



AGENDA FOR THE TOWN MEETING

January 12, 2015

Revised

7:00 p.m.

PLEDGE TO THE FLAG

CALL TO ORDER

Red Indicates – Action Item
Green Indicates – Ordinance Introduction
Blue Indicates – Link to Additional Information

CONSENT AGENDA

- [Financial Statements](#)
- [West Green Street Improvements – Public Meetings Schedule](#)
- [YMCA Women's Triathlon – Sunday, September 27, 2015](#)
- FCPS Moving Forward with Intersection Improvements to East Green Street and Schoolhouse Drive
- Town Minutes
 - [December 8th – Town Meeting](#)

PERSONAL REQUESTS FOR AGENDA:

UNFINISHED BUSINESS:

- [Sanitary Sewer Overflow Policy](#)

REPORT OF COMMITTEES:

Water/Sewer	Commissioner Falcinelli
Public Works	Commissioner Bussard
Planning Commission Liaison	Commissioner Goodman
Parks & Recreation	Commissioner Ventre
Finance	Commissioner Dietrick
Public Information Committee	Commissioner Falcinelli

NEW BUSINESS:

- [Review of Zoning Code Updates – Sections 17.04 & 17.08](#)
- Discussion of 250th Anniversary of the Founding of Middletown

PUBLIC COMMENTS:

Please state Name and Address for the Record

ANNOUNCEMENTS:

ADJOURNMENT

Town of Middletown
Statement of Revenue & Expenditures
 General Fund
 Fiscal Year 2015
 For the 6 Months Ended December 31, 2014

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
<u>REVENUE</u>			
<u>LOCAL TAX</u>			
Real Property	\$ 1,096,228	\$ 719,688	\$ (376,540)
Tangible Personal Property	34,505	20,927	(13,578)
Public Utilities	9,907		(9,907)
Franchise (Cable)	48,231	22,823	(25,408)
Penalties & Interest	<u>9,241</u>	<u>179</u>	<u>(9,062)</u>
	\$ 1,198,112	\$ 763,617	\$ (434,495)
<u>STATE SHARED TAX</u>			
Admission & Amusement	\$ 40,926	\$ 13,524	\$ (27,402)
Highway Gasoline & Licenses	<u>95,043</u>	<u>107,016</u>	<u>11,973</u>
	\$ 135,969	\$ 120,540	\$ (15,429)
<u>COUNTY SHARED TAX</u>			
Income Taxes	\$ 778,572	\$ 282,512	\$ (496,060)
Tax Equity Grant	<u>581,111</u>	<u>435,783</u>	<u>(145,328)</u>
	\$ 1,359,683	\$ 718,295	\$ (641,388)
<u>LICENSES AND PERMITS</u>			
Beer, Wine and Liquor	\$ 1,950		\$ (1,950)
Business / Traders	4,900	27	(4,873)
Planning / Zoning Fees	<u>9,500</u>	<u>26,086</u>	<u>16,586</u>
	\$ 16,350	\$ 26,113	\$ 9,763
<u>PARKS AND RECREATION</u>			
Pavillion Fees	<u>\$ 1,900</u>	<u>\$ 300</u>	<u>\$ (1,600)</u>
	\$ 1,900	\$ 300	\$ (1,600)
<u>POLICE PROTECTION</u>			
State Grant	<u>\$ 25,835</u>	<u>\$ 12,918</u>	<u>\$ (12,917)</u>
	\$ 25,835	\$ 12,918	\$ (12,917)
<u>MISCELLANEOUS</u>			
Community Events			
Parking Citations			
Bank Shares Grant	2,500		(2,500)
Miscellaneous & Donations	<u>5,000</u>	<u>10,739</u>	<u>5,739</u>
	\$ 7,500	\$ 10,739	\$ 3,239
OPERATING REVENUES	\$ 2,745,349	\$ 1,652,522	\$ (1,092,827)
State Grants & Interest	\$ 130,405	\$ 44	\$ (130,361)
TOTAL REVENUE	\$ 2,875,754	\$ 1,652,566	\$ (1,223,188)

Town of Middletown
Statement of Revenue & Expenditures
 General Fund
 Fiscal Year 2015
 For the 6 Months Ended December 31, 2014

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
<u>EXPENDITURES</u>			
<u>LEGISLATIVE</u>			
Commissioner's Salary	\$ 12,000	\$ 6,000	\$ (6,000)
Communications	3,480	1,515	(1,965)
Dues & Subscriptions	7,370	7,226	(144)
Office Supplies & Exp	3,600	1,742	(1,858)
Advertising	750	232	(518)
Meetings & Conventions	<u>9,000</u>	<u>2,187</u>	<u>(6,813)</u>
	\$ 36,200	\$ 18,902	\$ (17,298)
<u>EXECUTIVE</u>			
Burgess Salary	<u>\$ 6,000</u>	<u>\$ 2,500</u>	<u>\$ (3,500)</u>
	\$ 6,000	\$ 2,500	\$ (3,500)
<u>ELECTION</u>			
Clerk Fees			
Other Administrative Expenses		<u>31</u>	<u>31</u>
		\$ 31	\$ 31
<u>GENERAL SERVICES</u>			
<u>ADMINISTRATION</u>			
Administrative Salary	\$ 196,663	\$ 109,397	\$ (87,266)
Postage & Printing	200		(200)
Communications	10,167	3,023	(7,144)
Computer Expenses	22,400	17,036	(5,364)
Office Supplies & Exp	30,401	10,733	(19,668)
Office Maintenance	47,262	13,049	(34,213)
Dues & Subscriptions	150		(150)
Professional Services	3,600	1,170	(2,430)
Meetings & Conventions	100	130	30
Water and Sewer Grant	<u>102,740</u>	<u>203,219</u>	<u>100,479</u>
	\$ 413,683	\$ 357,757	\$ (55,926)
<u>OPERATIONS</u>			
Maintenance Capital Outlay			
Vehicle Capital Outlay		68,054	68,054
Director Salary	91,107	44,507	(46,600)
Maintenance Salary	45,417	13,295	(32,122)
Communications	6,797	3,947	(2,850)
Supplies & Expenses	13,334	7,217	(6,117)
Dues & Meetings		124	124
Landscaping/Beautification			
Maintenance & Repairs	21,174	11,243	(9,931)
Tools & Equipment	<u>3,069</u>	<u>432</u>	<u>(2,637)</u>
	\$ 180,898	\$ 148,819	\$ (32,079)

Town of Middletown
Statement of Revenue & Expenditures
 General Fund
 Fiscal Year 2015
 For the 6 Months Ended December 31, 2014

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
<u>PROFESSIONAL SERVICES</u>			
Independent Accounting	\$ 12,500	\$ 28,100	\$ 15,600
Legal - Development			
Legal - Ordinances	7,500	1,596	(5,904)
	<u>\$ 20,000</u>	<u>\$ 29,696</u>	<u>\$ 9,696</u>
<u>PLANNING & ZONING</u>			
Salary & Fees	\$ 50,182	\$ 22,003	\$ (28,179)
Other Expenses	1,300	1,521	221
	<u>\$ 51,482</u>	<u>\$ 23,524</u>	<u>\$ (27,958)</u>
<u>MAIN STREET PROGRAM</u>			
Manager Salary	\$ 43,577	\$ 22,490	\$ (21,087)
Town Contribution	8,800	8,862	62
	<u>\$ 52,377</u>	<u>\$ 31,352</u>	<u>\$ (21,025)</u>
<u>PUBLIC SAFETY</u>			
Fire Dept. Donation	\$ 20,000		\$ (20,000)
School Crossing Guards	17,121	6,394	(10,727)
Community Deputy Program	326,657	81,576	(245,081)
	<u>\$ 363,778</u>	<u>\$ 87,970</u>	<u>\$ (275,808)</u>
<u>SANITATION & WASTE REMOVAL</u>			
Resident Trash & Yard Waste	\$ 277,613	\$ 144,365	\$ (133,248)
<u>RECREATION AND CULTURE</u>			
Park Salary	45,754	26,462	(19,292)
Park Electric	1,800	1,165	(635)
Maintenance & Repairs	39,795	14,608	(25,187)
Mowing	25,451	14,742	(10,709)
Remsberg Park - Interest	17,847	10,774	(7,073)
Remsberg Park - Principal	105,702	61,296	(44,406)
	<u>\$ 236,349</u>	<u>\$ 129,047</u>	<u>\$ (107,302)</u>

Town of Middletown
Statement of Revenue & Expenditures
General Fund
Fiscal Year 2015
For the 6 Months Ended December 31, 2014

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
<u>HIGHWAYS AND STREETS</u>			
Salary	\$ 83,562	\$ 46,643	\$ (36,919)
Street Lighting	152,400	68,714	(83,686)
Storm Water Management	7,050	858	(6,192)
Snow Removal	63,000	2,439	(60,561)
Repairs & Resurfacing	94,500	361,574	267,074
Signs		3,509	3,509
Truck Repair & Operation	25,000	14,399	(10,601)
Equipment Repairs & Ops	10,000	3,507	(6,493)
Mowing	31,744	18,432	(13,312)
Interest	7,418	4,430	(2,988)
East Green St - Principal	11,500		(11,500)
Case Loader - Principal	15,158	13,973	(1,185)
	<u>\$ 501,332</u>	<u>\$ 538,478</u>	<u>\$ 37,146</u>
<u>OTHER EXPENSES</u>			
MT Historical Society - CIP	\$ 5,000	\$ 5,000	
Donations	100		(100)
Travel - Mileage	2,500	1,831	(669)
Community Events	38,129	38,277	148
Payroll Taxes	52,753	21,800	(30,953)
Insurance - Property	12,748	18,529	5,781
Insurance - Employee	114,823	88,228	(26,595)
Retirement/Pension	67,363	50,292	(17,071)
Web Page & Directory	4,000	2,875	(1,125)
Real Estate Taxes	712	712	
Other	3,500	2,775	(725)
	<u>\$ 301,628</u>	<u>\$ 230,319</u>	<u>\$ (71,309)</u>
TOTAL EXPENDITURES	\$ 2,441,340	\$ 1,742,760	\$ (698,580)
INCOME (LOSS) Exc. Cash Reserves	\$ 434,414	\$ (90,194)	\$ (524,608)
CASH RESERVES	\$ 1,242,019	\$ 1,185,082	\$ (56,937)
SURPLUS / (DEFICIT)	\$ 1,676,433	\$ 1,094,888	\$ (581,545)

**Town of Middletown
CIP Funds & Expenditures
General Fund
Fiscal Year 2015
For the 6 Months Ended December 31, 2014**

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
OPERATING REVENUE			
Revenue	\$ 2,745,349	\$ 1,652,520	\$ (1,092,829)
OPERATING EXPENSES			
Expenses	2,441,340	1,742,760	(698,580)
OPERATING SURPLUS (LOSS)	\$ 304,009	\$ (90,240)	\$ (394,249)
<u>OTHER FUND</u>			
POS - Development	\$ 78,300		\$ (78,300)
POS - Walking Trail Land Purchas	42,000		(42,000)
West Green Street Loan			
RETAINED EARNINGS	333,488		(333,488)
Interest	3,105	44	(3,061)
Other	7,000		(7,000)
TOTAL OTHER FUNDS	\$ 463,893	\$ 44	\$ (463,849)
TOTAL FUNDS AVAILABLE	\$ 767,902	\$ (90,196)	\$ (858,098)
<u>CIP PROJECTS & PURCHASES</u>			
West Green St Improvements	\$ 1,000,000		\$ (1,000,000)
Franklin - Patching, Mill & Over	115,000		(115,000)
Broad Street Road Construction	70,000		(70,000)
SWM Fence Replacements	9,000		(9,000)
Salt Building - Equipment Storang	35,000		(35,000)
Walking Trail Land Acq - East Ma	42,000	323	(41,677)
Remsberg Park Picnic Tables	3,000		(3,000)
Remsberg Park - Walking Trail an	45,000		(45,000)
Wiles Branch Pavilion and Tottle	24,500		(24,500)
Wiles Branch Walking Trail Resur	21,000	4,800	(16,200)
Foxfield Walking Path Overlay	23,940		(23,940)
Cone Brach Gazebo Roof Replaceme	5,000		(5,000)
Computer Replacements	5,200	6,981	1,781
Municipal Center - HVAC Replacem	85,000	7,219	(77,781)
Maintenance Equipment	47,000	1,875	(45,125)
Backhoe Lease	15,158	13,973	(1,185)
Historical Society Donation	5,000	5,000	
Total CIP Costs	\$ 1,550,798	\$ 40,171	\$ (1,510,627)
OPERATING & CIP SURPLUS (LOSS)	\$ 767,902	\$ (90,196)	\$ (858,098)

Town of Middletown
 CIP Funds & Expenditures
 General Fund
 Fiscal Year 2015
 For the 6 Months Ended December 31, 2014

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
Cash Reserves	\$ 1,242,019	\$ 1,185,082	\$ (56,937)
TOTAL CASH SURPLUS	<u>\$ 2,009,921</u>	<u>\$ 1,094,886</u>	<u>\$ (915,035)</u>

Town of Middletown
STATEMENT OF REVENUE and EXPENDITURES
WATER & SEWER
Fiscal Year 2015
For the 6 Months Ended December 31, 2014

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
<u>REVENUE</u>			
Water Revenue	\$ 588,919	\$ 267,643	\$ (321,276)
Sewer Revenue	565,791	267,500	(298,291)
Penalties/Reconnects	14,600	11,964	(2,636)
Rain Barrel Sales	1,575		(1,575)
General Fund Grant/Misc	70,000	102,740	32,740
TOTAL OPERATING REVENUE	\$ 1,240,885	\$ 649,847	\$ (591,038)
<u>EXPENDITURES</u>			
<u>ADMINISTRATIVE</u>			
Office Salaries	\$ 52,890	\$ 23,015	\$ (29,875)
Communications	7,100	5,262	(1,838)
Postage	10,222	10,280	58
Office Supplies/Expense	12,800	9,865	(2,935)
Legal - Other	8,500	5,330	(3,170)
Meetings & Seminars	250	392	142
Advertising	500	993	493
Uniforms	2,800	858	(1,942)
Dues/Subscrip/Certifications	500	190	(310)
Travel	200		(200)
Payroll Taxes	18,075	10,946	(7,129)
Insurance - Prop. & Liability	8,000	11,924	3,924
Insurance - Workers Comp	13,791	3,343	(10,448)
Insurance - Health	38,036	7,059	(30,977)
Retirement/Pension	19,949	17,764	(2,185)
Real Estate Taxes	292	292	
Rain Barrel/Educational Programs	3,150	3,600	450
Waterline / I & I Loans	33,056	32,498	(558)
Sub-Total	\$ 230,111	\$ 143,611	\$ (86,500)
<u>Vehicles & Equipment</u>			
1999 Truck	\$ 3,700		\$ (3,700)
2008 Truck	3,200	1,423	(1,777)
2013 Truck	3,400	835	(2,565)
Misc Equipment	3,700	53	(3,647)
Bobcat Mini-Excavator		254	254
Case Backhoe		160	160
Sub-Total	\$ 14,000	\$ 2,725	\$ (11,275)

WATER

Town of Middletown
STATEMENT OF REVENUE and EXPENDITURES
WATER & SEWER
Fiscal Year 2015
For the 6 Months Ended December 31, 2014

	ANNUAL BUDGET	YTD ACTUAL	OVER (UNDER) BUDGET
Salaries	\$ 122,910	\$ 65,906	\$ (57,004)
Water Distribution System			
Supplies	2,500	1,814	(686)
Repairs & Maintenance	51,650	39,201	(12,449)
Water Meters	106,000	6,948	(99,052)
Water Line Break Repairs	5,000	2,231	(2,769)
Chemicals	500	1,091	591
Tools & Equipment	1,000	269	(731)
Sub-Total	\$ 166,650	\$ 51,554	\$ (115,096)
Water Plant/Reservoir/Booster/Tower/BS Wellhouse			
Electric	\$ 31,370	\$ 6,865	\$ (24,505)
Supplies	2,000	741	(1,259)
Repairs & Maintenance	44,650	11,878	(32,772)
Chemicals	17,372	5,822	(11,550)
Tools & Equipment	2,400	720	(1,680)
Testing & Analysis	9,000	5,708	(3,292)
Sub-Total	\$ 106,792	\$ 31,734	\$ (75,058)
Abandoned Well Costs			
TOTAL WATER EXPENSES	\$ 396,352	\$ 149,194	\$ (247,158)
SEWER			
Salaries	\$ 124,154	\$ 56,979	\$ (67,175)
Sewer Collection System			
Cone Branch PS	22,000	4,768	(17,232)
Brookridge South PS	9,700	4,567	(5,133)
Foxfield PS	6,500	2,398	(4,102)
Sanitary Sewerlines & Manholes	10,500	6,473	(4,027)
I & I Accrual	75,000	37,500	(37,500)
Sub-Total	\$ 123,700	\$ 55,706	\$ (67,994)

Town of Middletown
STATEMENT OF REVENUE and EXPENDITURES
WATER & SEWER
Fiscal Year 2015
For the 6 Months Ended December 31, 2014

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
Wastewater Treatment Plants			
East Wastewater Treatment Plant			
Electric	\$ 33,000	\$ 14,213	\$ (18,787)
Supplies	10,500	2,363	(8,137)
Repairs & Maintenance	50,600	18,985	(31,615)
Chemicals	39,724	9,802	(29,922)
Tools & Equipment	8,400	4,778	(3,622)
Testing & Analysis	23,000	9,563	(13,437)
Sludge Hauling Expense	56,400	23,382	(33,018)
Sub-Total	\$ 221,624	\$ 83,086	\$ (138,538)
West Wastewater Treatment Plant			
Electric	\$ 20,000	\$ 7,568	\$ (12,432)
Supplies	2,500	1,261	(1,239)
Repairs & Maintenance	15,450	10,820	(4,630)
Chemicals	49,458	29,593	(19,865)
Tools & Equipment	1,000	34	(966)
Testing & Analysis	8,759	3,525	(5,234)
Sludge Hauling Expense	22,650	8,625	(14,025)
Sub-Total	\$ 119,817	\$ 61,426	\$ (58,391)
TOTAL SEWER EXPENSES	\$ 589,295	\$ 257,197	\$ (332,098)
TOTAL WATER/SEWER EXPENSES	\$ 1,229,758	\$ 552,727	\$ (677,031)
CONTINGENCY FUND - 6.7%	\$ 82,394	\$ 37,033	\$ (45,361)
ADJUSTED WATER/SEWER EXPENSES	\$ 1,312,152	\$ 589,760	\$ (722,392)
NET INCOME (LOSS)	\$ (71,267)	\$ 60,087	\$ 131,354

Town of Middletown
CIP FUNDS and EXPENDITURES
WATER & SEWER
Fiscal Year 2015
For the 6 Months Ended December 31, 2014

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
<u>FUNDING SOURCES</u>			
Operating Revenue	\$ 1,240,885	\$ 649,847	\$ (591,038)
Operating Expenses	<u>1,229,758</u>	<u>552,727</u>	<u>(677,031)</u>
OPERATING INCOME (LOSS)	\$ 11,127	\$ 97,120	\$ 85,993
Debt Service Fee - New Homes	\$ 137,400	\$ 69,040	\$ (68,360)
Capital Improvement Fees	128,736	60,990	(67,746)
Improvement/Tap Fees	120,000	91,600	(28,400)
Water Meter Sales	16,700	5,453	(11,247)
Water Tower & Land Leases	168,044	53,829	(114,215)
General Fund Grant	<u>100,479</u>	<u>100,479</u>	
TOTAL OTHER REVENUE	\$ 671,359	\$ 381,391	\$ (289,968)
TOTAL FUNDS AVAILABLE	682,486	478,511	(203,975)
<u>DEBT SERVICE COSTS</u>			
Principal Payments			
MVB Line of Credit			
CDA - Water Tower	98,650		(98,650)
MDE - East WWTP	200,800		(200,800)
Brookridge WTP	16,700		(16,700)
Interest - All Loans	<u>53,283</u>	<u>12,804</u>	<u>(40,479)</u>
TOTAL DEBT SERVICE COSTS	\$ 369,433	\$ 12,804	\$ (356,629)
<u>WATER & SEWER PROJECTS</u>			
Reservoir - Raw Water Meter & Pot	\$ 5,500		\$ (5,500)
Booster Station - Pumping Connect	8,000		(8,000)
Reservoir - Dual Feed Cover	60,000		(60,000)
Maganese Removal System	<u>120,000</u>		<u>(120,000)</u>
TOTAL WATER & SEWER PROJECTS	\$ 193,500		\$ (193,500)
TOTAL CIP COSTS	\$ 562,933	\$ 12,804	\$ (550,129)
TOTAL FUNDS REMAINING	\$ 119,553	\$ 465,707	\$ 346,154



Public Meeting Schedule with Property Owners West Green Street Improvements

- Thursday, February 5, 2015 at 7:00PM - 0 Block to 200 Block West Green Street
- Thursday, March 5, 2015 at 7:00PM – 300 Block to 400 Block West Green Street



Town of Middletown - Frederick County



Maryland State Highway Administration Special Event Permit - Data Sheet

Event: YMCA of Frederick County Women's Triathlon

Start Date: Sunday, September 27, 2015 End Date: same

Start Time: 7:00am End Time: 11:00 am

Purpose/Type: Triathlon

Organizer: YMCA of Frederick County

Contact Person: Judy Couillard Daytime Phone: 301-663-5131 ext. 1258

and Address: 1000 N. Market St. Evening Phone: 240-457-1105

Frederick, MD 21701 Email Address: jcouillard@frederickymca.org

No. of Participants: 250-300 No. of Vehicles/Units: 0 Rain/Snow Date: none

Proposed Route: Please see attached
(Written Description)

Will you be occupying all or part of a highway travel lane? No Yes

Will you be closing all or part of a roadway? No Yes

If Yes to either of the above, where? _____

Have you requested Local Police assistance?* No Yes Number _____

Have you requested Maryland State Police assistance?* No Yes Number _____

*** THE EVENT ORGANIZER IS RESPONSIBLE FOR OBTAINING LOCAL AND/OR STATE POLICE ASSISTANCE ***

CIRCLE THE DISTRICT(S) AND COUNTY(S) YOUR EVENT WILL TAKE PLACE IN

DISTRICT 1 Dorchester / Somerset / Wicomico / Worcester

DISTRICT 2 Caroline / Cecil / Kent / Queen Anne's / Talbot

DISTRICT 3 Montgomery / Prince George's

DISTRICT 4 Baltimore / Harford

DISTRICT 5 Anne Arundel / Calvert / Charles / St. Mary's

DISTRICT 6 Allegany / Garrett / Washington

DISTRICT 7 Carroll / Howard / Frederick

ATTACH THE FOLLOWING

Map of affected routes

Traffic Control Plan (including details on how intersections will be controlled, a detour plan, locations of police officers/volunteers and locations of all traffic control devices, as appropriate)

Other event details _____

(Contact the District Office to determine what, if any, additional information will be required for your event.)

*** Submit completed Data Sheet and Signature Sheet to SHA no later than 60 DAYS prior to your event ***
<http://www.marylandroads.com/Index.aspx?PageId=59>



Maryland State Highway Administration Special Event Permit - Signature Sheet

EVENT: YMCA of Frederick County Women's Triathlon

ORGANIZER'S ACKNOWLEDGEMENT

I/We hereby affirm that the ORGANIZER of this EVENT and all PARTICIPANTS will comply with the Laws of the State of Maryland and any applicable county and municipal statutes and ordinances and will adhere to the terms and conditions set forth in this PERMIT. My/Our signature(s) below confirm that the ORGANIZER and all PARTICIPANTS agree to hold harmless from any liability, incurred by them or to others associated with this EVENT, the various governmental agencies providing assistance for this EVENT. The ORGANIZER may be required to obtain Liability and Property Damage Insurance with limits of at least \$300,000 per incident/\$1,000,000 aggregate.

ORGANIZER: Maria Rubeling, Ymca of Frederick Co.
PLEASE PRINT NAME

REPRESENTATIVE: Judy Couillard, Ymca of Frederick Co.
PLEASE PRINT NAME

SIGNATURE:
PLEASE SIGN

TERMS AND CONDITIONS

- 1) This EVENT shall adhere to the route, number of participants and vehicles (not more than 10% higher than the numbers on this Permit), date(s) and times shown on the attached ___sheet(s).
- 2) The ORGANIZER shall ensure that the approved TRAFFIC CONTROL PLAN is followed.
- 3) In the event of winter weather during the event, SHA will require access to all State Highways for weather related operations. This may require cancellation of the event.
- 4) Immediately following the event, the ORGANIZER shall clean up all litter, temporary signs and other event materials and return the roadway to a condition equal to or better than its condition before the event.
- 5) Additional stipulations: _____

AGENCY APPROVALS

Before signing and giving approval for your agency, consider the following:

- 1) Ensure you have the approval authority to sign for your agency to commit manpower and resources.
- 2) Ensure you have looked over the entire application package, including the Route Map and Traffic Control Plan. If you identify any problems, have the event organizer address them prior to signing.
- 3) If reimbursement is required, ensure you have mutually agreed upon the amount (in writing) and terms under which payment will be made.

Local Government (_____): _____
AGENCY SIGNATURE PRINTED NAME DATE

Local Government (_____): _____
AGENCY SIGNATURE PRINTED NAME DATE

Local Government (_____): _____
AGENCY SIGNATURE PRINTED NAME DATE

Maryland State Police: _____
SIGNATURE PRINTED NAME DATE

State Highway Administration: _____
SIGNATURE PRINTED NAME DATE

YMCA OF FREDERICK COUNTY-WOMEN'S TRIATHLON

Bike Course-10 miles

Start in the parking lot at Middletown High School

Take Schoolhouse Drive to East Green Street

Turn Right on East Green Street and follow to Route 17

Turn Right on 17 and follow to Harmony Road

Turn Right on Harmony Road and follow to Route 40

Turn Right on Route 40 and follow to Hollow Road

Turn Right on Hollow Road and follow to Alternate 40

Turn Right on Alternate 40 and follow to Conebranch Drive

Turn Right on Conebranch Drive

Take first left off of Conebranch Drive onto East Green Street to Schoolhouse Drive

Turn Right onto Schoolhouse Drive and follow back to Middletown High parking lot

Run Course-3.1 miles

Run course will be mainly in Middletown Park

Start in Middletown High parking lot

Exit parking lot and follow to the entrance of Middletown Park adjacent to school grounds

Loop through the park and back through high school parking lot

YMCA OF FREDERICK COUNTY-WOMEN'S TRIATHLON

TRAFFIC CONTROL PLAN

Bike Course-10 miles

The design of the 10-mile bike course provides for all right hand turns with the exception of the final turn back to Middletown High School. Because of this, the flow of traffic will not be adversely affected as bikes will be travelling in the same direction of traffic and not crossing over roads that would require complete stoppage of traffic. The only spot that may require stoppage of traffic would be at the light at the intersection of Middletown Parkway and Alternate 40.

While route 17, Harmony Road and Hollow Road do not provide shoulders, the more heavily travelled roads of Rote 40 and Alternate 40 do provide a shouldered area for bikers.

The ten mile bike course includes three areas that we will be asking for assistance from uniformed police officers. We anticipate needing five uniformed officers. They include East Green Street to 17, Hollow Road to Alternate 40 and the light at Middletown Parkway and Alternate 40. All other areas of the course will be monitored and marshaled by volunteers with safety vests and directional flags.

Course will be clearly marked and numerous signs will be up on the bike course to warn motorists to drive with caution and make them aware that there are bikers on the road. We will also supply two oversized SHA approved signs that read "Special Event, Stay Alert."

Course will also be patrolled by lead vehicles and sag wagons to assist any bikers who may encounter problems.

Run Course-3.1 miles

The run course will be held primarily in the Middletown Park and should not pose problems to traffic flow. No ROADS OUTSIDE OF THE Middletown High complex and the park will be utilized.

TRAFFIC CONTROL PLAN
 YMCA WOMEN'S TRI
 10-MILE BIKE COURSE

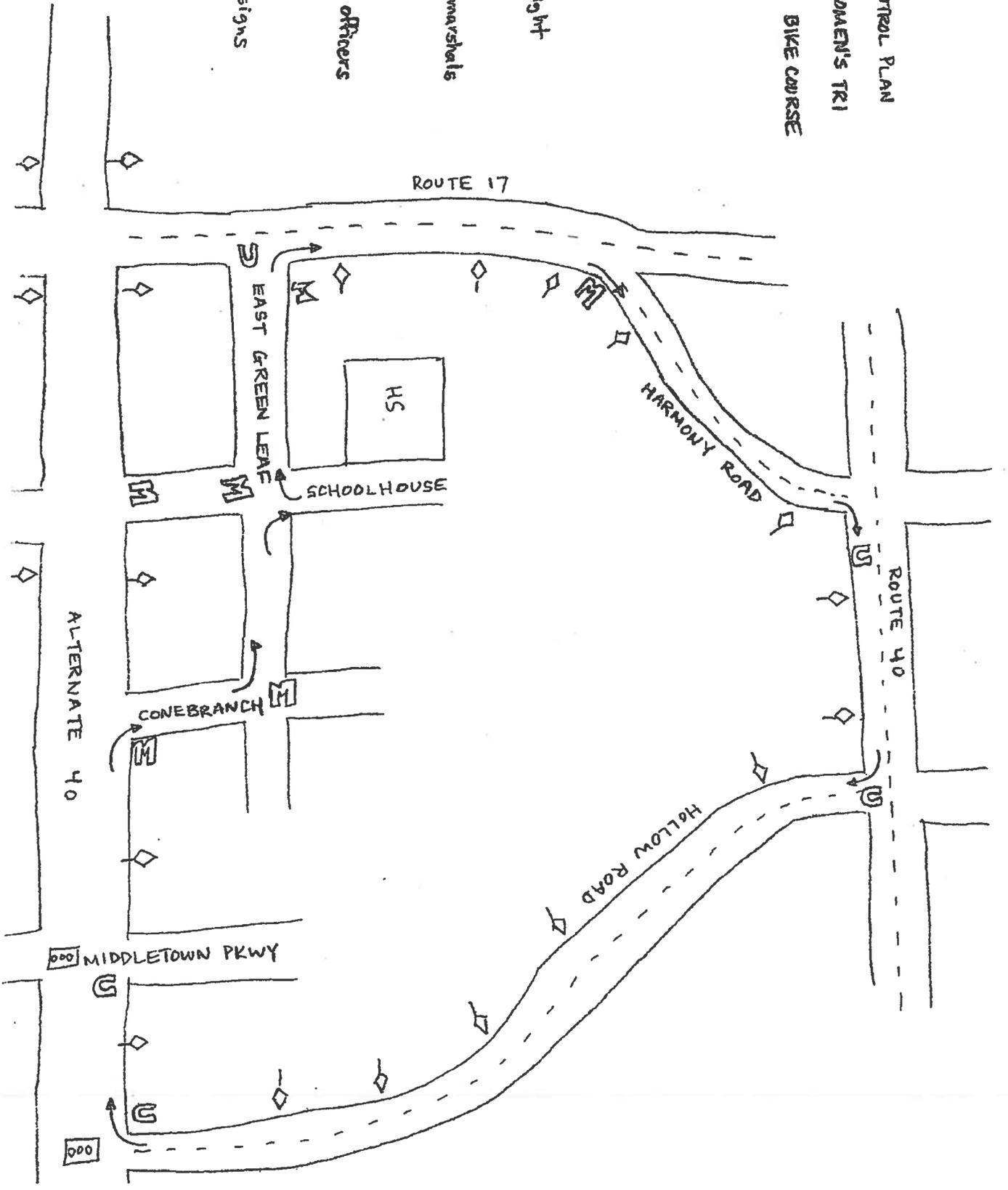
LEGEND

 = traffic light

 = course marshals

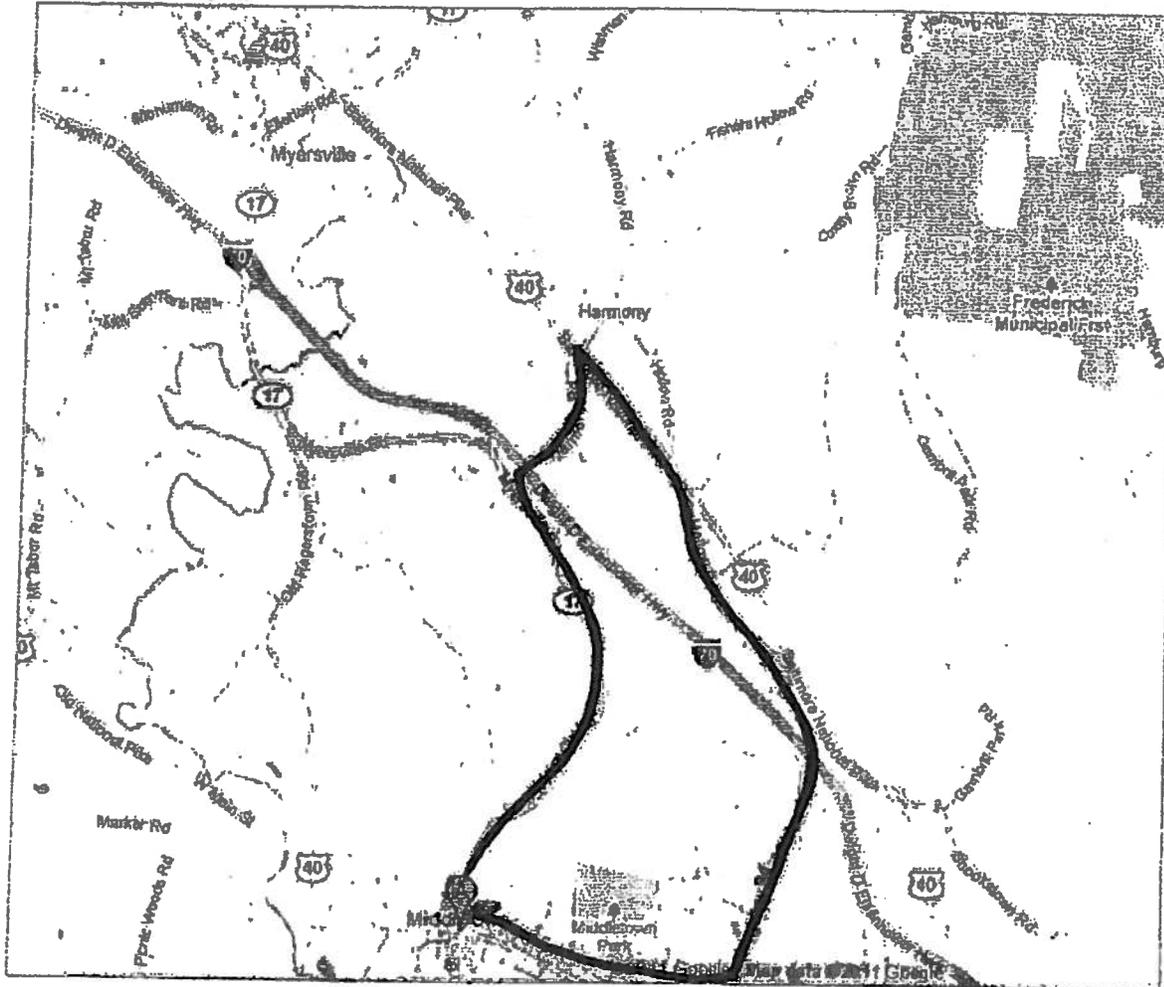
 = uniform officers

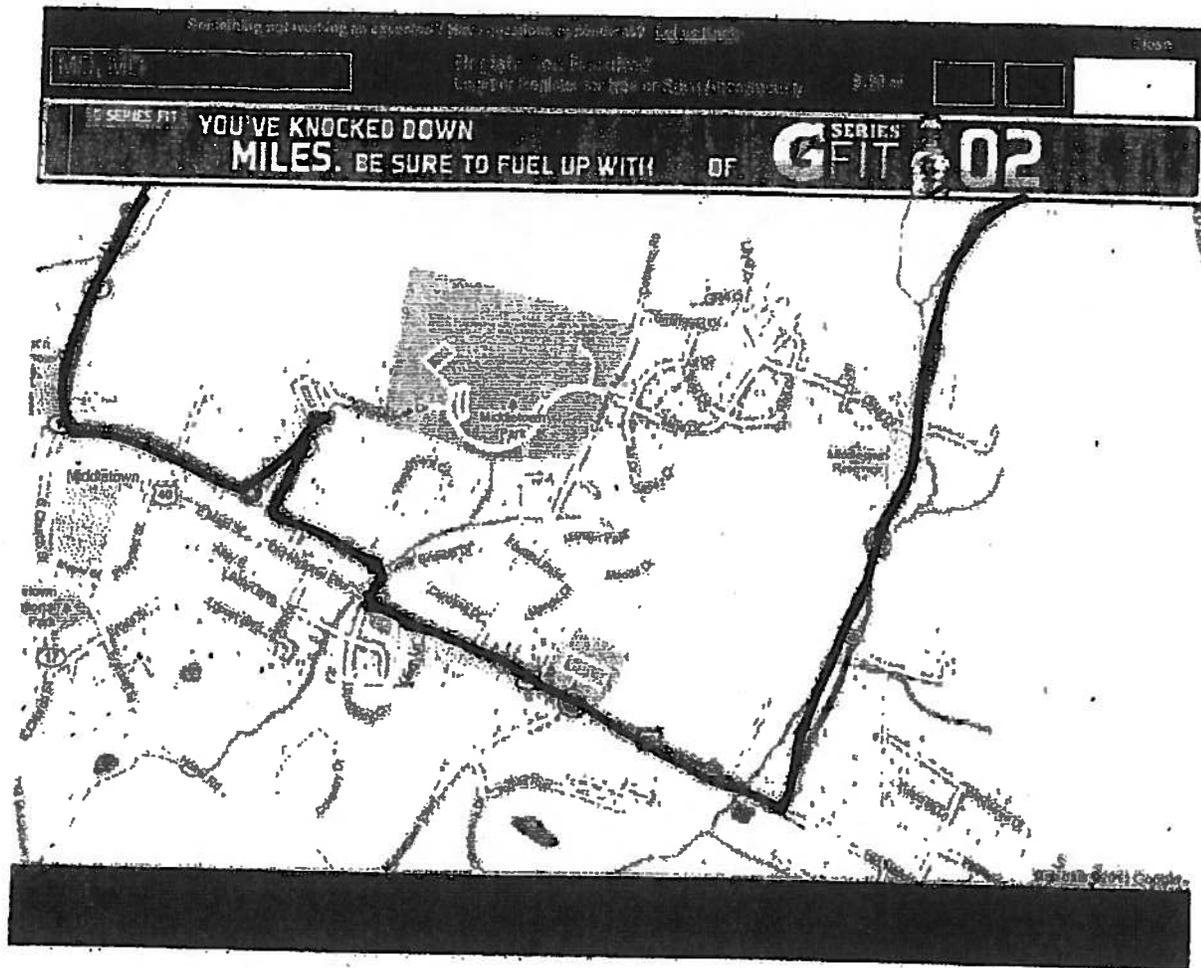
 = caution signs



Google maps

To see all the details that are visible on the screen, use the "Print" link next to the map.





BURGESS AND COMMISSIONERS OF MIDDLETOWN MARYLAND

TOWN MEETING MINUTES

REGULAR MEETING

December 8, 2014

The first monthly meeting of the Burgess and Commissioners of Middletown was called to order on December 8, 2014, by Commissioner Falcinelli at 7:00 p.m. in the Middletown Municipal Center, 31 W. Main Street, Middletown, Maryland. Present were: Commissioners Larry Bussard, Rick Dietrick, Tony Ventre and Christopher Goodman.

CONSENT AGENDA

Financial Statements

Town Minutes – November 27, 2014 Regular meeting

Commissioner Bussard motioned to accept this consent agenda as presented, seconded by Commissioner Ventre and passed unanimously.

PERSONAL REQUESTS FOR AGENDA:

Unfinished Business:

Discussion of Streetlight Buy-Back Program – Drew stated that if the Board proceeds with the buy-back program of the street lights, we will buy all the street lights in Town, change the bulbs out to LED lights and Johnson Controls guarantees it will be a cost savings to the Town. If the Board agrees to proceed to have the study done that will give us the actual figures of cost savings to the Town. Motion by Commissioner Dietrich to approve Phase 1 Project Development Agreement for \$36,000 with Johnson Controls, seconded by Commissioner Goodman. Motion carried 5-0.

Discussion of APFO and/or Growth Policy Updates – Drew stated that at last month's meeting the Board made a few minor changes to the Residential Growth Policy to include: changing the name to Adequate Public Facilities Policy and no development will receive more than 20 residential permits per year. Drew stated that no changes were made to the Commercial Growth Policy. Motion by Commissioner Bussard to approve the Adequate Public Facilities Policy as amended and the Commercial Growth Policy, seconded by Commissioner Ventre. Motion carried 5-0.

West Green Street Improvements - Timeline – Drew presented a proposed timeline of the West Green Street Improvements.

- January 2015 - Director of Public Works review of plans and specifications
- February 2015 - Public meetings with residents along West Green Street and Initiate Financing for project
- March 2015 – Public meetings with residents along West Green Street and Preparation of Financial Documents, Resolutions, etc.
- April 2015 – Revision if necessary and Public Hearing for Loan financing
- May 2015 – Bidding and Award of Contract and Close of loan
- June 2015 – Construction begins
- June 2016 – Construction complete

Main Street Boundary Amendment Resolution – Drew stated that the Main Street Board is asking for the Board to amend the Boundaries of the Designated Portion of Middletown as “Main Street Maryland Community”. Main Street would like to include several properties located along North and South Church Street.

Motion by Commissioner Ventre to approve Resolution No. 14-03 as presented, seconded by Commissioner Bussard. Motion carried 5-0.

Bids for Walking Trail Maps – Drew stated that we received 3 bids for the Walking Trail Map designs. Bruce E. Morgan - \$4,161.25; Frederick Seibert and Associates, Inc. - \$5,700.00 and MSB Architects - \$6,000.00. Commissioner Ventre stated that the way he reads each of the bids is that Bruce Morgan’s bid includes the actual maps where the other 2 do not.

Motion by Commissioner Bussard to approve the bid from Bruce E. Morgan for \$4,161.25, seconded by Commissioner Ventre. Motion carried 5-0.

REPORTS OF COMMITTEES –

WATER & SEWER – Commissioner Falcinelli reported:

November 15th we had a 12” force main leak on East Green Street. Our guys worked through the night to repair the leak.

Spring flow – 87,000 gals. Per day, EWWTP treated 170,000 gals. And the WWTP treated 144,000 gals.

Arro is working on the Main Street waterline replacement design.

Bruce dropped off the Well 15 Manganese to Arro today.

PUBLIC WORKS – Commissioner Bussard reported:

Maintenance crew replaced a fire hydrant on Linden Blvd., they also had a few other hydrants powder coated, new truck is here and in service, maintenance crew put up Christmas decorations in the Municipal Center as well as put up the Christmas banners along Main Streets.

Yard Waste pick-up – last one of the year will be December 30, 2014.

Dump truck is for sale, sitting in the parking lot across from Asian Café – sealed bids only.

PLANNING COMMISSION – Commissioner Goodman reported:

329 S. Jefferson Street – demolition plan approved.

Coblentz Property – approved final plat

Gun Retail will be discussed at our Joint meeting with Town Board in January.

Amvets site plan revision and Storage container at the Middletown Library is on the agenda for this month.

PARKS & RECREATION – Commissioner Ventre reported:

MVAA moving forward with baseball field and dug outs.

Commissioner Ventre stated that the Committee has picked out play equipment for the Remsberg Park

Commissioner Ventre stated that he received a request from Jerry Ziemba asking the Town to make the Wiles Branch North side into a Senior Park. Commissioner Ventre stated that it is not feasible to do as there is a pond there as well as that land is flood plain area.

Dog Park Committee – did a site visit. Drew showed a draft idea for a layout as well as a cost breakdown.

FINANCE – Commissioner Dietrich reported:

Audit for 2014 was presented to us last month. Commissioner Dietrich stated that staff has provided us a spreadsheet of our budget, audit actual and town actual for the Water & Sewer fund so we can see how we faired out. Staff will provide the General fund spreadsheet next month.

PUBLIC INFORMATION – Commissioner Falcinelli reported:

Quarterly update information needs to be to Ann by December 19th.

Community Directories are in and available at front desk.

NEW BUSINESS:

Discussion of Amendments to the Demolition Ordinance – Drew stated that The Main Street Board is asking to be notified when any property in town plans to be demolished so they can take pictures of property and also be provided with the Owner’s information. It was the consensus of the Board to forward this to the Planning Commission.

Purchase of Bobcat 3650 – Drew stated that Bruce Carbaugh the Director of Public Works is asking to purchase a Bobcat 3650. Drew stated that with this piece of equipment we can purchase a mower attachment, a snow blower attachment and a broom attachment. The bid price for this is \$33,050.02. Bruce is requesting at this time to purchase the broom and snow blower attachments. The Board discussed that we should probably purchase all the attachments now as the price will probably increase. Motion by Commissioner Bussard to approve the purchase of the Bobcat 3650 with all attachments, seconded by Commissioner Dietrich. Motion carried 5-0.

Budget Workshop Dates for FY 2016

- Monday, February 23, 2015 – Water & Sewer Operating Budget
- Thursday, March 5, 2015 – Water & Sewer CIP
- Monday, March 9, 2015 – Water & Sewer Operating & CIP
- Monday, March 23, 2015 – General Fund Operating Budget
- Thursday, April 2, 2015 – General Fund CIP
- Monday, April 13, 2015 – General Fund Operating & CIP and Community Groups

Joint Meeting Dates for 2015

- Monday, January 5, 2015
- Monday, April 6, 2015
- Monday, July 6, 2015
- Monday, October 5, 2015

PUBLIC COMMENT: None

ANNOUNCEMENTS:

Town Offices will be closed:

- December 25 & 26, 2014
- January 1, 2015

Change in Town Meeting dates:

- December 22, 2014 meeting – Cancelled
- January 1, 2015 workshop changed to January 8, 2015.

ADJOURNMENT

Meeting adjourned at 8:30pm.

Respectfully submitted,

Ann Griffin
Office Manager

STANDARD OPERATION PROCEDURES

SANITARY SEWER OVERFLOW

December 3, 2014

General:

The purpose of this Standard Operating Procedure (SOP) is to provide staff with the appropriate actions to take when addressing and reporting a Sanitary Sewer Overflow (SSO).

A Sanitary Sewer Overflow Does Not Include:

- An overflow or discharge of 50 gallons or less to the ground that is cleaned up within 1 hour of its occurrence.
- An overflow or discharge to impervious surfaces that is effectively contained and cleaned up so that there is not direct or potential pollution of Waters of the State as a result of the overflow or discharge.

In the event of a Sanitary Sewer Overflow staff will do the following:

Initial call: From Staff observation, homeowner, after hours call

- Upon receiving the call, collect as much information as possible. Include the specific location of overflow, date time, description of overflow, callers name, phone number and other relevant information
- Staff must document this information.

Dispatch Staff to SSO location

- Respond ASAP to minimize impact of SSO on private and public property. Determine if there is possible damage to private or public property. Do not enter private property unless approved by the Assistant Director of Public Works or within a Town utility easement.
- If there are physical or suspicious characteristics not common to the sewer system notify the Assistant Director before taking ANY action.
- Notify Water and Sewer Superintendent and or Assistant Director of Public Works after identifying the overflow area.
- Upon arrival determine the possible problem and take immediate corrective action to stop the SSO. - Deploy equipment to clear blockage and mitigate SSO. Adjust pumped flows if it is determined that they may be contributing to the overflow.
- If blockage is in a main line sanitary sewer, additional support staff may be needed to assist in the operation of equipment, cleanup and lime distribution.
- Outside vendor(s) may be needed in the event it is beyond the capabilities of the Town resources to clear the obstruction. The Assistant Director of Public Works will need to be notified of this condition as soon as possible.

Site cleanup:

- when possible, take photos before and after cleanup.
- take photos of materials recovered that may have caused the obstruction
- remove debris; grease, paper goods, feminine hygiene dispensers etc.
- spread thin layer of “Hydrated Lime” over the affected area to stabilize, deter rodents and provide odor control. Maintain an adequate stock of bagged Hydrated Lime and restock as needed.

Data collection on site

- Determine and document cause of SSO when possible.
- Determine and document start time of SSO if possible.
- Record time that SSO was stopped.
- Determine and document the total duration of the SSO event.
- Quantify sewer overflow or discharge; i.e., 2 GPM, 5 GPM etc. and record.
- Verify overflow “DID” or “DID NOT” reach the waters of the State and record.
- Collect photos of SSO event.
- Collect photos of materials suspected of causing the overflow event.
- Collect E.coli samples 50 feet upstream and 200 feet downstream of the overflow site only if the overflow reaches the stream. Use proper sample collection methods and ice the samples until they can be delivered to the lab for analysis.

Public Notification/Advisory:

- Temporarily post signs in the immediate area warning the public to avoid the impacted area as a result of an overflow.

Sanitary Sewer Overflow Worksheet:

-To be completed once SSO or discharge has been confirmed and mitigated. Once completed, this sheet will provide information required by both Maryland Department of the Environment (MDE) and the Frederick County Health Department (FCHD). The Superintendent of Water and Wastewater will be responsible for reviewing the overflow report and meeting with the Director of Public Works within 2 days of the overflow.

Regulatory Agency Notification:

- With the completed SSO worksheet in possession, the Superintendent of Water and Wastewater Operations will contact, via telephone, MDE and the FCHD **within in 24 hours of the SSO event.**

Secondary Notification:

- The Superintendent of Water and Wastewater Operations shall meet with The Director of Public Works within 2 days of the incident who will submit, via certified mail, a detailed letter describing the overflow to MDE **within five (5) calendar days from the initial date of the telephone notification.**

Sanitary Sewer Overflow Emergency Contact Numbers

Maryland Department of the Environment

Baltimore MDE location 1-800-663-6101 ext. 3510
Or 410-537-3510

After hours and weekends 1-866-663-4676

Frederick County Health Department

Environmental Health Director 301-600-3179

Health Department Duty Officer (after hours) 301-600-1603

Town Of Middletown 301-371-6171

Town Administrator
Andrew Bowen 240-674-8937 (cell)
301-371-6171 ext. 12

Director, Public Works
Bruce Carbaugh 301-748-4301 (cell)
301-371-6171 ext. 16

Assistant Director Public Works
Paul Pearl 301-305-5111 (cell)
301-371-6171 ext. 21

Superintendent of Water & Wastewater Operations
Bruce Darner 240-674-8936 (cell)
301-371-0390

Appendix 1

Sanitary Sewer Overflow (SSO) Worksheet

This must be completed within 4 hours of the SSO initial call

Date and Time of overflow report to Water and Sewer.	
Facility name and Collection System Name	
Location of the overflow (Street, Pump Station, Manhole, etc.) name/number or other identifying information. Include City or Town and Zip Code.	
Did the overflow enter Waters of the State? (Creek, Stream, River, Pond or Storm drain) If yes, please explain. Name of body of water. (Lake, Pond, Stream)	
If overflow entered Waters of the State, were <i>E. coli</i> samples collected upstream and downstream? If not, why?	
What is the estimated quantity of the overflow in gallons?	
What caused the overflow? Please provide as much information as possible. (document with photos and collect material if possible)	
Date and Time when overflow began. Date and time when overflow stopped, or expected time to stop.	
What has been done to repair the problem and prevent reoccurrence?	
What type of clean-up or mitigation is being done?	
Person notified at Frederick County Health Department.	
Frederick County Health Department notified of <i>E. coli</i> results?	
Public Notification Required? What media and content of message.	
Name, title, and telephone number of person reporting overflow.	
Person notified at MDE	

Wet Weather Operation Modes

Overflow Point #1 Creamery Row

1. Pending predicted significant precipitation release flow at the W WWTP to create storage capacity (this would be for extended rain events or abnormal precipitation).
2. Turn valves to bypass the EWWTP Filter
3. Place backhoe bucket on floating weir at the EWWTP before flows increase.
4. Regulate the flow to both plants at the CBPS.
 - a. Start with and try to maintain 500gpm to EWWTP and 350 gpm to WWTP.
 - b. Adjust flow as needed while preventing overflow at Creamery Row.
 - c. Turn the valve ahead of CBPS closed up to 5 turns to limit the overflow to the upstream manhole if flows cannot be maintained at this rate or a rate that does not cause overflows downstream.
 - d. If the water level in the manhole at #7 Washington St is less than 60”from the MH frame to water level the resident at #7 cannot use their plumbing without backup. **If there are excessive conditions unable to be mitigated the residents at #7 will need to be notified of the potential of their wastewater not being able to discharge to the receiving sanitary sewer due to excessive flows.**
 - e. This process will need to adjusted and checked frequently. Check the downstream manholes or post an operator at the manholes as needed until the flow is controlled.
5. Periodically, during the high flow event, check the manholes on Washington St and downstream (Creamery Row) for proper flow. Look for suspected backups that may be line blockages.
6. Have signs available for posting and lime available for spreading (after the overflow stops) at an overflow location. (premade and laminated signs shall be in inventory)
7. Follow the Standard Operating Procedures as outlined previously in this document.
8. If an event occurs after hours and the on call Operator requires assistance to maintain this policy he must notify his immediate supervisor, Assistant Director and Director in this order until he is able to contact one of them.

FOR TOWN BOARD CONSIDERATION – JANUARY 2015

The Planning Commission has reviewed Chapters 17.04 and 17.08 and has made the following recommendations for updates to these sections.

For clarification purposes:

- 1) Replaced the word ‘master’ with ‘comprehensive’ in relation to the town’s comprehensive plan.

New definitions for the Definitions section:

- 1) Arterial street
- 2) Clubs, lodges and fraternal organizations
- 3) Collector street
- 4) Easement
- 5) Infrastructure
- 6) Land use
- 7) Medical care facility
- 8) Museum
- 9) Open space
- 10) Overlay zoning district
- 11) Parcel
- 12) Plat
- 13) Right-of-way
- 14) Setback
- 15) Added swimming pools to the Structure definition
- 16) Subdivision
- 17) Tract

Deletions from the Definitions section:

- 1) Boarding house definition
- 2) Garden apartments reference in Multiple-family dwelling definition
- 3) Boarding and rooming houses and tourist homes reference in the Home Occupation definition
- 4) Hospital, sanitarium or sanatorium definition
- 5) Gospel (tent) and coal bins reference in Structure definition

Other deletions (Section 17.08):

- 1) 12/81 reference in relation to fences

For conforming purposes:

- 1) Changed the time frame that zoning certificates are good for from two years to one year to conform to County and other municipalities.
- 2) Changed the granting of an extension for zoning certificates from the Board of Appeals to the Zoning Administrator to conform to the County.

Other minor edits were primarily for grammatical purposes.

FOR TOWN BOARD CONSIDERATION – FEBRUARY 2015

The Planning Commission has reviewed Chapters 17.12, 17.16, 17.28 and 17.30 and has made the following recommendations for updates to these sections.

For clarification purposes:

- 1) Simplified the permitted uses and special exception uses in the residential districts.
- 2) Simplified the purpose sections of the R-2 and R-3 districts.
- 3) Changed Business and warehouse facilities use to Business with warehouse facilities use for clarification.
- 4) Changed ‘unlicensed’ to ‘unregistered’ in relation to parking and storage of motor vehicles.

Deletions:

- 1) References to condominiums in the residential districts regulations

The Planning Commission proposes the following after deliberate and careful discussions:

- 1) Delete churches, public schools and libraries as permitted uses in the residential districts.
- 2) Include churches, schools and libraries as special exception uses in the residential districts.
- 3) Include museums and libraries as permitted uses in the Open Space district.
- 4) Change the side yard setbacks for townhouses to be more in line with what is actually in place in the townhouse development in Glenbrook.

Other minor edits were primarily for grammatical purposes.

FOR TOWN BOARD CONSIDERATION – MARCH 2015

The Planning Commission has reviewed Chapters 17.20 and 17.24 and has made the following recommendations for updates to these sections.

For clarification purposes:

- 1) Included nursery schools with child care centers in the special exceptions uses in the Town Commercial district.
- 2) Added clarifying language to design of structures in commercial districts.

Additions:

- 1) Included farmer's markets and museums as permitted uses in the Town Commercial and General Commercial districts.
- 2) Included industrial parks as special exception use in Industrial District which had been inadvertently left out.
- 3) Added the word 'not' in relation to the side yard setback regulations in the SC/LM district for commercial/recreation uses which had been inadvertently left out.

Deletions:

- 1) Rooming, boarding or lodging houses in the TC district.
- 2) Reference to 'no overnight parking of any vehicle without a permit' in the Mixed Business district.

- 3) Reference to maximum size of signs in one section of the Mixed Business district which contradicts other language in same section of Code.

The Planning Commission proposes the following after deliberate and careful discussions:

- 1) Include medical care facilities as a permitted use instead of a special exception use in the General Commercial district.
- 2) Include museums and libraries as permitted uses in the Open Space district.

Other minor edits were primarily for grammatical purposes.

FOR TOWN BOARD CONSIDERATION – JANUARY 2015

Chapter 17.04 ADOPTION, PURPOSE AND DEFINITIONS

Sections:

[17.04.010 Adoption.](#)

[17.04.020 Purpose.](#)

[17.04.030 Definitions.](#)

17.04.010 Adoption.

Under the authority granted by Article 66B of the Annotated Code of Maryland, the following ordinance codified in this title for the control of zoning is adopted and this title amends and recodifies the zoning ordinance adopted March 3, 1969, and readopted December 17, 1974.

This zoning ordinance has been prepared for the purpose of promoting the health, safety and general welfare of the Town of Middletown. It defines residential, commercial and industrial districts in the community in a manner reflective of the master development plan. Each district sets forth allowable uses, lot areas, height of structures, advertising sign requirements and other pertinent data. Filing procedures, fees and procedures of the board of appeals are also established.

(Ord. 182 (part), 1976)

17.04.020 Purpose.

A. This title is made in accordance with the Middletown ~~comprehensive~~ plan and is designed for the following purposes:

Deleted: master

1. To control congestion in the streets;
2. To secure the public safety;
3. To promote health and the general welfare;
4. To provide adequate light and air;
5. To promote the conservation of natural resources;
6. To prevent environmental pollution;
7. To avoid undue concentration of population;
8. To facilitate the adequate provision of transportation, water, sewerage, schools, recreation, parks and other public requirements.

B. Further these regulations are made with reasonable consideration to the character of each district, its suitability for particular uses and with a view to conserving the value of buildings and encouraging the orderly development and the most appropriate use of land throughout Middletown.

(Ord. 182 § 1.0, 1976)

17.04.030 Definitions.

For the purpose of this title certain terms or words used in this chapter shall be interpreted as follows:

Words used in the present tense include the future. All words in the singular include the plural and all words in the plural include the singular. The word "shall" is mandatory and not directory. The word "used" shall be deemed to include "designed, intended, or arranged to be used."

"Accessory use or building" means a use or building customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building. An accessory building is not attached by any part of a common wall or common roof to the principal building.

"Active adult community" means a community designed and planned exclusively for independent home living by active adults with households occupied by at least one resident who is fifty-five (55) years of age or older. The community shall be designed to provide the following benefits:

1. An attractive environment for older active adults which is suitable for their special needs, including smaller dwelling units which are more appropriate for older adults without children, and smaller yards resulting in reduced privately owned property requiring homeowner maintenance;
2. Open space and recreation areas for active older adults to be owned and maintained by a homeowners' association;
3. A pattern of development which preserves trees, outstanding natural topography and geographical features and prevents soil erosion;
4. A creative and flexible approach to the use of land and related physical development which results in a community design and housing types uniquely different from other residential communities not specifically designed for active adults;
5. An efficient use of land resulting in smaller networks of utilities and streets and thereby promoting lower unit costs per house;
6. An environment in harmony with the overall subdivision and surrounding development.

"Agriculture or agricultural" means the use of land for agricultural purposes, including farming, dairying, pasturage, agnculture, horticulture, floriculture, viticulture and animal and poultry husbandry and the necessary accessory uses thereto.

"Alley" means a right-of-way which provides secondary service access for vehicles to the side or rear of abutting properties.

"Amend or amendment" means any repeal, modification, or addition to a regulation; any new regulation; any change in the number, shape, boundary, or area of a zone; or any repeal or abolition of any map, part thereof, or addition thereto.

"Animal boarding place" means any building or buildings used, designed or arranged for the boarding, breeding or care of dogs, cats, pets, fowl, or other domestic animals for profit, but not to include those animals raised for agricultural purposes.

"Arterial street" means a continuous route through areas that typically carry moderate to high volumes of traffic.

Automobile Garage, Private. "Private automobile garage" means an accessory building or portion of a main building designed, arranged, or used for the housing of private motor vehicles, only one of which may be a commercial vehicle.

"Automobile parking space" means a permanently surfaced area of not less than one hundred eighty (180) square feet, either within a structure or in the open, exclusive of driveways or access drives, for the parking of a motor vehicle.

"Automobile repair and service station" means a building, lot or both in or upon which the business of general motor vehicle repair or body and fender repair is conducted, but excluding junk and/or auto wrecking business.

"Automobile sales lot" means a lot arranged, designed or used for the storage and display for sale of any motor vehicle or any type of trailer, provided the trailer is unoccupied, and where no repair work is done except minor incidental repair of automobiles or trailers displayed and sold on the premises.

"Automobile service station" means any area of land, including buildings and other structures thereon that are used to dispense motor vehicle fuels, oils and accessories at retail, where repair service is incidental, and no storage or parking space is offered for rent.

"Basement" means that portion of a building below the first floor joists.

"Bed and breakfast home" means a facility that serves the traveling public with sleeping rooms and at least one meal per day for overnight guests only in a setting reflecting a residential rather than a commercial character.

"Billboard" (see "sign") means a structure on which is portrayed information which directs attention to a business commodity, service or entertainment not necessarily related to the other uses permitted on the premises upon which the structure is located.

"Board" means the Middletown board of appeals.

"Building" means a structure having one or more stories and a roof, designed primarily for the permanent shelter, support or enclosure of persons, animals or property of any kind.

Building, Height of. "Height of building" means the vertical distance from grade plane to the average height of the highest roof surface. As used herein, "grade plane" means a reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six feet from the building, between the building and a point six feet from the building.

"Building setback line" means a line beyond which the foundation wall and/or any enclosed porch, vestibule or other enclosed portion of a building shall not project as determined by the yard requirements.

Cellar. See "basement."

"Cemetery" means a place used for the permanent interment of dead human bodies or the cremated remains thereof. It may be either a burial park for earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments, or a combination of one or more thereof.

"Child care center" and "nursery school" mean an individual agency or institution offering or supplying group care to children who have not the same parentage, for a portion or all of a day and on a regular schedule for more than once a week. Such child care centers shall be licensed by the Maryland Department of Human Resources Child Care Administration and be subject to any regulations administered by that department.

~~"Clubs, lodges and fraternal organizations" means an organized society of persons associated together for a common cause.~~

~~"Collector street" means a street which, in addition to providing ingress to properties abutting thereon, is intended to collect traffic from or distribute it to a series of local access streets within a neighborhood.~~

"Commercial vehicles" see "Restricted vehicles."

"Commission" means the Middletown planning commission.

"Commissioners" means the town commissioners of Middletown.

"Community center" means the use of property for a building which serves a public function, to be used for cultural, recreational or social activities, including senior centers, and similar community or government facilities.

"Comprehensive plan" means the policies, statements, goal, and interrelated plans for private and public land use, transportation and community facilities documented in texts and maps which constitute the guide for the town's future development. For the purpose of this definition, "master plan" or "plan" shall refer to the Middletown Comprehensive Plan, as adopted in accordance with the Land Use Article (Article 66B) of the Annotated Code of Maryland.

Deleted: "Boarding house" means a dwelling in which, for compensation, lodging, or meals, or both are furnished to not more than five guests. A boarding house shall not be deemed a home occupation. ¶

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"Condominium" means a communal form of individual ownership of individual units of property which are supported by collectively held facilities and areas and which is subject to or established under the provisions of the Real Property Article, Section 11-101 et seq., Annotated Code of Maryland; provided, however, to be considered as a condominium under the provisions of this title, there must be at least five separate and individual units subject to one condominium regime which are intended for use solely for residential purposes.

"County" means Frederick County, Maryland.

"Court" means an open, unoccupied and unobstructed space other than a group of buildings.

"Demolition" means the destruction or partial destruction of buildings, structures, facilities or material by use of fire, water, explosives, mechanical or other means.

"Development" means any activity, other than normal agricultural activity, which materially affects the existing condition or use of any land or structure.

"Dwelling" means a building or portion thereof arranged or designed to provide living facilities for one or more families, but not including a tent, cabin, ~~mobile home~~, bus or a room in a motel or hotel.

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Dwelling, Attached. "Attached dwelling" means a building arranged or designed to provide living facilities for more than one family. Individual units will be separated by a common wall.

Dwelling, Detached. "Detached dwelling" means a building designed to provide living facilities for one family entirely separated from any other building or structure by space on all sides.

Dwelling, Duplex. "Duplex dwelling" means two dwelling units arranged or designed to be located on abutting and separate lots and separated from each other by a continuous vertical party wall, without openings from the lowest floor level to the highest point of the roof which lies along the dividing lot line, and such dwelling is separated from any other structure by yards or other green areas on all sides.

Dwelling, Multiple-Family. "Multiple-family dwelling" means a building containing three or more dwelling units (townhouse, apartments).

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Dwelling, One-Family. "One-family dwelling" means a building containing not more than one dwelling unit.

Dwelling, Two-Family. "Two-family dwelling" means a building containing not more than two dwelling units, arranged one above the other or side by side, not, however, to include duplexes.

"Dwelling unit" means a building or portion thereof arranged or designed for occupancy by not more than one family for living purposes and having cooking facilities.

"Easement" means a grant by a property owner of the use of land for use, construction, or maintenance of facilities, utilities, drainage, or access without giving up title to the land.

Educational Institution, Private. "Private educational institution" means every private school or educational or training institution, however designated, which offers a program of college, professional, preparatory, high school, junior high school, elementary, kindergarten or nursery school instruction, or any combination thereof, or any other program of trade, technical, or artistic instruction, but such term does not include any educational institution of the county board of education. No private educational institution shall be deemed a home occupation.

"Eleemosynary or philanthropic institution" means a private, nonprofit organization which is not organized or operated for the purpose of carrying on a trade or business, no part of the net earnings of which inures to the benefit of any member of such organization or individual.

"Enclosed structure" means any structure with a roof overhead and attached to the principal structure.

"Family" means an individual or two or more persons related by blood or marriage, or legal adoption and/or a group of people including not more than two persons not related by blood or marriage. In all cases, foster children placed by an agency licensed to operate in Maryland ~~and housed~~ on the premises are considered as members of the family.

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"Family day care home" means a residence in which care is given in lieu of parental care to children for less than twenty-four (24) hours a day for which compensation is paid. Such family day care homes shall be registered by the Maryland State Department of Education Office of Child Care, and be subject to any regulations administered by that department.

Deleted: Human Resources
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"Farm" means a parcel of land not less than twenty-five (25) acres in size used for agriculture as defined hereinabove.

Floor Area of Building, Total. "Total floor area of building" means the total number of square feet of floor area in a building, excluding cellars, uncovered steps and uncovered porches; but including the total floor area of accessory buildings on the same lot. All horizontal measurements shall be made between interior faces of walls.

"Frontage" means the length of the front property line of the lots, or tract of land abutting a public street, road or highway, or rural right-of-way.

"Home occupation" means an occupation conducted entirely within a dwelling and/or accessory structure by a member or members of a family residing therein. Bed and breakfast homes and private educational institutions shall not be deemed home occupations.

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"Home owners association" means an incorporated, nonprofit organization operating under recorded land agreements through which: (1) each lot and/or home owner in a planned unit or other described land area is automatically a member; and (2) each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property; and (3) the charge, if unpaid, becomes a lien against the property.

"Hotel" means any building containing ten (10) or more guest rooms, where, for compensation, lodging, meals or both are provided for ten (10) or more guests, excluding a fraternity or sorority house, school or college dormitory, tourist home, motel or apartment hotel as defined in this chapter.

Deleted: "Hospital, sanitarium or sanatorium" means any institution receiving inpatients and rendering medical, surgical and/or obstetrical care. This shall include general hospitals and institutions in which service is limited to special fields such as cardiac, eye, ear, nose and throat, pediatric, orthopedic, skin and cancer, mental, tuberculosis, chronic disease and obstetrics. The term "hospital" shall also include sanitariums and sanatoriums, including those wherein feeble-minded and mental patients, epileptics, alcoholics, senile psychotics or drug addicts are treated or cared for. ¶

"Industrial park" means a tract of land for industrial use developed according to a plan for occupancy by a group of industries and equipped with streets and necessary utilities.

"Infrastructure" means the built facilities that are required in order to serve a community's developmental and operational needs. The infrastructure includes such things as roads and water and sewer systems.

"Junk yard" means any land used for the abandonment, storage, keeping, collecting or baling of paper, rags, scrap metal, other scrap or discarded materials, or for the abandonment, demolition, dismantling, storage, or salvaging of two or more unlicensed or inoperative automobiles or other vehicles, machinery, or parts thereof.

"Kennel" means any place or premises, other than a pet shop or veterinary clinic, used in whole or in part for the housing, boarding or care of eight or more dogs or cats at any one time and in any combination. No kennel may house, board or care for more than fifteen (15) dogs or cats, in any combination, at any one time.

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"Land use" means the types of buildings and activities existing in an area or on a specific site. Land use is to be distinguished from zoning, the latter being the regulation of existing and future land uses.

"Large retail/commercial establishment" means a retail establishment (store) with any commercial retail uses or a combination of such commercial retail uses comprised of greater than twenty-five thousand (25,000) square feet and less than sixty thousand (60,000) square feet of total floor area.

"Lot" means a parcel of land occupied or to be occupied by a building and its accessory buildings, together with such open spaces as required, and having frontage on a public right-of-way unless where excepted elsewhere in this title, provided, however, a lot in a shopping center shall be controlled by the provisions of Section 17.20.070 of this code.

Lot Area, Net. "Net lot area" means the total horizontal area included within the rear, side and front lot or proposed street lines of the lot, excluding any streets or highways, whether dedicated or not dedicated to public use, but including off-street automobile parking areas and other accessory uses.

Lot, Corner. "Corner lot" means a lot abutting on two or more streets at their intersection which does not exceed one hundred thirty-five (135) degrees.

"Lot depth" means the average distance between the front lot line and the rear lot line.

Lot Frontage, Minimum, at Front Lot Line. "Minimum lot frontage at front lot line" means the least permissible width of a lot measured horizontally along the front lot line.

Lot Line, Front. "Front lot line" means the street line running along the front of the lot separating it from the street. In a through lot, both lines abutting the street shall be deemed to be "front lot lines." A corner lot shall be deemed normally to have two front lot lines.

Lot Line, Rear. "Rear lot line" means the lot or lines generally opposite or parallel to the front lot line, except in a through lot. If the rear lot line is less than ten (10) feet long or the lot comes to a point at the rear, such lot line is assumed to be a line not less than ten (10) feet long, lying wholly within the lot, parallel to the front lot line, or in the case of a curved front lot line, parallel to the chord of the arc of such front lot line.

Lot Line, Side. "Side lot line" means any lot line other than a front lot line or a rear lot line.

Lot, Through. "Through lot" means an interior lot, fronting on two parallel or approximately parallel streets.

"Medical or dental clinic" means any building or group of buildings occupied by medical practitioners and related services for the purpose of providing health services to people on an out-patient basis.

"Medical care facility" means any institution which receives in-patients and out-patients and provides medical, psychological, surgical, or similar services.

"Mobile home" means any vehicle or similar portable structure having no foundation other than wheels, jacks, or skirting and so designed or constructed as to permit occupancy for dwelling or sleeping purposes.

Deleted: Mobilehome

"Mobile home park or mobile home subdivision" means any site, lot, or parcel of ground maintained or intended for the purpose of supplying a location or accommodation for two or more mobile homes for living purposes and including all buildings, structures, vehicles, accessories and appurtenances used or intended as equipment in such a park.

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"Motel" means any group of dwelling units combined or separate, used for the purpose of housing transient guests, each unit of which is provided with its own toilet, washroom and off-street parking facilities.

"Museum" means a commercial establishment for preserving and exhibiting artistic, historical, scientific, natural, or man-made objects of interest. A museum or gallery may include the sale of the objects, memorabilia, crafts or artwork.

"Nonconforming" means a use of a building or of land lawfully existing at the time this and/or previous ordinances or amendments thereto became effective and which does not conform with the use regulations of the zone in which it is located.

"Nursing home" includes rest homes, convalescent homes and homes for the aged and means a place devoted primarily to the maintenance and operation of facilities for the treatment and care of any persons suffering from illnesses, diseases, deformities or injuries, not requiring extensive and/or intensive care that is normally provided in a general hospital or other specialized hospital, but who do require care in excess of room and board and who need medical, nursing, convalescent, or chronic care.

"Open space" means parks, streams and ponds, homeowners' association common areas and areas of land not covered by structures, driveways, or parking lots.

"Overlay zoning district" means a district that is superimposed on portions of one or more underlying general use-based zoning districts that allow application of additional standards addressing a special purpose.

"Parcel" means a lot or group of lots under a single ownership or control. A parcel is usually viewed as a single unit for development purposes.

"Planned unit development" or "PUD" means a planned, larger-scale development, greater than twenty (20) acres, which may contain a variety of residential and nonresidential building types, land uses and common open space.

"Plat" means the map of a subdivision showing the number and dimensions of lots, public and private rights-of-way, and easements. The final plat must be filed and recorded with the county clerk in the county plat book.

"Private club" means an incorporated or unincorporated association for civic, social, cultural, religious, literary, fraternal, political, recreational, or like activities, operated for the benefit of its members and not open to the general public.

"Professional office" means rooms and/or buildings used for office purposes by a member of any recognized profession, including doctors, dentists, lawyers, accountants, engineers, veterinarians, etc., but not including medical or dental clinics or veterinary clinics.

"Public safety services" means fire, police, or emergency medical services (EMS) provided to the community and authorized pursuant to the appropriate governing body and shall include building and facilities reasonably necessary to store and maintain equipment and house personnel.

"Public utility" means any use or structure which provides to the general public such services as water, sewerage, sewage treatment, electricity, piped gas or telecommunications.

"Recreational equipment" means any mobile apparatus specifically designed for recreational activities and including travel trailers, pickup campers, motorized dwellings, tent trailers, boat trailers, houseboats or storage containers used for transporting recreational equipment.

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"Restricted vehicles" means:

- A. A motor vehicle with permanent outside dimensions greater than eight feet wide or eight feet tall, or twenty-two (22) feet long; or
- B. A motor vehicle with externally mounted work equipment that causes the outside dimensions to be greater than eight feet wide, or eight feet tall, or twenty-two (22) feet long; or
- C. A trailer or semitrailer; or
- D. Recreational equipment with permanent outside dimensions greater than eight feet wide, or eight feet tall, or twenty-two (22) feet long are deemed to be restricted vehicles.

"Right-of-way" means the legal right to cross over property.

"Road" means and includes street, highway, avenue, lane, marginal access street, service drive, alley, bridge, viaduct or any segment thereof.

"Screening" means the use of fencing, walls, vegetation or berms to shield or obscure an object or use from view from adjoining and nearby properties.

"Setback" means the distance between a building or structure (not including ground-level parking lots or other paved surfaces) and property lines or from other buildings.

"Shed" means a structure of no more than one story with a maximum height of fifteen (15) feet that is not intended for the storage of cars or trucks.

"Shopping center" means one or more retail and/or commercial establishments on a lot greater than one acre, planned, developed, owned and managed as a unit with off-street parking provided on the property and related in size, type and number of shops to the trade area that the unit serves.

"Sign" means any structure, part thereof, or device attached thereto or painted or represented thereon or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, word, model, banner, emblem, insignia, device, trademark, or other representation used as, or in the nature of, an announcement, advertisement, direction, or designation of any person, firm, group, organization, place, commodity, product, service, business, profession, enterprise, or industry which is located upon any land

or any building, in or upon a window or canopy, or indoors in such a manner as to attract attention from outside the building.

Sign, Business. "Business sign" means a sign which directs attention to a business, commodity, service or other activity conducted upon the premises upon which the sign is located.

Sign, Directional or Information. "Directional or information sign" means a sign describing the location of a community or institution of public or quasipublic nature or the opening of an event of public interest, but not including signs pertaining to real estate.

Sign, Personal Service. "Personal service sign" means name plates or signs designating home occupations, accessory uses, such as a doctor's office, or similar use, or advertising exclusively the sale of farm products produced on the premises.

Sign, Billboard. See "Billboard."

Sign, Real Estate. "Real estate sign" means a sign advertising for sale, lease, rental, or development of any particular premises or directing attention to the opening and location of a new subdivision, neighborhood, or community.

"Site development plan" or "site plan" means the plan showing the location of existing and proposed buildings, structures, paved areas, storm water management, walkways, vegetative cover, landscaping, screening and other matters which may be required with regard to a site proposed for development.

"Solar collection system" means a panel or other solar energy device, the primary purpose of which is to provide for the collection, inversion, storage, and distribution of solar energy for electricity generation, space heating, space cooling, or water heating.

"Solar collection system, building-mounted" means a solar collection system which is connected to or mounted upon a principal or accessory building.

"Solar collection system, freestanding" means a solar collection system which is not connected to or mounted upon a principal or accessory building.

"Special exception" means a grant of a specific use that would not be appropriate generally or without restriction and be based upon a finding that certain conditions governing specific exceptions as detailed in the zoning ordinance exist, that the use conforms to the town comprehensive plan and is compatible with the existing neighborhood.

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"Storage container" means a prefabricated "sea container" or "C container" or similar object which is or resembles a modified trailer, tractor-trailer, railroad car or intermodal shipping container and which is manufactured or used primarily for storage or shipping purposes.

"Story" means that portion of a building included between the surface of any floor and the surface of the floor next above it or, if there is, no floor above it, the space between such floor and the ceiling next above it. A basement shall be counted as a story if it is used for business or dwelling purposes. A mezzanine floor shall be counted as a story if it covers more than one-third of the area of the floor next below it or if the vertical distance between the floor next below it and the floor next above it is twenty (20) feet or more.

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"Street" means a public or dedicated way, or a public proposed right-of-way, widening, or extension of an existing street or public way shown on any plan approved by the planning commission.

"Structural alteration" means any change in the structural members of a building, such as walls, columns, posts, beams or girders.

"Structure" means an assembly of materials forming a construction for occupancy or use including, among others, buildings, stadiums, circus tents, reviewing stands, platforms, stagings, observation towers, radio and T.V. broadcasting towers, water tanks, trestles, open sheds, shelters, fences, walls, signs, swimming pools, power line towers, pipelines, railroad tracks and poles.

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"Subdivision" means the division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale or of building development. It includes resubdivision and, when appropriate to the context, relates to the process of resubdividing or to the land or territory subdivided.

"Swimming pool" means any structure, basin, chamber or tank, either above or below ground, containing in depth more than eighteen (18) inches of water, used or intended to be used for the primary purpose of swimming, diving, wading, or recreational bathing.

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Theater, Indoor. "Indoor theater" means a building designed and/or used primarily for the commercial exhibition of motion pictures or stage presentations to the general public.

"Townhouse" means one of a group of three or more attached dwelling units divided from each other by party walls and each having separate front and rear or front and side entrances from the outside.

"Tract" means land under single ownership or control. A tract usually covers a substantial acreage and has the potential to be subdivided into lots.

"Trailer" means a vehicle that has no motive power, and is designed to carry people or property and to be towed by a motor vehicle.

"Use" means the principal purpose for which a lot or the main building thereon is designed, arranged or intended and for which it is or may be used, occupied or maintained.

"Variance" means a modification only of density, bulk or area requirements in the zoning ordinance where such modifications will not be contrary to the public interest and where, owing to conditions peculiar to the property, and the results of any action taken by the applicant, a literal enforcement of the ordinance would result in unnecessary hardships.

"Video lottery facility" means a facility at which video lottery terminal players play video lottery terminals.

"Video lottery terminal" means any machine or other device that, on insertion of a bill, coin, token, ticket, coupon or similar item, or on payment of any consideration:

1. Is available to play or simulate the play of any game of chance in which the results, including the options available to the video lottery terminal player, are randomly and immediately determined by the machine or other device; and
2. By the element of chance, may deliver or entitle the video lottery terminal player who operates the machine or device to receive cash, premiums, merchandise, tokens, or anything of value, whether the payout is made automatically from the device or in any other manner.

"Video lottery terminal" means and includes a machine or device:

1. That does not directly dispense money, tokens, or anything of value to winning video lottery terminal players; and
2. Described in this definition that uses an electronic credit system making the deposit of bills, coins, or tokens unnecessary.

"Video lottery terminal" does not include a machine or device that is available to play the Maryland State lottery conducted under Sections 9-101 et seq., of the State Government Article of the Annotated Code of Maryland.

"Video lottery terminal player" means an individual who plays a video lottery terminal in a video lottery facility.

"Yard" means open space on the same lot with a building or group of buildings, lying between the building or outer building of a group and the nearest lot or street line, and unoccupied and unobstructed from the ground upward, except as provided in this title.

"Yard Sales" means sales of items limited to those items normally found at residential premises and shall not include heavy commercial, industrial or agricultural equipment.

Yard, Front. "Front yard" means open space extending across the full width of lot between the front line or the proposed front street line and nearest line of the building or any enclosed portion thereof. The depth of such yard shall be the shortest horizontal distance between the front lot line or proposed front street line and the nearest point of the building or any enclosed portion thereof.

Yard, Rear. "Rear yard" means open space extending across the full width of lot between the rear line of the lot and the nearest line of the building, porch or projection thereof. The depth of such yard is the shortest horizontal distance between the rear lot line and the nearest point of the building.

Second story overhang, roof overhang, unenclosed porches, or similar architectural features are excluded from the measurement if they do not project more than six feet into the rear yard.

Yard, Side. "Side yard" means open space between the side lot line, the side street line, or the proposed side street line, if such line falls within the lot, and the nearest line of the foundation of the building, porch or projection thereof, extending from the front yard to the rear yard.

"Zone" means an area within which certain uses of land and buildings are permitted and certain others are prohibited; yards and other open space are required; lot areas, building height limits, and other requirements are established; all of the foregoing being identical for the zone in which they apply.

"Zoning administrator" means an officer of the town, appointed by the burgess with advice and consent of the commissioners, who administers the zoning regulations and acts as secretary to the board of appeals.

"Zoning certificate" means an official document, issued by the zoning administrator, authorizing buildings, structures or uses consistent with the terms of this title and for the purposes of carrying out and enforcing its provisions.

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"Zoning map" means the zoning map of the Town of Middletown together with all amendments thereto subsequently adopted.

(Ord. No. 12-01-01, § 1, 1-9-2012, eff. 1-29-2012; Ord. No. 11-03-01, § 1, 7-11-2011, eff. 7-31-2011; Ord. No. 10-10-03, § II, 10-25-2010; Ord. No. 10-10-02, § I, 10-25-2010; Ord. No. 10-04-01, § I, 3-22-2010; Ord. No. 09-03-03, § I, 3-9-09; Ord. 08-09-02 § 1, 2008; Ord. 08-01-01 § 1, 2008; Ord. 07-10-02 § 1, 2007; Ord. 07-01-01 § 1, 2007; Ord. 05-09-01 § 1 (part), 2005; Ord. 05-06-01 § 1, 2005; Ord. 04-10-01 § 1, 2004; amended after public hearing, 2-14-2000; Ord. 182 § 12.0, 1976)

Chapter 17.08 ADMINISTRATION AND ENFORCEMENT

Sections:

[17.08.010 Application of regulations.](#)

[17.08.020 Zoning administration.](#)

[17.08.030 Zoning certificate required.](#)

[17.08.040 Issuance of a zoning certificate.](#)

[17.08.050 Issuance of certificate does not waive requirements.](#)

[17.08.060 Zoning certificate may be outdated.](#)

[17.08.070 Zoning certificate fee schedule.](#)

[17.08.080 Interpretation in case of conflict with other ordinances.](#)

[17.08.090 Amendment procedure.](#)

[17.08.100 Approval of zoning amendment.](#)

[17.08.110 Enforcement.](#)

17.08.010 Application of regulations.

No building or land shall hereafter be used and no building or part thereof shall be erected, moved or altered unless for a use expressly permitted by and in conformity with the regulations for the district in which it is located.

(Ord. 182 § 2.2, 1976)

17.08.020 Zoning administration.

This title shall be administered by the zoning administrator. (Appeals from the decision of the zoning administrator may be taken to the board of appeals; see [Chapter 17.44.](#))

(Ord. 182 § 3.0, 1976)

17.08.030 Zoning certificate required.

It is unlawful to commence the excavation for or the construction of any building, including accessory building, signs and fences, or to commence the moving, alteration, or change of use of any land or buildings, including accessory buildings, until the zoning administrator has issued a zoning certificate for such work.

(Ord. 182 § 3.1.1, 1976)

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17.08.040 Issuance of a zoning certificate.

In applying to the zoning administrator for a zoning certificate, the applicant shall submit a plat in duplicate, drawn to scale, showing the name of the person making the application, the actual dimensions of the lot to be built upon as shown by a survey, size, shape and location of the building to be erected, and such other information as may be necessary to provide for the enforcement of this title. This section is applicable to the construction of signs.

If the proposed excavation, construction or use of property, as set forth in the application, is in conformity with the provisions of this title and other ordinances of the town, the zoning administrator shall issue a zoning certificate for such excavation, construction or use. If a zoning certificate is refused, the zoning administrator shall state such refusal in writing with the cause. The zoning administrator shall grant or deny the certificate within a reasonable time provided he or she has received comment from any agency involved or having jurisdiction with regard to such certificate. A record of applications, plats, and action shall be maintained in the office of the zoning administrator.

(Ord. 07-10-02 § 2, 2007; Ord. 182 § 3.1.2, 1976)

17.08.050 Issuance of certificate does not waive requirements.

Issuing of a zoning certificate for construction or excavation not conforming to requirements of this title shall not be construed as waiving any provisions of this title.

(Ord. 182 § 3.1.3, 1976)

17.08.060 Zoning certificate may be outdated.

A zoning certificate must be completed in full in one year or restored to original condition; however, the Zoning Administrator may grant an additional extension of up to one-year of the zoning certificate after the one-year limitation expires.

(Ord. 182 § 3.1.4, 1976)

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17.08.070 Zoning certificate fee schedule.

To partially defray the expense of administering the ordinance codified in this chapter, a fee shall be paid to the town before any zoning certificate is issued. The amount of the fees shall be as established, from time to time, by resolution of the burgess and commissioners.

(Ord. 00-04-04 § 1, 2000)

17.08.080 Interpretation in case of conflict with other ordinances.

In interpreting and applying the provisions of this title, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, prosperity and general welfare.

(Ord. 182 § 13.0, 1976)

17.08.090 Amendment procedure.

- A. The burgess and commissioners may from time to time, on its own motion or on petition, amend, supplement, change, modify or repeal by ordinance the boundaries of district, regulations or restrictions herein established.
- B. A public hearing shall be held by the burgess and commissioners before adoption of any proposed amendment, supplement or change. Public notice of the time and place of such hearing, together with a summary of the proposed regulation, restriction or boundary, shall be published in at least one newspaper of general circulation in the town once each week for two successive weeks. The first such publication of notice shall appear at least fourteen (14) days prior to the hearing. A complete record of the hearing and the votes of all members of the burgess and commissioners shall be kept.
- C. In order to partially defray the expense of a zoning change public hearing, the person or parties petitioning for a zoning change shall pay to the town a fee, the amount of which fee shall be established, from time to time, by resolution of the burgess and commissioners. No part of such fee shall be refunded for failure of such amendment to be enacted into law.

(Ord. 00-04-04 § 5, 2000)

17.08.100 Approval of zoning amendment.

- A. No amendment shall be considered or acted upon by the burgess and commissioners unless it is first submitted to for review by and recommendation of the planning commission. If the planning commission recommends against approval of the amendment, it may be approved and adopted only if it receives a majority vote of the entire burgess and commissioners.
- B. Where the purpose and effect of the proposed amendment is to change the zoning classification, the burgess and commissioners shall make findings of fact in each specific case, including, but not limited to, the following matters: population change, availability of public facilities, present and future transportation patterns, compatibility with existing and proposed development for the area, the recommendation of the planning commission and the relationship of such proposed amendment to the town's comprehensive plan; and may grant the amendment based upon a finding that there was a substantial change in the character of the neighborhood where the property is located or that there was a mistake in the existing zoning classification. A complete record of the hearing and the votes of all members of the burgess and commission shall be kept.
- C. An application for a reclassification shall not be accepted for filing by the burgess and commission if the application is for the reclassification of the whole or any part of land the reclassification of which has been opposed or denied by the burgess and commission within twelve (12) months from the date of the local legislative body's decision. No change in or departure from the proposed amendment, as recommended by the planning commission, shall be made unless the same is resubmitted to the

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commission for its further recommendations. No amendments, supplement or change shall be adopted contrary to the recommendations of the planning commission except by a majority vote of the burgess and commissioner.

(Ord. 07-10-02 § 3, 2007; Ord. 182 §§ 11.1.1—11.1.3, 1976)

17.08.110 Enforcement.

- A. Pursuant to [Section 3](#) of Article 23A of the Annotated Code of Maryland, any violation of any of the provisions of this zoning ordinance is a municipal infraction. If, after investigation, a municipal infraction is believed to have been committed, the zoning administrator or his or her authorized agent shall be authorized to serve a citation or a warning to the property owner and other person or persons committing the infraction. The citation or warning shall be served in accordance with the provisions of Article 23 A, [Section 3](#)(B)(3)(i), Annotated Code of Maryland.
- B. The citation or warning, as provided for in this section, shall be in writing and shall contain the following:
1. The name and address of the person charged (or warned);
 2. The nature of the violation;
 3. The location of the violation;
 4. The date(s) and time(s) of the violation;
 5. The amount of the fine assessed (or possible of assessment);
 6. The manner, location and time for which the fine may be paid (or violation corrected, if applicable);
 7. The person's right to stand trial for the violation (if applicable);
 8. A certification by the zoning administrator or his or her authorized agent attesting to the truth of the matters set forth; and
 9. The effect of failing to pay the assessed fine or demand a trial within the prescribed time.
- C. Whenever an alleged or possible municipal infraction comes to the attention of the zoning administrator, the procedure to be followed is:
1. That the zoning administrator will investigate whether an infraction has occurred;
 2. That, if the zoning administrator reasonably finds that an infraction has occurred, he or she will issue a warning to the person or persons responsible in the form and manner as outlined in this section, with a reasonable time stated to abate or to prevent future infractions;
 3. That, if the infraction continues or is allowed to occur after the reasonable time stated, the zoning administrator will issue a citation to the person or persons responsible in the form and manner as outlined in this section. Notwithstanding the provisions of subsection (C)(2) of this section, the zoning administrator may issue a citation without the prior issue of a warning.
- D. A fine not to exceed one thousand dollars (\$1,000.00) may be imposed upon any person committing a municipal infraction. Each day such violation is permitted to exist shall be considered a separate infraction. All fines shall be payable to the town within twenty (20) calendar days of the service of the citation.
- E. A person who receives a citation may elect to stand trial for the offense by filing with the zoning administrator a notice in writing of his or her intention to stand trial. The notice shall be given at least five (5) days before the date of payment as set forth in the citation. On receipt of the notice of intention to stand trial, the zoning administrator shall forward to the District Court of Maryland for Frederick County, a copy of the citation and the notice of intention to stand trial. On receipt of the citation, the district court shall schedule the case for trial and notify the defendant of the trial date. All fines, penalties or forfeitures collected by the district court for the municipal infraction shall be remitted to the town.

- F. If a person who receives a citation for an infraction fails to pay the fine by the date of payment set forth on the citation and fails to file a notice of intention to stand trial, the person is liable for the assessed fine. In that event, the person is liable for two times the amount of the fine, not to exceed one thousand dollars (\$1,000.00) per infraction and the town may request adjudication of the case through the district court including the filing of a demand for judgment on affidavit. The district court shall schedule the case for trial and summon the defendant to appear and shall proceed in accordance with Article 23A, [Section 3\(B\)\(5\)](#), Annotated Code of Maryland.
- G. Adjudication of an infraction under this section is not a criminal conviction, nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction.
- H. In a proceeding before the district court, the violation shall be prosecuted in the same manner and to the same extent as set forth for municipal infractions in Article 23A, Sections 3(b)(7) through (15) of the Annotated Code of Maryland, and the town shall be entitled to any relief authorized thereby. The town attorney is authorized to prosecute all municipal infractions under this section.
- I. If a person is found by the district court to have committed a municipal infraction, he or she shall be liable for the costs of the proceedings in the district court.
- J. Depending on the circumstances of each case and after consultation with the town attorney, the zoning administrator has the discretionary authority to reduce or suspend all or a portion of the fine payable through his or her office.
- K. Nothing contained in this section shall prohibit or prevent the zoning administrator, or anyone else, from seeking other legal remedies, such as injunction, criminal prosecution, or damages in a civil action pursuant to Section 7.01 of Article 66B, Annotated Code of Maryland as amended. The enforcement procedures and provisions set forth in this section apply only to zoning and related violations of this title and are independent of the enforcement procedures provided for municipal infractions under [Title 1](#) of this Code.
- L. References made in this section to provisions of the Annotated Code of Maryland shall pertain to such provisions as they may be amended from time to time.

(Ord. No. 11-03-02, § 1, 3-28-2011; Ord. 182 § 3.2, 1976)