

TRAPPE TOWN CODE



Trappe Maryland

TOWN OF TRAPPE

Town of Trappe adopted September 6, 2006, as amended through April 24, 2017

TRAPPE TOWN CODE
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SECTION 1. GENERAL PROVISIONS

- 1.1. How code designated and cited
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- 1.11. Administrative Search Warrants; Right of Entry.

Section 1.1 How Code designated and cited. The ordinances embraced in the following chapters and sections shall constitute and be designated as “The Code of Ordinances of the Town of Trappe”, and may be so cited. The Code may also be cited as “Trappe Town Code, 2007.”

Section 1.2. Definitions and rules of construction. In the construction of this Code and all ordinances, the following definitions and rules shall be observed, unless such definitions and rules would be inconsistent with the manifest intent of the Town of Trappe or the context clearly requires otherwise.

Charter – shall mean the Charter of the Town of Trappe.

Commissioners – when used as “the Commissioner” or “this Commissioner” shall mean the Commissioners of the Town of Trappe.

Council - when used as “Council”, shall mean the Trappe Town Council.

County - when used as “the County” or “this County” shall mean Talbot County, Maryland.

Owner - The word “owner”, applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, or joint tenant or tenant by the entirety, of the whole or part of such building or land.

Person - shall include a corporation, company, partnership, association or society as well as a natural person.

Property - shall include real and personal property.

Shall; May – The word “shall” is mandatory, and the word “may” is permissive.

Sidewalk - is any path or way, paved or unpaved, whether publicly or privately owned, intended for public use by pedestrians.

State – when used as “the State” or “this State” shall mean the State of Maryland.

Street – shall include any public ways, roads, highways, avenues, alleys and lanes within the Town.

Tenant; Occupant – when applied to a building or land, shall include any person who occupies the whole or a part of such building or land, whether alone or with others.

Time – when used in the past or present tense, include the future as well as the past and present.

Town – when used as “the Town” or “this Town” shall mean the Town of Trappe, in the County of Talbot and the State of Maryland.

Year – shall mean a calendar year except when referring to the fiscal year.

Section 1.3. Catchlines of sections. The catchlines or titles of the several sections of this Code are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be a legal part of such sections, nor as any other part of such sections, nor unless expressly so provided, shall they be deemed when any of such sections, including the catchlines, are amended or re-enacted.

Section 1.4. Repeal of ordinances. All ordinances or portions of ordinances in conflict with the provisions of this Code are hereby repealed to the extent of such conflict.

Section 1.5. Effect of repeal. The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect. The repeal set forth in Section 1.4. shall not affect any of the following:

- A. Any offense or act committed or done or any penalty or forfeiture incurred before the enactment date.
- B. Any contract or right established or accruing before the enactment date.
- C. Any ordinance or resolution promising or guaranteeing the payment of money for the Town of Trappe or authorizing the issuance of any bonds of the town or any evidence of the town's indebtedness or any contract or obligation assumed by the town.
- D. Any annual tax levy, rates, charges, or fees that are not inconsistent with the provisions of this Code.
- E. Any right, permit, license, or franchise conferred by the Town upon any person or corporation.
- F. Any ordinance or resolution of the Town adopted for purposes which have been consummated.
- G. Any ordinance which is temporary although general in effect, or special although permanent in effect.
- H. Any ordinance or resolution relating to the salaries of the town officers or employees.
- J. Any ordinance or resolution annexing territory to the town.
- K. Any ordinance naming, renaming, opening, accepting or vacating streets or alleys in the town.
- L. Any ordinance adopted after the effective date.
- M. The Zoning Ordinance of the Town, The Comprehensive Plan, and the Trappe Water and Sewerage Subsidiary Plan.
- N. The Trappe Charter.

Section 1.6. Provisions deemed continuations of existing ordinances. The provisions appearing in this Code, so far as they are the same in substance as ordinances existing at the effective date of this Code, shall be considered as continuation thereof and not as new enactments.

Section 1.7. Severability of parts of Code. It is hereby declared to be the intention of the Commissioners that the sections, paragraphs, sentences, clauses and words of this section of this Code are severable, and if any word, clause, sentence, paragraph or section of this Code shall be declared unconstitutional or otherwise invalid by the valid judgment of decree of any court of competent jurisdiction, that unconstitutionality or invalidity shall not affect any of the remaining words, clauses, sentences, paragraphs and sections of this Code, since the same would have been enacted by the Commissioners without the incorporation in this Code of any unconstitutional or invalid word, clause, sentence, paragraph or section.

Section 1.8. Amendment to Code; effect of new ordinance; amendatory language. All ordinances passed subsequent to this Code which repeal or in any way affect this Code or Ordinances, may be numbered in accordance with the numbering system of this Code and printed for inclusion therein. When subsection ordinances repeal any chapter, section or subsection or any portion thereof, those repealed portions may be excluded from this Code by omission from reprinted pages. All sections, articles, chapters, titles or provisions of this Code desired to be replaced should be specifically repealed by section, chapter or title number, as the case may be.

Section 1.9. Authority of Code. This Code is a revision and a codification of the general regulatory ordinances of the Town of Trappe which have been enacted and published in accordance with the provisions of the laws of Maryland and which have not been repealed, and is done by virtue of authority granted in Maryland Code Annotated, Article 23A, § 23A, Section 2(b)(13).

Section 1.10. General penalty for misdemeanors; continuing violations; civil penalties for municipal infractions.

- A. **Misdemeanors.** Unless otherwise specifically provided by this Code or Town ordinance, whenever in this Code or in any ordinance, the Town Council shall declare that any act or failure to act is a misdemeanor or is

declared unlawful, and is not specifically declared to be an infraction, the violation of any such provision shall be punishable by a fine not to exceed the maximum allowable fine for misdemeanors as set forth in Article 23A, § 3 of the Maryland Annotated Code, or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment as determined in the discretion of the Court. Where this Code or ordinance sets forth a specific fine for a particular misdemeanor, that fine shall apply. If no specific fine is set by this Code or by ordinance of the Town Council for a misdemeanor, the fine for the first offense shall be One Hundred Dollars (\$100.00), and shall be Two Hundred Dollars (\$200.00) for each additional offense within a 12 month period. Each and every day such violation occurs shall be considered a separate offense, and subject to separate penalties and fines.

- B. **Municipal Infractions.** The Trappe Town Council shall by official act declare the violation of which Code provisions or ordinances shall be an infraction or infractions, and for each such violation a fine shall be set. This fine shall never exceed the maximum allowable fine for each municipal infraction as set forth in Article 23A, § 3 of the Maryland Annotated Code. Unless this Code or any ordinance of the Town sets forth a different fine amount for the particular infraction, the penalty for the first infraction shall be One Hundred Dollars (\$100.00), and Two Hundred Dollars (\$200.00) for the second violation. Where this Code or any ordinance sets forth a specific fine for a particular municipal infraction, that fine amount shall apply. Each day that such a violation continues shall be considered a separate offense.

Section 1.11. Administrative Search Warrants; Right of Entry. The Town of Trappe, or its designated code official, may apply to a judge of the District Court or Circuit Court for Talbot County, for an administrative search warrant to enter any premises to conduct any inspections required or authorized by this Code or applicable law.

- A. **Form.** The application for an administrative search warrant shall be in writing and sworn to by the applicant and shall particularly describe the place, structure, premises, to be inspected and the nature, scope and purpose of the inspection to be performed by the applicant.
- B. **Findings.** A judge of a court referred to in this section may issue the warrant based upon information set forth in subsection A upon a finding that:
1. The applicant has sought access to the property for the purpose of making an inspection;
 2. after requesting, at a reasonable time, that the owner, tenant or other individual in charge of the property allow the applicant access, the applicant has been denied access to the property, or after making a reasonable effort the applicant has been unable to locate any of these individuals;
 3. The Town or its designated code officials(s) is authorized by law to make an inspection of the property for which the warrant is sought; and
 4. Probable cause for the issuance of the warrant has been demonstrated by the applicant by specific evidence of a public nuisance that affects the health, safety and welfare of the Town's citizens, or that the property to be inspected falls within the Town's inspection process pursuant to the Property Maintenance Code.
- C. An administrative search warrant issued under this section shall specify the place, structure, or premise to be inspected. The inspection conducted may not exceed the limits specified in the warrant.
- D. An administrative search warrant issued under this section authorizes the applicant and other designated officials or employees of the Town to enter specified property to perform an inspection, sampling and other functions

authorized by law to determine compliance with the provision of the code or other law.

- E. An administrative search warrant issued under this section shall be executed and returned to the judge by whom it was issued within:
 - 1. The time specified in the warrant, not to exceed thirty days; or
 - 2. If no time period is specified in the warrant, fifteen days from the date of its issuance.

- F. Information obtained in accordance with an administrative search warrant under this section is confidential and may not be disclosed except:
 - 1. To the extent used in an administrative or judicial proceeding that arises out of a violation that relates to the purposes for which the warrant was issued and within the scope of the warrant; or
 - 2. To the owner or occupant of the building or premises.

[History: Section 11.1 added, Ord. 2-2008]

SECTION 2. HUNTING AND FIREARMS

- 2.1. Hunting of game; term defined
- 2.2. Discharge of firearms, weapons, fireworks, and similar devices prohibited.
- 2.3. Exemptions
- 2.4. Seizure of weapons used in violations
- 2.5. Violations and penalties

Section 2.1. Hunting of game; term defined.

- A. Except as provided in subsection C herein, it shall be unlawful for any person to hunt for catch, take, wound or kill game of any kind through the use of a pistol, revolver, bow and arrow, slingshot, shotgun, rifle, air rifle, air gun, pellet gun or firearm or weapon from which a shot or other object is discharged within the Town of Trappe or on town-owned property.
- B. The term “game” as used in this ordinance shall mean and include all wild birds and wild animals and all domesticated animals, whether protected or unprotected under the game laws of the estate of Maryland, found in a wild state.
- C. A property owner may obtain a hunting permit from the Town of Trappe to hunt or trap any animals within town limits authorized to be hunted or trapped under Maryland law, which shall be issued by the Chief of Police, provided that the property owner and his or her invitees shall comply with all Town ordinances, as well as all laws and hunting regulations adopted by the State of Maryland, as codified in Md. Code Ann. Natural Resources Article, title 10, as amended from time to time, as well as all applicable regulations promulgated by the Department of Natural Resources.

Section 2.2. Discharge of firearms, weapons, fireworks, and similar devices prohibited. It shall be unlawful for any person to shoot or discharge any gun, pistol, rifle, air rifle, air gun, sling shot, rocket, firecracker, or mixture of gunpowder or other fireworks, or to use any bow, crossbow, and arrow slingshot, or weapon from which a shot or other object is discharged within the Town of Trappe or on town-owned property.

Section 2.3. Exemptions. The provision of this Section 2 shall not apply to:

- A. Properly authorized law enforcement officers acting in their line of duty or in training.
- B. The members of duly organized gun, rifle or archery clubs or organizations, under the control and supervision of the duly constituted officers of such clubs or organizations.
- C. The patron of commercial ranges.
- D. Those persons in possession of permits issued by the Chief of Police in accordance with Section 2.1.C. for hunting in certain areas within the Town of Trappe.

Section 2.4. Seizure of weapons used in violation. Authorized enforcing agents are hereby authorized to seize and retain any rifle, air rifle or air guns of any description or ammunition or pellets for the same or any bows and arrows, slingshots, shotguns, guns or any firearm or weapon from which a shot or other object is discharged which shall be used, discharged or possessed within the Town of Trappe or on town-owned property, in violation of this ordinance.

Section 2.5. Violations and penalties. Any person violating any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction, be subject to a fine not exceeding five hundred dollars (\$500.00) or imprisonment for a term not exceeding ninety (90) days, or both.

[History: Ord. 8-2010, 11/04/10]

SECTION 3. FIRE PREVENTION AND PROTECTION

- 3.1. Adoption of fire prevention code
- 3.2. Burning Regulations
- 3.3. Violations and penalties

Section 3.1. Adoption of fire prevention code. There is hereby adopted by the Town of Trappe for the purposes of prescribing regulations governing conditions hazardous to life and property from fire or explosion, The State Fire Prevention Code, as amended from time to time.

Section 3.2. Burning Regulations.

- A. Burning combustible materials. No person shall burn or attempt to burn any paper, trash, leaves, lumber, straw, grass or other combustible material within the town limits, unless the following requirements are met:
 - 1. Said person shall contact Talbot County Emergency Management Services and advise said agency of the burning activity, including the location thereof.
 - 2. An adult age twenty one (21) or over shall be in attendance in the immediate area of the fire during the entire duration of the fire.
 - 3. The fire shall be at least twenty five (25) feet from any building or other structure, and at least fifteen (15) feet from any fence, and at least ten (10) feet must be cleared around the perimeter of the fire area. All fires shall be extinguished before sundown by the person or persons making the same, who shall be held responsible for any damage resulting therefrom.
 - 4. The adult responsible for the burning area shall have adequate extinguishing equipment in the immediate vicinity of the fire area such as charged hose lines, shovels, rakes, etc.
 - 5. The burning shall be conducted only under the following conditions:

- i. after 4:00 p.m., but before dark;
 - ii. winds under 10 mph; and
 - iii. and provided that no burning ban has been imposed by the State of Maryland.
 6. The conditions set forth in subsections 1-5 herein shall not be required where the Trappe Fire Company is present at the site and in control of burning.
 7. If the fire or smoke becomes offensive or dangerous to surrounding property, the Trappe Fire Department shall have the authority to extinguish said fire without interference, and the intentional restart of said fire shall be a violation of this Section.
- B. Bonfires. No person shall make or assist in making any bonfire within the corporate limits of the Town of Trappe without written permission from the fire chief of the Trappe Volunteer Fire Department, a copy of which shall be given to the Trappe Police Department not later than 48 hours prior to the event.
- C. Burning matter liable to cause nauseating smoke or vapor. No dead animals, garbage, offal, or putrescible matter, or any kind of other matter liable to produce nauseating or offensive smoke or vapors of any kind shall be burned within the town limits.

Section 3.3. Violations and Penalties. Any person, persons or corporations failing to comply with in any order or violating any provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof, be subject to a fine of not less than five dollars (\$5.00) and not more than five hundred dollars (\$500.00) or imprisonment for a term not exceeding ninety (90) days, or both.

SECTION 4. VEHICLES AND TRAFFIC

Article I – In General

- 4.1. Scope; definitions
- 4.2. Applicable state regulations
- 4.3. Traffic and Parking Control signs
- 4.4. Truck Traffic
- 4.5. Emergency traffic regulations
- 4.6. Obedience to police officers
- 4.7. Drivers of all vehicles subject to provisions of this section.
- 4.8. Speed limits
- 4.9. Spikes, cleats and other traction devices

Article II – Stopping, standing and parking

- 4.10. Stopping, standing or parking prohibited in specific places
- 4.11. Parking restrictions

Article III – Declaration of emergency

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Article IV – Authority to impound vehicles

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- 4.17. Notice of impoundment
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- 4.20. Records of vehicles removed and impounded
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Article V – Abandoned Vehicles

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- 4.29. Definitions
- 4.30. Permit Require for Portable Storage Container or Refuse Container on Public Street, Roadways or Alleys
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**ARTICLE I
In General**

Section 4.1. Scope; definitions. The provisions of this Article are intended to be in addition to, and to supplement the provisions of the Transportation Article of the Annotated Code of Maryland as amended, from time to time, and in accordance with the authority specifically granted by said Article. Words and phrases, when used in this Section 4, shall have the meanings ascribed to them in the Transportation Article of the Annotated Code of Maryland, as amended, except where the context clearly indicates a different meaning.

Section 4.2. Applicable state regulations. Except as herein otherwise provided, the Motor Vehicle Law of the State of Maryland, which is hereby declared and made a part of this Article by reference, shall control and govern, and any person violating any of the provisions thereof shall, upon conviction, be subject to the penalties provided therein.

Section 4.3. Traffic and parking control signs. Whenever, in the judgment of the Trappe Town Council, it is necessary for the safety or control of vehicular or pedestrian traffic or for the regulation of the use of parking areas, the Council may erect or cause to be erected weight limit(s), stop signs, no parking, speed limit, one-way and other traffic control and parking restriction signs, parking meters, painted lines, and/or painted curbs, designed to control, regulate, warn or guide traffic or limit parking on public streets, highways or other areas in the town of Trappe. It shall be the duty of all persons to

observe such signs and any person failing to observe any such sign shall, upon conviction thereof, be guilty of a misdemeanor. Nothing herein contained shall be deemed to constitute a repeal of the authority herebefore granted by the Commissioners of Trappe for the erection of traffic control and parking restriction signs, and a failure to observe any such signs herebefore erected shall be subject to the same penalties as set forth hereafter.

Section 4.4. Truck traffic. The Town Council may conduct appropriate studies to determine whether the safety and general welfare of a residential community are threatened by noise, vibration, or incidence of truck traffic on any Town roadway. If the Town Council determines that a residential community is threatened and that the safety and general welfare of the residential community would be promoted by the adoption of restrictions on the use of the Town roadway by trucks, the Town Council, may establish routes, speed limits, time restrictions, weight restrictions, or other measures with respect to truck traffic on the Town roadway, which will minimize the adverse effects of that traffic on the residential area or cause that traffic to avoid the residential area entirely. The Town Council may prohibit truck traffic entirely on any Town roadway or part of a Town roadway, if an adequately functional alternate route is available to carry the truck traffic, taking into consideration the amount of additional fuel that would be required over the alternate route and the economic impact on the citizens of the Town caused by the alternate route. The provisions of this Section:

- A. Do not apply to any Class E (truck) vehicles of 10,000 pounds or less gross vehicle weight; and
- B. Do not preclude the making of local deliveries of supplies or services in any residential communities.
- C. Do not apply to those roadways owned or controlled by the State of Maryland.

Section 4.5. Emergency traffic regulations. The Chief of Police or the Trappe Town Council, or its designee, shall make such temporary additional regulations concerning

vehicular traffic or parking of vehicles as they may deem necessary in the case of emergency, which regulations shall be enforced in the same manner as the rules set forth herein, provided that signs or notices setting forth the changed regulations are prominently displayed at each location where the change is effective.

Section 4.6. Obedience to police officers. No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer invested with authority to direct, control or regulate traffic.

Section 4.7. Drivers of all vehicles subject to provisions of this section. The provisions of this Section 4 applicable to drivers of vehicles on the streets, shall apply to the drivers of all vehicles, regardless of ownership, subject to such specific exceptions as are set forth in this Section, and it shall be unlawful for any such driver to violate any of the provisions of this Section.

Section 4.8. Speed limits. No motor vehicle, truck or tractor shall be operated upon any highway or street in the town at a speed greater than twenty-five (25) miles per hour except on such streets and highways as may be covered by regulations and the placing of signs.

Section 4.9. Spikes, cleats and other traction devices. No person shall operate over the streets of the Town of Trappe any vehicle, motor-driven or otherwise, equipped with spikes, cleats or other traction device calculated to inflict any undue damage or injury upon the surface of the streets of the Town of Trappe.

ARTICLE II

Stopping, standing and parking

4.10. Stopping, standing or parking prohibited in specific places.

- A. No person shall stop, stand or park a vehicle except when necessary to avoid conflict with the other traffic or in compliance with the direction of a police officer or traffic control devices, in any of the following places:
1. on any sidewalk in the town, except at regularly established driveways or entrances from street roadways or private property.
 2. in front of a public driveway or alley or in front of a private driveway, except with the consent of the owner or occupant of the premises.
 3. within fifteen (15) feet of an intersection, unless otherwise indicated by a painted line or symbol.
 4. within fifteen (15) feet of a fire hydrant.
 5. at any place where an official sign or painted curb or Talbot County, the State of Maryland or the Trappe Town Council prohibits stopping, parking or standing, and it is hereby specifically provided that wherever a curb is painted red or yellow,
- B. No person, shall stop, stand or park a vehicle designed or used for carrying freight or merchandise in front of, alongside or in the rear of any private dwelling, except when actually unloading merchandise or when the operator or owner of such vehicle is actually engaged in rendering a service at or to such premises. Notwithstanding the foregoing, where the vehicle is owned and operated by a person residing within town, and the resident seeks to park the vehicle at his or her residence, the Trappe Town Council may issue a permit for the parking of the vehicle provided that: (1) the applicant demonstrates that he or she has no other safe place to park the vehicle; and (2) that parking the vehicle at that location will not create an unsafe condition. In issuing the permit, the Trappe Town

Council may impose such terms and conditions as are necessary for the health, safety and welfare of the citizens.

- C. No person shall stop, park or leave standing on the roadway any vehicle, whether attended or unattended, if it is practicable to stop, park or leave the vehicle standing off the roadway.
- D. No person shall leave a vehicle standing without providing an unobstructed view of the roadway opposite the standing vehicle for the free passage of other vehicles.
- E. Exceptions for disabled vehicles: The provisions of Section 4.10 do not apply to the driver of a vehicle that has become unintentionally so disabled while on the roadway that he cannot avoid stopping and temporarily leaving the vehicle there.

Section 4.11. Parking restrictions.

- A. All vehicles shall be driven and parked on the right hand side of the street, unless a street or avenue is designated by a sign to be for one-way traffic. No automobile or other vehicle shall stop in any street, avenue or highway in such a manner as to hinder or delay traffic or passage, and the Police Department is empowered to enforce this provision by impounding said vehicle.
- B. Angled parking shall not be permitted on the streets, alleys or roadways of the Town of Trappe unless expressly authorized by the Trappe Town Council.
- C. At any time that the Town Council determines that it is in the public health, safety and welfare, the Town Council may limit or prohibit parking on streets, alleys or roadways within the town.

ARTICLE III
Declaration of emergency

Section 4.12. Declaration of emergency. In order to facilitate the movement of traffic and to combat the hazards of excessive snow, ice or otherwise hazardous weather conditions on the highways or portions of highways so designated by the Chief of Police or the Town Council, the Chief of Police, or the Town Council, in their discretion, may declare an emergency due to such hazards.

Section 4.13. Parking prohibited on certain streets.

- A. After any such emergency shall have been declared or when snow accumulation at any time reaches the depth of three (3) inches or more, it shall be unlawful, during the period of such emergency, for any person to park a motor vehicle or tractor or to allow the same to remain parked on any highway or portion thereof so designated by the Chief of Police, or the Trappe Town Council, to operate any such vehicle or tractor on any such highway or portion thereof unless such vehicle shall be equipped with adequate equipment to provide sufficient traction to keep such vehicle or tractor in motion so that other traffic on such highways will not be blocked or seriously impeded.
- B. The highways or portion thereof to which the provisions of this section shall be applicable during all periods of emergency declared as in Section 4.13 shall be those so designated by the Council or the Chief of Police.

Section 4.14. Placement of signs.

- A. In order to assist the operation of motor vehicles and tractors in determining the highways affected by this article, the Council, the Chief of Police, or their designees shall place around the utility poles on the highways or portions thereof designated in Section 4.12, signs reading – Snow Emergency Route Snow Tires or Chains Required – No Parking during Emergency Vehicles Towed Away.

Section 4.15. Violation and penalties. Any person who shall operate or park a motor vehicle or tractor upon or along any of the highways or portions thereof, designated by the Commissioners at any time during a period of emergency shall be guilty of a violation of this article. A violation of this article is a misdemeanor and subject to the general penalty set by Section 1.10 of the Town Code.

ARTICLE IV Authority to impound vehicles

Section 4.16. Illegally parked vehicles may be removed. The Chief of Police, or Town police officer, are hereby authorized to remove and impound or to order the removal and impoundment of any vehicle parked on any of the streets, highways or public property in the town in violation of any provision of the law or of any order of the town; provided, however, that no vehicle shall be removed or impounded except in strict adherence to the provisions of this Article.

Section 4.17. Notice of impoundment. It shall be the duty of the Trappe Police Department to notify the owner, claimant, or other person in charge on an impounded vehicle as soon as possible of the nature and circumstances of the traffic violation for which or as a result of which the vehicle was impounded and the procedure for repossessing the same; provided that the vehicle has not already been released. In the event the person has not been contacted within 12 hours from the time of removal of any vehicle, then the Trappe Police Department shall notify the owner of record of that vehicle by certified mail; provided that the person can be ascertained, given the same information as stated above.

Section 4.18. Repossession of impounded vehicles. The owner of any vehicle impounded under this Code or other duly authorized person shall be permitted to repossess the vehicle up to the time of sale by paying the cost of moving the vehicle and the storage charges thereon.

Section 4.19. Fines and penalties. The fines for illegal and unauthorized parking in the Town of Trappe shall be those amounts that the Town Council shall determine from time to time by resolution. For purposes of this Article, every vehicle parked more than twenty-four (24) hours shall be deemed to be in violation, and every twenty-four (24) hour period or fraction thereof, shall be considered a separate offense.

Section 4.20. Records of vehicles removed and impounded. The Chief of Police shall keep a record of all vehicles impounded and shall be able at all reasonable times to furnish the owners' or the agents of the owners thereof with information as to place of storage of such vehicles.

Section 4.21. Restrictions on removal of vehicles. No vehicle shall be removed under the authority of this Article if, at the time of the intended removal thereof, the owner or person for the time being in charge of such vehicle is present and expresses a willingness and intention to remove such vehicle immediately.

ARTICLE V

Abandoned Vehicles

Section 4.22. Definitions.

- A. The term "vehicle" shall include:
 - 1. "vehicle" as that term is defined in §11-176 of the Transportation Article of the Annotated Code of Maryland, as from time to time amended;
 - 2. "motor vehicle" as that term is defined in §11-135 of the Transportation Article of the Annotated Code of Maryland, as from time to time amended;

3. “motor cycle” as that term is defined in §11-136 of the Transportation Article of the Annotated Code of Maryland, as from time to time amended, and shall include motor scooters;
4. “moped” as that term is defined in §11-134.1 of the Transportation Article of the Annotated Code of Maryland, as from time to time amended;
5. “semi trailer” as that term is defined in §11-159 of the Transportation Article of the Annotated Code of Maryland, as from time to time amended;
6. “trailer” as the term is defined in §11-169 of the Transportation Article of the Annotated Code of Maryland, as from time to time amended;
7. “travel trailer” as the term is defined in §11-170 of the Transportation Article of the Annotated Code of Maryland, as from time to time amended;
8. “truck” as the term is defined in §11-171 of the Transportation Article of the Annotated Code of Maryland, as from time to time amended;
9. “truck tractor” as the term is defined in §11-172 of the Transportation Article of the Annotated Code of Maryland, as from time to time amended;
10. “farm equipment” as the term is defined in §11-120 of the Transportation Article of the Annotated Code of Maryland, as from time to time amended;
11. “farm tractor” as the term is defined in §11-121 of the Transportation Article of the Annotated Code of Maryland, as from time to time amended;

B. “abandoned vehicle” shall mean:

1. Any vehicle that is subject to registration and is unregistered as those terms are defined in Title 13 to the Transportation Article of

the Annotated Code of Maryland, as from time to time amended;
or

2. Any vehicle located on private property, not within a completely enclosed structure or building which can be easily secured against potential health and safety hazards and whose engine or motor or any other essential part is inoperable or has been removed, or whose tires or any tire has been deflated or its wheel or wheels have been removed.

C. "owner" shall mean any person in whose name property exists, whether that person is an individual, tenants in common, joint tenant with right of survivorship, tenants by the entirety, partnership, corporation, limited partnership, limited liability company, limited liability partnership or other entity.

Section 4.23. Permit required. No person shall have an abandoned vehicle or any part thereof on his/her/its property, unless that person obtains from the Town Clerk a permit for the abandoned vehicle remain on his/her/its property.

Section 4.24. Conditions for permit. The Clerk shall only issue a permit for an abandoned vehicle under the following circumstances:

- A. The permit application must be made by at least one person in whose name title to the property rests.
- B. The term of the permit shall be three (3) months.
- C. The permit may be renewed in three (3) month increments, provided that there has been satisfactory progress toward repair or renovation.
- D. There shall be a limit of one permit per parcel at any time, with the exception that a second non-renewable three month permit may be issued for a vehicle used for the purposes of repairing the primary vehicle.
- E. The Council may issue an extended permit for an abandoned vehicle upon the showing of good cause. The extended permit shall be subject to such

conditions as the Council imposes. Failure to comply with the conditions set forth in the extended permit shall subject the abandoned vehicle to the penalties set forth in Section 4.25 hereof.

Section 4.25. Violations; penalties. It shall be considered a municipal infraction for any owner of property to violate this Article. The penalty for such infraction shall be One Hundred Dollars (\$100) for the first violation, and Two Hundred Dollars (\$200) for the second violation. Each day that a violation continues shall be considered a separate offense. In the event that there is an abandoned vehicle for which there is no permit, the Town Zoning Inspector shall send written notice to the owner (and if there is more than one owner all owners) of the property, via certified mail, return receipt requested that there is an abandoned vehicle on the property and that, unless, within ten days, the vehicle is not removed, or a permit is obtained, that the violation shall be considered a municipal infraction. In addition to said fine, the Town may request during the adjudication of the infraction that the owner(s) abate the violation, or the in alternative, to permit the Town to abate the violation, and that all costs incident to the removal to the vehicle shall be charged against the owner and that all unpaid charges related to the removal of the vehicle will be a lien upon the property.

[History: Ord. 11-96, 10/22/96]

ARTICLE VI Skateboards, Bicycles and Scooters

Section 4.26. Use of skateboards and scooters prohibited. It shall be unlawful for any person to ride, propel, push, or otherwise operate a skateboard, scooter, bicycle, or any other device or method of transportation, in an unsafe or destructive manner on any public way, street, alley, sidewalk, parking lot, or other public access property (except for public skateboard or scooter facilities and publicly sponsored or authorized skateboard or scooter events), or on any private property (unless obtaining prior approval and consent by the property owner) within the corporate boundaries of the Town of Trappe.

Section 4.27. Violations. Any person violating the provisions of Section 4.26 hereof, shall be found to have committed a municipal infraction and any provision of this ordinance to the contrary notwithstanding, shall be subject to a fine of Fifteen Dollars (\$15.00) for a first offense, and a Thirty Five Dollars (\$35.00) for each subsequent offense.

Section 4.28. Violations by minors. In the event that any duly authorized law enforcement officer observes any minor child operating a skateboard, bicycle, scooter or other device governed by the Article IV in violation of the provisions of this ordinance, the law enforcement officer may remove the skateboard, bicycle, scooter, or device from the possession of that minor child and deliver the device to the Town Office, where the minor's parent or guardian may take possession of the same. The law enforcement officer shall be authorized to deliver the skateboard, bicycle, scooter or device to the Town Office for safekeeping until the minor's parent or guardian picks up the article under the provisions of this ordinance whether or not he or she issues a citation for a violation of this ordinance.

[History: Ord. 5-98, 8/5/98; Ord. 08-2012, 10/3/12]

ARTICLE VII Refuse and Portable Storage Containers on Town Streets

Section 4.29. Definitions. For the purpose of this section, the following terms shall apply:

- A. "Large Refuse Containers" shall mean a refuse container with a capacity in excess of one (1) cubic yard used for collection of garbage, rubbish and/or refuse, which containers are kept on or placed for collection on any public street, roadway or alley. No large refuse container shall have storage capacity greater than forty (40) cubic yards and dimensions greater than eight feet (8') in width or height.

- B. “Portable Storage Containers” shall mean a portable weather resistant receptacle designed and used for the storage or shipment of household goods, wares, building material or merchandise. No portable storage container shall have storage capacity greater than 10,000 pounds, and dimensions greater than sixteen feet by eight feet by eight feet (16' x 8' x 8').

Section 4.30. Permit Required For Portable Storage Container or Refuse Container on Public Street, Roadways or Alleys.

- A. No person shall cause or allow a Large Refuse Container or Portable Storage Container to be placed on any public street, roadway or alley without first obtaining a permit from the Town.
- B. Before placing a Large Refuse Container or Portable Storage Container on any public street, roadway or alley, a person must submit an application along with any applicable permit fee established by the Council of Trappe, and receive a permit from the Trappe Police Department.
- C. A permit issued under this Article will be granted for a period of fourteen (14) days. At the expiration of the fourteen-day period, applicants may seek a one-time extension of their permit for an additional fourteen (14) days by requesting an extension from the Town Police Department. No applicant shall be granted more than two (2) Portable Storage Container or Large Refuse Container permits within any twelve (12) month period at the same physical location or address. An extension of a permit shall be deemed a second permit.
- D. Large Refuse Containers shall be maintained in a sanitary and safe condition, free from hazardous waste and materials, or noxious odors and all debris and trash shall be placed within the container. The applicant shall make sure that the container is emptied when full, and shall not permit any trash or rubbish to accumulate or to be placed outside of the container.

- E. No Large Refuse Container or Portable Storage Container shall be placed in a way which obstructs either traffic or traffic vision, nor shall any Container be placed in a location that violates any parking provisions of the Maryland Transportation Article (such as parking in front of fire hydrants, blocking handicapped spaces, etc). Containers that remain during hours after dark shall bear reflective tape so that the Container is clearly visible.
- F. The provisions of this Article shall only apply to the placement of such containers on a street or public way. Permits for such containers maintained off-street on private property shall comply with the provisions of § 12.85 of the Trappe Zoning Ordinance.

Section 4.31. Violations. Any person violating the provisions of this Article shall be found to have committed a municipal infraction, and the penalty for such infraction shall be One Hundred Dollars (\$100) for the first violation, and Two Hundred Dollars (\$200) for the second violation. Each day that a violation continues shall be considered a separate offense.

[History: Ord. 10-2011, 12/27/11]

SECTION 5. CURFEWS

5.1. Authority

Section 5.1. Authority. The Trappe Town Council and the Chief of Police shall have the authority to establish an emergency curfew during the time of any emergency situation such as violent storms, floods, fires, and for the protection of the property and the safety and health of the town. The Chief of Police of The Town of Trappe will confer with the Town Council before declaring any curfew.

SECTION 6. LOITERING

- Section 6.1. Purpose
- Section 6.2. Definition
- Section 6.3. Loitering restricted
- Section 6.4. Violations and penalties

Section 6.1. Purpose. It is the purpose of this ordinance to prevent loitering by groups, the use of vulgar language, vulgar behavior on the streets and sidewalks of the Town of Trappe, both residential and business areas.

Section 6.2. Definition. Loitering shall be defined herein as roaming idle in essentially one location and shall include the concepts of hanging around, loafing, spending time idly using loud or vulgar language, being unruly and boisterous and/or obstructing the entrance ways or stores and business places on the public streets, sidewalks, alleys and curbs; also obstructing entrance ways to residential areas and town parks and recreational areas.

Section 6.3. Loitering restricted. No person shall loiter in a public place in such a manner as to:

- A. Create or cause to be created a danger or a breach of the peace.
- B. Create or cause to be created any disturbance or annoyance to the comfort and repose of any person.
- C. Obstruct the free passage of pedestrians or vehicles.
- D. Obstruct, molest or interfere with any person lawfully in any public place. This shall include the making of unsolicited remarks of an offensive, disgusting or insulting nature or which are calculated to annoy or disturb the person to, or in whose hearing, they are made.

Section 6.4. Violations and penalty. Any person or persons violating any provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than Five Dollars (\$5.00) nor more than Five

Hundred Dollars (\$500.00) for any one offense, or by imprisonment not exceeding ninety (90) days, or both fine and imprisonment.

SECTION 7. ALCOHOLIC BEVERAGES

- 7.1. Consumption of alcohol and/or possession of alcoholic beverage in open container in certain places prohibited.
- 7.2. Presumptions
- 7.3. Penalty

Section 7.1. Consumption of alcohol and/or possession of alcoholic beverage in open container in certain places prohibited. It shall be unlawful for a person to possess an open container or drink any alcoholic beverage in any public place, building, street, alley, sidewalk, park or parking lot, unless said place is licensed by law to serve such beverage, or to have in his or her possession in a parked or moving vehicle in the Town of Trappe, an open container of any alcoholic beverage.

Section 7.2. Presumptions. In any trial of any person charged with a violation of this Section, it shall be presumed that any container, can, or bottle contains the beverage indicated on the label of said container, can or bottle. The defendant may rebut this presumption by credible evidence sufficient to persuade the trier of fact.

Section 7.3. Penalty. Any person who violates this Section is guilty of a misdemeanor and, upon conviction, is subject to a fine not exceeding Five Hundred Dollars (\$500.00), and incarceration not exceeding ninety (90) days.

SECTION 8. ANIMALS

- 8.1. Adoption of Talbot County Standards
- 8.2. Restraint and Waste
- 8.3. License requirements
- 8.4. Kennels
- 8.5. Enforcement
- 8.6. Violations
- 8.7. Conflict of laws

Section 8.1 Adoption of Talbot County Standards.

- A. Chapter 15 of the Talbot County Code titled “Animals”, as adopted by the County Council of Talbot County by Bill 974, is hereby adopted as the “Trappe Animal Control Ordinance”. Chapter 15 of the Talbot County Code, and as further amended by this Ordinance, shall be effective and enforced within the Town of Trappe by the Talbot County Animal Control Officer and by any duly authorized law enforcement officer or other duly authorized official of Talbot County or the Town of Trappe.
- B. Any and all amendments to the Talbot County Animal Control Ordinance (currently codified as Chapter 15 of the Talbot County Code), as adopted by the Talbot County Council, shall apply to and shall be enforceable within the Town of Trappe, regardless of whether those amendments have been adopted by the Council of Trappe in a separate legislative action, it being the intent of the Council of Trappe that the county-wide plan for animal control apply within the Town of Trappe.
- C. Notwithstanding any contrary or different provision of the Talbot County Animal Control Ordinance, the following provisions set forth in this Section shall apply within the Town of Trappe.

Section 8.2. Restraint and Waste.

- A. All dogs traversing on any public property or street within the Town shall be secured by a leash, and in the custody of a responsible person who is capable of, and does, retain continuous control of the animal.

- B. Pet owners shall pick up and dispose of all animal waste on any public property, or any private property that is not owned by the pet owner.

Section 8.3. License requirements. All dogs and cats over four (4) months of age, owned, kept, harbored or maintained within the corporate limits of the Town shall be registered and duly tagged in accordance with the Talbot County Animal Control Ordinance. Talbot County licenses are available at the Trappe Town Office and may be issued by the Town Clerk.

Section 8.4. Kennels.

- A. As used in the subsection the term “Kennel” shall mean any place used for the housing, boarding or keeping of more than two (2) adult animals for a fee.
- B. In order to maintain a kennel in the corporate limits of the Town, such kennel must be approved by the Trappe Board of Appeals. The kennel must be maintained in satisfactory condition as determined by the local health department and meet requirements set forth by the Maryland State Department of Health and Mental Hygiene.
- C. All dogs maintained in a kennel within the corporate limits of Town are required to have a valid license. If a dog is a non-resident dog, it must be duly licensed in its home city, county or state and the owner must be able to produce proof of a valid rabies vaccination.
- D. It shall be unlawful to maintain any kennel within the corporate limits of Town that becomes a public nuisance. If upon investigation by Town or the Talbot County Health Department, a kennel is found to be a public nuisance it shall be the duty of the owner to close the kennel and remove the animals from the corporate limits of Town within twenty-four (24) hours. Upon failure of the owner to comply, the animal control officer may have the animals impounded.

Section 8.5 Enforcement.

- A. The Council of Trappe may appoint an individual or organization whose duty it shall be to capture and dispose of dogs running at large, or dogs which

constitute a public nuisance, within the corporate limits of the town, subject to the provisions of this ordinance.

B. The Council of Trappe may delegate to the animal control officer of Talbot County the responsibility of capturing animals who are found to be running at large or who constitute a public nuisance, within the Town limits, and the duty to transport said animals to the county shelter and to dispose of the animals as set forth in the Talbot County ordinance.

C. Any individual or organization capturing an animal within the corporate limits of the Town shall notify the Town Clerk when any animal is impounded and describe its physical condition, and a description of the animal and if such animal is tagged, and the registration number. The Town Clerk shall attempt to notify the owner of any animal registered in the town or Talbot County by telephone or other reasonable means.

Section 8.6. Violations. Unless otherwise provided herein, and to the extent that the provisions of this Section 8 are coincident with those of the Talbot County Animal Control Ordinance, the penalty shall be that provided for under the county ordinance, as amended from time to time. Where the provisions of this Section are not coincident with the Talbot County Animal Control Ordinance, including, but not limited to Section 8.2 and 8.4 herein, violations of those sections shall be considered a municipal infraction, subject to a fine of Fifty Dollars (\$50.00) for a first offense, and a One Hundred Dollars (\$100.00) for each subsequent offense. Each day that a violation continues shall be considered a separate offense.

Section 8.7. Conflict of laws. Where there is a conflict between a provision of this Ordinance or a provision of the Talbot County Animal Control Ordinance, the stricter standard shall apply.

[History: Ord. 04-2013, 7/3/13]

SECTION 9. PEDDLING, SOLICITING AND VENDING

- 9.1. License Required
- 9.2. Definitions
- 9.3. Application for license; hours
- 9.4. Issuance of license
- 9.5. Exhibition of license
- 9.6. Duration of license
- 9.7. Revocation
- 9.8. Hearing
- 9.9. Inspections
- 9.10. Hours
- 9.11. Exemptions
- 9.12. Violations and penalties

Section 9.1. License required. It shall be unlawful for any peddler, hawker, vendor, canvasser or solicitor, as hereinafter defined, to engage in such activity within the Town of Trappe without first obtaining a license therefore in accordance with the provisions of this Section, except as exempted herein.

Section 9.2. Definitions. When used in this Section 9, the following terms shall have the following meanings:

Itinerant Merchants, Transient Vendors and Salesman – shall be deemed to be in the category of peddler, hawker, vendor, solicitor or canvasser, as set forth.

Peddler, Hawker and Vendor – Any person, either principal or agent, whether a resident of the Town of Trappe or not, who in/on any public street, road highway or public place or from any vacant property, whether publicly or privately owned, or by going from place to place or house to house, delivers or distributes advertising material, literature, pamphlets, samples or handbills, or sells or offers for sale, barter, or exchange any goods, wares, merchandise, serve or any other article or thing whatsoever, either in his possession or not in his possession, either for immediate or future delivery.

Person – Any natural person, corporation, partnership, association, joint-stock company, society or any other entity of any kind.

Solicitor or Canvasser – Any person, either principal or agent, whether a resident of the Town of Trappe or not, who, in any public street, road, highway or public place or from any vacant property, whether publicly or privately owned, or by going from house to house or by going from place to place for the following purposes:

- A. Sells any goods, wares, merchandise, including magazines and printed matter, or accepts subscriptions or orders therefore.
- B. Accepts or requests donations for any charitable purpose.
- C. Takes or attempts to take orders for the sale of services to be performed in the future.

Section 9.3. Application for license; hours.

- A. Applicants for a license under this Section 9 shall file with the Town Clerk a sworn application, in writing on a form to be furnished by the Town Clerk, which shall give the following information:
 - 1. Name, permanent home address and local mailing address, if any, of applicant.
 - 2. A physical description of the applicant, setting forth the applicant's age, height, weight, color or hair and eyes, and any other distinguishing physical characteristic of applicant.
 - 3. The name, address and telephone number for the firm or corporation for whom or through whom orders are to be solicited or cleared.
 - 4. The name and address of the applicant's employer, if different from paragraph 3 above.
 - 5. A brief description of the nature of the business and the goods to be sold and the name and address of the principal office of their manufacturer, as well as the name and address of the agent designated to receive service of the process in the State of Maryland.

6. Whether or not orders are to be solicited or taken for future delivery of goods or performance of services and whether or not soliciting is for funds.
7. The length of time for which the right to do business is desired.
8. A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, other than a traffic violation, and the nature of the offense and the punishment or penalty assessed therefore.
9. Current verification that the applicant holds a Maryland sales tax identification number.
10. A copy of a valid state motor vehicle operator's license.
11. If the applicant is unable to meet the criteria of subsection 10 above, some other type of identification with picture.

Section 9.4. Issuance of license. Upon furnishing the information required under Section 9.3., the applicant shall be issued a license by the Town Clerk as prescribed by the Trappe Town Council at the fee established by the Council.

Section 9.5. Exhibition of license. All licenses issued must be worn or displayed in such a manner as to be readily visible when engaged in the activities regulated herein.

Section 9.6. Duration of license. All licenses issued under this ordinance shall expire at the end of the calendar year in which they are issued. Licenses shall not be transferable and must be surrendered after expiration before a renewal license can be issued.

Section 9.7. Revocation.

- A. Licenses issued under this ordinance may be revoked by the Town Clerk, after notice and hearing, for any of the following causes:

1. Misrepresentation or false statement contained in the application for the license.
 2. Fraud, misrepresentation or false statement made in the course of carrying on activities regulated herein.
 3. Conviction of any crime or misdemeanor involving moral turpitude.
 4. Conducting the business of soliciting and canvassing in an unlawful manner in violation of this ordinance or in such manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.
- B. Notice of hearing for revocation of a license shall be given in writing, setting forth the grounds of complaint and the time and place of the hearing. Such notice shall be served, personally upon the licensee or mailed, postage pre-paid, to the licensee at the addresses given by the licensee in making application under Section 9.3 herein, at least five (5) days prior to the date set for hearing.

Section 9.8. Hearing. Any person aggrieved by the action of the Town Clerk with reference to the revocation of a license as provided in Section 9.7. of this shall have the right of appeal to the Council of the Town of Trappe. Such appeal shall be taken by filing with the Council, within fourteen (14) days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The Council shall set a time and place for a hearing on such appeal, and notice of such hearing shall be given the appellant in the same manner as provided in Section 9.7 of this ordinance for notice of hearing on revocation. The decision and order of the Council on such appeal shall be final and conclusive.

Section 9.9. Inspections. The equipment used or employed by peddlers, hawkers and vendors of ice cream, foods, beverages, confections and other related commodities shall be maintained in a clean and sanitary manner and be subject to inspection by and comply

with the rules and regulations of the Talbot County Health Department and the ordinances of the Town of Trappe.

Section 9.10. Hours. The time of solicitation, peddling, hawking, vending and canvassing shall be between the hours of 9:00 a.m. and 8:00 p.m.

Section 9.11. Exemptions. The provisions of Section 9 shall not apply to the following:

- A. Persons, firms or corporations residing in the town who shall have a State Trader's License.
- B. The peddling of farm produce or dairy products by farmers or persons who produce such goods.
- C. The peddling of seafood or seafood products of any time which have been taken from the waters within the limits of Talbot County.
- D. The delivery of food, goods, wares, merchandise, magazines, periodicals, produce, services or commodities previously ordered by the occupant of the premises to which the same is delivered or on which the services are to be performed.
- E. Route deliverymen who made deliveries at least once a week to regular customers and whose solicitation is only incidental to their regular deliveries.
- F. The delivery of newspapers.
- G. School-affiliated groups (e.g. PTA, band boosters, etc) provided that the organization is affiliated with a school located in Talbot County.
- H. Organized youth teams based in Talbot County (baseball, soccer, lacrosse, basketball, field hockey, etc.).
- I. Members of any nonprofit religious, charitable, benevolent society, educational, civic or veterans' organization, society, association, service club, volunteer first aid or fire company, etc., provided that organization has registered with the Town Clerk and the names of the solicitors have been listed as members of the organization and the organization has

provided each person with an approved means of identification of the organization represented.

Section 9.12. Violations and penalties. Any person who violates any provision of this Section 9, is guilty of a misdemeanor and shall be subject, upon conviction thereof, to a fine of not more than Five Hundred Dollars (\$500.00) or imprisonment for a period not exceeding ninety (90) days, or both.

SECTION 10. NOISE

- 10.1 Loud or Unnecessary Noise Prohibited
- 10.2 Prohibited Acts Enumerated
- 10.3 Permits
- 10.4 Appeal from Denial of Permit
- 10.5 Exemptions
- 10.6 Enforcement
- 10.7 Violations and Penalties

Section 10.1. Loud or unnecessary noise prohibited. It shall be unlawful for any person or persons to make, continue, or cause to be made or continued any loud, unnecessary or unusual noise or any noise which endangers the health, safety or welfare of the community or which annoys, disturbs, injures or endangers the comfort, rest, health, peace or safety of others within the Town of Trappe.

Section 10.2. Prohibited acts enumerated. The following acts, among others, are declared to be loud, unnecessary, disturbing and a danger to the health, safety and welfare of the community and its people, in violation of Section 10.1, but the enumeration shall not be deemed to be exclusive:

- A. Using, operating or permitting to be played, use or operate any radio, television, hi-fi, stereo, phonograph or any other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of any person or persons in the vicinity. The operation of any such machine or device between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of twenty-five (25) feet from the building, structure, device or vehicle in which it is located shall be a prima facie evidence of a violation of this section. Any person or persons who cause production of said sound through the operation of the machines or devices enumerated herein may be deemed a violator of this Section.
- B. Yelling, shouting, hooting, whistling or singing or the making of loud and disturbing noises by the use of clappers, bells, horns, musical instruments

or similar devices at any time or place so as to unreasonably annoy or disturb the quiet, comfort or rest of any person in any residence, hospital, school, place of business, street or public place.

- C. The keeping of any animal or bird causing frequent or long-continued noise shall disturb the comfort or response of any person or persons in the vicinity.
- D. The use of any automobile, motorcycle, truck, or vehicle so out of repair or loaded or operated in such a manner as to create loud and unnecessary grating, grinding, rattling or other noise.
- E. The creation of loud and excessive noises in connection with the loading or unloading of any vehicle or the operating and distraction of bales, boxes, crates and containers.
- F. The operation or use of any power mower, chain saw, fence post driller or the like between the hours of 10:00 p.m. and 7:00 a.m.
- G. Any of the following activities when occurring in close proximity to residences between 10:00 p.m. and 7:00 a.m.: the warming up or idling of buses, trucks or trailers and the unnecessary or unreasonable or repeated idling, acceleration and de-acceleration or starting and stopping of automobiles and motorcycles.
- H. Using, operating or permitting to be played, used or operated, any receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, tape recorder or other machine or device for the producing or reproducing of sound which is left upon the public streets for the purpose of commercial advertising or for any other purpose except as authorized by the government or in public emergencies, provided that such devices may be employed in connection with non-profit charitable, educational, civic, religious or recreational activities in accordance with permits first obtained by the Trappe Town Council pursuant to Section 10.3 hereof.
- I. Outdoor concerts, except in accordance with permits first obtained therefore from the Trappe Town Council pursuant to Section 10.3 hereof.

- J. The excavation, grading, paving, erection, demolition, alteration or repair of any premises, street building or structure at any time on Sundays or other than between the hours of 8:00 a.m. and 6:00 p.m. on Saturdays or between the hours of 7:00 a.m. and 6:00 p.m. on all other days, except in the case of urgent necessity in the interest of public health and safety, and if the nature of emergency will admit the prior procurement of a permit, then only in accordance with a permit first obtained from the codes enforcement officer or other authorized issuing officer, as to public street work or other work, pursuant to Section 10.3. hereof. Such a permit may be granted for a period not to exceed three (3) days or less while the emergency continues. Notwithstanding the foregoing, if the Town Council, building inspector, or issuing officer, as the case may be, shall determine that the public health and safety will not be impaired by such work within the prohibited hours and that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done within the prohibited hours upon application being made at the time the permit for the work is issued or during the progress of the work. The provisions of this subsection shall not apply to interior or exterior repairs or to interior alterations, the work for which is actually performed by a homeowner or occupant personally, between the hours of 7:00 a.m. and 10:00 p.m., upon residential premises that are owned by such occupant, provided that the work shall be done without undue noise or disturbance of peace and quiet of the neighborhood.

Section 10.3. Permits.

- A. The Trappe Town Council, or its designate issuing officer charged with the responsibility for issuing permits for the activities set forth in Section 10.2. shall issue permits for such activities if he or she determines that the activities will not unduly or unnecessarily annoy, disturb, injure or endanger the comfort, repose, health, peace, or safety of others, that the

activities will not violate any other ordinance or law or create a public nuisance and that the public health and safety will not be endangered thereby.

- B. Permits shall specify the dates and hours of the permitted activities, which shall not be allowed between the hours of 10:00 p.m. and 7:00 a.m. unless the issuing officer shall determine that it is in the best interest of the community that the activities take place wholly or partially during such hours.
- C. The issuing officer is authorized to adopt and use such forms of applications and permits as may be reasonably required in the performance of his duties. Each application for a permit shall be accompanied by a fee of \$10.00, which shall be payable to the Town of Trappe.
- D. A hunting permit issued by the Chief of Police pursuant to Section 2.1.C of the Town Code shall also constitute a permit issued pursuant to this Section 10, which shall authorize the prescribed activities as being consistent with the noise provisions of this Code.

Section 10.4. Appeal from denial of permit. An applicant for a permit hereunder shall have the right to appeal to the Town Council from the denial of the permit by the issuing officer. Such appeal shall be taken by filing a written notice of appeal addressed to the Council. Such notice shall be filed within three (3) days after the issuing officer shall have notified the applicant of the denial of the permit. The Council shall act upon the appeal as soon as practicable after receiving the notice thereof and shall give the applicant an opportunity to be heard before taking action. The Council may affirm the issuing officer's denial of the permit or may grant the permit with modifications or conditions.

Section 10.5. Exemptions. Nothing in this Section 10 shall be construed to apply to church bells or chimes nor to the playing of bands or orchestras in a hall or building in a manner which will not annoy the peace, comfort and quiet of the neighboring inhabitants

nor to municipal, county, state or federal government agencies in connection with any emergency nor to normal working activities of or activities sponsored by the Council nor to warning devices on other vehicles used only for traffic safety purposes. In addition, Section 10 shall not be construed to apply to lawful hunting activities conducted pursuant to and in accordance with a hunting permit issued by the Chief of Police pursuant to Section 2.1.C of this Code.

Section 10.6. Enforcement. In addition to the public law enforcement officers and who by the law are entitled to enforce or bring complaints under this ordinance, the officers who are designated hereunder for the issuance of permits shall have the power to enforce and bring complaints under this Section.

Section 10.7. Violations and penalties. Any person convicted of the violation of any provision of this Section shall be guilty of a misdemeanor and upon conviction, be subject to a fine not less than five dollars (\$5.00) nor more than Five Hundred Dollars (\$500.00) or ninety (90) days imprisonment, or both such fine and imprisonment. Each violation shall constitute a separate offense, and each day such violation continues, such violation shall be considered a new offense.

SECTION 11. BUILDING CONSTRUCTION

Article I – Building Code

- 11.1. Adoption of Standards by reference
- 11.2. Amendments
- 11.3. Copies on file

Article II – One and Two Family Dwellings

- 11.4. Adoption of Standards by reference
- 11.5. Amendments
- 11.6. Copies on file

Article III – Energy Code

- 11.7 Adoption of standards by reference
- 11.8 Amendments
- 11.9 Copies on file

Article IV- Existing Building Code

- 11.10. Adoption of Standards by reference
- 11.11. Amendments
- 11.12. Copies on file

ARTICLE I Building Code

Section 11.1. Adoption of standards by reference.

The 2015 Edition of the International Building Code, as published by the International Code Council, Inc., as amended by the State of Maryland as the Maryland Building Performance Standards (set forth in COMAR 05.02.07), is hereby adopted as the Town of Trappe Building Code, for the control of buildings and structures as herein provided. All of the regulations, provisions, terms, and conditions, of the Building Code are hereby adopted and made a part hereof as if fully set forth in this Article, with the amendments, deletions, and insertions as set forth in Section 11.2 herein.

Section 11.2. Amendments.

The following sections of the 2015 Edition of the International Building Code are modified as follows:

Trappe Town Code
Amended through April 24, 2017

CHAPTER 1. SCOPE AND ADMINISTRATION

**SECTION 101
GENERAL**

Section 101.1 Title. These regulations shall be known as the “Town of Trappe Building Code”. Where the name of the jurisdiction is to be indicated in any section of this Code, it shall be considered the “Town of Trappe”.

Section 101.2 Scope. The provisions of this code shall apply to the construction, alteration, relocation, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

Exception 1. Detached one- and two-family dwellings and multiple single family dwellings (townhouses) not more than three stories above grade plane in height with a separate means of egress and their accessory structures shall comply with the International Residential Code.

Exception 2. Existing buildings undergoing repair, alterations or additions, and change of occupancy shall comply with the Maryland Building Rehabilitation Code set forth in COMAR 05.16.

Exception 3. Maintenance of residential structures and premises shall comply with the State Minimum Livability Code (COMAR 05.02.03) and the Town’s Property Maintenance Code (Section 12 of the Trappe Town Code).

Section 101.2.1 Appendices. All of the Appendices are adopted as part of the Trappe Building Code except those in Appendices A, B, D, E, and K.

. . . .

**SECTION 104
DUTIES AND POWERS OF BUILDING OFFICIAL**

. . . .

Section 104.6 Right of entry. Delete this section in its entirety and substitute the following:

Section 104.6 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the building official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises is occupied, that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry, including obtaining an administrative search warrant.

. . . .

**SECTION 105
PERMITS**

Section 105.1.1 Annual permit. This subsection is deleted in its entirety.

Section 105.1.2 Annual permit records. This subsection is deleted in its entirety.

. . . .

**SECTION 107
SUBMITTAL DOCUMENTS**

. . . .

Section 107.2.1 Information on Construction documents. Amend Section 107.2.1 to include the following paragraph:

Section 107.2.1 Information on Construction documents. For new buildings, additions and alterations to buildings other than detached one and two family dwellings, the application for the building permit shall be accompanied by: two (2) complete sets of

architectural, structural, mechanical (heating, ventilation, air conditioning-HVAC) plumbing and electrical plans, drawn to scale with sufficient clarity and detail to show the nature and character of work to be performed. The plans shall be prepared in compliance with this Code, and shall have the seal and signature of a Maryland state professional engineer or architect affixed to each and every sheet of all sets at least one of which shall bear the original (not reproduced) seal and signature.

. . . .

SECTION 109 FEES

. . . .

Section 109.6 Refunds. Delete subsection 109.6 and substitute the following:

Section 109.6 Refunds. When an unissued permit has been denied by the building official or withdrawn by property owner or agent, a 50% refund is due on building codes and zoning fees paid. No refund will be given on issued permits.

Section 109.7 Inspection fees. Add a new subsection 109.7., to read as follows:

Section 109.7 Re-Inspection fees. A re-inspection fee may be charged for each re-inspection if the work has to be re-inspected because:

1. The work was not ready for inspection at the pre-arranged time for inspection;
2. The inspector did not have access to the work at the pre-arranged time for inspection; or
3. The inspector discovers a flagrant noncompliance during a requested inspection.

. . . .

SECTION 110 INSPECTIONS

. . . .

Section 110.3.1 Foundation Inspections. Delete subsection 110.3.1 and replaced with the following:

Section 110.3.1 Foundation Inspections. Foundation inspections shall be made when the foundation is complete with all required anchors, vents and termite shield are installed.

Section 110.3.9.1 Coordination of Inspections. Add a new subsection 110.3.9.1 to read as follows:

Section 110.3.9. 1 Coordination of inspections. All required inspections shall be made and coordinated with the other trades, building, electrical, plumbing, HVAC and Sprinkler.

. . . .

Section 110.5 Inspection request. Amend section to include the following at the end of the first sentence: “forty-eight (48) hours before said work is completed.”

. . . .

Section 110.7 Withholding of Inspection and Permit. Add a new subsection 110.7 to read as follows:

Section 110.7 Withholding of Inspection and Permit. If the code official finds that a contractor, developer, or owner has violated the provisions of the Code, or rules or regulations which implement this Code, in connection with the construction, maintenance, alteration, or repair of any building, structures, equipment or land within the Town of Trappe, the Town’s designated building official, after written notice to the violator, and a hearing on the allegations, if applicable, may refuse to grant further inspections or further permits of any kind to the contractor, developer, or owner until all violations have been corrected and all fees have been paid.

. . . .

**SECTION 113
BOARD OF APPEALS**

Section 113.1 General. Delete this section and replace with the following:

Section 113.1 General. Any person affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Trappe Board of Appeals, provided that a written application for appeal is filed within 30 days after the day the decision, notice, or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

Section 113.2 Limitations on authority. Delete this section and replace with the following:

Section 113.2 Board of Appeals. For the purposes of this code, the board of appeals shall be the Board of Appeals established in the Town of Trappe Zoning Ordinance. All provisions governing the Board of Appeals with respect to members, provisions for alternates, quorum, procedure, chairman, term of office, etc. shall be applicable to appeals from this code. Review of the decision of the Board of Appeals shall also be in accordance with the Trappe Zoning Ordinance, and the Maryland Rules of Procedure applicable to review of administrative agency decisions.

Section 113.3 Qualifications. Deleted.

SECTION 114 VIOLATIONS

Section 114 Violations. Delete this section in its entirety and substitute the following:

Section 114.1 Unlawful acts. It shall be a municipal infraction for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause the same to be done, in conflict with or in violation of any of the provisions of this code.

Section 114.2 Notice of violation. The building official or other authorized designee of the Town of Trappe is authorized to serve a notice of violation or other order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or a structure in violation of the provisions of this code, or in violation of a detail

statement or a plan approved thereunder, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

Section 114.3 Prosecution of violation. If the notice is not complied with in the time prescribed by such notice, the building official or other authorized designee of the Town of Trappe is authorized to issue a civil municipal citation and to institute the appropriate proceedings at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto. The town attorney is authorized to prosecute or file a civil action in connection with a violation of any provision of this code.

Section 114.4 Violation penalties. A violation of this code shall constitute a municipal infraction subject to a fine of Five Hundred Dollars (\$500.00). Each day that a violation continues after due notice has been served shall be deemed a separate offense. In addition to said fine, the Town may request during the adjudication of the infraction that the defendant abate the violation, or in the alternative, to permit the Town to abate the violation at the defendant's expense. Enforcement of this section shall be in accordance with Md. Code Annotated Local Government Article § 6-102, et. seq., as amended from time to time. This provision is not an exclusive remedy, and the Town may seek injunctive or other relief as necessary.

Section 114.5 Unpaid expenses as a lien against real estate. Whenever, pursuant to this code, a building official directs a property owner to take an action to abate a violation of this code and the property owner fails to do so in the time frame set forth in the notice or pursuant to an order of the court, the building official may cause such action to be performed and the costs thereof shall be a lien against the real estate and shall be collectible in the same manner in which real estate taxes are collected, or the Town may collect it by such other action at law, in the Town's discretion.

**SECTION 115
STOP WORK ORDER**

. . . .

Section 115.2.1 Stop Work Order, Posting. Add a new subsection 115.2.1 to read as follows:

Section 115.2.1 Stop Work Order, Posting. The posting of a stop work order at the job site shall constitute adequate notification by the Town of Trappe’s designated code official.

. . . .

CHAPTER 9. FIRE PROTECTION SYSTEMS

901.1 Scope. ADDITIONAL NOTE: Fire protection system requirements of Chapter 9 may be concurrently covered in the State Fire Prevention Code, Public Safety Article §§ 6-101 – 6-102, Annotated Code of Maryland, and COMAR 29.06.01. The State Fire Prevention Code is enforced by the State Fire Marshal or authorized fire official. In the event of a conflict between these provisions and the State Fire Prevention Code, the provisions of the State Fire Prevention Code shall control.

. . . .

CHAPTER 10. MEANS OF EGRESS

1001.1 General. ADDITIONAL NOTE: Means of egress requirements of Chapter 10 may be concurrently covered in the State Fire Prevention Code, Public Safety Article, §§ 6-101 – 6-102, Annotated Code of Maryland and COMAR 29.06.01. The State Fire Prevention Code is enforced by the State Fire Marshal or authorized fire official. In the event of a conflict between these provisions and the State Fire Prevention Code, the provisions of the State Fire Prevention Code shall control.

. . . .

CHAPTER 11. ACCESSIBILITY

Chapter 11 of the IBC related to accessibility requirements is hereby replaced with the Maryland Accessibility Code set forth in COMAR 05.02.02.

. . . .

CHAPTER 16. STRUCTURAL DESIGN

. . . .

Section 1607.12. Roof Loads. Delete section 1607.12 and replace with the following:

Section 1607.12. Minimum Roof Loads. Roofs shall be designed for a minimum live load of 20 pounds per square foot or designed for the minimum snow load, whichever is greater.

. . . .

CHAPTER 24. GLASS AND GLAZING

The requirements for safety glazing set forth in Public Safety Article, Title 12, Subtitle 4, Annotated Code of Maryland, are in addition to Chapter 24, Section 2406 of the IBC related to safety glazing. In the event of a conflict between Chapter 24 of the IBC and the Annotated Code of Maryland, the requirements of the Annotated Code of Maryland prevail.

. . . .

CHAPTER 27. ELECTRICAL

2701.1 Scope. The subject matter of this chapter is not within the scope of the Maryland Building Performance Standards and is hereby omitted from this Code. For the applicable electrical requirements, refer to the National Electrical Code as adopted and enforced by the State Fire Marshal, authorized fire officials, or building officials pursuant to the provisions of Public Safety Article, Title 12, Subtitle 6, Annotated Code of Maryland.

CHAPTER 28. MECHANICAL SYSTEMS.

2801.1 Scope. The subject matter of this chapter is not within the scope of the Maryland Building Performance Standards and is hereby omitted from this Code. For the applicable requirements concerning the mechanical systems, refer to the local mechanical code and the mechanical code adopted pursuant to the provision of Business Regulation Article, §9A-205, Annotated Code of Maryland.

CHAPTER 29. PLUMBING SYSTEMS

2901.1 Scope. The subject matter of this chapter is not within the scope of the Maryland Building Performance Standards and is hereby omitted from this Code. For the applicable requirements concerning the plumbing systems, refer to the local plumbing code and the plumbing code adopted pursuant to the provision of Business Occupations and Professions Article, Title 12, Annotated Code of Maryland.

CHAPTER 30. ELEVATORS AND CONVEYING SYSTEMS

The provisions of Chapter 30 of the IBC relate to elevators and conveying systems and are in addition to and not instead of the requirements set forth in Public Safety Article, Title 12, Subtitle 8, Annotated Code of Maryland. In the event of a conflict between the IBC and the Annotated Code of Maryland, the provisions of the Annotated Code of Maryland prevail.

. . . .

CHAPTER 33. SAFEGUARDS DURING CONSTRUCTION

. . . .

Section 3306.10. Accessibility During Construction Operations.
Add new subsection 3306.10 to read as follows:

Section 3306.10. Accessibility During Construction Operations.
During construction operations the contractor shall maintain at all times a vehicular roadway that will permit the unimpeded movement of emergency vehicles from the improved street to within 200 feet of the most remote building under construction on the site. The vehicular access roadway surface shall be either crusher run, stone base, black top or other suitable compacted surface material approved by the Town's code official or designee.

Section 11.3 Copies on file. The Town Clerk shall maintain one copy of the Town Building Code on file in the Town Office.

[History: Ord. 06-2016, 07/06/16]

ARTICLE II
One- and Two-Family Dwellings

Section 11.4. Adoption of standards by reference.

The 2015 Edition of the International Residential Code for One- and Two-Family Dwellings, as published by the International Code Council, Inc., as amended by the State of Maryland as the Maryland Building Performance Standards (set forth in COMAR 05.02.07), is hereby adopted as the Town of Trappe Residential Code for One and Two Family Dwellings (sometimes referred to as the “Residential Code”). The Residential Code shall regulate the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings (town houses) no more than three stories in height with separate means of egress in the Town of Trappe. All of the regulations, provisions, terms, and conditions, of the Residential Code are hereby adopted and made a part hereof as if fully set forth in this Article, with the amendments, deletions, and insertions as set forth in COMAR 05.02.07 and as further set forth in Section 11.5 herein.

Section 11.5. Amendments.

The following sections of the 2015 Edition of the International Residential Code for One- and Two- Family Dwellings are modified, deleted, substituted, or added as follows:

CHAPTER 1. SCOPE AND ADMINISTRATION

SECTION R101
GENERAL

Section R101.1 Title. These regulations shall be known as the “Town of Trappe Residential Building Code for One- and Two-Family Dwellings”. Where the name of the jurisdiction is to be indicated in any section of this Code, it shall be considered the “Town of Trappe.”

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SECTION R102
APPLICABILITY

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Section R102.5 Appendices. All the provisions in the Appendices are adopted as part of the IRC except those in Appendices E, J and L.

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**SECTION R112
BOARD OF APPEALS**

Section R112.1 General. Any person affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Trappe Board of Appeals, provided that a written application for appeal is filed within 30 days after the day the decision, notice, or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

Section R112.2. Board of Appeals. For the purposes of this code, the board of appeals shall be the Board of Appeals established in the Town of Trappe Zoning Ordinance. All provisions governing the Board of Appeals with respect to members, provisions for alternates, quorum, procedure, chairman, term of office, etc. shall be applicable to appeals from this code. Review of the decision of the Board of Appeals shall also be in accordance with the Trappe Zoning Ordinance, and the Maryland Rules of Procedure applicable to review of administrative agency decisions.

. . . .

Section R112.3. Qualifications. Deleted.

. . . .

**SECTION R113
VIOLATIONS**

Section 113. Delete this section in its entirety and substitute the following:

Section R113.1 Unlawful acts. It shall be a municipal infraction for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause the same to be done, in conflict with or in violation of any of the provisions of this code.

Section R113.2 Notice of violation. The building official or other authorized designee of the Town of Trappe is authorized to serve a notice of violation or other order on the person responsible for the

erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or a structure in violation of the provisions of this code, or in violation of a detail statement or a plan approved thereunder, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

Section R113.3 Prosecution of violation. If the notice is not complied with in the time prescribed by such notice, the building official or other authorized designee of the Town of Trappe is authorized to issue a civil municipal citation and to institute the appropriate proceedings at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto. The town attorney is authorized to prosecute or file a civil action in connection with a violation of any provision of this code.

Section R113.4 Violation penalties. A violation of this code shall constitute a municipal infraction subject to a fine of Five Hundred Dollars (\$500.00). Each day that a violation continues after due notice has been served shall be deemed a separate offense. In addition to said fine, the Town may request during the adjudication of the infraction that the defendant abate the violation, or in the alternative to permit the Town to abate the violation at the defendant's expense. Enforcement of this section shall be in accordance with Md. Code Annotated Local Government Article § 6-102, et. seq., as amended from time to time. This provision is not an exclusive remedy, and the Town may seek injunctive or other relief as necessary.

Section R113.5 Unpaid expenses as a lien against real estate. Whenever, pursuant to this code, a building official directs a property owner to take an action to abate a violation of this code and the property owner fails to do so in the time frame set forth in the notice or pursuant to an order of the court, the building official may cause such action to be performed and the costs thereof shall be a lien against the real estate and shall be collectible in the same manner in which real estate taxes are collected, or the Town may collect it by such other action at law, in the Town's discretion.

. . . .

CHAPTER 3. BUILDING PLANNING

**SECTION R-301
DESIGN CRITERIA**

Section R301.2 Climatic and geographic design criteria. This subsection shall be amended as follows:

**Table R301.2(1)
Climatic and Geographic Design Criteria**

| | |
|----------------------|--|
| Ground Snow Load | 25PSF |
| Roof Snow Load | 20PSF |
| Wind Speed (c) | 90/100 MPH |
| Seismic Design | 0 |
| Weathering (a) | Severe |
| Front Line Depth (b) | 24" |
| Termite | Moderate |
| Decay | Slight to Moderate |
| Winter Design Temp. | 75 degrees F |
| Flood Hazards | The Trappe Flood Hazard Areas, which have been identified by the Federal Emergency Management Agency, as amended or revised by the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM), in addition to other applicable ordinances related to flood plain regulation and stormwater management |

a. Weathering may require a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code. The grade of masonry units shall be determined from this code. The grade of masonry units shall be determined from ASTM C 34, C55, C62, C73, C90, C129, C145, C216 or C652.

b. The frost line depth may require deeper footings than indicated in Figure R403.1(1).

c. Wind exposure category shall be determined on a site specific basis in accordance with Section R301.2.1.4.

....

CHAPTER 12. MECHANICAL ADMINISTRATION

Section M.1201.1 Scope. The subject matter of chapters 12 through 24 is not within the scope of the Maryland Building Performance Standards and is hereby omitted from this Code. For the applicable requirements concerning the mechanical systems, refer to the mechanical code adopted pursuant to the provisions of Business Regulation Article, §9A-205, Annotated Code of Maryland.

....

CHAPTER 25. PLUMBING ADMINISTRATION

Section P.2501.1 Scope. The subject matter of chapters 25 through 33 is not within the scope of the Maryland Building Performance Standards and is hereby omitted from this Code. For the applicable requirements concerning the plumbing systems, refer to the plumbing code adopted pursuant to the provisions of Business Occupations and Professions Article, Title 12, Annotated Code of Maryland.

....

CHAPTER 34. ELECTRICAL - GENERAL REQUIREMENTS

Section E3401.2 Scope. The subject matter of chapters 34 through 43 is not within the scope of the Maryland Building Performance Standards and is hereby omitted from this Code. For the applicable electrical requirements, refer to the National Electrical Code as adopted and enforced by the State Fire Marshal, authorized fire officials, or building officials pursuant to the provisions of Public Safety Article, Title 12, Subtitle 6, Annotated Code of Maryland.

Section 11.6 Copies on file. The Clerk-Treasurer of the Town of Trappe shall maintain one copy of the Town Residential Code on file in the Town Office.

[History: Ord. 407-2016, 07/06/16]

Trappe Town Code
Amended through April 24, 2017

ARTICLE III

Energy Code

Section 11.7. Adoption of standards by reference.

The 2015 Edition of the International Energy Conservation Code, as published by the International Code Council, as amended by the State of Maryland as the Maryland Building Performance Standards (set forth in COMAR 05.02.07), and as further amended by this Ordinance, be and is hereby adopted as the Energy Conservation Code of the Town of Trappe for regulating and governing energy efficient building envelopes and installation of energy efficient mechanical, lighting and power systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Energy Conservation Code, with the additions, insertions, deletions and changes, if any, prescribed herein.

Section 11.8. Amendments. The following sections of the 2015 Edition of the International Energy Conservation Code are modified, deleted, substituted, or added as follows:

**SECTION C101
SCOPE AND GENERAL REQUIREMENTS**

Section C101.1 Title. This code shall be known as the Energy Conservation Code of Trappe for Commercial Buildings.

Section C101.2 Scope. This Code applies to commercial buildings and the building sites and associated systems and equipment. Additional requirements concerning energy conservation for buildings and structures may be required by Energy Conservation Building Standards, Public Utility Companies Article §§ 7-401 – 7-408 of the Annotated Code of Maryland, as amended.

. . . .

**SECTION C108
STOP WORK ORDER**

. . . .

Section C108.2 Issuance. Delete section C108.2 and substitute the following:

Section C108.2 Issuance. The stop work order shall in writing and the stop work order shall in writing and the posting of a stop work order at the job site shall constitute adequate notification by

the Town of Trappe’s designated code official. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

Section C108.4 Failure to comply. Delete section C108.4 and substitute the following:

Section C108.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be deemed guilty of a municipal infraction and subject to a fine to be assessed according as provided in Chapter 1, Article I.

**SECTION C109
BOARD OF APPEALS**

Section C109 Board of Appeals. Delete section C109 Board of Appeals and substitute the following:

Section C109 Board of Appeals. For the purposes of this code, the board of appeals shall be the Trappe Board of Zoning Appeals established by the Trappe Zoning Ordinance. All provisions governing the board of appeals with respect to members, provisions for alternates, quorum, procedure, chairman, term of office, etc. shall be applicable to appeals from this code. Review of the decision of the board of appeals shall also be in accordance with the Trappe Zoning Ordinance and the Maryland Rules of Procedure applicable to review of administrative agency decisions.

. . . .

**CHAPTER 1
SCOPE AND ADMINISTRATION – RESIDENTIAL PROVISIONS**

**SECTION R101
SCOPE AND GENERAL REQUIREMENTS**

Section R101.1 Title. Delete Section R101.1 and substitute with the following:

Section R101.1 Title. This code shall be known as the Energy Conservation Code of Trappe for Residential Buildings.

. . . .

**SECTION R108
STOP WORK ORDER**

. . . .

Section R108.2 Issuance. Delete Section R108.2 and substitute with the following:

Section R108.2 Issuance. The stop work order shall in writing and the posting of a stop work order at the job site shall constitute adequate notification by the Town of Trappe's designated code official. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

. . . .

Section R108.4 Failure to Comply. Delete Section R108.4 and replace with the following:

Section R108.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be deemed guilty of a municipal infraction and subject to a fine to be assessed according as provided in Chapter 1, Article I.

**SECTION R109
BOARD OF APPEALS**

Section R109 Board of Appeals. Delete Section R109 and replace with the following:

Section R109 Board of Appeals. For the purposes of this code, the board of appeals shall be the Trappe Board of Zoning Appeals established by the Trappe Zoning Ordinance. All provisions governing the board of appeals with respect to members, provisions for alternates, quorum, procedure, chairman, term of office, etc. shall be applicable to appeals from this code. Review of the decision of the board of appeals shall also be in accordance with the Trappe Zoning Ordinance and the Maryland Rules of Procedure applicable to review of administrative agency decisions.

Section 11.9. Copies on file. The Clerk-Treasurer of the Town of Trappe shall maintain one copy of the Town Energy Conservation Code on file in the Town Office.

[History: Ord 8-2016, 07/06/16]

ARTICLE IV. EXISTING BUILDING CODE

Section 11.10 Adoption of standards by reference.

The 2015 Edition of the International Existing Building Code, as published by the International Code Council, as amended by the Maryland Building Rehabilitation Code, is hereby adopted as the Trappe Town Existing Building Code (sometimes referred to as the “Existing Building Code”). The Existing Building Code shall regulate and govern the repair, alteration, change of occupancy, addition and relocation of existing buildings, including historic buildings; providing for the issuance of permits therefor. All of the regulations, provisions, terms, and conditions, of the 2015 Edition of the International Existing Building Code are hereby adopted and made a part hereof as if fully set forth in COMAR 05.16.01, as well as the amendments, deletions and insertions set forth in Section 1.11 herein.

Section 11.11 Amendments.

The following sections of the 2015 International Existing Building Code are hereby modified, deleted, substituted, added, or revised as follows:

SECTION 101 GENERAL

Section 101.1. Title. These regulations shall be known as the “Town of Trappe Existing Building Code”, (sometimes hereinafter referred to as the “Existing Building Code” or “this code.”). Where the name of the jurisdiction is to be indicated in any section of this Code, it shall be considered the “Town of Trappe”.

....

SECTION 103 DEPARTMENT OF BUILDING SAFETY

....

Section 103.1. Deleted.

Section 103.2. Appointments. The code official shall be the Town Clerk-Treasurer, or any person or entity designated or appointed by the Council of Trappe to serve as code official. The code official shall have full enforcement authority of this Code.

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**SECTION 104
DUTIES OF THE CODE OFFICIAL**

. . . .

Section 104.6. Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the code official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this code, the code official is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by the code, provided that if such structure or premises is occupied, the code official shall present credentials to the occupant and request entry. If such structure or premise is unoccupied, the code official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the code official shall have recourse to the remedies provided by law to secure entry, including obtaining an administrative search warrant.

. . . .

**SECTION 112
BOARD OF APPEALS**

. . . .

Section 112.1. General. Delete section 111 in its entirety and replace with the following.

Section 112.1. General. Any person affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Trappe Board of Appeals, provided that a written application for appeal is filed within twenty (20) days after the day the decision, notice or order was served. All provisions governing the Board of Appeals with respect to members, provisions for alternates, quorum, procedure, chairman, term of office, etc. shall be applicable to appeals from this code. Review of the decision of the Board of Appeals shall also be in accordance with the Trappe Zoning Ordinance and the Maryland Rules of Procedure applicable to review of administrative agency decisions.

Section 112.3. Qualifications. Deleted.

. . . .

**SECTION 113
VIOLATIONS**

Section 113.3 Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 113.2 shall be deemed to have committed a civil municipal infraction as determined by the Town, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in the equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction over such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

. . . .

**SECTION 114
STOP WORK ORDER**

. . . .

Section 113.3 Unlawful continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be deemed to have committed a municipal infraction. The penalty for the first violation shall be One Hundred Dollars (\$100.00), and Two Hundred Dollars (\$200.00) for the second violation. Each day that a violation continues shall be considered a separate offense.

. . . .

Section 11.12. Copies on file. The Town Clerk shall maintain a copy of the Existing Building Code on file in the Town Office.

[History: Ord 9-2016, 07/06/16]

**SECTION 12. PROPERTY MAINTENANCE RENTAL LICENSE AND
INSPECTION**

- 12.1. Adoption of standards by reference.
- 12.2. Amendments.
- 12.3. Copies on file.
- 12.4. RESERVED
- 12.5. Residential Rental Housing License and Inspection

Section 12.1. Adoption of standards by reference.

The 2015 Edition of the International Property Maintenance Code, as published by the International Code Council, Inc., and amended by this Ordinance, as well as the Minimum Livability Code as adopted by the Department of Housing and Community Development (as set forth in COMAR 05.02.03, et. seq., as amended from time to time) is incorporated into this Code by reference as if fully set forth herein.

Section 12.2. Amendments.

The following sections of the 2015 International Property Maintenance Code are hereby modified as follows:

**SECTION 101
GENERAL**

Section 101.1. Title. These regulations shall be known as the “Town of Trappe Property Maintenance Code”, hereinafter referred to as “this code.”

. . . .

Section 101.2 Scope. The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties. Notwithstanding anything to the contrary herein, the provisions of the Property Maintenance Code that govern the interior condition of a residential structure shall not apply to an owner-occupied housing unit.

Only the provisions of this Code governing the exterior condition of a structure shall apply to an owner-occupied housing unit.

....

**SECTION 103
DEPARTMENT OF MAINTENANCE AND INSPECTION**

....

Section 103.2. Appointment. The code officials shall be the Council of Trappe, or any person or entity designated or appointed by the Council of Trappe to serve as code official.

....

Section 103.5. Fees. The fees for activities and services performed under this Ordinance shall be set forth in a fee schedule adopted by the Council of Trappe.

....

**SECTION 104
DUTIES OF THE CODE OFFICIAL**

....

Section 104.3. Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the code official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this code, the code official is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by the code, provided that if such structure or premises is occupied, the code official shall present credentials to the occupant and request entry. If such structure or premise is unoccupied, the code official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the code official shall have recourse to the remedies provided by law to secure entry, including obtaining an administrative search warrant.

....

**SECTION 106
VIOLATIONS**

....

Section 106.3. Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed to have committed a civil municipal infraction as determined by the Town, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code

official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction over such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

. . . .
SECTION 111
MEANS OF APPEAL

Section 111. Means of Appeal. Delete Section 111 in its entirety and replace with the following.

Section 111.1. Application for appeal. Any person affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Trappe Board of Appeals, provided that a written application for appeal is filed within twenty (20) days after the day the decision, notice, or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

Section 111.2. Board of Appeals. For the purposes of this code, the board of appeals shall be the Board of Appeals established by the Town of Trappe Zoning Ordinance. All provisions governing the Board of Appeals with respect to members, provisions for alternates, quorum, procedure, chairman, term of office, etc. shall be applicable to appeals from this code. Review of the decision of the Board of Appeals shall also be in accordance with the Trappe Zoning Ordinance and the Maryland Rules of Procedure applicable to review of administrative agency decisions.

. . . .
SECTION 112
STOP WORK ORDER

. . . .

Section 112.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be deemed to have committed a municipal infraction. The penalty for the first violation shall be One Hundred Dollars (\$100.00), and

Two Hundred Dollars (\$200.00) for the second violation. Each day that a violation continues shall be considered a separate offense.

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**SECTION 302
EXTERIOR PROPERTY AREAS**

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Section 302.4. Weeds. All premises and exterior property shall be maintained from weeds or plant growth in excess of six inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

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**SECTION 304
EXTERIOR STRUCTURE**

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Section 304.2. Protective treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion. Surfaces designed for stabilization by oxidation are exempt from this requirement.

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Section 304.3 Premises identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property in compliance with 911.

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Section 304.14 Insect screens. During the period from May 1 to October 1, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25mm), and every screen door used for insect control shall have a self-closing device in good working condition.

....

Section 304.15. Doors. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door.

....

SECTION 308 RUBBISH AND GARBAGE

Section 308.3.1. Garbage Facilities. The owner of every dwelling shall supply one of the following; an approved mechanical food waste grinder in each dwelling unit; or an approved leakproof, covered, outside garbage container.

Section 12.3. Copies on file.

The Town Clerk shall maintain two copies of the Property Maintenance Code on file in the Town Office, where they may be examined during business hours.

Section 12.4. RESERVED

[History: Ord 10-2016, 07/06/16]

Section 12.5. Residential Rental Housing License and Inspection.

A. Definitions and word usage. As used in this chapter, the following terms have the meanings indicated.

Residential Rental Dwelling Unit – Any building or portion of a building in which a person resides in which consideration of money or other goods

or services are paid or provided to the owner of such building, or the owner's authorized representative or other tenant. This definition shall include the letting or rental of any single-family residential dwelling unit, or multi-family residential dwelling unit.

Person – Any individual, proprietorship, partnership, corporation, association, or other legal entity.

B. Rental operating license required.

1. It shall be unlawful for any person to let any residential rental dwelling unit within the Town without first having obtained a license for said unit as hereinafter provided.

2. Within sixty (60) days after the effective date of this ordinance, the legal owner of record shall make written application to the Town for a rental unit license upon such form or forms as the Town shall from time to time designate. Such application shall be submitted together with a non-refundable rental license fee, as approved and authorized by the Council of Trappe.

C. Inspections.

1. All residential rental properties shall be subject to periodic inspections by the Town's designated code enforcement officer, or other designee, to determine if they are in conformance with the Town Code and applicable ordinances, laws or other regulations.

2. If an inspection reveals a violation of an applicable provision of the Town Code, including any building code, property maintenance code or minimum livability code in effect within the Town limits, the code enforcement officer shall provide written notification to the owner and to the occupant of the rental unit. The notice shall contain a time period within which the violation is to be corrected, which period shall be a minimum of ten (10) days unless the violation involves an immediate threat to health or safety, whereupon a shorter time frame may be specified by the town's enforcement officer. The code enforcement officer shall reinspect the premises to confirm that the violations have been corrected.

D. Revocation or Denial of License; Injunction. A license may be revoked or denied by the code enforcement officer if an owner, after the passage of the notice period described in the previous section, fails to eliminate violations of the Town Code. Revocation or denial of a license

shall be in addition to, and not in substitution for, such other penalties as may be provided for said violations elsewhere in this Code or by State law. In addition to any other remedy which may be available in the event of a violation of the provisions of this chapter, the Town's designated code enforcement officer may seek an injunction to prevent the renting, or offering to rent, of rental dwelling units in the Town which do not have a license issued in accordance with this section.

E. License Renewal. Licenses shall expire one year from the date of issuance, and are renewable annually. Applications for renewal shall be made at least sixty (60) days prior to the expiration date.

F. Display of Licenses. Licenses issued under this chapter shall be produced on the demand of a tenant or prospective tenant and shall be made available at reasonable times for examination by an authorized agent of the Town.

G. Fees. The Council of Trappe is hereby authorized to enact a resolution establishing a schedule of license, inspection, and reinspection fees pertaining to the administration of this chapter. Any unpaid license fee or reinspection fee shall be subject to interest and penalties as periodically established by the Council of Trappe for unpaid sums due to the Town.

H. Violations and Penalties. Any violation of this Section 12.5 shall be considered a municipal infraction and any person violating any provision of this section shall be assessed a fine of \$100 for the first infraction, and up to \$200 for each subsequent infraction. Each separate violation shall constitute a separate offense. Each day that any violation shall continue shall constitute a separate offense.

[History: Ord 03-2011, 02/22/2011]

SECTION 13. CONTROL OF WEEDS, GRASS AND LITTERING

Article I – Weeds and Garbage

- 13.1. Definitions
- 13.2. Object and Purpose
- 13.3. Weeds and grass, rubbish, garbage
- 13.4. Littering
- 13.5. Penalties

Article II – Refuse disposal

- 13.6. Regulation of the placement of refuse and other waste for collection
- 13.7. Violations; penalties.

**ARTICLE I
Weeds and Garbage**

Section 13.1. Definitions. For purposes of this Section, the following definitions shall apply:

Weeds - shall include weeds of any kind including brush or similar matter, grass used for lawns or grass in its wild state.

Garbage – Unwanted organic refuse, largely foods, either unconsumed or spoiled, and organic wastes from the processing of foods. Rubbish and household garbage.

Refuse – All solid waste, including garbage, rubbish, and ashes.

Waste – All unwanted materials, including liquid and solid waste materials.

Section 13.2. Object and purpose. The object of this Section 13 is to keep all improved and unimproved properties in the Town of Trappe whether residential, business, industrial or public (including parking lots, playgrounds and roads) free of high grass, weeds, garbage, refuse, waste, rubbish and debris, and to prevent littering of any kind.

Section 13.3. Weeds, grass, rubbish and garbage.

- A. Every dwelling lot or vacant lot or area or business area within the Town of Trappe and every part thereof shall be kept clean and free from any accumulation of dirt, filth, rubbish trash, garbage, brush, weeds or similar matter so as not to be a danger to the health of any occupant thereof or

hazard to the adjoining property thereto or to the town itself, and shall be kept free from vermin and rodent infestation.

- B. All yards, lawns, lots improved and unimproved and vacant areas immediately adjacent to improved property shall be kept clean and free from weeds and brush exceeding six (6) inches height. It shall be the duty of each occupant or owner of a dwelling unit, lot or vacant area to keep it in a clean condition, that portion which he occupies or over which he has exclusive control. If the occupant or owner fails to comply with this section, the town, after due notice not less than three (3) days will correct the problem by cutting or removing and the charge for same shall become a lien upon the property collected in the same manner as taxes or by an action at law.

Section 13.4. Littering.

- A. Dirt and trash on roadways:
 - 1. No person engaged in excavating, repairs to structures or grounds, or construction or having charge or control of excavation, repairs to structures or grounds, or construction or who may be engaged in or have charge of control of conveying material to or from excavations, repairs to structures or grounds, or construction, shall deposit, or permit to be deposited, in any manner, upon the surface of any street, alley, avenue, highway, footway, sidewalk, parking or other public space within the corporate limits of the Town of Trappe either by placing, spilling, dropping or tracking from wheels of vehicles, or otherwise, any earth, clay, mud, sand, gravel or other material. If any such deposit occurs, every person whose duty it is under this ordinance to prevent such deposit shall promptly remove the same. All macadamized or broken stone roadways adjacent to excavations or traversed by vehicles either in the process or conveying material from an excavation or in

returning from the place of deposit, the place of excavation shall be covered with planking so far as may be required to prevent any mud, earth, clay or other material from the excavation or from the place of deposit from reaching the surface of such roadway.

2. No one being the owner, driver, manager, or conductor of any cart or other vehicle shall carry or convey, or cause to be carried or conveyed in such vehicle any earth, sand, gravel, broken stone, dirt, paper, and other rubbish, or any loose fluid or offensive articles or matter, or any articles whatsoever within the corporate limits of said Town of Trappe so that the same shall or may be scattered, dropped, let fall, blown, or spilled therefrom; and all vehicles conveying combustible refuse or foul, dusty, or offensive matter of any sort shall have tight bodies and be closely and securely covered. All vehicles conveying wastepaper products, baled, sacked, or otherwise, shall be closely and securely covered.
 3. Owners of lots abutting upon streets, avenues or alleys, or upon public parking or other public space, in the Town of Trappe and which are above grade, shall protect such lots so as to prevent dirt, sand or gravel, or any bushes, trees, or like thing from falling or being washed upon the sidewalks, streets, alleyways, or other public space adjacent to the same.
- B. Throwing glass, refuse, etc., upon the streets and alleys. It shall be unlawful for any person to cast or throw into any street, alley, avenue, highway, or in the river within the jurisdiction of the town authorities, any glass, crockery, porcelain, or other similar substances, or pieces thereof, or any pieces of iron, hardware or sharp metal, nails, tacks, or other articles, or any waster paper, trash, rubbish, garbage, or refuse of any kind.

Section 13.5. Penalties. Any person or persons violating any of the provisions of this Section 13 shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject

to a fine not exceeding Five Hundred Dollars (\$500.00) or be imprisoned for a term not exceeding ninety (90) days, or both.

ARTICLE II Refuse disposal

Section 13.6. Regulation of the placement of refuse and other waste for collection.

- A. All refuse or other waste must be kept in an appropriate receptacle or in an area screened from public view until such time as the waste or other refuse is set out for collection.
- B. No person shall set out other waste, or containers for refuse and other waste, for collection earlier than one day prior to the anticipated time for regular collection of such waste or refuse. No person shall set out refuse or other waste for special pick-up collection prior to two days before the scheduled collection.
- C. Commercial and residential dumpsters shall be maintained in a clean and safe condition, and all debris and trash shall be placed within the dumpster. The property owner and/or homeowner's association shall make sure that the dumpsters are emptied when full, and shall not permit any trash or rubbish to accumulate or to be placed outside of the dumpster receptacle.

Section 13.7. Violations; penalties. The Town zoning administrator shall notify any person in violation of Section 13.6 of the violation by posting a notice in a conspicuous place on the premises, where the refuse or other waste has been placed. Violations of Section 13.6 shall be a municipal infraction, the fine for which shall be One Hundred Dollars (\$100.00) for the first violation, and \$200.00 for the second violation. Each day that the violation exists shall be considered a separate violation. For the purposes of this Section a day shall be any portion of any twenty-four (24) hour period.

[History: Ord. 16-95, 10/24/95; Ord. 10-96, 10/22/06]

Trappe Town Code
Amended through April 24, 2017

SECTION 14. WATER AND SEWER

Article I – Extension of water and sewer services

- 14.1. Extension of water and sewer services to properties located within the town
- 14.2. Extraterritorial extensions

Article II - Water and Sewer Restrictions

- 14.3. Water restrictions
- 14.4. Sewer restrictions

Article III – Water and Sewer Charges and Rates

- 14.5. Water and sewer usage and basic service charge(s)
- 14.6. Water and sewer connection and capacity charge(s)
- 14.7. Retirement of capital improvement debts
- 14.8. Rates for properties located outside of Town
- 14.9. Operation and maintenance costs
- 14.10. Payment of water and sewer charges
- 14.11. Turn off of water supply to fire sprinkler systems
- 14.12. Turn on/turn off fees
- 14.13. Multiple billings
- 14.14. Unoccupied buildings
- 14.15. Estimated billing
- 14.16. Partial billing period
- 14.17. Abatement of sewer charges after water leak repair
- 14.18. Restoration of service after turn off for nonpayment

Article IV - Service Installation, Meters and Metering

- 14.19. Meters and Metering
- 14.20. Town's Installation
- 14.21. Customer Access
- 14.22. Transported water
- 14.23. Authority of the Town's representative

Article V - Grease Traps

- 14.24. Grease traps and grease trap maintenance

Article VI - Cross Connection and Backflow Prevention Program

- 14.25. Overview
- 14.26. Purpose
- 14.27. Definitions
- 14.28. Responsibility
- 14.29. Administration
- 14.30. Degree of hazard

- 14.31. Town of Trappe requirements
- 14.32. Owner requirements
- 14.33. Periodic testing
- 14.34. Tester requirements
- 14.35. Existing in-use backflow prevention devices
- 14.36. Plumber requirements
- 14.37. Records and reports
- 14.38. Residential dual check
- 14.39. Strainers
- 14.40. Conflicting regulations

Article VII - Supplemental Water and Sewer Regulations

- 14.41. Adding or removing units in multi-unit structures
- 14.42. Credits for preexisting service connections after demolition
- 14.43. Change of use after service is connected

Article VIII - Penalties

- 14.44. Penalties

Table 1 – Fees and Charges

Table 2 - Water Use Standards

Article IX – Bay Restoration Fee Exemption

- 14.45

ARTICLE I
Extension of Water and Sewer Services

Section 14.1. Extension of water and sewer services to properties located within the Town. Where no town water and sewer extension exists to a property located in Town, said services may be extended, provided that the property owner pays for all costs and expenses associated with the extension of such water and sewer service, including, but not limited to: construction costs, engineering costs, legal fees, and other professional costs. All such extensions to or from the Town’s water and sewer system shall be constructed by the Town, or to the Town’s specifications.

Section 14.2. Extraterritorial extensions. It is the policy of the Town not to extend its water or sewer services beyond Town limits unless such extension is pursuant to an annexation covenant or is required because of a public health or safety matter.

ARTICLE II
Water and Sewer Restrictions

Section 14.3. Water restrictions.

- A. All properties connected to the Town's water and sewer facilities shall comply with the provisions of both the Trappe Cross Connection and Backflow Prevention Program as set forth in Article VI and the Maryland State Plumbing Code set forth in COMAR 09.20.01.01.
- B. All water-using appliances, fixtures, toilets, faucets, hose hydrants, dishwashers, and the like shall be properly maintained at all times.
- C. In case of water shortage or scarcity, the Council of Trappe may by resolution, place any restrictions upon the use of water for irrigation, car washing, sprinkling, or for any other purposes which such body deems necessary. In case of fire which requires a large use of water, the Council of Trappe may place a temporary emergency restriction on the use of water without the passing of a resolution.

Section 14.4. Sewer restrictions

- A. Prohibited Connections. The following connections to the Town wastewater collection system are prohibited: storm drains, roof drains, roof gutters, yard drains, cellar drains, cellar pumps, swimming pool drains, and any other connection that may be restricted by law or as determined by the Council of Trappe from time to time.
- B. Hazardous Materials. It shall be unlawful for anyone to discharge, or cause to be discharged into the Town wastewater collection system any substance or material that could obstruct or damage the wastewater collection system and/or the wastewater treatment facility and/or that land or stream or estuary receiving effluent from the wastewater treatment facility. It shall be unlawful for anyone to discharge or cause to be

discharged into the Town wastewater collection system any hazardous substance or material including, but not limited to: oil, gasoline, petroleum fuels, paint remover, paint thinners, chemical solvents, strongly corrosive chemicals, explosives, pesticides, herbicides, farm and garden fertilizer, detergents containing phosphates, radioactive material, sand, stones, non-biodegradable solids or any substance that could create a danger for personnel operating or maintaining the wastewater system.

ARTICLE III Water and Sewer Charges and Rates

Section 14.5. Water and sewer usage, and basic service charge(s).

- A. The Town shall impose a basic service charge and a per gallon usage charge on each and every service connected to the municipal water or sewer system. When a structure containing multiple units is connected to the Town water or sewer system, each residential dwelling unit or multiple non-residential user served by a master meter shall be considered a separate service regardless of the number of physical connections to the water or sewer main serving the structure.
- B. The Town shall base the usage charges for properties served by meter(s) on the water flow indicated by the meter(s).
- C. The Council of Trappe shall, from time to time, establish basic service rates and a per gallon usage rates as set forth in Table 1.

Section 14.6. Water and sewer connection, and capacity charge(s). As used in this Chapter, the following definitions shall apply:

Connection Charge - The charge imposed by the Town to offset the cost of providing the physical connection from the existing town water and/or sewer system to the service location and the installation of an approved meter pit and meter setter, backflow preventer, water meter, user connection point, property line sewer clean out, and related appurtenances, fixtures and improvements as are necessary or required by the

Town to provide municipal water and/or sewer services to a commercial or residential structure. The connection charge does not provide for extending water or sewer service to locations not currently served and is separate from the capacity charge.

Capacity Charge - The charge imposed by the Town to ensure that adequate water and sewer capacity will be available to serve the location(s) being connected. The charge is based upon capacity allocations. The capacity charge does not provide for extending water or sewer service mains or infrastructure to locations not currently served, and is a separate charge from the connection charge.

- A. The Town shall impose a connection charge and a capacity charge on each and every service connected to the municipal water or sewer system. When a structure containing multiple units is connected to the Town water or sewer system, each residential dwelling unit or multiple non-residential user served by a master meter shall be considered a separate service regardless of the number of physical connections to the water or sewer main serving the structure.
- B. The connection and capacity charges shall be paid in full to the Town Clerk before construction begins and service connections are provided.
- C. Where multiple non-residential uses in the same structure are served by a master meter, the capacity charge for all units shall be the same as for the most intense use as set forth in Table 2.
- D. Where multiple water and/or sewer connections are provided as part of a proposed subdivision with a public works agreement approved by the Town, all or part of the connection charges may be waived where the developer is required to provide an approved meter pit and meter setter, backflow preventer, water meter, and perform physical installation.
- E. Where multiple water and/or sewer connections are provided as part of a proposed subdivision with a public works agreement approved by the Town all or part of the capacity charges may be waived where the developer is required to provide to provide the required additional capacity.

Section 14.7. Retirement of capital improvement debts. The cost to retire debts for capital improvements to the water and sewer system(s) shall be included in the water and sewer basic service and usage charges.

Section 14.8. Rates for properties located outside of Town. For users of town water and/or sewer service located outside of the corporate limits of the Town, the Town shall have the right to charge rates in an amount not to exceed twice the amount charged to users located within the Town.

Section 14.9. Operation and maintenance costs. Operation and maintenance costs for the water system shall be reviewed by the Town on an annual basis. The water and sewer basic service and usage charges shall be adequate to assure the Town will have sufficient funds to operate and maintain the water and sewerage system and shall provide sufficient funds to establish a reserve account for future replacement of capital equipment during the service life of the water system.

Section 14.10. Payment of water and sewer charges.

- A. The Town may establish a billing period for water and sewer bills from time to time as deemed appropriate, but no less often than quarterly.
- B. When a combined bill for multiple services connected to a master meter becomes past due, the bill for each included individual service shall be considered past due.
- C. Water user charges shall be billed at the same time sewer charges are billed. All payments credited to combined water and sewer bills shall be equally divided between the unpaid water and unpaid sewer account balances.
- D. Unless otherwise stated, payment of a water and/or sewer bill is due in full within thirty (30) days of the date of billing. When a water and sewer bill is not paid within ten (10) days after the due date, the Town shall post a conspicuous notice on the property, or send notice via first class U.S. mail to the last known address of the property owner and current occupant of

the property, stating that the water bill is delinquent and that the water service may be turned off. The sewer service shall be considered turned off when the water service is turned off. Water service will not be turned off when the outside air temperature is over 90 degrees F or forecast to be over 90 degrees F on the day after the scheduled turnoff. Monthly water and sewer bills will be sent by first class U.S. mail to the owner of the property. The property owner shall be responsible for paying all water and sewer charges. The Council shall have the authority to adopt a resolution establishing a water and sewer disconnection policy for delinquent accounts.

- E. Bills paid after the due date shall be subject to a finance charge as set forth in Table 1 applied to the entire balance including accumulated interest and turn on/turn off fees. The Town reserves the right to use an average thirty (30) day period for the purpose of computing monthly interest. The interest on any unpaid balance begins to accrue as of the first day after due date.
- F. Any unpaid water and sewer bill including finance charges and any service charge for turning the water on or off shall become a lien upon the real property which is serviced, and may be collected in the same manner as taxes are collected.
- G. All residences subject to the Minimum Livability Code (COMAR 05.02.03) shall have running water and operable kitchen and bathroom fixtures consistent with those regulations.

[History: Ord. 05-2016, 07/26/16]

Section 14.11. Turn off of water supply to fire sprinkler systems.

- A. Where a fire sprinkler system is connected to the same water meter as other metered uses in a building and the service is turned off for nonpayment, the water supply to the sprinkler system will also be turned off. The Town shall not be liable for losses resulting from failure of the sprinkler system to operate.

- B. Where a fire sprinkler system has an approved direct connection to the Town water system the Town shall give the property owner at least sixty (60) days written notice before turning off a dedicated fire sprinkler service.
- C. Water service to fire sprinkler systems may be interrupted from time to time for emergency repairs or scheduled maintenance of the water distribution system. The Town shall not be liable for losses resulting from failure of the sprinkler system to operate during such times.

Section 14.12. Turn on/turn off fees. The charge for turning off any water service, as well as for turning on any water service after suspension in service, is set forth in Table 1.

Section 14.13. Multiple billings. When a structure containing multiple units is connected to the Town water system, each residential dwelling unit or multiple non-residential user served by a master meter shall be considered a separate service regardless of the number of physical connections to the water and sewer main serving the structure. When two or more structures owned by the same party are connected to the Town system, the water and sewer bills for such structures may not be combined into a single bill.

Section 14.14. Unoccupied buildings. For billing purposes, a building or building unit connected to the Town water system shall be considered occupied until such time as the property owner shall pay the specified water turn off fee as set forth in Table 1 herein, and notify the Town office to turn off the water service.

Section 14.15. Estimated billing. Where the meter is unable to be read or fails to register the total amount of water used, the customer shall pay for such period an estimated amount based upon the average consumption in similar periods. The customer shall notify the Town at once of any damage to or of any cessation in registration of, the meter as soon as he is aware of it.

Section 14.16. Partial billing period. The Town, from time to time, may establish rates for water service that is provided during any portion of a billing period. In no event shall the user charges be greater than the normal user charges for the entire period.

Section 14.17. Abatement of sewer charges after water leak repair.

- A. The sewer portion only of the excess charges above the 3-month seasonal average for a specific property may be abated if all of the following conditions are met:
1. The higher than normal usage is the result of leaking water that is not being sent through the wastewater system.
 2. The high usage is not the result of outside water usage such as, but not limited to, lawn and garden watering, car washing, power washing and the like.
 3. The leak has been verified by the water superintendent and/or documented by a plumber licensed to work in Talbot County.
 4. The leak has been properly repaired by a plumber licensed to work in Talbot County with written documentation of the repair submitted to the Town billing clerk, or the repair has been inspected and approved by the water superintendent.
 5. The abatement period shall be for a period not exceeding 60 days or two billing periods.
 6. The request for abatement must be in writing and received by the Town billing clerk within 45 days of the billing having the excessive usage, except where it can be verified that the resident has been away for an extended period.
- B. The sewer portion only of the charges for metered water used to fill a residential swimming pool may be abated if all of the following conditions are met:

1. The billing clerk and the Water Superintendent are notified at least 3 days in advance of the pool filling.
 2. The volume of water used can be determined by pool dimensions or meter readings (an extra charge may apply for reading the meter).
 3. The fill rate and time of fill are approved by the Water Superintendent.
- C. Abatements, if approved, will be applied as a credit to the customer's account during the next billing cycle. The Town will not issue cash refunds.

Section 14.18. Restoration of service after turn off for nonpayment. Water and sewer service turned off for nonpayment of the water and/or sewer bill shall be restored only after the past due account balance plus the turn off and turn on charges set forth in Table 1 have been paid in full unless a payment plan has been approved in accordance with subsection C below.

- A. A turned off water service shall not be restored unless the property owner or adult occupant is present.
- B. A turned off water service will be restored within 24 hours after payment is made whenever possible except that payments will not be accepted or services restored on weekends or Town holidays. Water service will only be restored between the hours of 8:00 a.m. and 4:00 p.m.
- C. When a service is turned off or scheduled to be turned off for nonpayment and the Town Clerk determines that an extenuating circumstance or hardship exists, the Town Clerk may approve a payment plan to assist the customer with paying the past due balance. Any payment plan approved shall result in a declining monthly account balance. Water and sewer service may be restored as long as the customer complies with the terms of the approved payment plan.

ARTICLE IV
Service Installation, Meters and Metering

Section 14.19. Meters and service lines.

- A. For the purpose of determining the amount of water used, a water meter shall be installed at a point determined by the Town.
- B. Where a residential customer desires to avoid paying sewer usage charges on water used exclusively for lawn irrigation, filling a pool, or other dedicated outdoor uses that do not return water to the sewer system a second isolated service meter may be installed in conjunction with the metered residential service provided that the fees set forth in Table 1 are paid.
- C. For the purpose of determining the amount of wastewater generated, the metered water consumption shall be used.
- D. Meters will be maintained by the Town as far as ordinary wear and tear is concerned, but the customer shall be responsible to the Town for any damage or loss of, any meter or meter pit arising out of or caused by, the customer's negligence or carelessness, or any person upon his premises under or by his consent or sufferance.
- E. No one other than an agent of the Town or someone otherwise lawfully authorized so to do, may remove, inspect or tamper with the Town's meter, or other property of the Town on the customer's premises.
- F. The customer is responsible for the installation and maintenance of service lines from the point of service connection to his premise, including any building sewer clean out installed on the owner's premises. The point of service connection for water is generally considered to be the outlet side of the meter. The point of service connection for sewer is the end of the service lateral where the lateral enters the customer's premise. Where a customer or property owner's water or sewer line is located on or extends across the property of another and does not directly abut a public right-of-

way, the customer or property owner's maintenance responsibility commences at the private property line. The Town shall not have any responsibility for maintenance or repairs of water and/or sewer lines located on private property. The cost of installation, maintenance and repairs shall be shared by the customers and/or owners whose property is served by the line. No new lines shall be constructed across the property of another without a utility easement recorded in the Talbot County land records memorializing the rights and responsibilities of the property owners to maintain the line. The provisions of this Subsection F shall apply to lateral lines or customer service lines which serve individual properties, and shall not apply to force mains or other large pipes which serve a larger area.

- G. In case of a disputed account involving the accuracy of a meter, such meter shall be tested, upon the request of the customer, by the Town's water superintendent or by a testing facility approved by the Town. In the event the meter so tested is found to have an error in registration of four percent (4%) or more, the bills will be increased or decreased accordingly. If the meter is found to have a registration error of less than 4 percent, the customer may be charged a test and calibration fee as set forth in Table 1.
- H. Structures having more than one dwelling unit or multiple non-residential users may have a separate meter for each unit or a master meter for each structure. The number and location of the meters and the design of the water service system is subject to the approval of the Town. Rates and charges for service to properties served by master meters will be as set forth in Table 1.
- I. All meters, meter boxes, and meter cutoff valves and such other appurtenances as are furnished by the Town, or turned over to the Town under the terms of a development public works agreement, shall remain its property. All piping and appurtenances upon the customer's premises must comply with and be installed and maintained in accordance with the

requirements of the Town of Trappe Building Code and the Plumbing Code of the State of Maryland.

Section 14.20. Town's installation. All connections to Town mains, and the installation of sewer service laterals and water service lines and meters will be made by the Town or subject to its inspection and approval, and in accordance with any design standards adopted by the Town, as amended from time to time. The design of the water and sewer service system and the location of the meter(s), shut off valves, backflow prevention devices, sewer lateral(s), and cleanout(s) will be determined by the Town. The installation of the property line sewer clean out, if required or necessary in the Town's discretion, shall be the responsibility of the Town and shall be owned by the Town. The service line(s) from the mains to the point of service and the water meter, meter pit, backflow preventer and cutoff valve shall be the property of the Town and shall be accessible to and under its control and maintenance.

Section 14.21. Customer access. No customer (or his properly authorized agent), unless specially authorized by the Town, shall open or close any of the stop cocks or valves in any mains or services owned and maintained by the Town.

Section 14.22. Transported water. With the exception of water used for fire fighting, fire protection or other public services, all water transported in tanks or vehicles of more than one hundred gallon capacity shall be metered and billed according to a rate established by the Town Council as set forth in Table 1.

Section 14.23. Authority of the Town's representative. The Town's duly authorized representative, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this ordinance and the laws of the State of Maryland.

ARTICLE V
Grease Traps

Section 14.24. Grease traps and grease trap maintenance.

- A. All owners of property who are connected to the Town of Trappe's wastewater collection system where food is prepared for sale on or off said premises shall install suitable floor drains with approved grease traps and shall properly maintain said trap.
- B. All such installations shall require a plumbing permit and approval of the Town of Trappe's wastewater superintendent.
- C. Owners of property where grease traps are required shall submit to the Town a grease trap maintenance schedule to be approved by the Town Engineer or the wastewater superintendant and to submit annually documentation that an approved maintenance schedule has been followed. The wastewater superintendant may require that a new maintenance schedule be submitted for approval when there is evidence that a grease trap is not being maintained often enough to be effective.
- D. The property owner shall take immediate steps to repair or service a malfunctioning grease trap. Failure to correct the problem shall be considered a violation of this ordinance and subject to the penalties set forth in Article VIII.
- E. In the event that the Town incurs expenses for clearing grease from Town sewer mains, and the Town Engineer or the wastewater superintendant determines that grease originated from a malfunctioning grease trap, then the property owner will be required to reimburse the Town for the full cost incurred to remove the grease.

ARTICLE VI
Town of Trappe
Cross Connection and Backflow Prevention Program

Section 14.25. Overview. Recognizing the need to protect the public water supply from dangerous contamination, in 1994, the Town of Trappe began implementing a cross-connection and backflow prevention program known as “The Town of Trappe Cross Connection and Backflow Prevention Program”. That program required the installation and maintenance of a suitable backflow prevention device for all "high hazard uses", the use of vacuum breakers at all service sinks, sill cocks, and hose hydrants, prohibited the return of process water to the municipal water supply, and required a residential dual check backflow prevention device to be installed on all new and repaired service connections. The program was updated in 2000, and is hereby updated and re-codified in this Article VI.

Section 14.26. Purpose. The purpose of the Town of Trappe Cross Connection and Backflow Prevention Program is to:

- A. Protect the public potable water supply served by the Town from the possibility of contamination of pollution by isolating, within its customers internal distribution system, such contaminants or pollutants which could backflow or back-siphon into the public water system.
- B. Promote the elimination or control of existing cross-connections, actual or potential, between its customers in-plant potable water system, and non-potable systems.
- C. Provide for the maintenance of a continuing program of cross-connection control, which will effectively prevent the contamination of all potable water systems by cross-connection.

Section 14.27. Definitions. For purposes of this Article, the following definitions shall apply:

Air gap - A physical separation sufficient to prevent backflow between the free-flowing discharge end of the potable water system and any other system, which is physically defined as a distance equal to twice the diameter of the supply side pipe diameter but never less than one (1) inch.

Approved - Accepted by the Town of Trappe as meeting an applicable specification stated or cited in this regulation, or as suitable for the proposed use and being compliant with all applicable State and local building code requirements.

Atmospheric vacuum breaker - A device which prevents back-siphonage by creating an atmospheric vent when there is either a negative pressure or sub-atmospheric pressure in a water system.

Auxiliary water supply - Any water supply, on or available to the premises other than the Town of Trappe approved public potable water supply.

Backflow - The flow of water or other liquids, mixtures or substances, under positive or reduce pressure in the distribution pipes of a potable water supply from any source other than its intended source.

Backflow preventer - A device or means designed to prevent backflow or back-siphonage. Most commonly categorized as air gap, reduced pressure principle device, double check valve assembly, pressure vacuum breaker, atmosphere vacuum breaker, hose bibb vacuum breaker, residential dual check, double check with intermediate atmospheric vent, and barometric loop.

Backpressure - A condition in which the owner's system pressure is greater than the supplier's system pressure.

Back-siphonage - The flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply system from any source other than its intended source caused by the sudden reduction of pressure in the potable water supply system.

Barometric loop - A fabricated piping arrangement rising at least thirty five (35) feet at its top most point above the highest fixture it supplies. It is utilized in water supply systems to protect against back-siphonage.

Containment - A method of backflow prevention which requires a backflow prevention preventer at the water service entrance.

Contaminant - A substance that will impair the quality of the water to a degree that it creates a serious health hazard to the public leading to poisoning or the spread of disease. Any substance which adversely affects the quality of water.

Cross-connection - Any actual or potential connection between the public water supply and a source of contamination or pollution.

Cross-connection and backflow prevention program enforcement officer - The Trappe water superintendent or other person or agent designated as the enforcement officer by the Council of Trappe. The enforcement officer is vested with the authority and responsibility for the implementation of this Article.

Degree of hazard - The term “degree of hazard” shall mean an actual or potential threat of contamination of a physical or toxic nature to the public potable water system or the owner’s potable water system.

Double check detector check - This device is an outgrowth of the double check valve and is primarily utilized in fire line installations. Its purpose is to protect the potable supply line from possible contamination or pollution from fire line chemical additives, booster pump fire line backpressure, stagnant “black water” that sits in fire lines over extended periods of time.

Double check valve assembly - An assembly of two (2) independently operating spring loaded check valves with tightly closing shut off valves on each side of the check valves, plus properly located test cocks for the testing of each valve.

Double check valve with intermediate atmospheric vent - A device having two (2) spring loaded check valves separated by an atmospheric vent chamber.

Fixture isolation - A method of backflow prevention in which a backflow preventer is located to correct a cross connection at an in-plant location rather than at a water service entrance.

High hazard - An actual or potential threat of contamination to the public water system or to a private water system to such a degree or intensity that there could be a danger to health.

Hose bibb vacuum breaker - A device which is permanently attached to a hose bibb and which acts as an atmospheric vacuum breaker.

Imminent hazard - An actual threat of contamination that presents a danger to public health or integrity of the potable water system with consequences of serious illness or death.

Moderate hazard - One that presents foreseeable and significant potential for pollution, or undesirable alterations of the drinking water supply.

Owner - Any person who has legal title to, or license to operate or inhabit in, a property upon which a cross-connection inspection is to be made or upon which a cross-connection is present.

Person - Any individual, partnership, company, public or private corporation, or any other legal entity.

Permit - A document issued by the Town which allows the use of a backflow preventer.

Pollutant - A foreign substance, that if permitted to get into the public water system, will degrade its quality so as to constitute a moderate hazard or impair the usefulness or quality of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably effect such water for domestic use.

Potable water system - The term “potable water system” shall mean any publicly or privately owned water system operated as a public utility under a valid health permit to supply water for domestic purposes. This system will include all sources, facilities and appurtenances between the source and the point of delivery, such as valves, pumps, pipes, conduits, tanks, receptacles, fixtures and equipment used to produce, convey, treat, or store a potable water for public consumption or use.

Pressure vacuum breaker - A device containing one or two independently operated spring loaded check valves and an independently operated spring loaded air inlet valve located on the discharge side of the check or checks. Device

includes tightly closing shut-off valves on each side of the check valves and properly located test cocks for the testing of the check valve(s).

Private (owner's) water system - The term "private or owner's water system" shall mean that portion of the privately owned potable water system lying between the point of delivery and the point of use. This system will include all pipes, conduits, tanks, receptacles, fixtures, equipment and appurtenances used to produce, convey, store or dispense potable water.

Protected cross connection - A water service connection between a public potable water distribution system and a non-potable water distribution system with an approved backflow prevention assembly properly installed and maintained so that it will continuously afford the protection commensurate with the degree of hazard.

Reduced pressure principle backflow preventer - An assembly consisting of two (2) independently operating check valves with an automatically operating differential relief valve located between the two (2) check valves, tightly closing shut-off valves on each side of the check valves plus properly located test cocks for the testing of the check valves and the relief valve.

Residential dual check - An assembly of two (2) spring loaded, independently operating check valves without tightly closing shut-off valves and test cocks. Generally employed immediately downstream of the water meter to act as a containment device.

Water service entrance / Point of service - That point in the owner's water system beyond the sanitary control of the Town; generally considered to be the outlet end of the water meter or at the property line where no meter is installed and always before any unprotected branch.

Section 14.28. Responsibility. The Town of Trappe shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow or back-siphonage of contaminants or pollutants through the water service connection. If, in the judgment of the water system superintendant or

the Town Engineer, an approved backflow device is required at the Town's water service connection to any customer's premises, the Town shall give notice in writing to said customer to install an approved backflow prevention device appropriate for the level of hazard present or anticipated at each service connection to his premises. The customer shall, within 90 days, install such approved device or devices, at his own expense, and failure or refusal, or inability on the part of the customer to install said device or devices within ninety (90) days, shall constitute a ground for discontinuing water service to the premises until such device or devices have been properly installed.

Section 14.29. Administration.

- A. The Town will operate a cross-connection control program, to include the keeping of necessary records, which fulfills the requirements of the MDE cross-connection regulations.
- B. The owner shall allow his property to be inspected for possible cross-connections and shall follow the provisions of the Town program and its regulations if a cross-connection is permitted.
- C. If the Town requires that the public supply be protected by containment, the owner shall be responsible for water quality beyond the outlet end of the containment device and should utilize fixture outlet protection for that purpose.
- D. The owner may utilize public health officials, or personnel from the Town or their delegated representatives, to assist him in the survey of his facilities and to assist him in the selection of proper fixture outlet devices, and the proper installation of these devices.
- E. The Cross Connection and Backflow Prevention Program shall be administered by the cross connection and backflow code enforcement officer.

Section 14.30. Degree of hazard. The Town recognizes the threat to the public water system arising from cross-connections. All threats will be classified by degree of hazard

and will require the installation of approved reduced pressure principle backflow prevention devices or double check valves or residential dual checks appropriate for the degree of hazard. All high hazard facilities shall have an approved Reduced Pressure Principle Assembly (ASSE 1013) as a minimum containment assembly.

High hazard facilities include, but are not limited to:

- 1) A building with five or more stories above ground
- 2) Battery manufacturers
- 3) Boilers with water treatment chemicals
- 4) Bottling plant
- 5) Booster pump facilities with chemical additives
- 6) Breweries
- 7) Canneries
- 8) Car washes with recycling systems
- 9) Chemical plants
- 10) Commercial laundries
- 11) Dairies
- 12) Dental offices
- 13) Dry cleaners
- 14) Dye works
- 15) Exterminators
- 16) Fertilizer plants
- 17) Film laboratories
- 18) Fire sprinkler or standpipe systems with chemical additives or with Siamese connections
- 19) Hospitals and clinics
- 20) Hydropneumatic tanks (except domestic hot water heater expansion tanks)
- 21) Irrigation systems with chemical additives
- 22) Laboratories
- 23) Medical buildings

- 24) Metal processing plants
- 25) Mortuary or funeral homes
- 26) Nursing homes
- 27) Pharmaceutical plants
- 28) Power plants
- 29) Recycling facilities
- 30) Restaurants
- 31) Sewage treatment plants and pumping stations
- 32) Swimming pools
- 33) Tire manufacturers
- 34) Veterinary hospitals or clinics

All moderate hazard facilities shall have an approved Double Detector Check Valve Assembly (ASSE 1015) as a minimum containment assembly. Moderate hazard facilities include, but are not limited to:

- 1) Fire sprinkler systems without Siamese connections or chemicals
- 2) Connections to tanks or vessels that handle nontoxic substances
- 3) Irrigation systems without chemical injection or booster pumps and not subject to inundation
- 4) All industrial and most commercial facilities not identified as high hazard facilities

Section 14.31. Town of Trappe requirements. On new installations, the Town will provide on-site evaluation and/or inspection of plans in order to determine the type of backflow preventer, if any, that will be required, will issue a permit, and perform inspection and testing. In any case, a minimum of a residential dual check or double check valve assembly will be required immediately downstream of the water meter. Installation of this residential dual check device on a retrofit basis on existing service lines will be at a potential cost to the homeowner as deemed necessary by the Town.

- A. On new installations where multiple units are served by a master meter, the service to each unit shall be protected by a backflow preventer of a type approved by the town as appropriate for the degree of hazard. In any case, a minimum of a residential dual check or double check valve assembly will be required for each unit.
- B. The Town will not allow any cross-connection to remain unless it is protected by an approved backflow preventer for which a permit has been issued and which will be regularly tested to ensure satisfactory operation.
- C. The Town or its designated agent may perform evaluations and inspections of plans and/or premises and shall inform the owner via certified mail of failure to comply with this ordinance. Town notification may include the method of achieving the correction, and the time allowed for the correction to be completed. In the event the owner fails to comply with the necessary correction, the Town will inform the owner via certified mail that the water service to the owner's premises will be terminated within a period not to exceed five (5) days. In the event that the owner informs the Town of extenuating circumstances as to why the correction has not been made, a time extension may be granted by the Town but in no case will exceed an additional thirty (30) days.
- D. If the Town determines at any time that a serious threat to the public health exists, the water service will be terminated immediately.
- E. The Town shall maintain the residential dual check incorporated in the meter setter pit for residential services.
- F. The Town shall maintain and test, or have tested, any and all backflow prevention devices on Town premises.
- G. The Town may maintain a list of approved contractors who are certified backflow device testers. All charges for these tests will be paid by the owner of the building or property.

- H. Farmers and other water-hauling customers shall only fill their tanks from a designated "filling station" equipped with a reduced pressure principle backflow preventer and water meter.
- I. Fire fighting apparatus may connect directly to the Town's fire hydrants following generally accepted fire fighting procedures.
- J. No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any public water main, water service, or appurtenance thereof, without first obtaining a written permission from the Town of Trappe and/or their duly authorized agent.
- K. Water supply connections to all plumbing fixtures, appliances, and heating units shall comply with the Maryland Plumbing Code.

Section 14.32. Owner requirements.

- A. The owner shall be responsible for the elimination or protection of all cross connections on his premises.
- B. The owner, after having been informed by a letter from the Town, shall at his expense, install, maintain, and test, or have tested, any and all backflow preventers on his premises except the residential dual check incorporated in the meter setter pit for residential services.
- C. The owner shall correct any malfunction of the backflow preventer which is revealed by periodic testing. All repairs to backflow preventers shall be made by a qualified repair person or repair facility.
- D. The installation of residential dual check valve results in a potential closed plumbing system within a residence. As such, provisions may have to be made by the owner to provide for thermal expansion within the closed loop system, i.e., the installation of thermal expansion devices (typically a hot water heater expansion tank) and/or pressure relief valves.
- E. The owner shall inform the Town of any proposed plumbing modifications which may present a potential or real cross-connection and also any proposed or modified cross connections and also any existing cross-

connections of which the owner is aware but has not been found by the Town.

- F. The owner shall not install a by-pass around any backflow preventer unless there is a backflow preventer of the same type of the bypass. Owners who cannot shut down operation for testing the device(s) must supply additional devices necessary to allow testing to take place.
- G. The owner shall install backflow preventers in a manner approved by the Town.
- H. The owner shall install only backflow preventers approved by the Town and which meet all applicable requirements for the degree of hazard to be protected.
- I. Private potable wells or other private potable water sources must be discontinued within a public water system when public water supply becomes available. All non-potable private wells and water systems must be installed and operated in accordance with all federal, state and local laws. Connections of potable or non-potable private wells and/or water systems to public water systems are strictly prohibited.
- J. In the event the owner installs plumbing which is on the Town's side of the backflow preventer to provide potable water for additional purposes, including but not limited to fire sprinkler service, such plumbing must have its own backflow preventer installed.
- K. No connection shall be made to the water supply piping of any building directly to a swimming pool or any circulating pump, filter, water softener or other apparatus or device that comes in contact with water in or from a swimming pool, unless such connection is protected by a reduced pressure principle backflow preventer.
- L. The owner shall be responsible for the payment of all fees for permits, annual or semi-annual device testing, re-testing in the case that the device fails to operate correctly, and second re-inspections for non-compliance with Town requirements.

Section 14.33. Periodic testing.

- A. Reduced pressure principle backflow devices shall be tested and inspected in accordance to the Maryland Plumbing Code.
- B. Periodic testing shall be performed by a Maryland certified tester at the owner's expense.
- C. Any backflow prevention device which fails during a periodic test shall be repaired or replaced. When repairs are necessary, upon the completion of the repair, the device shall be re-tested at owner's expense to insure correct operation. High hazard situations will not be allowed to continue unprotected if the backflow prevention device fails the test and cannot be repaired immediately. In other situations, repair or replacement of the backflow prevention device shall be made within 30 days. The owner is responsible for spare parts, repair tools, or a replacement device. Parallel installation of two (2) devices is an effective means of the owner insuring that uninterrupted water service during testing of repair of devices and is strongly recommended when the owner desires such continuity.
- D. Backflow prevention devices will be tested more frequently in cases where there is a history of test failures or if the Town feels that due to the degree of hazard involved, additional testing is warranted. Cost of the additional tests will be borne by the owner.

Section 14.34. Tester requirements.

- A. Testers must have knowledge and understanding of the Maryland Plumbing Code.
- B. Testers must understand and strictly adhere to testing procedures for all USC certified assemblies accepted by the Town of Trappe.
- C. The tester shall conduct testing upon assurance that all safety procedures have been observed and that all personnel involved have been appropriately notified.

- D. The tester's certification shall be kept current by completing recertification on or before the date the current certification expires. Testers shall not perform any backflow prevention tests if his/her certification has lapsed or been discontinued.
- E. Any work completed by the tester to achieve satisfactory test results for the customer shall be documented and retained with the standard test records.
- F. Reconstruction or overhaul of backflow prevention assemblies must be done using only manufacturer recommended parts for a particular application.
- G. The tester shall provide the customer with accurate and complete test records.

Section 14.35. Existing in-use backflow prevention devices. Any existing backflow prevention device passes required periodic testing shall be allowed by the Town to continue in service unless the degree of hazard is such as to supersede the effectiveness of the present backflow prevention device, or result in an unreasonable risk to the public health. In situations where the degree of hazard has increased, i.e. change in occupancy; the existing backflow prevention device must be upgraded to the appropriate backflow prevention device.

Section 14.36. Plumber requirements. It shall be the responsibility of the plumber to contact the Town of Trappe with reports of any potential or unprotected cross connection.

Section 14.37. Records and reports. The Town of Trappe will initiate and maintain the following records:

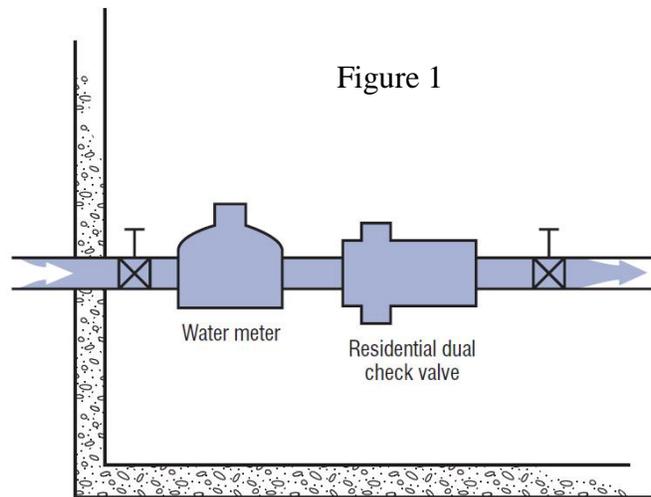
- 1) Master files on customers cross-connection permits, test and/or inspections
- 2) Annual summary of cross-connection inspections
- 3) Annual update lists of high and moderate hazard cross connections

- 4) Copies of the lists and summaries supplied to the MDE.

The Town of Trappe will submit the following reports to the MDE:

- 1) Initial listing of high hazard cross-connections.
- 2) Initial listing of moderate hazard cross-connections
- 3) Annual update lists of items 1 and 2 above
- 4) Annual summary of cross-connection inspections

Section 14.38. Residential dual check. All new residential buildings will be required to install a residential dual check device immediately downstream of the water meter. (Ref. Figure 1) Installation of this residential dual check device on a retrofit basis on existing service lines will be instituted at a time and at a potential cost to the homeowner as deemed necessary by the Town.



The owner must be aware that installation of a residential dual check valve results in a potential closed plumbing system within his residence. As such, provisions may have to be made by the owner to provide for thermal expansion within his closed loop system, i.e., the installation of thermal expansion devices and/or pressure relief valves.

Section 14.39. Strainers. The Town strongly recommends that all new retrofit installations of reduced pressure principle devices and double check valve backflow preventers include the installation of strainers located immediately upstream of the backflow device. The installation of strainers will preclude the fouling of backflow devices due to both foreseen and unforeseen circumstances occurring to the water supply system such as water main repairs, water main breaks, fires, periodic cleaning and

flushing of mains, etc. These occurrences may “stir up” debris within the water main that will cause fouling of backflow devices installed without the benefit of strainers.

Section 14.40. Conflicting regulations. If the requirements of this Trappe Cross Connection and Backflow Prevention Program are found to be different from the requirements of the Maryland Plumbing Code or other applicable regulations, the more strict regulation shall apply.

ARTICLE VII Supplemental Water and Sewer regulations

Section 14.41. Adding or removing units in multi-unit structures.

- A. When the total number of units or uses in a structure containing multiple units or users is reduced by combining units or downsizing the structure, any previously paid water and sewer connection and capacity fees shall not be refunded except as provided in Section 14.42. Basic water and sewer service charges will continue until the water meter(s) (where installed) for the corresponding down sized unit(s) are removed and the account paid in full.
- B. When additional residential dwelling units or multiple non-residential users are added to an existing structure, such units shall not be connected to, or served by, the town water and sewer system until the water and sewer connection fee and capacity fees as set forth in Table 1 shall have been paid in full.
- C. Failure to notify the Town when additional units or uses are added to a structure shall constitute a violation of this ordinance subject to the penalties set forth in Section 14.44.

Section 14.42. Credits for preexisting service connections after demolition. Where an area with preexisting water and/or sewer connections is redeveloped, a dollar amount credit will be applied toward required connection and capacity fees based on each preexisting connection. The credit shall be at the same rate as was in effect at the time the

preexisting service was first connected. No credit shall be allowed for preexisting services that are more than thirty (30) years old and no credit shall be allowed for preexisting services that have been abandoned for more than five (5) years. For the purpose of this section, a service shall be considered abandoned when no service, maintenance, or usage charges have been billed for five (5) years or the meter and service line have been removed.

Under no circumstances shall a credit be given that is greater than the total of the service charges for the redeveloped area. Credits for preexisting connection and capacity fees in one development area shall not be applied to connection and capacity fees in a different development area.

Section 14.43. Change of use after service is connected.

- A. When an existing non-residential service or use is changed to a different service or use described in Table 2, the property owner shall pay an additional capacity charge for the additional anticipated usage according to the rate set forth in Table 1.
- B. When an existing residential service or use is changed to a non-residential service or use resulting in an anticipated water usage in excess of two hundred fifty gallons per day (250 gpd) according to Table 2, the property owner shall pay an additional capacity charge for the anticipated usage in excess of 250 gpd according to the rate set forth in Table 1.
- C. No portion of previously paid capacity and connection fees shall be refunded if a use is downgraded to a use that uses less water.

**ARTICLE VIII
Penalties**

Section 14.44. Penalties.

- A. Any persons in violation of Section 14 of this Code shall be guilty of a municipal infraction, and the fine for the first offense shall be One Hundred Dollars (\$100.00), and shall be Two Hundred Dollars (\$200.00) for each

additional offense within a 12-month period. Each and every day such violation occurs shall be considered a separate offense, and subject to separate penalties and fines.

- B. If the Town is subjected to fines or penalties for a wastewater spill caused a property owner or his designated agent or tenant damaging or failing to maintain sewer pipes, including but not limited to keeping cleanout caps in place, the property owner shall reimburse the Town in full for any fines, penalties or other costs or expenses arising from such a spill.

**TABLE 1
Fees and Charges**

The following fees and charges are adopted for Town water and sewer services. These charges and fees may be supplemented or amended from time to time by the Council of Trappe.

| Connection Charges: | |
|---|---|
| Residential Water Connection charge | \$1,360 per dwelling unit |
| Residential Fire Sprinkler Connection charge (where the sprinkler system has an approved dedicated non-metered service connection) | Customer pays actual contractor cost. |
| Residential Isolated Water Connection charge (For a dedicated use, other than fire sprinkler system, that is not connected to the Town sewer system such as an in-ground irrigation system or pool.) | \$300 per meter if installed at the same time as the household metered service with the meter in the same meter pit. (If installed <u>after</u> household metered service, customer pays actual contractor cost plus the cost of the meter and meter pit.) |
| Residential Sewer Connection charge | \$1,360 per dwelling unit |
| Non-Residential Water connection charge | The greater of \$1,360 per unit/user or the actual installation costs where the water service line or meter is larger than one (1) inch in diameter |

| | |
|--|--|
| Non-Residential Sewer connection charge | The greater of \$1,360 per unit/user or the actual installation costs where the sewer service line is larger than four (4) inches in diameter |
| Non-Residential Fire Sprinkler Connection charge (where the sprinkler system has an approved dedicated non-metered service connection) | Customer pays actual cost depending on the size of the service required. |
| Capacity Charges: | |
| Residential Water Capacity charge | \$4,500 per dwelling unit |
| Residential Fire Sprinkler Capacity charge (In addition to the regular residential capacity charge) | \$100 per dwelling unit |
| Residential Isolated Water Capacity fee (For a dedicated use, other than fire sprinkler system, that is not connected to the Town sewer system such as an in-ground irrigation system or pool.) | \$450 per service (based on 10% expected increase) |
| Residential Sewer Capacity charge | \$5,250 per dwelling unit |
| Non-Residential Water Capacity charge | The greater of \$4,500 or \$4,500 per Equivalent Dwelling Unit as determined by the Water Use Standards (Table 2) divided by 250 gallons per day |
| Non-Residential Sewer capacity charge | The greater of \$5,250 or \$5,250 per Equivalent Dwelling Unit as determined by the Water Use Standards (Table 2) divided by 250 gallons per day |
| Monthly Fees: | |
| Basic Water Service charge (in Town) | \$15.00 per metered connection, or per residential dwelling unit or multiple non-residential user served by a master meter |
| Basic Sewer Service charge (in Town) | \$50.00 per metered connection, or per residential dwelling unit or multiple non-residential user served by a master meter |
| Basic Water Service charge (out-of-Town) | \$30.00 per metered connection, or per residential dwelling unit or multiple non-residential user served by a master meter |
| Basic Sewer Service charge (out-of-Town) | \$100.00 per metered connection, or per residential dwelling unit or multiple non-residential user served by a master meter |

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| | |
|--|---|
| Unoccupied (turned off) Water Service charge (Applies to individually metered services turned off for more than 90 days for reasons other than nonpayment. Turn off/on fees apply.) | \$4.95 per metered connection (Does not apply to individual units served by a master meter.) |
| Unoccupied (turned off) Sewer Service charge (Applies to individually metered services turned off for more than 90 days for reasons other than nonpayment. Turn off/on fees apply.) | \$11.55 per metered connection (Does not apply to individual units served by a master meter.) |
| Monthly Meter Administration charge for 5/8 inch or smaller meter | \$7.14 |
| Monthly Meter Administration charge for larger than 5/8 inch up to 2 inch meter | \$9.97 |
| Monthly Meter Administration charge for meter larger than 2 inch | \$5.00 plus 1% of the installed cost of Town maintained meter \$5.00 min. for customer maintained meters |
| Monthly Water Usage Rate | \$3.84 (per thousand gallons) |
| Monthly Sewer Usage Rate | \$8.97 (per thousand gallons) |
| Bay Restoration Fund | Billed per State of Md. Fee schedule (January 2010 - \$2.50 per residence. Commercial uses based on State equivalent residential unit formula.) |
| Other Fees and Charges: | |
| Farm Tank Fill Up | 10.00 per thousand gallons |
| Late Payment Finance Charge Rate | 2% per month 24% per annum |
| Returned Check fee | \$25.00 |
| Turn On - Turn Off Fee | \$35.00 |
| Close Account and Final Meter Reading | \$25.00 |
| New Account Setup & Startup Meter Reading | \$25.00 |
| Visible Leak Inspection (outside building) | No Charge |
| Meter Read Confirmation or Low Flow check | \$35.00 (no charge if defect found) |
| Meter Recalibration or Replacement | \$70.00 change out fee plus calibration cost. (no charge if meter calibration defect is found) |

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|--|-------------------------------|
| Off-Cycle Meter Read | \$25.00 |
| Damaged meter or meter pit | Actual cost to repair/replace |
| Locate covered meter with metal detector | \$35.00 |

The connection fees set forth in **Table 1** do not cover the expense associated with water and/or sewer extensions or actual charges associated with bringing water or sewer services to town properties located in town where no existing service exists. Where no town water or sewer extensions exist to a property, said services may be extended provided that the property owner pays for all costs associated with the extension of water or sewerage service, including, but not limited to, construction costs, engineering costs, legal fees and other professional costs. All such extensions to or from the Town's water or sewer system shall be constructed by the Town or to the Town's specifications.

TABLE 2
Water use standards

The following water use standards are adopted for calculating water and sewer connection and capacity charges for non-residential properties. These standards may be supplemented or amended from time to time by the Council of Trappe.

| DESCRIPTION OF FACILITY | STANDARD |
|---|-------------------|
| Adult Day Care | 25 gpd/person |
| Alzheimer Unit (see Homes for the Aged) | 75 gpd/per person |
| Assisted Living | 75 gpd/per person |
| Camps Day Camps (No Meals Served) | 15 gpd/person |
| Camps Day Camps (Meals Served) | 25 gpd/person |
| Children Day Care | 15 gpd/person |
| Church | 4 gpd/pew |
| Commercial Auto Dealership | 0.078 gpd/sq.ft. |
| Commercial Bakery | 0.15 gpd/sq.ft. |
| Commercial Banks | 0.04 gpd/sq.ft. |
| Commercial Barber Shops | 0.2 gpd/sq.ft. |
| Commercial Beauty Salons | 0.35 gpd/sq.ft. |
| Commercial Carry Out (no seating) | 0.2 gpd/sq.ft. |

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| | |
|---|---|
| Commercial Car Wash w/o wastewater reclamation | 4.9 gpd/ sq.ft. |
| Commercial Car Wash with wastewater recirculation equipment | As determined by MDE guidelines and in conjunction with the Talbot County Health Dept. and the Town Engineer. |
| Commercial Dry Goods Stores | 0.05 gpd/sq.ft. |
| Commercial Gas Station w/ Car Wash | 1750 gpd |
| Commercial Laundromats | 3.68 gpd/sq.ft. |
| Commercial Office Buildings | 0.09 gpd/sq.ft. |
| Commercial Retail Stores | 0.05 gpd/sq.ft. |
| Commercial Service Station | 0.18 gpd/sq.ft. |
| Commercial Shopping Center | 0.18 gpd/sq.ft. |
| Commercial Supermarkets | 0.2 gpd/sq.ft. |
| Commercial Warehouses | 0.03 gpd/sq.ft. |
| Country Club Baths | 300 gpd/bath |
| Country Club Lavatories | 100 gpd/lavatory |
| Country Club Showers | 500 gpd/shower |
| Country Club Toilets | 150 gpd/toilet |
| Country Club Urinals | 100 gpd/urinal |
| Fire House (per person/per shift) | 60 gpd/person/shift |
| Funeral Homes | 500 gpd |
| Golf Course | As determined by MDE guidelines and in conjunction with the Talbot County Health Dept. and the Town Engineer. |
| Homes for the Aged (per person) | 75 gpd/person |
| Hospitals (per bed space) | 350 gpd/bed |
| Hotels/Motels | 60 gpd/room |
| Irrigation Systems | 1000 gpd/acre |
| Library | 0.10 gpd/sq. ft. |

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| | |
|---|------------------|
| Medical Office Buildings | 0.62 gpd/sq. ft. |
| Nursery School / Day Care | 4 gpd/child |
| Nursing Homes | 125 gpd/bed |
| Public Parks Faucets | 15 gpd/faucet |
| Public Parks Flush Toilets | 35 gpd/toilet |
| Public Parks Showers | 100 gpd/shower |
| Public Parks Urinals | 10 gpd/urinal |
| Restaurants, Conventional (per seat) | 25 gpd/seat |
| Schools, Boarding | 100 gpd/student |
| Schools, w/o gyms, cafeterias, or showers | 15 gpd/student |
| Schools, with gyms, cafeterias, or showers | 25 gpd/student |
| Schools, with cafeterias, w/o gyms or showers | 20 gpd/student |
| Theater - Arena (per seat, no food) | 5 gpd/seat |
| Theater - Dinner (per seat) | 25 gpd/seat |
| Theaters Movie (add for food service) | 1 gpd/seat |

[History: Ord 02-2016; 07/01/16]

ARTICLE IX
Bay Restoration Fee Exemption

Section 14.45.

- A. Establishment of Town Bay Restoration Fee Exemption Program. In accordance with Section 9-1605.2(d)(1) of the Environment Article of the Annotated Code of Maryland, the Town hereby adopts a Bay Restoration Fee Exemption Program, which is intended to exempt citizens who occupy residential dwellings within Town from paying the Bay Restoration Fee based upon financial hardship pursuant to the criteria established by the State of Maryland.

- B. Application Process. All applications for an exemption shall be reviewed for sufficiency by the Town Attorney.
- C. Eligibility. To be eligible for the exemption, the applicant must be a citizen of Trappe and be the party responsible for paying the Bay Restoration Fee. The applicant must also meet at least two (2) of the following criteria for exemption from the Bay Restoration Fee, and submit the required documentation.
 - 1) Receipt of energy assistance within the last 12 months. Confirmation on official letterhead is required of the applicant.
 - 2) Receipt of public assistance-supplemental Social Security Income (SSI) or food stamps within the last 12 months. Confirmation on official letterhead required of the applicant.
 - 3) Receipt of Veteran's or Social Security disability benefits within the last 12 months. Confirmation on official letterhead required of the applicant.
 - 4) Meet the income criteria, as prescribed by the Maryland Department of the Environment. The current year's tax return is required to be submitted by the applicant.
- D. Period of Exemption. The exemption will be valid for 12 months from the date of approval for applicants are owner occupants of their dwelling and six months for applicants who rent their dwelling. Before the expiration of the exemption, it will be the responsibility of the applicant to reapply and provide all required documentation upon reapplication.
- E. Disqualification. Any citizen who, in the discretion of the Town, submits false information in support of an application for an exemption will be disqualified from re-applying for an exemption.

[History: Ord. 03-2013, 04/03/12]

SECTION 15. PROCUREMENT POLICY OF THE TOWN OF TRAPPE

- 15.1 Title
- 15.2 Goals and Objectives
- 15.3 Definitions
- 15.4 Applicability
- 15.5 Procurement Process for Goods and Services
- 15.6 Purchases by Council

Section 15.1. Title. This Section 15 shall be known and may be cited as the “Trappe Procurement Policy”.

Section 15.2. Goals and Objectives. The Town desires to avail itself of the competitive marketplace whenever practical. Comparison of catalogue and/or competitive pricing is desirable for conducting all procurements. It is the intent of this Policy that all purchases, contracts and procurement actions of the Town be properly documented and shall have a written receipt or invoice to accompany the purchase action. It is further desirable that all purchases are paid for by the Town Clerk, by the town credit card and/or other town-issued instruments of payment that may be appropriate. The goals of the Town’s Procurement Policy are to:

- A. Fulfill the requirements of the Town Charter to have a procurement policy;
- B. To establish a uniform system for regulating Town Procurements;
- C. To reduce or eliminate the Town paying for services and goods that have not been received or goods or services that are incorrect, damaged or unacceptable;
- D. To establish different procurement procedures to be followed for different classifications of purchases based upon their dollar amounts.

Section 15.3. Definitions. For purposes of the Procurement Policy, the Town “Department Heads” shall consist of the Chief of the Police Department, the Public Works Supervisor, and the Town Planner.

Section 15.4. Applicability. All procurements of Town goods and services by employees of the Town shall comply with the following process:

- A. All procurements must be either an approved line item in the budget, or part of an approved general classification in the budget approved for such purposes. Budgeted funds must be available for the procurement prior to the purchase.
- B. Procurements less than \$1,000 may be approved by the Clerk-Treasurer, and do not require prior approval or authorization of a Town Commissioner if the expenditure is part of the adopted Town's budget for that fiscal year.
- C. Procurements between \$1,000 and \$9,999 require approval by the Clerk-Treasurer, Department Head and at least one Commissioner.
- D. Procurements of \$10,000 and up are subject to public advertisement, bidding and approval process as more specifically set forth in Article VI, Section 611 of the Trappe Town Charter, and require approval of the Council of Trappe.
- E. Deviations of the Procurement Policy may be made in a case of a bona fide emergency where the Department Head and at least one Commissioner determine that the expenditure or purchase is necessary for the immediate health, safety or welfare of the citizens.
- F. The Town may maintain, from time to time, a vendor list for certain types of historically purchased materials or services. Where there are previously qualified suppliers that have continued to maintain a satisfactory performance record with the Town in providing materials and/or services to the Town, they may be utilized for new materials and service requirements of the same type.

Section 15.5. Procurement Process for Goods and Services. Town employees shall comply with the following policy for purchases of goods or expenditures of Town funds.

The Procurement Process

THE NEED

Initiated by any employee

THE

1. Employee advises Department Head of need.
2. Department Head issues a purchase order.
(There is no formal requisition form)

THE PURCHASE

The Department Head will do the following:

1. Verify the need
2. Determine the quantity required
3. Verify that funds are budgeted
4. Obtain Council approval where the monetary amount requires
5. Prepare the purchase order and submit it to the Clerk-Treasurer for approval.
6. Clerk-Treasurer either forwards purchase order to vendor or returns it to Department Head for delivery to vendor.

The purchase order (or work order) is the instrument by which the order is placed. A purchase order is to be prepared and submitted to the Clerk-Treasurer before the order is placed even if the vendor does not require a formal purchase order.

MATERIAL

When the material is received (or work completed) an employee must:

1. Verify that the correct items and quantities have been delivered.
2. Sign the delivery ticket
3. Write the purchase order number on the delivery ticket if it is not already there.
4. Send a copy of the delivery ticket to the Clerk-Treasurer.

PAYMENT

When an invoice is received from the vendor, the Clerk-Treasurer will:

1. Match the invoice with the purchase order and the delivery/completion confirmation.
2. Verify that the procurement was authorized
3. Verify any previous payments/credits

CUT THE CHECK

When the paperwork is in order, Clerk-Treasurer cuts a check to pay the invoice. In addition to the amount paid, the check must include:

1. The vendor's invoice number or "statement date" if statement billing, or contract No.
2. Budget line item number(s) where the check is to be posted.

EMERGENCY PURCHASES

Deviations of the Procurement Policy may be made in a case of a bona fide emergency where the Department Head and at least one Commissioner determine that the expenditure or purchase is necessary for the immediate health, safety or welfare of the citizens. In such cases, a work order/purchase order must be prepared and submitted to the Clerk-Treasurer as soon as possible (within two business days) after the purchase or work has been initiated and the purchase order/work order must be marked as an "Emergency Procurement".

APPLICABILITY OF PROCUREMENT POLICY TO ALL PURCHASES

The procurement requirements set forth herein apply to all purchases, including credit card purchases, on-line orders, and verbal orders. In each case, a purchase order should be completed and filled with the Clerk-Treasurer. The vendor should be given the purchase order number.

PURCHASES LESS THAN \$100

Purchases in this category shall at a minimum include a written receipt. Cash procurement receipts shall be presented to the President or Vice President along with checks to be signed for the same period.

PETTY CASH

The petty cash fund is maintained by the Clerk-Treasurer at the Town Office. Each petty cash purchase must be approved by the Clerk-Treasurer. Petty cash shall be limited to not more than \$100.00. This fund shall be balanced

at least monthly. Petty cash shall not be used for purchases in excess of \$25.00.

**CONTRACTS
&
RECURRING
PROCUREMENTS**

There is no need to issue a purchase order for contracted services where the cost and frequency of service has been set by an approved contract.

A work order should be issued for infrequent contracted services (such as semi-annual generator maintenance) so the Town Clerk can arrange to have funds available.

VEHICLE FUELING

Fuel should be purchased at competitively priced locations and employees should endeavor to obtain the lowest price possible for fuel services. When fuel is purchased with a credit card, a fuel receipt should be given to the Clerk-Treasurer to match the receipt with the credit card statement.

Section 15.6. Purchases by Council. While the Procurement Policy is intended to apply to purchases by the Town employees where Council approval is not required, the Council may avail itself of the policies and directives set forth in this Policy as it determines in the public interest.

[History: Ord. No. 4-2014, 11/5/14]

**SECTION 16. ABSENTEE VOTING AND PERSONS ENTITLED TO BE
PRESENT ON ELECTION DAY**

- 16.1. Qualification for absentee voter status.
- 16.2. Applications for ballot
- 16.3. Marking of ballot
- 16.4. Ballot Envelopes
- 16.5. Receipt of ballots
- 16.6. Counting of ballots
- 16.7. Persons entitled to be present at polling place

Section 16.1. Qualification for absentee voter status. The following persons are authorized to vote by absentee ballot in elections conducted within the Town of Trappe:

- A. Any qualified voter in the military service who are serving out of the area.
- B. Any qualified voter confined to a hospital at time of election.
- C. Any qualified voter whose physical or medical condition confines him to his home or will otherwise prevent him from being present and personally voting at the polls on any town election day.
- D. Any qualified voter who may be unavoidably absent from the town for any reason on town election day.

Section 16.2. Applications for ballot. A qualified voter of the town desiring to vote at any town election as an absentee voter shall make application in writing to the Town Clerk for an absentee ballot, which application must be received not later than five (5) calendar days before the election.

Section 16.3. Marking of ballot. Upon receipt of said application, the Town Clerk shall promptly mail or deliver a ballot to the qualified applicant which shall be marked at the top "Absentee Ballot". Underneath these words shall be printed the following instructions:

"Mark ballot by placing an "x" in proper blank after each candidate or question."

Section 16.4. Ballot envelopes. Two envelopes shall be provided with absentee ballots, which shall be addressed as follows:

- A. Return Envelope – one envelope shall be known as the “Return Envelope” and shall be addressed “Judges of the Town Election, Trappe, Maryland.”
- B. Ballot Envelope – the other envelope shall be known as the “Ballot Envelope” and shall contain the Town Absentee Ballot.

Section 16.5. Receipt of ballots. All ballots must be received by the judges of the town election not later than the closing of the polls on Town Election Day. Ballots not received prior to such closing will not be counted.

Section 16.6. Counting of ballots. The judges of the Town Election shall not open or unfold any ballot envelope prior to the closing of the polls and the beginning of the counting of all ballots. No Absentee Ballot shall be rejected except by unanimous vote of the Judges of the Election.

Section 16.7. Persons entitled to be present at polling places. For persons entitled to be present at the polling place on a Town election day, the Town of Trappe shall follow state election law, Md. Code Ann. Election Law Article § 10-308 and § 10-311, as amended from time to time.

SECTION 17. ETHICS

- 17.1. Applicability
- 17.2. Ethics Commission
- 17.3. Terms; qualifications
- 17.4. Conflicts of interest
- 17.5. Financial disclosure
- 17.6. Lobbying disclosure
- 17.7. Definition of a gift
- 17.8. Enforcement and penalties

Section 17.1. Applicability. The provisions of this Section apply to all Town elected officials, town employees, and all members of town boards or commissions having decision-making authority, whether or not compensated.

Section 17.2. Ethics Commission. There is hereby established a Trappe Ethics Commission, which shall be composed of three members and one alternate appointed by the Council. The Ethics Commission shall be advised by the Town Attorney and shall have the following responsibilities:

- A. to devise, receive and maintain all forms required by this Section;
- B. to provide published advisory opinions to persons subject to this Section as to the applicability of the provisions of this Section to them;
- C. to process and make determinations as to complaints filed by any person alleging violations of this Section; and
- D. to conduct a public information program regarding the purposes and application of this Section.

The Commission shall conduct a public hearing within 30 days of receiving a complaint and shall issue a written determination within 30 days of the hearing.

Section 17.3. Terms; qualifications. Members of the Commission shall serve for terms of three (3) years. In making initial appointments, the Town Council shall appoint one member for a one (1) year term, one member for a two (2) year term and one member for a three (3) year term so that one member of the Commission shall be appointed in each

year thereafter. Members of the Commission shall be residents of the Town and shall be eligible for re-appointment. The members of the Commission shall select one member to act as chairperson on an annual basis.

No person shall serve on the Commission who (1) is subject to the terms of this Ordinance for any reason other than his or her membership on the Commission; (2) is a candidate for elective office in the Town or (3) is the spouse, sibling, parent, child or is living in the same household as any person who is subject to the terms of this Ordinance or who is a candidate for elective office in the Town. If a serving member of the Commission becomes ineligible to serve as a result of provisions of this paragraph, he or she shall promptly resign.

Section 17.4. Conflicts of interest. Trappe officials and employees shall not:

- A. Participate on behalf of the Town of Trappe in any matter which would have a direct financial impact on them, a member of their immediate family or a business entity with which they are affiliated. For the purposes of this sub-paragraph, the term “immediate family” means an official’s or employee’s spouse, parents, children, siblings, or any person living in the same household as the official or employee;
- B. Hold or acquire an interest of either \$10,000 or 25% or greater in a business entity that has or is negotiating a contract in excess of \$8,500 with the Town or is regulated by his or her agency or board;
- C. Hold or acquire an interest of either \$10,000 or 25% or greater in a business entity which has or is negotiating a contract of less than \$8,500 with the Town of Trappe without first disclosing such interest in writing to the Town Clerk, the Town Council and the Ethics Commission;
- D. Be employed by a business entity which (1) has or is negotiating a contract of more than \$500 with the Town of Trappe, (2) is regulated by their agency or (3) is of such a nature that employment by the business entity could impair the official’s or employee’s independence of judgment in the discharge of their official duties unless the official or employee

promptly makes full written disclosure of the employment relationship to the Town Clerk, the Town Council and the Ethics Commission and the Ethics Commission determines, in writing, that no conflict of interest results from the employment relationship;

- E. Represent any party, for a contingent fee, before any Town board, agency or official;
- F. Within one (1) year following termination of Town service, act as a compensated representative for another person in connection with any specific matter in which he or she participated substantially as a Town official or employee;
- G. Solicit a gift of any value or accept a gift of greater than ten dollars (\$10.00) in value from any person who has or is negotiating a contract with the Town or is regulated by his or her agency, except where such gifts would not present a conflict of interest as determined by the Commission;
- H. Use the prestige of his or her office for his or her own benefit or that of another;
- I. Use confidential information acquired in an official Town capacity for his or her own benefit or that of another.

Section 17.5. Financial disclosure.

- A. Town officials and employees and candidates for elective offices shall file annually no later than January 31, of each calendar year during which they hold office: (1) a statement with the Commission disclosing any gifts received during the preceding calendar year from any person having a contract with the Town, or any person regulated by their agency or (2) a statement indicating that there have been no gifts if none were received. The statement shall identify the donor of the gift and its approximate retail value at the time of receipt.

- B. Candidates for elective office shall file statements consistent with the requirements of sub-paragraph A above at the time of receipt.
- C. All Town officials and employees and candidates for elective office shall file a statement with the Commission disclosing any interest or employment, the holding of which could create a conflict of interest according to this Section; such disclosure must be made not less than five (5) days in advance of the date of the meeting or action to be taken, unless good cause to the contrary is shown;
- D. Disclosure statements filed pursuant to this Section shall be maintained by the Commission as public records and shall be available for public inspection and copying.

Section 17.6. Lobbying disclosure.

- A. Any person who personally appears before any Town official or employee with the intent to influence that person in performance of their official duties, and who, in connection with such intent, expends or reasonably expects to expend in any calendar year in excess of Two hundred and Forty Dollars (\$240.00) on food, entertainment or other gifts for such officials, shall file a registration statement with the Commission no later than January 15 of the calendar year or within five (5) days after first making such appearance.
- B. The registration statement shall include a complete identification of the registrant and of any other person on whose behalf the registrant acts within the calendar year. It shall also identify the subject matter on which the registrant proposes to make such appearance.
- C. Registrants under this Article shall file a report within thirty (30) days after the end of any calendar year during which they are registered, disclosing the value, date, and nature of any food, entertainment other gift provided to a Town official or employee. Where a gift or series of gifts to a single official or employee exceeds two hundred forty dollars (\$240.00)

in value the official or employee shall also be disclosed. Disclosure statements filed pursuant to this Section shall be maintained by the Commission as public records and shall be available for public inspection and copying.

Section 17.7. Definition of a gift. For the purpose of this Section, “gift” means the transfer of anything of economic value regardless of the form without adequate and lawful consideration. “Gift” does not include the solicitation, acceptance, receipt or regulation of political campaign contributions regulated in accordance with the provisions of Article 33, Section 26.1 et seq., Annotated Code of Maryland, or any other provision of the State or local law regulating the conduct of elections or the receipt of political campaign contributions.

Section 17.8. Enforcement and penalties.

- A. The Commission may issue a cease and desist order against any person found to be in violation of this Article and may seek enforcement of such order in the Circuit Court of Talbot County, Maryland.
- B. A Town official or employee found to have violated this Article may be subject to disciplinary or other appropriate personnel action, including suspension of Town salary or other compensation.
- C. A knowing violation of Subsection 17.6 (Lobbying Disclosure) of this Section shall be a misdemeanor subject to a fine of up to Five Hundred Dollars (\$500.00) or ninety (90) days imprisonment, or both. A violation of any other provision of this Section shall constitute a municipal infraction and shall be subject to a fine of up to One Hundred Dollars (\$100.00) or Two Hundred Dollars (\$200.00) for repeat violations.
- D. Any person aggrieved by a decision of the Commission shall have a right of appeal to the Circuit Court of Talbot County pursuant to the provisions of Title 7 of the Maryland Rules of Procedure.
- E. The Circuit Court, in addition to any other relief which it might grant, may void an official action taken by any official, agency or board of the Town

in the event that the Court determines that the official act was impacted by conduct which constituted a violation of this Article. Any legal action to void an act of the Town under this Subsection must be brought within ninety (90) days of the occurrence of the act and this Subsection does not authorize a Court to void any official action appropriating funds, levying taxes or providing for the issuance of notes, bonds or other public obligations.

[History: Ord. 12-93, 12/21/93]

**SECTION 18. DEVELOPMENT RIGHTS AND RESPONSIBILITIES
AGREEMENTS**

- 18.1. Authority
- 18.2. Applicability
- 18.3. Contents of development rights and responsibilities agreement
- 18.4. Referral to Planning Commission
- 18.5. Public hearing
- 18.6. Amendment to agreement
- 18.7. Termination of agreements; suspension
- 18.8. Applicable laws, regulations and policies
- 18.9. Recording
- 18.10. Enforcement by interested parties

Section 18.1. Authority. The Town Council shall exercise the authority granted by Section 13.01 of Article 66B, Zoning and Planning, of the Annotated Code of Maryland to enter into development rights and responsibilities agreements.

Section 18.2. Applicability. Any person having a legal or equitable interest in real property located within the boundaries of The Town of Trappe may petition the Town Council to enter into an agreement pertaining to the development of that property.

Section 18.3. Contents of development rights and responsibilities agreement.

- A. At a minimum, a development rights and responsibilities agreement shall contain the following:
 - 1. A legal description of the real property subject to the agreement. The agreement shall be accompanied by a title report from a licensed professional which includes copies of all plats, covenants, restrictions, easements, and title encumbrances which affect the use, occupation, or location of improvements of the real property.
 - 2. A certification that the petitioner has either a legal or equitable interest in the property, together with a copy of the instrument establishing such interest;
 - 3. The names of all parties having an equitable or legal interest in the property, including lien holders;

4. The duration of the agreement;
5. The permissible uses of the real property;
6. The density or intensity of use;
7. The maximum height and size of structures;
8. Description of the permits required or already approved for the development of the property;
9. A statement, with references to specific provisions of applicable law, regulations, or plans, that the proposed development is consistent with applicable development regulations and the Comprehensive Plan of the Town of Trappe;
10. A description of the conditions, terms, restrictions or other requirements determined by the Town Council, or its designees, to be necessary to ensure the public health, safety and welfare;
11. In addition, as the same may be applicable to the proposed development project, the agreement shall include provisions for:
 - (i) Dedication of portions of the real property for public use;
 - (ii) Protection of sensitive areas;
 - (iii) Preservation or detailed archaeological investigation of prehistoric sites which may provide information not commonly available from similar sites in the County or Town; and preservation or restoration of significant historical structures for which preservation or restoration, and maintenance, are economically reasonable and feasible;
 - (iv) Construction or financing of public facilities and extension or improvement of necessary utilities at the expense of the petitioner;
 - (v) Responsibility for all professional fees, including attorney's fees, costs and expenses and litigation expenses incurred by the Town and its agencies in the event an agreement is

abandoned or breached by the petitioner, or challenged by others.

- B. An agreement may fix the period in which and terms by which development and construction may commence and be completed, as well as provide for other matters consistent with this title, including the phasing of development in such a manner that public facilities and services may be provided in an orderly and sequential fashion in the discretion of the Town Council.

Section 18.4. Referral to Planning Commission. Upon receipt of a petition to enter into an agreement, the Town Council shall refer the petition to the Planning Commission for a determination whether the proposed agreement is consistent with the Comprehensive Plan. The Planning Commission shall make specific findings within 60 days of referral of the petition. The Town Council may not enter into an agreement unless the Planning Commission determines whether the proposed agreement is consistent with the Comprehensive Plan.

Section 18.5. Public hearing. Before an agreement may be executed by the Town Council, the Town Council shall hold a public hearing on the proposed agreement. Notice of the hearing shall be published in a newspaper of general circulation within the Town and Talbot County once each week for two consecutive weeks, with the first such publication of notice appearing at least 14 days prior to the hearing. The notice shall contain the name of the petitioner, a brief description sufficient to identify the property involved, a fair summary of the contents of the petition and the date, time and place of the public hearing.

Section 18.6. Amendment to agreement.

- A. Subject to paragraph B of this subsection and after a public hearing, the parties to an agreement may amend the agreement by mutual consent.

- B. The parties may not amend an agreement unless the Planning Commission determines whether the proposed amendment is consistent with the Comprehensive Plan. The Planning Commission shall make specific findings within 60 days of the referral of the proposed amendment.

Section 18.7. Termination of agreements; suspension.

- A. The parties to an agreement may terminate the agreement by mutual consent.
- B. After a public hearing, the Town Council may determine that suspension or termination is essential to ensure the public health, safety or welfare.

Section 18.8. Applicable laws, regulations and policies

- A. Except as provided in paragraph B. of this subsection, the laws, rules, regulations and policies governing the use, density or intensity of use or development of the real property subject to the agreement shall be the laws, rules, regulations and policies in force at the time of the Town Council and the petitioner execute the agreement.
- B. An agreement may not prevent compliance with the laws, rules, regulations and policies enacted after the date of the agreement, if the Town Council determines that imposition and compliance with these laws and regulations is essential to ensure the public health, safety or welfare of residents of all or part of the Town.

Section 18.9. Recording.

- A. An agreement shall be void if not recorded in the Land Records of Talbot County within 20 days after the day on which the Town Council and the petitioner execute the agreement.
- B. When an agreement is recorded, the Town Council and the petitioner, and their successors in interest, are bound to the agreement.

Section 18.10. Enforcement by interested parties. Unless terminated under Section 18.7. of this subtitle, the Town Council or the petitioner, and their successors in interest, may enforce the agreement.

[History: Ord. 2-2003]

SECTION 19. TRAPPE ROADS ORDINANCE

- Section 19.1. Title
- Section 19.2. Applicability; Relation to Existing Zoning and Subdivision Regulations; Interpretation and Application
- Section 19.3. Definitions
- Section 19.4. Authority to adopt ordinances and regulations
- Section 19.5. Control
- Section 19.6. Property acquisition and disposal
- Section 19.7. Fees
- Section 19.8. Permit required
- Section 19.9. Access Permits
- Section 19.10. Use of roads and bridges
- Section 19.11. Liability for damage
- Section 19.12. Special use permits
- Section 19.13. Unlawful acts
- Section 19.14. Maintenance and services
- Section 19.15. Drainage
- Section 19.16. Subdivisions
- Section 19.17. Traffic Impacts
- Section 19.18. Public works agreements
- Section 19.19. Enforcement; violations and penalties
- Section 19.20. Administrative Appeals
- Section 19.21. Planning Commission
- Section 19.22. Appeals to courts
- Section 19.23. Captions or headlines

Section 19.1. Title. This Chapter shall be known and may be cited as the “Trappe Roads Ordinance.”

Section 19.2. Applicability; Relation to Existing Zoning and Subdivision Regulations; Interpretation and Application.

- A. Unless otherwise stated, this Chapter applies to all public roads, roadways, and bridges within the Town, except those owned or controlled by the State of Maryland, and to all property rights, easements, appurtenances, rights-of-way, permits, approvals, and licenses associated with Town roads, roadways, and bridges.

- B. This Chapter is intended to establish rules, regulations and procedures related to Town roadways and bridges, but is not intended to supersede existing Town regulations related to the design and construction of streets and sidewalks. Except in the event of a direct inconsistency, in which case this Chapter shall control, the provisions of this Chapter shall be interpreted to supplement and be applied to implement the provisions of the (i) Town Zoning Ordinance, (ii) Town Subdivision Regulations, specifically including without limitation, Article VI (Streets and Sidewalks); (iii) The Town Code, including the Trappe Design and Construction Standards for Water, Sewer, Storm Drains and Streets, dated November, 2005, and prepared by Davis, Bowen & Friedel, Inc. adopted by the Town Council as Ordinance 3-2006; and (iv) all Planned Neighborhood design guidelines and PUD plans approved as of the effective date hereof.

Section 19.3. Definitions. In this Chapter, the following words have the meanings indicated:

“Access” – A location along a Town roadway planned, designed, or used to enter or exit a Town roadway from a highway, street, road, roadway, alley, lane, thoroughfare, right-of-way, easement, driveway, or field. “Access” includes the right to use such a location.

“Access Permit” – A written license issued by the Zoning Administrator pursuant to procedures and criteria established by this Chapter.

“Agricultural Access” – Ingress or egress of farm equipment to or from a Town roadway for agricultural land management activities.

“Bridge” – A traffic-bearing structure within a roadway, spanning a waterway, drainageway, depression, or obstruction, that requires periodic documented and certified inspection and condition survey under provisions of the Maryland State Highway Administration and the Federal Highway Administration.

“County” – means Talbot County, Maryland.

“Developer” – means a person who engages in development.

“Development” – Any activity other than farming, gardening or yard maintenance that results in a change or intensification of land use or improvement of property, with new or modified structures.

“Easement” – A right of use or enjoyment of land of another.

“Entrance” – An access for residential, commercial, industrial, or institutional use.

“Design Manual” – The Town of Trappe Design and Construction Standards for Water, Sewer, Storm Drains and Streets, dated November, 2005, and prepared by Davis, Bowen & Friedel, Inc. adopted by the Town Council as Ordinance 3-2006.

“Outfall” – Any area containing a natural or constructed drainageway, receiving and transporting storm runoff from a roadway.

“Person” – An individual, corporation, municipal corporation, partnership, association, and any other entity recognized as having legal existence.

“Private or Privately Owned” – Refers to a roadway, bridge, lane, driveway, right-of-way, easement, or accessway, that is not owned, deeded to, controlled, or maintained by the Town, the County, or the State, and is not generally accessible to the public, or is restricted from use by the general public.

“Property” – Any real or personal property, including any interest therein.

“Public or Publicly Owned” – Refers to a roadway, bridge, right-of-way, or easement, that is owned, deeded to, controlled, or maintained by the Town, and funded by public revenues.

“Road” – The traffic-bearing pavement, or driving surface, and associated base course, constructed and maintained within a roadway.

“Roadway” – The land area comprising the entire width and length of any right-of-way or easement containing a road, including traffic surfaces, intersections, entrances, cul-de-sac, turnarounds, accesses, parking areas, public landings, should areas, drainage ditches and structures, utilities and utility reservation areas, maintenance areas, plantings, vehicle clearances, and any other structures, signage or appurtenances needed for the safe and beneficial use of the roadway.

“SHA” – The Maryland State Highway Administration, an agency of the Maryland Department of Transportation.

“State” – The State of Maryland.

“Storm Runoff, Stormwater Runoff, or Runoff” – Surface water generated by precipitation that moves on grade to a point of discharge, or an outfall, or a body of water.

“Town” – “The Town of Trappe”, a Maryland municipal corporation.

“Town Bridge” – A bridge that is owned, controlled, or maintained by the Town, funded by public revenues, and accessible for use by and for the benefit of the general public.

“Town Road or Town Roadway” – A road or roadway that is owned, controlled, or maintained by the Town and accessible for use by and for the benefit of the general public. All public roads or roadways located within the Town, except those owned or controlled by the SHA, shall be Town roads or Town roadways.

“Traffic” – Any class or volume of vehicles for which a roadway is accessible.

“Upgrade” – A physical roadway or bridge improvement within existing or expanded rights-of-way, as approved according to the requirements of this Chapter.

“Zoning Administrator” – The Zoning Administrator of the Town, or his or her designee, or any other individual designated by the Town Council to administer or enforce this Chapter.

Section 19.4. Authority to adopt ordinances and regulations. The Town Council is authorized to adopt and amend ordinances or regulations to govern all aspects of Town roadways and bridges, including any right or franchise therein. The Town Council is authorized to establish fines and penalties for violation thereof, and to enact laws providing appropriate administrative and judicial proceedings, remedies, civil penalties, and other sanctions for enforcement.

- A. Conflicting laws. Subject to Section 19.4(B), whenever any provision of this Chapter conflicts with any other provision of law covering the same subject matter, whether set forth in this Chapter or elsewhere, that provision which is more restrictive or imposes the higher standard or requirement, as determined by the Zoning Administrator, shall govern.
- B. Equitable remedies. The Town may enforce this Chapter by injunctive and other appropriate equitable relief in addition to other available remedies. All such remedies are cumulative and the Town may elect to pursue any or all of them, from time to time, as permitted by law.

Section 19.5. Control.

- A. General. Subject to the control of the Town Council and within the scope of its delegated authority, the Zoning Administrator shall administer and enforce this Chapter and any regulations now or hereafter adopted. The Zoning Administrator shall have incidental authority to perform, authorize, and delegate such acts as are necessary or proper for these purposes.
- B. Design Manual. The Town Council, by resolution, may adopt, amend, and modify the Design Manual to establish design, performance, construction, material, and other standards for Town roadways and bridges, following consideration of the Planning Commission's recommendations.
- C. Title. Town roadways and bridges shall be held by and in the name of Town of Trappe, Maryland.
- D. Location. To establish the proper location or width of a Town roadway or bridge, the Town may cause the same to be surveyed and a description and plat made and recorded among the land records of Talbot County, Maryland. The description and plat shall be made by reference to the original description of the roadway or bridge when it was acquired. If the original description cannot be found, the description and plat shall be made of the roadway or bridge as existing. Upon recordation, the

description and plat shall be the official legal description of the roadway or bridge and the Town and Courts shall consider it prima facie correct unless the contrary is proven.

Section 19.6. Property acquisition and disposal.

- A. Acquisition. The Town may acquire property for public use in connection with Town roadways and bridges by purchase, dedication, implied or express, eminent domain or any other power or method permitted by State law. Specifically, the Town, by resolution adopted by the Town Council, may (i) accept any offer of dedication of property from the United States, the State, the County, or any person, or (ii) authorize acquisition of property for public use through condemnation under the power of eminent domain.
- B. Disposition. The Town may not dispose of a Town roadway, bridge, or other property held for public use except in accordance with Md. Code Ann. Art. 23A, § 2(b)(24) and a finding that such property is no longer needed for any public use. All property owners abutting any town roadway proposed for disposition shall be notified in writing of the property disposition and the date, time and place of the public hearing at least three weeks in advance. The public hearing shall be advertised at least once a week for three consecutive weeks in a newspaper of general circulation in the Town. The Town Council may establish the terms, conditions, covenants or restrictions upon any transfer consistent with the public interest.

Section 19.7. Fees. Payment of all scheduled fees established by the Town Council shall be a condition of any review, approval, or permit issued under this Chapter. In addition to scheduled fees, a developer or applicant shall pay all other costs incurred in connection with development reviews, including any professional, legal, or other services for studies, analyses, reviews, design, construction, or inspections. The Town may assess

fees for specialized use of the Town roadways and bridges in accordance with the provisions of this Chapter except that normal agricultural operations shall be exempt from such special use fees.

Section 19.8. Permit required.

- A. General requirements. Except in accordance with a permit obtained from an authorized town official or agency, a person may not:
 - 1. Make an opening in any Town roadway or bridge;
 - 2. Place any structure, utility line, or equipment within any Town roadway or on any bridge;
 - 3. Change or renew any structure, utility line, or equipment placed within any Town roadway or on any bridge;
 - 4. Disturb any Town roadway or bridge for any purpose, including the placement of an access or entrance, pipes, sewers, poles, wires, or rails;
 - 5. Place any obstruction or improvement on any Town roadway or bridge; or,
 - 6. Plant or remove any tree or shrub on any Town roadway.
- B. Issuance of permit. The Zoning Administrator may issue a permit for work otherwise prohibited by subsection (A) of this section. Application for a permit shall be made on forms provided by the Town and shall include plans and specifications for the proposed work and payment of all application and review fees in accordance with the fee scheduled established by the Town Council. All plan sheets and specifications submitted for approval shall be prepared and stamped by a Registered Professional Engineer licensed to practice in Maryland and shall include such design, survey, grade, profile, cross-section, drainage and construction information as necessary to accurately depict the proposed work. The Zoning Administrator may require necessary additional data, designs, details or specifications pertinent to the scope of work covered by

the requested permit, and may waive the above requirements for simple applications (eg., the planting of a street tree, etc).

1. All work under the permit shall be performed subject to the inspection, approval, and satisfaction of the Zoning Administrator.
2. Every permit shall require, as a minimum, that the Town roadway restored to a condition that is equal to its pre-existing condition, and if the permit calls for a higher standard, the higher standard shall govern.
3. All work performed on any Town roadway or bridge shall be performed at the risk of the permittee, who shall indemnify and hold the Town harmless from and against any liability of any kind whatsoever arising out of or relating to the work.

- C. Suspension, revocation, or withholding. The Zoning Administrator may suspend, revoke, or withhold any permits or approvals issued or granted (1) in error, or (2) based on incorrect, inaccurate, or incomplete information, or (3) in violation of any law, statute, ordinance, or regulation. No such permit or approval shall be considered to have been legally issued or effective for any purpose whatsoever. Suspension and withholding shall continue until all information and violations have been corrected, and all civil penalties and fees, if any, have been paid.

Section 19.9. Access Permits. The Zoning Administrator shall have authority to issue access permits for driveways, agricultural access and all other access permits, including public or private road access. No person shall construct, install, or use a new access without an access permit issued by the Zoning Administrator. No person shall upgrade or intensify the use of any existing access without an access permit issued by the Zoning Administrator. The Zoning Administrator may impose restrictions, limitations, or conditions upon the issuance of access permits in accordance with the provisions of this Chapter.

Section 19.10. Use of roads and bridges.

- A. General. Town roadways and bridges shall be available for use by any person and for any lawful purpose, except as restricted under the Town Code, including Section 4 (Vehicles and Traffic), this Chapter or otherwise by law.
- B. Access.
 - 1. Residential - Any Town roadway shall be available for access for residential lots from an approved driveway, provided that an access permit is issued approving the location, construction, and orientation of the requested access.
 - 2. Agricultural - Any Town roadway shall be available for agricultural access in accordance with a permit issued by the Zoning Administrator.
 - 3. All others - All other applications for access permits shall include such information as the Zoning Administrator or the Town Council may require under Section 19.17 for evaluation of impacts, mitigation, construction, drainage, traffic, and public safety.
- C. Prohibition on use. A person may not drive or move any vehicle or other equipment on or across any Town roadway or bridge if the vehicle or equipment is likely to cause damage to the roadway or bridge.

Section 19.11. Liability for damage.

- A. Driver. Any person who drives or moves any vehicle or other equipment on any Town roadway is liable for all damage that the roadway sustains as a result of:
 - 1. Driving or moving the vehicle or equipment; or
 - 2. Driving or moving a vehicle or equipment that weighs more than the maximum statutory weight specified in State law or Town regulation, even if the overweight is authorized by a special permit issued under State law or this Chapter.

- B. Owner. If the driver is not the owner of the vehicle or equipment, but is driving or moving it with the express or implied permission of the owner, the owner and driver are jointly and severally liable for the damage to the roadway.

Section 19.12. Special use permits. The Zoning Administrator, in accordance with regulations adopted by the Town Council, may control the use of Town roadways and bridges through issuance of permits for specific commercial activities, including without limitation, weight and use restrictions, designated haul routes for hazardous materials, or designated times when certain commercial transport activities may occur, as may be necessary to protect the safety and welfare of the public or to maintain or protect the condition of roadways. Normal agricultural operations shall be exempt from such special use permit restrictions. It shall be unlawful for any person or entity to conduct a regulated activity without, or in violation of, a required permit. Notwithstanding the issuance of any such permit, the permittee shall be liable to the Town for any costs, expenses, or damages caused by operation of the vehicle or equipment.

Section 19.13. Unlawful acts.

- A. Damage. It is unlawful to damage, deface, or alter any Town roadway or bridge except as authorized by the Town in accordance with a permit or contract.
- B. Unauthorized work. It is unlawful to perform any work on a Town roadway or bridge without prior written authorization and issuance of all required permits from the Zoning Administrator. All work performed on any Town roadway or bridge shall be performed at the risk of the persons performing the work, who shall indemnify and hold the Town harmless from and against any liability of any kind whatsoever arising out of or relating to the work.
- C. Dislodged materials. It is unlawful to throw, abandon, deposit, or dump solid or liquid waste or other material of any kind from any vehicle or

other equipment on any Town roadway or bridge, including unintentional or incidental dislodgment.

- D. Illegal use or operation. It is unlawful to drive or move any vehicle or other equipment on or across any Town roadway or bridge if the vehicle or equipment is overweight or not properly equipped as required by law.
- E. Civil liability. Violation of any provision of this Chapter, whether by the owner of the vehicle, the person having control over the vehicle, or an employee or agent of either, shall result in civil liability of all such persons, jointly and severally, for all damages, costs, and expenses resulting from the violation, including all costs of repair or restoration, and all such amounts shall be assessed in addition to any other fines or civil penalties.

Section 19.14. Maintenance and services.

- A. Town roadways. The Town, under the direction of the Town Council, shall be responsible for maintenance and upkeep and for clearing debris, hazards and other obstructions for all Town roadways, bridges, and all associated drainage and other easements and structures. Services by the Town are restricted to Town roadways and bridges, outfalls, or other areas affecting a Town roadway or bridge, as determined by the Zoning Administrator and subject to approval by the Town Council.
- B. Tree and brush removal. The Zoning Administrator shall have authority to order or perform any tree, brush, or vegetation clearance, control, or removal as necessary to preserve the safe and adequate passage of traffic, maintain drainage, or to maintain proper visibility and sight lines for any Town roadway or bridge. The criteria utilized for establishing sight lines shall not exceed those designated in the FHWA Manual on Uniform Traffic Control Devices for signage clearance.

Section 19.15. Drainage. The following drainage provisions apply to management

and control of stormwater runoff for Town roadways and bridges:

A. Generally.

1. *Drainage ditches.* The Town is authorized to maintain adequate drainage for all Town roadways and bridges, and to manage and direct runoff as necessary.
2. *Outfalls.* The Town is authorized to maintain all drainage outfalls that receive runoff from a Town roadway or bridge in adequate condition to accommodate a ten-year frequency storm event as defined by the Design Manual or otherwise as necessary to mitigate flooding or improve drainage for the roadway or bridge. The Town shall not be required to perform maintenance or improve or correct deficient drainage in any drainageway, outfall, or drainage structure that does not receive runoff from a Town roadway or bridge.

B. Unlawful acts.

1. *Alteration.* It is unlawful to fill in, cultivate, plow, or alter any drainage ditch, structure, outfall, or any other structure affecting drainage for a Town roadway or bridge, or that is on Town property, without approval of the Zoning Administrator. Any person violating this provision shall remove the unauthorized material or alteration and restore the disturbed structures or areas to their former condition, at the person's expense, in addition to any fines, fees, or civil penalties.
2. *Directing runoff.* It is unlawful to direct temporary or seasonal runoff drainage leaders to Town roadways from agricultural properties or construction sites: (1) without suitable management of runoff or control of sediment and soil erosion from the drainage area, or, (2) if it creates a condition requiring special maintenance, or, (3) it impairs the safety of the Town roadway.
 - a. If the Zoning Administrator determines that (1) unmanaged

runoff is being directed into a Town roadway; or, (2) sediment deposits from unmanaged runoff are impeding or altering the drainage flows in a roadway ditch; or, (3) unmanaged runoff is flooding the roadway, they may order the property owner, at the owner's expense, to implement controls, modifications or to alter existing practices to suitably manage the runoff.

- b. At a minimum, such runoff management and sediment and erosion control measures shall be in accordance with the recommendations of the Natural Resources Conservation Service and the best management criteria of the Maryland Department of Agriculture. If the property owner fails to comply with any such order, the drainage leaders may be closed by the Town. The property owner shall be liable for the costs incurred by the Town in performing the corrective action authorized under this section.

Section 19.16. Subdivisions.

- A. Private road maintenance agreements. No subdivision creating lots or parcels served by a private roadway or bridge shall be approved unless a maintenance agreement and deed covenants addressing, to the reasonable satisfaction of the Zoning Administrator, the ownership and maintenance of the private road shall be recorded among the land records of Talbot County, Maryland. The Zoning Administrator may require additional terms, conditions, covenants, or restrictions consistent with the public interest. The subdivision plat and deed covenants shall state that the roadway or bridge is privately owned and that the Town is not responsible for maintenance, upgrade, or safety.
- B. Drainage. No subdivision plat shall be recorded for any subdivision that creates lots or parcels served by a privately owned roadway or bridge, and

no required permit shall be issued unless suitable drainage easements, maintenance agreements, and deed covenants shall first be approved by the Zoning Administrator and recorded among the land records of Talbot County.

- C. Upgrades. Existing public or private roads proposed for use by new lots or parcels in any subdivision shall be upgraded to meet then current roadway classification standards unless waived by the Zoning Administrator.
- D. Roadway width. All roads shall be designed and constructed in accordance with this Chapter, the Design Manual and Article VI (Streets and Sidewalks) of the Town Subdivision Regulations. All property proposed for subdivision that is adjacent to an existing Town roadway that is less than the required right-of-way width shall, by acceptable means, provide 1/2 the width necessary to bring the Town roadway up to the Town right-of-way standard. This does not apply to alleys.

Section 19.17. Traffic Impacts. The Town shall evaluate impacts to existing roadways and bridges caused by proposed development and determine appropriate mitigation for those impacts. Issuance of any permit or approval for proposed development may be subject to evaluation and mitigation of traffic impacts. The Town Council may contract professional services at the developer's expense to review, evaluate, or supplement the study and may request review and recommendations from the Town Planning Commission and the State Highway Administration.

Section 19.18. Public works agreements.

- A. General. The design, construction, inspection, testing, acceptance, warranty, transfer, and maintenance of all new and upgraded Town roadways and bridges shall proceed in accordance with the provisions of this section. A public works agreement shall be required for all work on Town roadways, bridges, and rights-of-way, regardless of the

classification of the proposed roadway except as authorized by a permit issued by the Zoning Administrator.

- B. Exceptions. Notwithstanding the requirements of Paragraph A, the installation of a driveway, agricultural access, or private roadway shall not require a public works agreement, but shall require access permits, and compliance with all requirements for construction in a Town right-of-way.
- C. Terms. All new Town roadway construction or upgrade of existing roadways or bridges, except those that are performed or funded by the Town, shall proceed in accordance with the terms and provisions of a public works agreement executed between the owner, contractor, or developer and the Town. Such agreement shall contain provisions for planning, administration, design, materials, construction, testing, inspection, approval, acceptance, transfer, warranty, and maintenance of the roadway or bridges, and such other terms and provisions as the Zoning Administrator may consider necessary or appropriate. All public works agreements shall include provisions for insurance, funding, performance bonds, and maintenance bonds to assure that the work is completed and protected in accordance with the specifications. The public works agreement shall also include specific provisions for the settlement of disagreements and disputes during the course of the construction such that suitable and timely remedies are available without undue hardship to the owner, contractor, developer, or the Town.
- D. Additional requirements. Construction and development authorized by a public works agreement shall be performed in accordance with all applicable federal, state, and local requirements. The Town shall not enter into any agreement for work or road construction on any property for which all owners have not approved the scope and terms of the agreement, and the agreement is in such form as may be required by the Town.

Section 19.19. Enforcement; violations and penalties.

Trappe Town Code
Amended through April 24, 2017

- A. Enforcement. The Zoning Administrator shall enforce this Chapter.
- B. Violations. Any person, firm or corporation who shall violate any of the provisions of this Chapter or fail to comply with any of the restrictions or requirements thereof, or who shall disturb or improve any road in violation of any plan submitted or permit issued hereunder, shall be subject to liability for a municipal infraction and shall be liable to a fine of not more than \$1,000 per offense. Each violation that occurs and each calendar day that a violation continues shall be a separate offense. Any person who violates any provision of this Chapter shall be subject to separate fines, orders, sanctions, and civil penalties for each offense.
- C. Responsible persons. The following persons may each be held jointly or severally responsible for a violation: (1) persons who apply for or obtain any permit or approval, (2) contractors, (3) subcontractors, (4) property owners, (5) managing agents, or, (5) any other person who has committed, assisted, or participated in a violation.
- D. Administrative abatement orders.
 - 1. The Zoning Administrator may issue an administrative abatement order to any person to perform any act or thing required by this Chapter. The administrative abatement may order such person:
 - a. To correct, discontinue or abate any violation.
 - b. To cease any activity being performed in violation of this Chapter.
 - c. To apply for any permit, approval, or variance required by this Chapter.
 - d. To remove any construction materials, equipment, and any structures or other construction work built or erected in violation of this Chapter.
 - e. To restore any Town property to its condition as it existed before any violation of this Chapter.
 - f. To perform any condition, covenant, undertaking, or

obligation required by this Chapter or by any contract, deed, or other instrument executed or recorded pursuant to the requirements of this Chapter.

2. Administrative abatement orders shall be served upon the responsible parties by personal delivery or by certified mail, return receipt requested, and simultaneously by first-class mail, postage prepaid, bearing a return address. In addition, any other method of service reasonably calculated to provide actual notice, and any method that does provide actual notice, shall be sufficient.
3. An administrative abatement order shall include:
 - a. A description of each violation, including the applicable Town ordinance, regulation, or other requirement allegedly violated;
 - b. The time within which any required action is to occur, taking into account the specific action required to comply with the order and any existing or intervening harm or threat to the public health, safety, and welfare.
 - c. Notice of the right to appeal the order to the Board of Appeals and the period within which any such appeal must be filed.

Section 19.21. Administrative appeals. Any person aggrieved by any written order or decision by the Zoning Administrator under this Chapter, other than a municipal infraction citation, may file an appeal to the Board of Appeals by filing an application for administrative review in accordance with the Rules of Procedure of the Board of Appeals. An appeal must be filed within 30 days after the date of the written order, decision, or determination being appealed. An appellant may request the Zoning Administrator to stay any order or decision pending appeal, including suspension of any additional daily civil penalties imposed for continuing violations. The Zoning Administrator shall promptly issue a written decision on the request.

Section 19.22. Planning Commission. The Planning Commission may make recommendations to the Zoning Administrator, but may not require the Zoning Administrator to accept alternatives, substitutes, or waivers of any requirements of this Chapter.

Section 19.23. Appeals to courts. Any person aggrieved by the decision of the Board of Appeals under this Chapter may appeal the decision to the Circuit Court in accordance with the Maryland Rules of Procedure.

Section 19.24. Captions or headlines. The captions or headlines of the several sections and sub-sections in this Chapter that are set apart from the body of the text are intended as mere catchwords to indicate the contents of the sections and subsections. They are not to be deemed as titles of these sections and subsections, or as any part thereof.

[History: Ord. 5-2007, 8/1/07]

SECTION 20. ADULT ORIENTED BUSINESSES

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- Section 20.2. License required
- Section 20.3. Application for License
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 - Section 20.11.1. Nudity and Partial Nudity Restricted
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 - Section 20.12.1. Viewing booths
 - Section 20.12.2. Adult Cabarets
- Section 20.13. Penalties and enforcement
- Section 20.14. Severability

Section 20.1. Definitions. Unless otherwise defined in this chapter, words and terms shall have the meaning assigned to them in Trappe Zoning Ordinance. In case of a conflict, any term in this Section shall have the meaning defined herein.

Adult book or video store - means an activity, a principal purpose or use of which is the selling, renting, transferring, loaning, disseminating, or distributing of adult entertainment or material, including but not limited to, any book, magazine, newspaper, video, DVD, CD, or sound recording.

Adult cabaret - means any nightclub, bar, restaurant, or any other commercial establishment, regardless of whether alcoholic beverages are served, which features persons who appear nude or semi-nude.

Adult Oriented Business - means any business, operation, or activity, a significant amount of which consists of:

- (i) the conduct, promotion, delivery, provision, or performance of adult entertainment or material; including, but not limited to, that occurring in, at, or in connection with a cabaret, lounge, night club, modeling studio, bar restaurant, club or lodge, or other establishment; or
- (ii) the sale, provision, rental, or promotion of adult entertainment or material, in any format, form, or medium, including, but not limited to, books, magazines, videos, DVDs, CDs, movies, photographs, and/or coin operated or pay-per-view viewing devices, including, but not limited to, the operation of an adult book or video store or viewing booth.

Adult entertainment or material - means any performance or depiction or text that is intended to cause or provide, or which reasonably may be expected to cause or provide, sexual stimulation, sexual excitement, or sexual gratification; and

- (i) in which an individual or individuals appear in a state of nudity or partial nudity; or
- (ii) that consists, in whole or in part, of action, activity, poses, portrayal, depiction, or description of:
 - (a) human genitalia in a discernable state of sexual stimulation or arousal; or
 - (b) any act, whether real or simulated, of masturbation, sexual intercourse, anal intercourse, sodomy, fellatio, cunnilingus, fondling of the buttocks, anus, female breasts, pubic area, or genital area, sadomasochistic activity, physical contact or attempted contact with clothed or unclothed genitalia, pubic areas, buttocks, anus, or female breasts; or
- (iii) consists of contact with animals or inanimate objects.

Nudity - means:

- (i) the showing of the human male or female genitalia, pubic area, or buttocks with less than fully opaque covering;

- (ii) the showing of the female breast with less than a fully opaque covering over any part below the top or uppermost part of the areola; or
- (iii) the depiction of covered male genitalia in a discernibly turgid or erect state.

Partial nudity - means a state of dress which reveals:

- (i) the human male or female buttocks; or
- (ii) the female breasts below the top or uppermost part of the areola, excluding portions of the human female cleavage exhibited by a dress, or other apparel, provided the areola is not exposed in whole or in part.

Adult book or video store - means an activity, a principal purpose or use of which is the selling, renting, transferring, loaning, disseminating, or distributing of adult entertainment or material, including but not limited to, any book, magazine, newspaper, video, DVD, CD, or sound recording.

Sadomasochistic activity - means

- (i) flagellation or torture, whether real or simulated, by or upon an individual;
- (ii) the condition of being, or causing oneself or another to be, fettered, bound, or otherwise physically restrained.

Significant amount - means

- (i) at least 10% of the stock in the establishment or on display consists of adult entertainment material or houses or contains devices depicting, describing, or relating to adult entertainment or material; or
- (ii) at least 10% of the usable floor area is used for the display or storage of adult entertainment or material or houses or contains devices depicting, describing, or relating to adult entertainment or material; or
- (iii) at least 10% of the gross revenue is, or may reasonably be expected to be, derived from the provision of adult entertainment or material; or
- (iv) any provision of live adult entertainment or material.

Specified Anatomical Areas - means human genitals, anus, cleft of the buttocks, or the female breast.

Specified Criminal Activity - means any of the following specified crimes for which there has been a conviction, guilty plea, plea of *nolo contendere* or probation before judgment:

- (i) any felony as defined under Maryland law;
- (ii) rape or sex offenses of any degree and all other sexual crimes specified in Maryland Annotated Code, Criminal Law, § 3-301, *et. seq.* as may from time to time be amended;
- (iii) prostitution and all related crimes as specified in Maryland Annotated Code, Criminal Law, § 11-301, *et. seq.* as may from time to time be amended;
- (iv) offenses regarding adult sexual displays and all related crimes as specified in Maryland Annotated Code, Criminal Law, § 11-101, *et. seq.* as may from time to time be amended;
- (v) offenses relating to obscene matters or materials and all related crimes as specified in Maryland Annotated Code, Criminal Law, § 11-201, *et. seq.* as may from time to time be amended;
- (vi) child abuse and all related crimes as specified in Maryland Annotated Code, Criminal Law, § 3-601, *et. seq.* as may from time to time be amended;
- (vii) controlled dangerous substance offenses as specified in Maryland Annotated Code, Criminal Law, § 5-401, *et. seq.* as may from time to time be amended; or
- (viii) any offense committed in another jurisdiction that, had the predicate acts been committed in Maryland, would constitute any of the foregoing specified Maryland offenses.

Specified Sexual Activities - means any of the following:

- (i) Sex acts, normal or perverted, including intercourse, oral copulation, masturbation or sodomy; or
- (ii) Excretory functions as a part of or in connection with any of the activities described in subsection i. above.

Viewing booth - means a space or area in which a display device is located for purposes of viewing pictures, films, videotapes, or other images characterized by an emphasis on the display of specified sexual activities or specified anatomical areas.

Section 20.2. License required. It shall be unlawful for any person to operate an Adult Oriented Business in the Town of Trappe without a valid Adult Oriented Business License.

Section 20.3. Application for License. An applicant for an Adult Oriented Business License shall comply with the following:

- A. An applicant for an Adult Oriented Business License shall file in person at the Town Office a completed application made on a form provided by the Town. The application shall be signed by all persons required to sign under this Section and shall be notarized. An application shall be considered complete when it contains, for each person required to sign the application, the information and/or items required in subsections 1 through 7 below, accompanied by the appropriate fee identified herein:
 1. The applicant's full true name and any other names used by the applicants in the preceding five (5) years.
 2. Current business address or another mailing address of the applicant.
 3. Written proof of age, in the form of a driver's license or a copy of a birth certificate accompanied by a picture identification document issued by a governmental agency.
 4. The business name, location, legal description, mailing address and phone number of the Adult Oriented Business.
 5. The name and business address of the statutory agent or other agent authorized to receive service of process.

6. A statement of whether an applicant has been convicted of or has pled guilty or *nolo contendere* to a specified criminal activity as defined in this ordinance, and if so, each specified criminal activity involved, including the date, place, and jurisdiction of each as well as the dates of conviction and release from confinement, where applicable.
 7. A statement of whether any Adult Oriented Business in which an applicant has had an influential interest, has, in the previous five (5) years (and at a time during which the applicant had the influential interest):
 - (a) Been declared by a court of law to be a nuisance; or
 - (b) Been subject to a court order of closure.
- B. The information provided pursuant to subsections A. 1 through 7 of this section shall be supplemented in writing by certified mail, return receipt requested, to the Town Office within ten (10) working days of a change of circumstances which would render the information originally submitted false or incomplete.
- C. An application for an Adult Oriented Business License shall be accompanied by a legal description of the property where the business is located and a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but shall be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches. Applicants who are required to comply with Section 20.12.1. and/or Section 20.12.2. of this Chapter shall submit a diagram indicating that the interior configuration meets the requirements of those sections.
- D. If a person who wishes to operate an Adult Oriented Business is an individual, he shall sign the application for a license as applicant. If a

person who wishes to operate an Adult Oriented Business is other than an individual, each person with an influential interest in the business shall sign the application for a license as applicant. Each applicant must meet the qualifications for the issuance of a license as specified in Section 20.4. herein and each applicant shall be considered a licensee if a license is granted.

- E. The information provided by an applicant in connection with an application for a license under this chapter shall be maintained by the Town Office.

Section 20.4. Issuance of License. Within twenty (20) days of the filing date of a completed Adult Oriented Business license application, the Town shall issue a license to the applicant or issue to the applicant a letter of intent to deny the application. The Town shall issue a license unless:

- A. An applicant is less than eighteen (18) years of age.
- B. An applicant has failed to provide information as required for issuance of a license or has falsely answered a question or request for information on the application form.
- C. The license application fee required by this Chapter has not been paid.
- D. The Adult Oriented Business, as defined herein, is not in compliance with the interior configuration requirements of this chapter or is not in compliance with the zoning requirements of the Town Zoning Ordinance.
- E. Any Adult Oriented Business in which the applicant has had an influential interest, has, in the previous five (5) years (and at a time during which the applicant had the influential interest):
 - 1. been declared by a court of law to be a nuisance; or
 - 2. been subject to an order of closure.
- F. An applicant has been convicted of, or pled guilty or *nolo contendere* to a specified criminal activity, as defined in this ordinance.

- G. Less than twelve months have expired since a license issued to the licensee was revoked.

Section 20.5. License Fees. The initial license and annual renewal fees for Adult Oriented Business licenses shall be as follows: Five Hundred dollars (\$500.00) for the initial fee for an Adult Oriented Business license and two hundred fifty dollars (\$250.00) for annual renewals.

Section 20.6. Inspection. Adult Oriented Businesses shall permit the Town's designee to inspect, from time to time on an occasional basis, the portions of the Adult Oriented Business premises where patrons are permitted, for the purpose of ensuring compliance with the specific regulations of this chapter, during those times when the Adult Oriented Business is occupied by patrons or is open to the public.

Section 20.7. Expiration of license.

- A. Each license shall remain valid for a period of one calendar year from the date of issuance unless otherwise suspended or revoked. Such license may be renewed only by making application and payment of a fee as provided herein.
- B. Application for renewal should be made pursuant to the procedures set forth herein at least ninety (90) days before the expiration date.

Section 20.8. Suspension and Revocation.

- A. The Town may suspend or revoke a license if:
 - 1. The applicant or licensee does not pay a fee required by this Chapter;
 - 2. The premises of the Adult Oriented Business fails an inspection required by this Chapter;

3. The licensee or an employee of the licensee refuses to allow an inspection of the Adult Oriented Business as provided for by this Chapter.
 4. The applicant or licensee fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee, or for another;
 5. The applicant or licensee fraudulently or deceptively uses a license;
 6. The applicant or licensee pleads guilty or *nolo contendere* with respect to, receives probation before judgment with respect to, or is convicted of a violation of:
 - (a) This Chapter, other than operating an Adult Oriented Business without a license; or
 - (b) Any specified criminal activity as defined herein.
 7. In the two (2) years before the suspension or revocation, the licensee, the licensee's spouse or an individual with whom the licensee resides, pleaded guilty or *nolo contendere* with respect to, received probation before judgment with respect to, or was convicted of a violation of:
 - (a) This Chapter, other than operating an adult bookstore without a license; or
 - (b) Any specified criminal activity as defined herein.
- B. In addition to the authority granted by Subsection A of this Section, the Town may suspend or revoke a license if:
1. A licensee or an employee of the Adult Oriented Business has knowingly allowed on the premises the possession, use, or sale of a controlled dangerous substance listed in Maryland Annotated Code, Criminal Law, § 5-401 *et. seq.*, as may be amended from time to time;

2. A licensee or an employee of the Adult Oriented Business has knowingly allowed prostitution on the premises;
3. A licensee or an employee of the Adult Oriented Business has knowingly allowed a sexual act on the premises;
4. A licensee or an employee of the licensee has knowingly operated the Adult Oriented Business when the license was suspended; or
5. In the preceding year, two or more employees of the Adult Oriented Business have pleaded guilty or *nolo contendere* with respect to, received probation before judgment with respect to, or been convicted of a violation of any specified criminal activity as defined herein.

Section 20.9. Appeal. A decision by the Town to deny, suspend, or revoke a license may be appealed to a court of competent jurisdiction per the provisions providing for judicial review of administrative agency decisions found in Maryland Rule 7-201 *et. seq.*

Section 20.10. Transfer of license. A licensee shall not transfer his or her license to another, nor shall a licensee operate an Adult Oriented Business under the authority of a license at any place other than the address designated in the Adult Oriented Business license application.

Section 20.11. Miscellaneous Regulations applicable to all Adult Oriented Businesses.

Section 20.11.1 Nudity and Partial Nudity Restricted

- A. Other than during a performance in accordance with any provisions herein, it shall be unlawful for any person, including patrons and visitors, at or in any Adult Oriented Business to perform, work, dance, or appear in any state, condition, or appearance of nudity or partial nudity.

- B. When performing an artistic or expressive dance, performance, display, or exercise, an employee, agent, independent contractor, performer, dancer, or showperson at or in the employ of an Adult Oriented Business where such performances are customarily given, may appear, while performing, in a state or condition of partial nudity.

Section 20.11.2. Certain Physical Contact Prohibited

- A. It shall be unlawful for any person on, in, or about the interior or exterior of an Adult Oriented Business, while in any state, condition, or appearance of nudity or partial nudity, or while performing or engaging in an artistic or expressive dance, performance, display or exercise, to be, at any time, within a distance of six feet of any other person, whether or not such other person is an employee, agent, independent contractor, performer, dancer, or showperson at, or in the employ of, an Adult Oriented Business, or a customer, patron, or visitor of, at, or in any Adult Oriented Business. This prohibition includes, but is not limited to, any form of person-to-person touching or contact, whether directly by actual physical touching or indirectly by the employment of any item or device.
- B. It shall be unlawful for any person in, on, or about the interior or exterior of any Adult Oriented Business to touch, caress, fondle or stimulate, whether directly by actual physical touching or indirectly by the employment of any item or device, their own breasts, buttocks, anus, or genitals while in the view of any other person, or for purposes of sexual arousal, sexual stimulation, sexual excitement, or sexual gratification.
- C. It shall be unlawful for any person in, on, or about the interior or exterior of any Adult Oriented Business to participate in, or

encourage or allow another to participate in, any specified sexual activity.

- D. It shall be unlawful for any person in, on, or about the interior or exterior of any Adult Oriented Business to expose or encourage or permit any person to expose the breasts, buttocks, anus, or genitals of another, including the person so encouraging or permitting, the person being encouraged or permitted, or any other person.
- E. It shall be unlawful for an owner or operator of an Adult Oriented Business to encourage, allow, or permit any person in, on, or about the interior or exterior of the Adult Oriented Business to commit or participate in any of the acts prohibited under this Section.

Section 20.11.3. Required Conditions of Operation for All Adult Oriented Businesses

- A. An Adult Oriented Business shall ensure that at least one employee is on duty at each management station required pursuant to this Chapter at any time any not-on-duty employee or any customer, patron, or visitor is within the premises of the Adult Oriented Business.
- B. An Adult Oriented Business shall ensure that all lighting required pursuant to this Chapter and/or the Zoning Ordinance is illuminated at any time any person other than an on-duty employee is within the premises.
- C. An Adult Oriented Business shall not allow or permit any condition or state to exist with respect to such business in violation of the requirements of this Chapter, the Zoning Ordinance, or of any other provision of this Code.
- D. An Adult Oriented Business:

1. Shall have at least one management station in each building.
2. Shall have an interior arranged or configured such that all areas of the interior of the building or structure open to the public (excluding restrooms) are visible by direct sight from a management station at all times and not visible merely by camera, mirror or other device.
3. Shall be equipped with overhead or comparable lighting of sufficient intensity to light or illuminate all areas of the building or structure at an illumination of not less than two foot-candles measured at floor level.
4. Shall have lighting illuminated in all places open or available to the public or any customer, patron, or visitor at any time any person other than an on-duty employee is in the building.

Section 20.11.4. Age restrictions.

- A. No person under the age of 18 years shall be permitted on the premises of an Adult Oriented Business.
- B. Mistake of age is not a defense to a violation of this section, unless the person under age 18 who was permitted on the premises exhibited to the operator or his agent or employee a draft card, driver's license, birth record, or other official or apparently official document purporting to show that the person was 18 years of age or over, and the person to whom that document was exhibited did not otherwise have reasonable cause to believe that the person seeking admittance was under 18 years old.

Section 20.11.5. Hours of operation. It shall be unlawful for an Adult Oriented Business to be open for business or for the licensee or any employee of a licensee

to allow patrons upon the licensed premises between 10:00 p.m. on any day and 8:00 a.m. of the following day, and before 12:00 p.m. on Sunday.

Section 20.12. Regulations pertaining to specific Adult Oriented Businesses.

Section 20.12.1. Viewing booths.

A. A person who operates or causes to be operated an Adult Oriented Business that includes one or more viewing booths shall comply with the following requirements.

1. Each application for an Adult Oriented Business license shall contain a diagram of the premises showing the location of all operator's stations, viewing rooms, overhead lighting fixtures, video cameras and monitors installed for monitoring purposes and restrooms, and shall designate all portions of the premises in which patrons will not be permitted. Restrooms shall not contain video reproduction equipment. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram shall be oriented to the north or to some designated street or object and shall be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches. The Town may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

2. It shall be the duty of the operator, and of any employees present on the premises, to ensure that no patron is permitted access to any area of the premises which has been designated in the application as an area in which patrons will not be permitted.
3. It shall be the duty of the operator to post conspicuous signs in well-lighted entry areas of the business stating all of the following:
 - (a) That the occupancy of viewing rooms is limited to one person.
 - (b) That sexual activity on the premises is prohibited.
 - (c) That the making of openings between viewing rooms is prohibited.
 - (d) That violators will be required to leave the premises.
 - (e) That violations of subparagraphs (b) and (c) of this paragraph are unlawful.
4. It shall be the duty of the operator to enforce the regulations articulated in subsections 3(a) through 3(e) above.
5. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a operator's station of every area of the premises, including the interior of each viewing room but excluding restrooms, to which any patron is permitted access for any purpose. An operator's station shall not exceed thirty-two (32) square feet of floor area. If the premises has two (2) or more operator's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which

any patron is permitted access for any purpose from at least one of the operator's stations. The view required in this paragraph must be by direct line of sight from the operator's station. It is the duty of the operator to ensure that at least one employee is on duty and situated in each operator's station at all times that any patron is on the premises. It shall be the duty of the operator, and it shall also be the duty of any employees present on the premises, to ensure that the view area specified in this paragraph remains unobstructed by any doors, curtains, walls, merchandise, display racks or other materials or enclosures at all times that any patron is present on the premises.

- B. It shall be unlawful for a person having a duty under this section to knowingly fail to fulfill that duty. Viewing rooms shall not contain a door or curtains at the entrance to the room.

Section 20.12.2. Adult Cabarets.

- A. A person who operates or causes to be operated an adult cabaret shall comply with the following requirements:
 - 1. Each application for an Adult Oriented Business license to operate an adult cabaret shall contain a diagram of the premises showing the location of the bar, tables, booths, restrooms, private rooms, employee's station, video cameras and monitors installed for monitoring purposes and any private rooms on the premises. The diagram shall also designate all portions of the premises where patrons will not be permitted. Restrooms shall not contain video reproduction equipment. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram shall be oriented to

the north or to some designated street or object and shall be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches. The Town may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

2. It shall be the duty of the operator, and of any employees present on the premises, to ensure that no patron is permitted access to any area of the premises which has been designated in the application as an area in which patrons will not be permitted.
3. It shall be unlawful for an operator to permit a patron to be in a private room unless an employee is available at the bar or an employee's station that provides unobstructed view of the private room. A "private room" for the purposes of this section is an area on the licensed premises enclosed by four walls intended to be used for dancing or any other conduct by and between a patron and an employee. The entrance to a private room shall be an opening that does not contain a door or curtains.
4. It shall be the duty of the operator, and of any employees present on the premises to ensure that no specified sexual activity occurs in or on the licensed premises.
5. It shall be the duty of the operator or the licensee to post conspicuous signs in well-lighted entry areas of the business stating:

- (a) That sexual activity on the premises is prohibited and unlawful.
 - (b) That violators will be required to leave the premises.
- 6. It shall be the duty of the operator to enforce the regulations articulated in subsection (5) above.
- 7. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a bartender's station or any manned employee's station of the premises including the interior of each private room but excluding restrooms to which any patron is permitted access for any purpose. An employee's station shall not exceed thirty-two square feet of floor area. If the premises has two or more employee stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the operator's stations. The view required in this paragraph must be by direct line of sight from the employee's station at all times that any patron is on the premises. It shall be the duty of any employees present on the premises, to ensure that the view area specified in this paragraph remains unobstructed by any doors, curtains, walls, merchandise, display racks or other materials or enclosures at all times that any patron is present on the premises.
- 8. Private rooms shall not contain a door or curtains at the entrance to the room.
- 9. A "private room" for the purposes of this section is an area on the licensed premises enclosed by four walls intended to

be used for dancing or any other conduct by and between a patron and an employee. The entrance to a private room shall be an opening that does not contain a door or curtains.

- B. It shall be unlawful for a person having a duty under this section to knowingly fail to fulfill that duty.

Section 20.13. Penalties and enforcement. In accordance with Maryland Annotated Code, Article 23A, § 4A(b), any person found guilty of violating a provision of this Chapter shall be guilty of a misdemeanor and on conviction, is subject to imprisonment not exceeding 6 months and a fine of not less than \$500.00. Each day on which a violation continues is a separate offense.

Section. 20.14. Severability. If any section, subsection, sentence, clause or phrase of this Chapter is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Chapter, which can be given effect without the invalid section, subsection, sentence, clause or phrase, and to that end, all provisions of this Chapter are hereby declared to be severable.

[History: Ord 6-2010 Eff 08-04-10]

ZONING

Editor's Note. The Trappe Zoning Ordinance, and all amendments thereto, are incorporated into this volume by reference as it fully set forth herein. Copies are on file in the Town Office, where they may be examined between the hours of 8:00 a.m.–4:00 p.m., Monday, Tuesday, Wednesday, Thursday, and on Friday from 8:00 a.m. and 12:30 p.m.

SUBDIVISION OF LAND

Editor's Note. The Trappe Subdivision Ordinance, and all amendments thereto, are incorporated into this volume by reference as it fully set forth herein. Copies are on file in the Town Office, where they may be examined between the hours of 8:00 a.m.– 4:00 p.m., Monday, Tuesday, Wednesday, Thursday, and on Friday from 8:00 a.m. and 12:30 p.m.

STORMWATER MANAGEMENT

Editor's Note. The Trappe Stormwater Management Ordinance, and all amendments thereto, are incorporated into this volume by reference as it fully set forth herein. Copies are on file in the Town Office, where they may be examined between the hours of 8:00 a.m.– 4:00 p.m., Monday, Tuesday, Wednesday, Thursday, and on Friday from 8:00 a.m. and 12:30 p.m.

**CONSTRUCTION STANDARDS FOR WATER, SEWER STORM
DRAINS AND STREETS**

Editor's Note. The Town of Trappe, Talbot County, Maryland, Design and Construction Standards for Water, Sewer, Storm Drains and Streets, dated, November, 2005, and all amendments thereto, are incorporated into this volume by reference as it fully set forth herein. Copies are on file in the Town Office, where they may be examined between the hours of 8:00 a.m.– 4:00 p.m., Monday, Tuesday, Wednesday, Thursday, and on Friday from 8:00 a.m. and 12:30 p.m.

All water and sewer connections, storm drains and streets constructions shall comply with the Town's construction standards.