoff to reduce the peak discharge.

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

"Grubbing" means the removal of roots, stumps and similar material to a nominal depth below the surface of the ground.

"In-fill development" means new development that occurs on vacant, bypassed, or underutilized lands within existing developed areas. The site on which the in-fill development is occurring shall not be part of an overall development plan such as that

found in industrial and business parks. In-fill development is typically limited to sites with an area less than three (3) acres in size.

"Infiltration" means the passage or movement of water into the soil surface.

"Multi-Family Dwelling" means a building containing three or more dwelling units (e.g., an apartment house).

"Off-site stormwater management" means the design and construction of a facility necessary to control stormwater from more than one site.

"On-site stormwater management" means the design and construction of systems necessary to control stormwater within a site.

"Overbank flood protection volume (Qp)" means the volume controlled by structural practices to prevent an increase in the frequency of out-of-bank flooding generated by development. Methods for calculating the overbank flood protection volume are specified in the Design Manual.

"Owner/developer" means any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity or agent thereof commencing proceedings under this Ordinance to effect development or redevelopment for himself or others.

"Person" means any individual, firm, association, syndicate, co-partnership, corporation, business, trust, general or limited partnership, limited liability company, limited liability partnership, joint stock company, unincorporated association, trust, estate, or other legal entity.

"Post-development" means the conditions of the site that will exist after the development occurs that is subject to the requirements of this Ordinance.

"Pre-development" means the conditions of the site that exist prior to the development that is subject to the requirements of this Ordinance.

"Recharge volume (Rev)" means that portion of the water quality volume used to maintain groundwater recharge rates at development sites. Methods for calculating the recharge volume are specified in the Design Manual.

"Redevelopment" means any construction, alteration, or improvement exceeding 5000 square feet of land disturbance performed on sites where existing land use is commercial, industrial, institutional or multifamily residential.

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

"Retrofitting" means the construction of a structural BMP in a previously developed area, the modification of an existing structural BMP, or the implementation of a nonstructural practice to improve water quality over current conditions.

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

"Semi-Detached Dwelling" means one of two buildings arranged or designed as dwelling units, located on abutting lots, separated from each other by a party wall without openings extending from the cellar floor to the highest point of the roof along the dividing lot line, and separated from any other building or structures by space on all sides.

"Site" means:

(a) For new development - any tract, lot or parcel of land or combination of tracts, lots, or parcels of land that are in one ownership, or are contiguous and in diverse ownership where development is to be performed as part of a unit, subdivision, or project; or

(b) For redevelopment - the disturbed area of the new construction as shown on the approved construction plan, the area contained within a newly-created subdivision related to the redevelopment, or the original parcel, as determined by the Chief Engineer.

"Soil Conservation District" means the Washington County Soil Conservation District or a duly authorized representative.

"Stabilization" means the prevention of soil movement by any of various vegetative or structural means.

"Stormwater management" means:

(a) For quantitative control, a system of vegetative and structural measures that control the increased volume and rate of surface runoff caused by man-made changes to the land; and

(b) For qualitative control, a system of vegetative, structural and other measures that reduce or eliminate pollutants that might otherwise be carried by surface runoff.

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

"Stripping" means any activity that removes the vegetative surface cover including tree removal, clearing, grubbing and storage or removal of topsoil.

"Substantially complete" means BMPs that are nearly complete in construction, typically lacking only the establishment of vegetation or the removal of temporary erosion and sediment control measures within the device, able to provide most of the intended stormwater management. The final determination as to the meaning of "substantially complete" for specific BMPs shall be subject to the approval of the Chief Engineer.

"Variance" means a modification of the requirements of the Ordinance that:

- (a) Because of conditions peculiar to the property, would result in unnecessary hardship;
- (b) Denying the variance would do substantial injustice to the applicant and a lesser relaxation than that applied for would not give substantial relief;
- (c) Granting the variance would observe the spirit of the Ordinance and secure public safety and welfare; and
- (d) The hardship is not the result of the applicant's own actions.

"Waiver" means the full or partial exemption from or modification of stormwater management requirements by the Chief Engineer for a specific development on a case-by-case basis.

(a) "Qualitative waiver" includes water quality volume and recharge volume design parameters.

(b) "Quantitative waiver" includes channel protection storage volume, overbank flood protection volume, and extreme flood volume design parameter.

"Watercourse" means any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine or wash, in and including any adjacent area that is subject to inundation from overflow or flood water.

"Watershed" means the total drainage area contributing runoff to a single point.

"Water quality volume (WQv)" means the volume needed to capture and treat the runoff from 90 percent of the average annual rainfall at a development site. Methods for calculating the water quality volume are specified in the Design Manual.

B. Words or terms not specifically defined herein shall have the definition accepted amongst the majority of experts trained in the field of engineering.

3.0 APPLICABILITY

3.1 Scope

No person shall develop any land for residential, commercial, industrial, institutional or limited large-scale agricultural uses without having provided stormwater management measures that control or manage runoff from such developments, except as provided within this section. The stormwater management measures must be consistent with the Design Manual and constructed according to an approved plan for new development or the policies stated in § 3.4 for redevelopment.

3.2 Exemptions

A. The following development activities are exempt from the provisions of this Ordinance and the requirement of providing stormwater management:

- (1) Agricultural land management practices;
- (2) Additions or modifications to existing single family detached dwellings if they comply with Subsection 3.2A.(3);
- (3) Developments that do not disturb over 5,000 square feet of land area; and
- (4) Land development activities that the Administration determines will be regulated under specific State laws that which provide for managing stormwater runoff.

B. Nothing in this section shall prohibit the Chief Engineer from requiring stormwater management controls based upon an evaluation of the cumulative effects of previous exemptions. Similarly, if the site in question falls within the exemptions identified in Subsections 3.2A.(1)-(4) and said site is covered under an existing stormwater management plan, any development shall be consistent with that existing plan.

C. For the purpose of Subsection 3.2A.(3), "disturb" means a permanent physical change to the ground cover that results in an increase to the Runoff Curve Number

(RCN) for the area changed. The RCN shall be determined in accordance with the requirements of Technical Release No. 55 (TR-55).

3.3 Waivers / Watershed Management Plans

The Chief Engineer may grant a waiver of stormwater management requirements for individual sites. All such requests shall be evaluated in accordance with the following:

- A. Stormwater management quantitative control waivers shall be granted to sites within areas where watershed management plans have been developed consistent with Subsection 3.3G, and where the sites are in conformance with the assumptions found in the watershed management plans.
- B. Stormwater management quantitative control waivers for Overbank Flood Protection Volume (Qp) may be granted to sites where watershed management plans do not exist for the area or where watershed management plans have been developed, but are not in conformance with Subsection 3.3G, provided that:
 - (1) Said sites do not increase the post-development peak discharge for the 10-year storm event by more than 10 percent of the calculated pre-development peak discharge; or
 - (2) A determination is made by the Chief Engineer that existing circumstances prevent the reasonable implementation of quality control BMPs.
- C. Stormwater management qualitative control waivers may be granted to:
 - (1) In-fill development projects where stormwater management implementation is not feasible in the professional judgment of the Chief Engineer;
 - (2) Redevelopment projects if the requirements of § 3.4 are satisfied; or
 - (3) Sites where the Chief Engineer determines that existing circumstances prevent the reasonable implementation of quality control BMPs.
- D. A person seeking a quantitative or qualitative stormwater management control waiver must submit a written request to the Engineering Department containing descriptions, drawings, calculations, and any other information that is necessary to evaluate the proposed development and waivers sought. Waivers shall not be deemed granted until authorized by the Engineering Department, in writing, on a form approved by the Chief Engineer. If there are subsequent additions, extensions, or modifications to a site after a waiver has been granted, a separate written waiver request must be submitted and authorization obtained in accordance with the provisions of this section.

E. Requests for waivers granted shall:

- (1) Be considered on a case-by-case basis;
- (2) Consider the cumulative effects of exemptions and waivers granted for other sites within the affected area; and
- (3) Reasonably ensure that the development will not adversely affect stream quality, increase undesirable flooding, or fail to address downstream drainage deficiencies in a reasonable manner.

F. If the County establishes or approves an overall watershed management plan consistent with Subsection 3.3G. for a specific watershed, then the Chief Engineer may develop quantitative waiver and redevelopment provisions that differ from Sections 3.3B. and 3.4.

G. A watershed management plan developed for the purpose of implementing different stormwater management policies shall:

- (1) Include detailed hydrologic and hydraulic analyses to determine hydrograph timing;
- (2) Evaluate both quantity and quality management;
- (3) Include cumulative impact assessment of watershed development;
- (4) Identify existing flooding and receiving stream channel conditions;
- (5) Be conducted at a reasonable scale;
- (6) Specify where on-site or off-site quantitative and qualitative BMPs are to be implemented;
- (7) Include any other conditions not specifically addressed herein but considered necessary by the Chief Engineer in order to fully evaluate the study area;
- (8) Be consistent with the General Performance Standards for Stormwater Management in Maryland found in § 1.2 of the Design Manual; and
- (9) Be approved by the Administration.

3.4 Redevelopment

A. The recharge, channel protection storage volume, overbank flood protection volume, and extreme flood volume requirements specified in the Design Manual do not apply to redevelopment projects unless required by the Chief Engineer. Should any of these requirements be considered necessary, the Chief Engineer will determine the appropriate level of control. Stormwater management requirements for redevelopment that are part of a watershed management plan developed in accordance with Subsection 3.3G. shall be performed in accordance with the requirements of that plan.

- B. Water quality runoff characteristics for redevelopment shall reflect a 20% decrease in impervious area of the previously-developed site. To obtain this level of control, water quality volume requirements shall be addressed as follows:
- (1) Redevelopment projects shall reduce existing site impervious areas by at least 20%, in which case BMPs will not be required; or
 - (2) Where site conditions prevent the reduction of impervious area, BMPs shall be implemented to provide water quality volume control for the site that results in a redevelopment site discharge equivalent to at least a 20% reduction of the existing site's impervious area; or
 - (3) Where site conditions prevent the exclusive use of either of the methods of Subsections 3.4B.(1) or 3.4B.(2), they may be used in combination so that the redevelopment site discharge is equivalent to at least a 20% reduction of the existing site's impervious area.
- C. Where conditions prevent impervious area reduction or on-site stormwater management, practical alternatives may be considered, including but not limited to:
- (1) Off-site BMP implementation for a drainage area comparable in size and percentage impervious area to that of the project;
 - (2) Watershed or stream restoration;
 - (3) Retrofitting; or
 - (4) Other practices approved by the Chief Engineer with priority being given to those alternatives located within the same general area.
- D. The required reduction of 20% impervious area shall be considered for each and every redevelopment project that may occur on a single site.

3.5 Variance

The Chief Engineer may grant a variance from any requirement of § 4.0 for individual sites. All such requests shall be evaluated in accordance with the following:

- A. A person seeking a variance must submit a written request to the Engineering Department containing descriptions, drawings, calculations and any other information that is necessary to evaluate the proposed development or redevelopment of the site and waivers sought. Variances shall not be deemed granted until authorized by the County on a form approved by the Chief Engineer. If there are subsequent additions, extensions, or modifications to a site after a variance has been granted, a separate written variance request must be submitted and authorization obtained in accordance with the provisions of this section.

B. In considering variance requests, the Chief Engineer shall:

- (1) Consider each request on a case-by-case basis;
- (2) Consider the cumulative effects of prior exemptions, waivers, and variances granted for other sites within the impacted area;
- (3) Evaluate circumstances specific to the site that may dictate that strict adherence to this Ordinance would result in unnecessary hardship to the person seeking the variance; and
- (4) Determine whether granting the variance would fulfill the intent of this Ordinance and protect public safety and welfare.

C. Financial considerations alone are not sufficient cause for the granting of a variance.

4.0 STORMWATER MANAGEMENT CRITERIA

4.1 Minimum Control Requirements

A. The minimum control requirements established in this section and the Design Manual are as follows:

- (1) Recharge volume, water quality volume, and channel protection storage volume sizing criteria shall be used to design BMPs in accordance with the Design Manual. The overbank flood protection volume shall be calculated in accordance with the Design Manual using the 10-year frequency storm event. The extreme flood volume calculated for the 100-year frequency storm event shall only be used as sizing criteria if directed by the Chief Engineer. Regardless of the level of control provided by a BMP, it shall be designed in such a manner as to minimize damage and flooding to it or the surrounding area caused by 100-year storm events.
- (2) The Chief Engineer may require more than the minimum control requirements specified in this Ordinance if hydrologic or topographic conditions warrant or if flooding, stream channel erosion, or water quality problems exist downstream from a proposed project. For such cases, the following requirements apply:
 - (a) The owner/developer shall submit to the Chief Engineer an analysis of the impacts of stormwater flows downstream in the watershed. The analysis shall include hydrologic and hydraulic calculations necessary to determine the impact of hydrograph timing modifications of the proposed development upon a dam, highway, structure, or other point of restricted streamflow.
NOTE: Due to the significant amount of road overtopping that occurs in the County, numerous highways and structures may not be considered as having a sufficiently restricted streamflow to establish the study point.

- (b) The point of investigation is to be established with the concurrence of the Chief Engineer, and at a minimum shall extend downstream of the first downstream tributary whose drainage area equals or exceeds the contributing area to the project or BMP.
 - (c) Undeveloped property within the drainage area being studied that is not under the direct control of the owner/developer performing the subject analysis cannot be assumed to remain undeveloped indefinitely. Unless development controls have been enacted, all such property shall be included in this analysis in a developed condition for the Extreme Flood (Q_{100}), and in the existing condition for the Overbank Flood (Q_{10}).
 - (d) The Chief Engineer may direct or the owner/developer may elect to correct the noted deficiencies in order to obtain relief from the more stringent criteria. However, nothing in this section shall be considered as waiving the necessity for a development to comply with the minimum requirements identified herein.
- B. Stormwater management and development plans, where applicable, shall be consistent with adopted and approved watershed management plans or flood management plans that have been approved by the Maryland Department of the Environment in accordance with the Flood Hazard Management Act of 1976.
- C. For those sites that received stormwater management waivers under the 1984 Ordinance, their pre-development condition under this Ordinance shall be that which existed on the site prior to July 28, 1984, the effective date of the 1984 Ordinance. This requirement shall not apply to redevelopment. Redevelopment shall comply with the provisions found in § 3.4.

4.2 Stormwater Management Measures

The structural and nonstructural stormwater management measures established in this Ordinance shall be used, alone or in combination, in developing a stormwater management plan.

A. Structural Stormwater Management Measures.

- (1) The following structural BMPs shall be designed according to the Design Manual to satisfy the applicable minimum control requirements in § 4.1:
 - (a) Stormwater management ponds;
 - (b) Stormwater management wetlands;

- (c) Stormwater management infiltration;
 - (d) Stormwater management filtering systems; and
 - (e) Stormwater management open channel systems.
- (2) The performance criteria specified in the Design Manual with regard to general feasibility, conveyance, pretreatment, treatment and geometry, environment and landscaping, and maintenance shall be considered when selecting structural BMPs.
 - (3) Structural BMPs shall be selected to accommodate unique hydrologic or geologic regions of Washington County. Special attention is directed to the existence of significant areas of Karst geology within Washington County and the influence these areas have on acceptable means of stormwater management.
 - (4) The Certifying Engineer and the owner/developer are responsible for considering safety and access to all proposed facilities. The Design Manual includes several possible design safety considerations. Measures to be considered may include fencing, slope benching, flattened side slopes, access roads, etc. Permanent pools greater than 4 feet or structures with 100-year ponding depths greater than 4 feet shall incorporate appropriate safety measures approved by the Chief Engineer.

B. Nonstructural Stormwater Management Measures.

- (1) The following nonstructural BMPs shall be applied according to the Design Manual to minimize increases in new development runoff:
 - (a) Natural area conservation;
 - (b) Disconnection of rooftop runoff;
 - (c) Disconnection of non-rooftop runoff;
 - (d) Sheet flow to buffers;
 - (e) Grass channels; and
 - (f) Environmentally sensitive development.
- (2) The use of nonstructural BMPs shall be encouraged to minimize reliance on structural BMPs.
- (3) The minimum control requirements listed in § 4.1 may be reduced when nonstructural BMPs are incorporated into site designs according to the Design Manual.

- (4) The use of nonstructural BMPs may not conflict with existing State or local laws, ordinances, regulations, or governmental policies.
 - (5) Nonstructural BMPs used to reduce the minimum control requirements must be recorded in the land records of Washington County, including but not limited to (use all that apply): notes on the subdivision plats; notes on site plans; descriptions and conditions in deeds; and descriptions and conditions in homeowner association documents. These BMPs shall not be altered by subsequent property owners. Prior approval from the Chief Engineer shall be obtained before nonstructural BMPs are altered.
 - (6) It is the owner/developer's responsibility to adequately address the long-term maintenance of nonstructural BMPs as much as possible through maintenance sensitive design and appropriate notification for future property owners in accordance with the requirements stated in Subsection 4.2B.(5).
- C. Alternative structural and nonstructural BMPs may be used for new development and in-fill development water quality and quantity control if they meet the performance criteria established in the Design Manual and are approved by the Administration. BMPs used for redevelopment projects shall be approved by the Chief Engineer.

4.3 Specific Design Criteria

The basic design criteria, methodologies, and construction specifications shall be those of the Design Manual.

5.0 STORMWATER MANAGEMENT PLANS

5.1 Review and Approval of Stormwater Management Plans

- A. For any proposed development, the owner/developer shall submit a stormwater management plan or waiver/variance application to the Engineering Department for review and approval, unless otherwise exempted. Waiver and variance applications shall be submitted and approved in accordance with Sections 3.3 and 3.5, respectively. The stormwater management plan shall contain supporting computations, drawings, and sufficient information describing the manner, location, and types of BMPs that will manage stormwater from the entire development. The Chief Engineer shall review the plan to determine compliance with the requirements of this Ordinance prior to approval. The plan shall serve as the basis for all subsequent construction.

- B. Notification of approval or reasons for disapproval or modification shall be given to the applicant within 30 days after submission of the completed stormwater management plan or waiver/variance application. If a decision is not made within 30 days, the applicant shall be informed of the status of the review process and the anticipated completion date. The stormwater management plan shall not be considered approved without the inclusion of the signature and date of signature of the Chief Engineer on the plan.
- C. Stormwater management approval by the Chief Engineer does not constitute or grant any other approvals that may be required by any other local, State or Federal agencies.
- D. Should permission of adjacent property owners be required by the Chief Engineer in accordance with § 5.2.A., stormwater management plan approval will not be granted until suitable evidence of this permission is provided to the Engineering Department. This evidence of permission and stormwater management plan approval shall not create or affect any property rights of the adjacent property owner.

5.2 Contents of the Stormwater Management Plan

- A. The owner/developer is responsible for submitting a complete stormwater management plan that meets the design requirements of this Ordinance. The plan shall be accompanied by a bound report that includes sufficient information to evaluate the environmental characteristics of affected areas, the potential impacts of the proposed development on water resources, and the effectiveness and acceptability of measures proposed for managing stormwater runoff. The owner/developer shall certify on the drawings that all clearing, grading, drainage, construction, and development shall be conducted in strict accordance with the plan. If a stormwater management plan involves redirection or changes to some or all of the runoff from the site, it is the responsibility of the developer to obtain any necessary easements or property interests concerning flowage of water from adjacent property owners. Approval of a stormwater management plan shall not create or affect any right to direct runoff onto adjacent property without that property owner's permission.
- B. The minimum information submitted for support of a stormwater management plan or application for waiver shall include:
 - (1) A brief narrative description of the project;
 - (2) Geotechnical investigations including soil maps, borings, site specific recommendations, and any additional information necessary for the proposed stormwater management design;

- (3) Descriptions of all water courses, impoundments, and wetlands on or adjacent to the site or into which stormwater directly flows;
- (4) Hydrologic computations including drainage area maps depicting pre-development and post-development runoff flow path segmentation and land use;
- (5) Hydraulic computations;
- (6) Structural computations;
- (7) Unified sizing criteria volume computations according to the Design Manual; and
- (8) Any other information required by the Chief Engineer.

C. Construction drawings submitted for stormwater management plan approval shall include the following:

- (1) Vicinity map;
- (2) Topography survey showing existing and proposed contours, including the area necessary to determine downstream analysis for proposed stormwater management facilities;
- (3) Any proposed improvements including location of buildings or other structures, impervious surfaces, storm drainage facilities, and all grading;
- (4) The location of existing and proposed structures and utilities;
- (5) Any easements and rights-of-way;
- (6) The delineation, if applicable, of the 100-year floodplain and any on-site wetlands;
- (7) Structural and construction details for all components of the proposed drainage system or systems, and BMPs.
- (8) All necessary construction specifications;
- (9) A sequence of construction;
- (10) Data for total site area, disturbed area, new impervious area, and total impervious area;
- (11) A table showing unified sizing criteria volumes required by the Design Manual;
- (12) A table of materials to be used for BMP plantings;
- (13) All soil boring locations and logs;
- (14) A maintenance schedule;
- (15) Certification by the owner/developer that all stormwater management construction will be done in accordance with this plan;
- (16) A standard as-built certification signature block that is in accordance with the standard established by the Chief Engineer, to be executed after project completion, verifying construction has been done in accordance with the approved plans; and
- (17) Any other information required by the Chief Engineer.

- D. All easements and fee simple property transactions associated with stormwater management construction and maintenance shall be shown and made by way of recorded plats and deeds of easement. Stormwater management easements shall not be required for those BMPs meeting the requirements of Subsection 9.3.D.
- E. The extent of the geotechnical investigations required and the qualifications of the personnel performing them will vary considerably depending upon the type of BMPs proposed and the unique characteristics of the proposed site. These determinations shall be made on a case-by-case basis by the Chief Engineer.

5.3 Preparation of the Stormwater Management Plan

- A. The Chief Engineer may require, if deemed necessary to protect the public or the environment, that the design be prepared by one of the following professionals, licensed in the State of Maryland: professional engineer, professional land surveyor, or registered landscape architect. Such determinations will be made on a case-by-case basis and will depend upon the circumstances surrounding the project under consideration. Items to be considered shall include but not be limited to: complexity of BMPs being proposed; potential for on- and off-site damage from failed designs; and unique geologic and topographic features of the area.
- B. If a stormwater BMP requires either a dam safety permit from the Administration or small pond approval from the Soil Conservation District, the Chief Engineer shall require that the design be prepared by a professional engineer licensed in the State.

6.0 PERMITS

6.1 Permit Requirement

- A. Except as provided for in Subsection 6.1B, a grading or building permit shall not be issued for any parcel or lot subject to this Ordinance until, as applicable:
 - (1) A stormwater management plan has been approved, waiver or variance issued, or exemption granted by the Chief Engineer;
 - (2) Plats clearly showing and describing the easements/fee simple property for the BMPs and adequate access for inspection and maintenance from a public right-of-way have been recorded in the land records for Washington County;
 - (3) The maintenance agreement in conformance with § 9.2 has been provided;
 - (4) A performance security in conformance with § 7.0 has been provided.
- B. Where it is desired to proceed with site construction in advance of final plan approval, sometimes referred to as an "early start", and accordingly contrary to the

requirements of Subsection 6.1A., the required grading or building permits may be issued providing that the following conditions are met, as applicable:

- (1) The stormwater management plan is at least 75% complete, in the opinion of the Chief Engineer;
- (2) A waiver or variance issued or exemption is granted by the Chief Engineer;
- (3) Performance security in conformance with Section 7.0 has been provided;
- (4) The Chief Engineer agrees, in writing, to the early start;
- (5) Erosion and sediment control approval has been granted by the Soil Conservation District;
- (6) Plats clearly showing and describing the easements/fee simple property for the BMPs and adequate access for inspection and maintenance are recorded within thirty (30) days of final site plan or plat approval;
- (7) The maintenance agreement (§ 9.2) has been provided; and
- (8) The owner/developer is warned in writing that he/she is proceeding at his/her own risk with no guarantee of final project approval and that substantial changes to the incomplete plans may be required.

6.2 Review Fee

Non-refundable review fees may be collected as part of the County's stormwater management program. A review fee schedule may be established by the County Commissioners and may be amended from time to time.

6.3 Permit Suspension and Revocation

- A. Any grading or building permit issued by the County may be suspended or revoked after written notice is given to the permittee for any of the following reasons:
 - (1) Any violation(s) of the conditions of the stormwater management plan approval.
 - (2) Changes in site characteristics upon which an approval or waiver was granted.
 - (3) Construction is not in accordance with the approved plan.
 - (4) Noncompliance with correction notices or stop work orders issued for the construction of the stormwater management facility.
 - (5) An immediate danger exists in a downstream area in the opinion of the Chief Engineer.
- B. A revocation or suspension of such permits will only be released upon correcting all deficiencies to the satisfaction of the Chief Engineer.

6.4 Permit Conditions

In granting the plan approval, the Chief Engineer may impose such conditions that may be deemed necessary to ensure compliance with the provisions of this Ordinance and the preservation of the public health and safety.

7.0 PERFORMANCE SECURITY

A. For those BMPs in conformance with Subsection 9.3C and 9.3E, the County shall require from the owner/developer a performance security prior to the issuance of any building or grading permit for the construction of a development requiring stormwater management. The amount of the security shall be equal to 100% of the construction cost estimate based on a detailed construction take-off from the approved construction plans for the BMPs required. The estimate shall be prepared by the owner/developer and subject to the approval of the Chief Engineer. The security shall be either an irrevocable standby letter of credit or performance bond on forms approved by the County, or certified check. Partial release of the performance security may be granted upon substantial completion of the BMPs and when conditions beyond the control of the owner/developer prevent full completion of the BMPs. Full release of the security for constructed BMPs will be made once the following conditions are met (as applicable):

- (1) A final inspection has been performed by the Engineering Department;
- (2) The "as-built" plans including the completed "Engineer's Stormwater Management Certification" in conformance with Subsection 8.2.D. have been submitted and accepted by the Engineering Department;
- (3) The maintenance security in conformance with § 9.4 has been provided;
- (4) The stormwater management maintenance agreement in conformance with § 9.2 has been recorded;
- (5) A property agreement in conformance with Subsection 7.0.C, effective for the maintenance period identified in Subsection 9.4 B, has been provided;
- (6) Approval has been granted by the Soil Conservation District, the Army Corps of Engineers and the Administration, as applicable; and
- (7) The Chief Engineer has certified that the stormwater management facilities comply with the approved plan and the provisions of this Ordinance

B. The performance security requirements of this Ordinance shall not apply to those BMPs built by the County. Performance security for such projects is addressed separately within the contract documents.

C. Included with and considered part of the performance security shall be a property agreement granting the County the ability to enter onto the property owned by others to construct or complete the BMP in accordance with the conditions and

requirements of the security and approved stormwater management plan. This property agreement shall be in a form approved by the County.

- D. The performance security may be released for those projects that were never started, provided that all existing local permits associated with the BMPs and all development to be served by these BMPs are withdrawn or revoked.
- E. Should the County need to act on the performance security provided for a project, the County shall address construction, ownership and maintenance concerns on a case-by-case basis in a manner that protects the interests of the County and preserves the spirit and intent of this Ordinance.

8.0 INSPECTION

8.1 Inspection Schedule and Reports

- A. The owner/developer shall notify the Engineering Department at least five (5) calendar days before commencing any work in conjunction with the stormwater management plan and upon completion of the project when a final inspection will be conducted.
- B. Inspections shall be conducted by the Engineering Department and by the Certifying Engineer. Inspections performed by the Engineering Department are not to be considered a substitute for those inspections required by the Certifying Engineer. Written inspection reports shall be prepared by the Certifying Engineer during construction of stormwater management systems to ensure compliance with the approved plans. Copies of all inspection reports shall be provided to the Engineering Department by the person performing the inspection and kept on file with the Engineering Department.
- C. Written inspection reports shall include:
 - (1) The date and location of the inspection;
 - (2) Whether construction was in compliance with the approved stormwater management plan;
 - (3) Any variations from the approved construction specifications; and
 - (4) Any violations that exist.
- D. The owner/developer, Engineering Department, Certifying Engineer, and on-site personnel shall be notified in writing when violations are observed. Written notification shall be made by the person discovering the violation and shall describe the nature of the violation and the required corrective action. No further work

affected by the violation shall proceed until the corrective action is inspected and approved in writing by the Engineering Department and the Certifying Engineer.

- E. No work shall proceed beyond the construction stages specified in § 8.2 until the Engineering Department and the Certifying Engineer inspect and approve the work previously completed and furnish the owner/developer with the results of the inspection after completion of each required inspection.

8.2 Inspection Requirements During Construction

- A. Construction inspections shall be required for those BMPs that comply with Subsections 9.3 C, 9.3 D and 9.3 E. It is the responsibility of the Certifying Engineer to determine the full extent of the inspection effort required for BMPs under construction. However, at a minimum, regular inspections shall be made and documented at the following stages of construction:

(1) For Ponds:

- (a) Upon completion of excavation to sub-foundation and when required, installation of structural supports or reinforcement for structures, including but not limited to:
 - (i) Core trenches for structural embankments
 - (ii) Inlet and outlet structures, anti-seep collars or diaphragms, and watertight connectors on pipes; and
 - (iii) Trenches for enclosed storm drainage facilities;
- (b) During placement of structural fill, concrete, and installation of piping and catch basins;
- (c) During backfill of foundations and trenches;
- (d) During embankment construction; and
- (e) Upon completion of final grading and establishment of permanent stabilization.

(2) Wetlands:

- (a) At the stages specified for pond construction in Subsection 8.2A. (1);
- (b) During and after wetland reservoir area planting; and
- (c) During the second growing season to verify a vegetation survival rate of at least 50 percent.

(3) For Infiltration Trenches:

- (a) During excavation to subgrade;
- (b) During placement and backfill of underdrain systems and observation wells;

- (c) During placement of geotextiles and all filter media;
 - (d) During construction of appurtenant conveyance systems such as diversion structures, pre-filters, filters, inlets, outlets, and flow distribution structures;
 - (e) Upon completion of final grading and establishment of permanent stabilization.
- (4) For Infiltration Basins:
- (a) At the stages specified for pond construction in Subsection 8.2A (1); and
 - (b) During placement and backfill of underdrain systems.
- (5) For Filtering Systems:
- (a) During excavation to subgrade;
 - (b) During placement and backfill of underdrain systems;
 - (c) During placement of geotextiles and all filter media;
 - (d) During construction of appurtenant conveyance systems such as flow diversion structures, pre-filters and filters, inlets, outlets, orifices, and flow distribution structures; and
 - (e) Upon completion of final grading and establishment of permanent stabilization.
- (6) For Open Channel Systems:
- (a) During excavation to subgrade;
 - (b) During placement and backfill of underdrain systems for dry swales;
 - (c) During installation of diaphragms, check dams, or weirs; and
 - (d) Upon completion of final grading and establishment of permanent stabilization.
- (7) For Nonstructural Practices:
- (a) Upon completion of final grading;
 - (b) The establishment of permanent stabilization; and
 - (c) Before issuance of use and occupancy approval.
- B. The Engineering Department may, for enforcement purposes, use any one or a combination of the following actions to assure timely and appropriate response to noted violations of the approved stormwater management plan:
- (1) A notice of violation specifying the need for a violation to be corrected if stormwater management plan noncompliance is identified;

- (2) A stop work order issued by the Chief Engineer for the site, inclusive of all buildings served by the affected BMPs, if a violation persists;
 - (3) Claims against the security posted or referral for legal action if reasonable efforts to correct violations have not been undertaken; or
 - (4) In addition to any other sanctions, a civil action or criminal prosecution brought against any person in violation of the Stormwater Management subtitle (Md. Code, Environment Article, § 4-201, et seq.) or this Ordinance.
- C. Any step in the enforcement process may be taken at any time, depending on the severity of the violation.
- D. Once construction is complete, the as-built plans containing the "Engineer's Stormwater Management Certification" completed by the Certifying Engineer shall be submitted to the Engineering Department. The Certifying Engineer need not be the design professional. However, the Certifying Engineer shall be technically proficient and able to accept the professional responsibilities created by the certification statement required under Maryland law. The as-built plans shall consist of the original construction plans marked in red showing all differences between designed and constructed grades, dimensions and features. The "Engineer's Stormwater Management Certification" shall be of a form approved by the Chief Engineer and shall certify that the facility as constructed meets or exceeds the requirements of the approved plan and that the professional certifying the plan is accepting responsibility for the construction inspection performed and the as-built information shown.
- E. The Engineering Department shall submit a Notice of Construction Completion (NOCC) for each stormwater management practice to the Administration within 45 days of construction completion on a form supplied by the Administration. If BMPs requiring Soil Conservation District approval are constructed, notice of construction completion shall also be submitted to the Soil Conservation District.

9.0 MAINTENANCE

9.1 Maintenance Inspection

- A. The Engineering Department shall ensure that preventative maintenance is performed by inspecting all stormwater management systems. For those BMPs in conformance with Subsections 9.3 C and 9.3 E, inspection shall occur during the first year of operation and at least once every 3 years thereafter. For those BMPs in conformance with Subsection 9.3 D, inspections shall occur on an as-needed basis. The County is not precluded from making more frequent maintenance inspections as may be appropriate.

B. Inspection reports shall be maintained by the Engineering Department for all BMPs.

C. Inspection reports for BMPs shall include the following:

- (1) The date of inspection;
- (2) Name of inspector;
- (3) The condition of:
 - (a) Vegetation or filter media;
 - (b) Fences or other safety devices;
 - (c) Spillways, valves, or other control structures;
 - (d) Embankments, slopes, and safety benches;
 - (e) Reservoir or treatment areas;
 - (f) Inlet and outlet channels or structures;
 - (g) Underground drainage;
 - (h) Sediment and debris accumulation in storage and forebay areas;
 - (i) Any nonstructural practices to the extent practicable; and
 - (j) Any other item that could affect the proper function of the BMPs.

(4) Description of needed maintenance.

D. After notification of any deficiencies discovered from an inspection of a stormwater management system, the owner/developer shall have 30 days or other time frame acceptable to the Engineering Department to correct the deficiencies. The Engineering Department shall then conduct a subsequent inspection to ensure completion of the repairs.

E. If repairs are not undertaken or are deemed by the Engineering Department to have been performed in an incorrect manner for those BMPs according to Subsection 9.3.C, enforcement procedures in Subsection 9.2.C and § 12.0 may be undertaken by the County.

F. If repairs are not undertaken or are deemed by the Engineering Department to have been performed in an incorrect manner for those BMPs according to Subsections 9.3 D and 9.3 E, enforcement procedures in Subsection 9.4 G and § 12.0 may be undertaken by the County.

G. If, after an inspection by the Engineering Department, the condition of a BMP presents an immediate danger to the public health or safety because of an unsafe condition or improper maintenance, the County shall take such action as may be necessary to protect the public and make the facility safe. Any cost incurred by the County shall be assessed against the owner/developer, as provided in Subsections 9.2 C and 9.4 G and § 12.0.

9.2 Maintenance Agreement

- A. For those BMPs in conformance with Subsection 9.3 C, except as provided for in Subsection 6.1 B, prior to the issuance of any building or grading permit for which stormwater management is required, the Chief Engineer shall require the owner/developer to execute an inspection and maintenance agreement binding on the current and all subsequent owners of the land on which the private BMP is located. Such agreement shall provide for access to the facility at reasonable times for regular inspections by the Engineering Department to ensure that the facility is maintained in proper working condition to meet design standards. The agreement shall be of a form and type approved by the County.
- B. The agreement shall be recorded by the Engineering Department in the land records for Washington County, Maryland.
- C. The agreement shall also provide that, if after notice by the Engineering Department to correct a violation requiring maintenance work, satisfactory corrections are not made by the owner/developer within a reasonable period of time (30 days maximum), the County may perform all necessary work to place the facility in proper working condition. The owner/developer of the facility may be assessed the cost of the work and any penalties. This may be accomplished in any manner determined appropriate by the County in accordance with Maryland law.

9.3 Maintenance Responsibility

- A. The owner/developer of the property on which work has been done pursuant to this Ordinance for private BMPs, or any other person or agent in control of such property, shall maintain in good condition and promptly repair and restore all grade surfaces, walls, drains, dams and structures, vegetation, erosion and sediment control measures, and other protective devices. Such repairs or restoration and maintenance shall be in accordance with approved plans and good construction practices.
- B. A maintenance schedule shall be developed for the life of all BMPs and shall state the maintenance to be completed, the time period for completion, and who shall perform the maintenance. This maintenance schedule shall be printed on the approved stormwater management plan.
- C. BMPs serving commercial, industrial, institutional, agricultural or residential developments consisting of multi-family dwellings shall be privately owned and maintained.

- D. BMPs serving a single residential lot for either a detached or semi-detached dwelling shall be privately owned and maintained.
- E. BMPs serving multi-lot residential developments consisting of detached or semi-detached dwellings shall be owned and maintained by the County after the successful completion of the required maintenance period.
- F. Where BMPs serve a combination of the development types listed in Subsections 9.3 C. and 9.3 E., the requirements of Subsection C shall apply.
- G. The Chief Engineer reserves the right to make the final determination regarding the applicability of Subsections 9.3C., 9.3.D. and 9.3.E. for each stormwater management plan submitted.

9.4 Maintenance Security

- A. For those BMPs in conformance with Subsection 9.3 E, the County shall require from the owner/developer a maintenance security prior to the release of the performance security described in § 7.0
- B. The maintenance security shall be equal to 10% of the face value of the performance security previously posted and shall be for a minimum two (2) year maintenance period. The Chief Engineer may require a longer maintenance period if determined necessary due to unique characteristics associated with the BMPs involved. The maintenance period shall commence upon the completion of the requirements contained in Subsection 7.0 A.
- C. The maintenance security shall be either an irrevocable standby letter of credit or maintenance bond on forms approved by the County, or certified check.
- D. Approximately sixty (60) days prior to the end of the maintenance period, the Engineering Department shall perform an inspection in conformance with § 9.1. Should the BMPs be in good condition and in compliance with the approved stormwater management plan and all deeds required for the property transfer necessary for those BMPs have been delivered to and accepted by the County, the County shall release the maintenance security and the property agreement provided at the end of the maintenance period. Should the BMPs require maintenance effort, then the owner/developer and the County shall proceed in accordance with the applicable provisions of Subsection 9.1. The maintenance security shall not be released until any and all outstanding issues pertaining to the subject BMPs are addressed to the satisfaction of the Chief Engineer.

- E. During the maintenance period, all maintenance responsibilities are those of the owner/developer, including, but not limited to: mowing, replanting, reseeding, insect and animal control, structure/fence repair and trash removal.
- F. The maintenance security requirements of this Ordinance shall not apply to those BMPs built by the County. Maintenance security requirements for such projects are addressed separately in the contract documents.
- G. Should the County need to act on the maintenance security provided for a project, the County shall address construction, ownership and maintenance concerns on a case-by-case basis and not necessarily consistent with the specific requirements of the Ordinance. Such actions shall be taken to protect the interests of the County and they shall be done to preserve the spirit and intent of this Ordinance.
- H. During the maintenance period, the owner/developer shall supply an agreement granting the County the ability to enter onto the property owned by others to perform required maintenance on the BMPs in accordance with the conditions and requirements of the security and approved stormwater management plan. This property agreement shall be in a form approved by the County.

10.0 APPEALS

- A. Any person aggrieved by a decision of an official charged with the enforcement of this Ordinance shall have the right to appeal to the County Commissioners or their designee (collectively and for the purpose of this section, the "Board"). Upon request, any oral decision to be appealed from shall be rendered in writing by the official who made the decision.
- B. An appeal under this Ordinance shall be taken within thirty (30) days after the issuance of the official's written decision by filing with the Board a notice of appeal with a copy of the official's written decision appealed from and a clear statement of the grounds of the appeal.
- C. The written decision of the Board shall be issued within thirty (30) days after completion of a public hearing held on the record. The Board's decision shall be considered final, except that any person, whether or not a party to the appeal before the Board, shall have the right to file a petition for judicial review in the Circuit Court for Washington County pursuant to Title 7, Chapter 200 of the Maryland Rules, entitled "Judicial Review of Administrative Agency Decisions."
- D. Judicial review of disputed issues of fact shall be confined to the record of the hearing before the Board in accordance with Maryland law governing judicial review of administrative decisions. No appeals shall be heard *de novo*.

11.0 SEVERABILITY

If any portion of this Ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such portion shall not affect the validity of the remaining portions. It is the intent of the County Commissioners that this Ordinance shall stand, even if a section, subsection, sentence, clause, phrase, or portion may be found invalid.

12.0 PENALTIES

Any person convicted of violating the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than Five Thousand Dollars (\$5,000.00) or imprisonment not exceeding one (1) year or both for each violation with costs imposed in the discretion of the court. Each day that a violation continues shall be a separate offense. In addition, the County Commissioners may institute injunctive, mandamus or other appropriate action or proceedings to correct violations of this Ordinance. Any court of competent jurisdiction shall have the right to issue temporary or permanent restraining orders, injunctions or mandamus, or other appropriate forms of relief.

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CHAPTER 33

TRAFFIC AND MOTOR VEHICLES

SECTION 1: PURPOSE

The purpose of this Ordinance is to regulate parking and promote traffic safety in the Town of Hancock.

SECTION 2: DEFINITIONS

For the purpose of this Ordinance, the following terms are defined as follows:

- Mayor and Council shall mean the Mayor and Council of the Town of Hancock.
- Town shall mean Hancock, Maryland, a political subdivision of the State of Maryland.
- Unsatisfied Summons or Citations shall mean parking citations or summons issued and unpaid pursuant to the parking ordinances and/or regulations of the Town of Hancock.
- Fire Lane shall mean any path designated for access by emergency vehicles.
- Handicap or Handicap Parking shall mean any space designated for the use of a vehicle displaying the proper stickers on the license tag as defined by Maryland law.
- No Parking Zone shall mean a vehicle is prohibited for parking in the defined area.
- Operator shall mean a driver of a vehicle.
- Person shall mean any individual, firm, association, joint venture, partnership, estate, trust, corporation, group, State Officer, or unit of federal, state, county or municipal government, and all other associations and combinations, whether public or private.
- Reserved shall mean a space assigned to an individual for his or her use.
- Space shall mean a parking space within the jurisdictional boundaries of the Town.

- State shall mean the State of Maryland.
- Temporary Parking Space shall mean a space designated for temporary parking with specified limitations.
- Traffic Lane shall mean any path designated for vehicle movement.
- Vehicle immobilization equipment shall mean a parking enforcement device that prohibits the movement of a vehicle through the use of a locking mechanism attached to the wheel of the vehicle or other similar equipment.
- Trailer shall mean any vehicle that is not self-propelled, designed to store, carry, haul or hold items or property.
- ATV shall mean any vehicle whether 2-wheel, 3-wheel, or 4-wheel designed and/or used for off road use.

SECTION 3. PARKING RESTRICTIONS IN GENERAL

A. It shall be unlawful for any vehicle to be parked on any street or part thereof in the Town of Hancock which street or part thereof has been designated by the Council as a no-parking area and posted by signs setting forth this fact.

B. It shall be unlawful for any person to park or leave any vehicle on any street or alley or municipal parking lot within the corporate limits of the Town of Hancock for a period in excess of seventy-two (72) consecutive hours.

C. It shall be unlawful for any person to park any vehicle or trailer that is not properly registered and tagged on any street or kept in the Town of Hancock.

D. Parking on a one-way roadway and distance from curb:

(1) Manner of Parking generally – Except as otherwise provided in this section, a vehicle that is stopped or parked on a two-way roadway shall be stopped or parked parallel to the right hand curb or edge of the roadway, with its right hand wheels within 12 inches of that curb or edge of the roadway.

(2) Parking on a one-way roadway – Except as otherwise provided by local ordinance, a vehicle that is stopped or parked on a one-way roadway shall be stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with:

(a) Its right hand wheels within 12 inches of the right hand curb or edge of the roadway; or

(b) Its left hand wheels within 12 inches of the left hand curb or edge of the roadway.

E. Stopping, standing, or parking in front of a public driveway – A person may not stop, stand, or park a vehicle in front of a public or private driveway or within 5 feet of the driveway.

F. Sidewalks – A person may not stop, stand, or park a vehicle on a sidewalk.

G. Intersections – A person may not stop, stand, or park a vehicle in an intersection.

H. Crosswalks – A person may not stop, stand, or park a vehicle on a crosswalk or within 15 feet of a crosswalk unless otherwise marked.

I. Safety Zones – A person may not stop, stand, or park a vehicle between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless different length by signs or markings is indicated.

J. Highway excavations or obstructions – A person may not stop, stand, or park a vehicle alongside or opposite any highway excavation or obstruction if to do so would obstruct traffic.

K. Bridges – A person may not stop, stand or park a vehicle on any bridge or other elevated structure on a highway.

L. Places where stopping is prohibited by signs- A person may not stop, stand or park a vehicle at any place where stopping is prohibited by an official sign.

M. Fire hydrants – A person may not stop, stand or park a vehicle within 15 feet of a fire hydrant.

N. Standing, etc., within 20 feet of a crosswalk at intersection- A person may not stand or park a vehicle within 20 feet of a crosswalk at an intersection.

O. Standing, etc., within 30 feet of approach to flashing signals, etc. – A person may not stand or park a vehicle within 30 feet on the approach to any flashing signal, stop sign, yield sign, or traffic control signal located at the side of a roadway.

P. Driveway entrances to fire stations – A person may not stand or park a vehicle within 20 feet of the driveway entrance to any fire station or on the side of a highway opposite the entrance to any fire station within 75 feet of the entrance, if properly posted by a sign.

Q. Standing or parking vehicles where standing prohibited by sign – A person may not stand or park a vehicle at any place where standing is prohibited by an official sign.

R. Standing or parking vehicles along side of other stopped or parked vehicles- A person may not stand or park a vehicle on the roadway side of any other vehicle that is stopped or parked at the edge or curb of a highway.

S. Certain curves or hills – A person may not stand or park a vehicle on a curve or hill where solid lines on the surface of the roadway indicate a zone in which passing is prohibited.

T. Handicap Parking- A person may not park, stop, or stand in a parking space designated a handicap parking spot without the proper tags or permit and the person to whom the tags and permit are issued is in the vehicle.

U. Red Curb – A person may not park, stand, or stop alongside any curb painted red within the Town of Hancock.

V. Fire Lane- A person may not park, stand, or stop in any area designated for safety purposes, a fire lane, whether on a public highway or private property.

W. Private Property – A person may not park a vehicle on private property without the consent of the owner or agent of the property.

X. Parking on Grass- A person may not park in any grassy area in any public park, or grassy area alongside any parking lot owned or leased by the Town of Hancock.

Y. Parking Spaces- A person may not park, stop or stand any vehicle that takes up more than one marked parking spot.

Z. Parking Lot Spaces- a person may not park in any spot that is not marked as a parking spot on any parking lot in the Town of Hancock.

AA. After Hours Park Parking- A person may not park, stop or stand any vehicle in Widmeyer Park, Gerber Field, Lagoon or Kirk Wood Park between the hours of 10:00 p.m. – 5:00 a.m. without authorization from the Hancock Police Department.

SECTION 4. PARKING METERS

A. The Mayor and Council may authorize installation of parking meters in such places as it deems necessary.

B. In places where the Mayor and Council have determined a need for parking meters, it shall delineate parking spaces by marking either the curbs or the

pavement of the street. A parking meter shall be erected pertinent to each space, which will permit parking for a limited time as indicated on the parking meter.

(1) It shall be unlawful to park a vehicle in violation of meter regulations as established on each meter.

(2) The regulations contained in this Section shall not apply on Sundays or Federally designated holidays and when properly authorized by the Hancock Police Department for special use.

(3) The penalties for meter violations shall be as listed on the attached schedule.

SECTION 5. PENALTIES

Penalties for violations of the listed parking regulations in this Ordinance shall be set on the attached schedule and reviewed periodically by the Mayor and Council.

Note: Former Chapter 8, Traffic and Motor Vehicle, effective January 1, 2003, recorded Liber 9, folio 1095 among the Acts, Ordinances and Resolutions of Towns in the Office of the Clerk of the Court for Washington County, Maryland.

Liber 9 Folio 1103

Acts, Ordinances, Resolutions-Towns
Clerk of the Circuit Court
Washington County

FINES	1-14 DAYS	14-28 DAYS	OVER 28 DAYS	OVER 60 DAYS	OVER 30 DAYS
Expired Meter *	\$ 7.00	\$10.00	\$20.00	\$40.00	Flagged for tag suspension
Exceeding 2 hour time limit	15.00	20.00	30.00	40.00	Flagged for tag suspension
Exceeding posted 1 hr. parking sign limit	15.00	20.00	30.00	40.00	Flagged for tag suspension
Permit area without a permit	15.00	20.00	30.00	40.00	Flagged for tag suspension
Handicap Zone without a permit	75.00	100.00	150.00	200.00	Flagged for tag suspension
No Parking Sign	15.00	20.00	30.00	40.00	Flagged for tag suspension
Red Curb	15.00	20.00	30.00	40.00	Flagged for tag suspension
Blocking Public Driveway	25.00	40.00	50.00	75.00	Flagged for tag suspension
Parking/stopping on sidewalk	25.00	40.00	50.00	75.00	Flagged for tag suspension
Parking within intersection	25.00	40.00	50.00	75.00	Flagged for tag suspension
Blocking private driveway	25.00	40.00	50.00	75.00	Flagged for tag suspension
Pkg. within 15 feet of fire hydrant	25.00	40.00	50.00	75.00	Flagged for tag suspension
Pkg. within 20 feet of crosswalk at intersection	25.00	40.00	50.00	75.00	Flagged for tag suspension
Pkg. within 30 feet of sign or traffic signal	25.00	40.00	50.00	75.00	Flagged for tag suspension
Pkg. within 20 feet of fire station, opposite side	25.00	40.00	50.00	75.00	Flagged for tag suspension
Pkg. within 75 feet of fire station, same side	25.00	40.00	50.00	75.00	Flagged for tag suspension
Double Parking	25.00	40.00	50.00	75.00	Flagged for tag suspension
Pkg. Wrong direction, two- way road	15.00	20.00	30.00	40.00	Flagged for tag suspension
Pkg. Wrong direction, one- way road	15.00	20.00	30.00	40.00	Flagged for tag suspension
Pkg. more than 12 inches from curb	15.00	20.00	30.00	40.00	Flagged for tag suspension
Pkg. on Pvt. Property without permission	25.00	40.00	50.00	75.00	Flagged for tag suspension
Pets left in standing or parked vehicle	25.00	40.00	50.00	75.00	Flagged for tag suspension
Keys left in unattended vehicle	25.00	40.00	50.00	75.00	Flagged for tag suspension
Parked on Grass/Park	50.00	75.00	100.00	100.00	Flagged for tag suspension
Parked after hours/park	25.00	40.00	50.00	75.00	Flagged for tag suspension

PARKING METER RATES

(All Meters)

.25 - per hour

PARKING PERMIT RATES

(Permit parking is limited to the Western Maryland Parking Lot & Canal Lot)
\$10.00 monthly

* The fine for any Parking Meter Ticket Paid on the day the citation was issued shall be reduced to \$3.00.

CHAPTER 34

ABANDONED VEHICLES ORDINANCE

SECTION 1: DEFINITIONS

- A. **Vehicle**: Any tow, three, four wheel, or more vehicle designed for the purpose of carrying/hauling any passenger(s), cargo or equipment, that is equipped initially with a motor of any type.
- B. **Abandoned Vehicle**: Any vehicle without current, valid license tags from any state, left on any public roadway, alley, parking lot or on private property without the property owner's permission.
- C. **Disabled Vehicle**: Any vehicle that will not operate due to some form of mechanical malfunction, requiring the vehicle to be left until same can be repaired and/or towed to a mechanic for repairs; on any public roadway, alley, parking lot or on private property, without the property owner's permission.
- D. **Inoperative Vehicle**: Any vehicle that is dismantled or used for "parts," or retained for future use for "parts," regardless of whether the vehicle is licensed or otherwise; on any public roadway, alley, parking lot or on private property.
- E. **Unlicensed Vehicle**: Any vehicle that does not have valid license/registration plate(s), from any state, permanently attached and visible.
- F. **Wrecked Vehicle**: Any vehicle that has severe body damage(s) or frame component damage that requires the vehicle to be towed, regardless of whether the vehicle is licensed; left on any public roadway, alley, parking lot or on private property.

SECTION 2: REGULATIONS

- A. It shall be unlawful to leave any abandoned or disabled vehicle on any public roadway, alley, parking lot or other public property in excess of twenty-four (24) hours.
- B. An inoperative and/or wrecked vehicle shall not be stored outside on any residential property within the corporate limits of the Town of Hancock in excess of seventy-two (72) hours from the time the vehicle became inoperative or was wrecked.
- C. An unlicensed vehicle shall not be stored OUTSIDE on any property except under the following conditions:

1. Outside storage (i.e., not within a fully enclosed structure) for a period not to exceed sixty (60) days, unless approved by the Mayor and Council, Town of Hancock, in any calendar year.

2. There shall be no more than one (1) unlicensed vehicle per dwelling unit on the property.

3. The vehicle shall not be stored in a front or side yard unless placed in a driveway or other off-street parking area; and shall not be stored in any rear yard unless placed a minimum of ten (10) feet from any adjoining property line(s).

D. Nothing contained within Subsection C shall be construed to prohibit the outside storage of unlicensed, operative lawn and garden or farm equipment, actually and regularly used on the property.

SECTION 3: EXEMPTION

A. Any licensed automobile dealership, auto repair garage or body shop, which has as its primary business the repair, replacement, dismantling or exchange of vehicle(s) and/or part(s), shall be exempt from these provisions provided they are not in violation of any other local, county, state or federal law(s).

SECTION 4: PENALTY

A. A person who violates any provision of this Section 2 of this Ordinance shall be issued a Civil Citation, and upon conviction thereof, shall be guilty of a misdemeanor and subject to a fine of Fifty (\$50.00) dollars for each vehicle, each day and/or each violation, each day; which shall be considered separate violations.

SECTION 5: AUTHORITY TO IMPOUND VEHICLES

A. Any vehicle(s) found in violation of this Ordinance on any public roadway, alley, parking lot or other public property, may be removed by the Hancock Police Department, by and to a licensed towing and storage facility approved by the Maryland State Police.

B. The cost of removing, towing and storage of any such vehicle(s) must be paid by the registered owner of the vehicle before being released; in addition to any fine(s) or other fee(s) incurred.

C. The Hancock Police Department shall provide to the registered owner of the vehicle, a document state the specific violation(s) and location where said vehicle was

towed and/or stored, by registered return U.S. Mail within twenty-four (24) hours of removal of said vehicle(s); or in person if the registered owner is present.

SECTION 6: DISPOSITION OF IMPOUNDED VEHICLE(S)

A. If it cannot be determined who the legal registered owner of a vehicle may be, after a period of ninety (90) days, the Town of Hancock may dispose of the vehicle by means of a public auction, the proceeds of which shall be deposited to the General Fund of the Town of Hancock, OR via provisions of the Transportation Article Section 25-204. After the ninety (90) day period, the Town of Hancock shall have thirty (30) days to arrange for disposition of such vehicle.

Note: Former Section 9, Article 3, Vehicles, Hancock Code, effective November 28, 1995, recorded Liber 5, folio 869 among the Acts, Ordinances and Resolutions of Towns in the Office of the Clerk of the Court for Washington County, Maryland.

CHAPTER 35

VEHICLE IMPOUNDMENT AND IMMOBILIZATION ORDINANCE

SECTION 1. PURPOSE

The purpose of this Ordinance is to authorize immobilization, towing and storage of vehicles for which unsatisfied summonses or citations have accumulated in excess of the numbers specified in the Ordinance.

SECTION 2. DEFINITIONS

For the purposes of this Ordinance, the following terms are defined as follows:

- (1) *Mayor and Council* shall mean the Mayor and Council for the Town of Hancock, Maryland.
- (2) *Town* shall mean Hancock, Maryland, a political subdivision of the State of Maryland.
- (3) *Unsatisfied Summons or Citations* shall mean parking citations or summons issued and unpaid pursuant to the parking ordinances and/or regulations of the Town of Hancock.
- (4) *Fire Lane* shall mean any path designated for access by emergency vehicles.
- (5) *Handicap or Handicap Parking* shall mean any space designated for the use of a vehicle displaying the proper stickers on the license tag as defined by Maryland Law.
- (6) *No Parking Zone* shall mean a vehicle is prohibited from parking in the defined area.
- (7) *Operator* shall mean a driver of a vehicle.
- (8) *Person* shall mean any individual, firm, association, joint venture, partnership, estate, trust, corporation, group, State Officer, or unit of federal, state, county or municipal government, and all other associations and combinations, whether public or private.
- (9) *Reserved* shall mean a space assigned to an individual for his or her use.

- (10) *Space* shall mean a parking space within the jurisdictional boundaries of the Town.
- (11) State shall mean the State of Maryland.
- (12) *Temporary Parking Space* shall mean a space designated for temporary parking with specified limitations.
- (13) *Traffic Lane* shall mean any path designated for vehicle movement.
- (14) *Vehicle Impoundment Equipment* shall mean a parking enforcement device that prohibits the movement of a vehicle through the use of a locking mechanism attached to the wheel of the vehicle or other similar equipment.

SECTION 3. AUTHORIZATION

When any vehicle is found parked or moving at any time on any street in the Town of Hancock against which there are five (5) or more unsatisfied or unpaid summonses, citations or parking violations, and when at least thirty (30) days have elapsed since the issuance of the fifth unsatisfied summons, citation or parking violation, the Town of Hancock through its duly authorized officials including the Enforcement Officer assigned to enforce parking violations within the Town is hereby empowered to remove or cause to be removed said vehicle by towing, conveying or in any manner and impound said vehicle in some way with Vehicle Immobilization Equipment in such a manner as to prevent its removal or operation except by authorized personnel of the Town of Hancock. The removal, conveyance or immobilization of the vehicle shall be by, or under the direction of, the Parking Enforcement Office of the Town and/or a member of the Washington County Sheriff's Department or other police agency having jurisdiction within the Town.

SECTION 4. IMMOBILIZED VEHICLES

The owner of an immobilized vehicle, or other duly authorized person, shall be allowed not less than twenty-four (24) hours from the time of immobilization to repossess or secure the release of the vehicle. Failure to repossess or secure the release of the vehicle within this time period may result in the removal of such vehicle to a storage area for safe keeping under the direction of the Town.

SECTION 5. NOTICE

Whenever a vehicle has been impounded, pursuant to the provisions of this Ordinance, notice of the impoundment, removal, and storage of said vehicle shall be mailed

within twenty-four (24) hours by registered or certified mail to the last registered owner of the vehicle. The notice shall contain at least the following information:

- (1) A complete description of the vehicle, including the year, make, model and vehicle identification number.
- (2) A statement that the vehicle has been impounded pursuant to the provisions of this Ordinance and the exact location of the facility where the vehicle is held.
- (3) The date that the owner has the right to reclaim the vehicle. This date shall be thirty (30) days within receipt of the notice, upon payment of all fines, penalties, and towing, preservation and/or storage charges resulting from impounding the vehicle.
- (4) Notice that the failure of the owner to exercise his rights in the time provided shall be considered a waiver of all rights, title and interest in the vehicle and be considered consent to the sale of the vehicle at public auction.

SECTION 6. RESPONSIBILITY OF OWNER

The registered owner of a vehicle having against it five (5) or more violations as set forth herein shall be presumed to be the driver and owner of the vehicle as the time the summons, citation for parking violation or any other legal process was issued and shall be severally responsible for the offenses and the costs of the impoundment, including immobilization fees and costs, except where the use of the vehicle was obtained by the operator without the owner's consent.

SECTION 7. HEARING RIGHTS

- (1) Time. The owner shall have a right to contest the impoundment of the vehicle by requesting a hearing. The request for the hearing shall be granted within forty-eight (48) hours, excluding Sundays and holidays, from the time the owner files application for hearing before the hearing officer.
- (2) Hearing Officer. The hearing shall be held before a hearing officer consisting of the following: Town Clerk or alternate appointed by the Mayor.
- (3) Procedure.
 - (a) The hearing shall be held in an informal manner.

- (b) The findings of the hearing officer shall be in writing. A copy of the same shall be furnished to the owner.
- (c) If it is determined by the hearing officer that the vehicle should not have been impounded, the owner shall not be required to pay the towing, storage and preservation charges provided for under this section to secure the release of said vehicle. If the charges were paid prior to the hearing, a refund shall be made to the owner who paid said charges in order to have the vehicle released.
- (d) The decision of the hearing officer shall not have any effect on or be considered a determination of the outstanding unsatisfied summonses, citations or any other legal processes against the vehicle impounded. This Ordinance is not intended to alter change or modify any right, which the owner may have to a hearing in the District Court for Washington County, Maryland on any citations or summonses.

SECTION 8. IMMOBILIZATION FEE

The owner of a vehicle impounded through the utilization of Vehicle Immobilization Equipment shall be responsible for a fee in addition to all other fees and expenses pursuant to this Ordinance other than in an instance or case of erroneous immobilization. The fee to be paid shall be as follows:

- 1. For a vehicle reclaimed prior to 3:30 p.m. – Ten and 00/100 (\$10.00) Dollars.
- 2. For a vehicle reclaimed after 3:30 p.m. – Sixty and 00/100 (\$60.00) Dollars.

(Enacted July 1, 2002, Amended December 1, 2003, recorded Liber 10, folio 0197)

SECTION 9. RELEASE OF IMPOUNDED VEHICLES PRIOR TO HEARING OR TRIAL

A vehicle impounded pursuant to this Ordinance will be released to its lawful owner (or person entitled to possession) upon a showing of adequate evidence of a right to its possession and upon payment of all accrued fines and costs for each unsatisfied summons, citation or other legal processes, outstanding against said vehicle or the depositing of the same pending the outcome of said hearing and trial in the District Court of Maryland on the outstanding citations and charges. In addition thereto, the charges of Immobilization and impounding, as set forth herein, shall be paid or deposited prior to said hearing.

SECTION 10. REFUND OF CHARGES UPON NON-GUILTY VERDICT

- (1) If, following a trial in the District Court of Maryland or other tribunal, a not-guilty verdict is entered upon any of the violations or charges against the stored vehicle, notwithstanding the ruling of the hearing officer with respect to the impounding of the vehicle, all charges advanced as having accrued upon the vehicle by virtue of its impounding, including the collateral advanced for the violations upon which a not-guilty verdict was entered, shall be returned to the persons who advanced such sums upon presentation of the official receipt issued at the time said vehicle was released.
- (2) It is further provided that if as a result of the Court's decision, the number of violations charged against the vehicle previously impounded is reduced to fewer than five, and provided that no refund has previously been made, all fees and charges shall be returned to the person who advanced such fees upon presentation of the official receipt issued at the time said vehicle was released.

SECTION 11. SALE OF UNCLAIMED VEHICLES

- (1) Whenever any vehicle impounded pursuant to the provisions of this section shall remain unclaimed by the owner or other person legally entitled to possession thereof for a period of thirty (30) days from the date that a notice to the owner was mailed as set forth herein, the Town shall sell such vehicle as a public auction in accordance with the provisions of Title 25 of the Transportation Article of the Annotated Code of Maryland.
- (2) The proceeds of the sale shall be applied in the following order:
 - (a) Satisfaction of any liens of record.
 - (b) Payment of expenses of giving notice and advertising and holding the same, including reasonable attorney's fees.
 - (c) All storage, towing, impoundment, immobilization and preservation charges.
 - (d) All fines and administrative charges outstanding against the owner of the vehicle impounded under this Section.
 - (e) The balance to the registered owner of the vehicle and lienholder of record, if applicable.