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Code of Ordinances
of the
Town of Hurlock
Dorchester County, Maryland

Project 1274

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CHAPTER 1

GENERAL PROVISIONS

Article 1. In General

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Article 1. In General

Section 1-101. How Code Designated and Cited

The ordinances embraced in the following chapters and sections shall constitute and be designated as "The Code of the Town of Hurlock," and may be so cited. The Code may also be cited as "Hurlock Town Code."

Section 1-102. Definitions and Rules of Construction

In the construction of this Code and of 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 Council:

Bond. When a bond is required, an undertaking in writing shall be sufficient.

Charter. The word "Charter" shall mean the Charter of the Town of Hurlock.

County. The words "the County" or "this County" shall refer to Dorchester County, Maryland.

Computation of time. The time within which an act is to be done shall be computed by excluding the first and including the last day; and if the last day be Sunday or a legal holiday, that shall be excluded.

Gender. Words importing masculine gender shall include the feminine and neuter.

Joint Authority. All words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

Keeper and proprietor. The words "keeper" and "proprietor" shall mean and include persons, firms, associations, corporations, clubs and copartnerships, whether acting by themselves or a servant, agent or employee.

Month. The word "month" shall mean a calendar month.

Number. Words used in the singular include the plural and the plural includes the singular number.

Oath. The word "oath" shall be construed to include an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

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

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

Property. The word "property" shall include real and personal property.

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

Signature or Subscription. Signature or subscription includes a mark when the person cannot write, his name being written near it and witnessed by a person who writes his own name as witness.

State. The words "the state" or "this state" shall be construed to mean the State of Maryland.

Street. The word "street" shall include any public ways, roads, highways, and avenues within the Town.

Tenant, Occupant. The words "tenant" and "occupant," 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. Words used in the past or present tense include the future as well as the past and present.

Town. The words "the town" or "this town" shall mean the Town of Hurlock, in the County of Dorchester and State of Maryland, except as otherwise provided.

Section 1-103. Catchlines of Sections

The catchlines of the several sections of this Code printed in bold-face type are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be titles of such sections, nor as any part of such sections, nor unless expressly so provided, shall they be deemed when any of such sections, including the catchlines, are amended or reenacted.

Section 1-104. Effect of Repeal of Ordinances

The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect. The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed under the ordinance repealed.

Section 1-105. 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 continuations thereof and not as new enactments.

Article 2. Saving Clause

Section 1-201. Severability

It is hereby declared to be the intention of the Town Council that the sections, paragraphs, sentences, clauses and words 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 or decree of any court of competent jurisdiction, such 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 Town Council without the incorporation in this Code of any such unconstitutional or invalid work, clause, sentence, paragraph or section.

CHAPTER 2

ELECTIONS

Article 1. Voter Registration

Section

2-101	Registration Validity
2-102	Registration Procedure
2-103	Withdrawal or Expiration of Registration
2-104	Qualified Voter Status Required

Article 2. Nominations: Mayor and Councilmembers

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2-301	Records Concerning Absentee Voting
2-302	One Ballot per Applicant
2-303	Form of Absentee Ballots and Envelopes
2-304	Procedure for Absentee Voting
2-305	Procedure for Canvassing Absentee Ballots

Article 1. Voter Registration

Section 2-101. Registration Validity

All persons residing within the corporate limits of the Town of Hurlock who are presently registered voters of the Town shall remain registered as long as they shall meet the qualifications for voters prescribed in Section 601 of the Town Charter, unless such registration shall be withdrawn as hereinafter provided.

Section 2-102. Registration Procedure

Qualified citizens who are at least 17 years old and will be 18 years old or older on or before the next Town election may register at the Town office on the first Monday of October in every odd numbered year.

Section 2-103. Withdrawal or Expiration of Registration

The Board of Supervisors of Elections shall withdraw the registration of any person whom they determine has failed to vote in any one of the most recent five (5) regular Town elections, or is otherwise legally disqualified.

Section 2-104. Qualified Voter Status Required

Even though a person may be on the registration rolls of the Town such person may not vote unless he or she is a qualified voter. The Board of Supervisors of Elections may require any person who comes to the polls to vote at any election to furnish proof that such person is a resident of the Town, and is at least 18 years old, and that he or she is in fact properly registered under the provisions hereof.

Article 2. Nominations: Mayor and Councilmembers

Section 2-201. Nominations

Candidates seeking election or reelection to the office of Mayor or Councilmember of the Town of Hurlock shall pay a fee of five dollars (\$5.00) upon filing a certificate of nomination at the office of the Board of Supervisors of Elections.

Article 3. Absentee Voting

Section 2-301. Records Concerning Absentee Voting

The Clerk-Treasurer shall keep a record of applications for absentee ballots as they are received, showing the date received, the names and residences of the applicants, and places where such ballots were mailed and, if any such applications were rejected, the reasons for such rejections. Such applications and record shall be available for public examination for a period of six months after the election. The individual record of each voter to whom an absentee ballot was mailed shall be marked to indicate the fact that an absentee ballot has been mailed to him and the date of such mailing. Only those voters to whom absentee ballots have been mailed in accordance with Charter Article VI, Section 611(b), shall be permitted to use such ballots. No voter to whom an absentee ballot has been delivered shall be allowed to vote in person at the polls at the election, except as provided in Section 2-304(c).

Section 2-302. One Ballot per Applicant

No more than one absentee ballot shall be delivered to any one applicant.

Section 2-303. Form of Absentee Ballots and Envelopes

The form of ballots and envelopes for absentee voters shall be as follows:

(a) The ballots shall contain the words "absentee ballot" in large letters in a clear space at the top of each ballot and the signature of the Chairman of the Board of Supervisors of Elections.

(b) The following shall be delivered to the absentee voter:

(1) An envelope marked "Ballot Envelope" of sufficient size to contain the absentee ballot (hereinafter referred to as the "Ballot Envelope").

(2) Another envelope (hereinafter referred to as the "Outer Envelope") of sufficient size to contain the Ballot Envelope; and

(3) Oath of Absentee Resident:

"I, _____, do hereby swear (or affirm) under penalty of perjury that I am legally qualified to vote in the Town of Hurlock's election to be held on _____; (that I will be unable to vote in person on the day of such election because _____ as stated in application for the enclosed ballot) that the enclosed ballot was by me marked secretly, folded and enclosed and sealed in the enclosed envelope and in this envelope; and that I am now disqualified from voting in person in the Town election."

(Signature of absentee voter)

Section 2-304. Procedure for Absentee Voting

The procedure for absentee voting is as follows:

(a) The absentee voter shall mark the absentee ballot, insert it in the Ballot Envelope and then seal this envelope. He shall then insert this envelope in the Outer Envelope, seal this envelope and complete and sign the oath. He shall then deliver the foregoing to the Clerk-Treasurer or Board of Supervisors of Elections on or before the close of the polls on election day. No absentee ballots actually received by the Clerk-

Treasurer or the Board of Supervisors of Elections after the close of the polls shall be valid.

(b) There shall be mailed with each ballot and envelopes instructions clearly explaining the manner in which the recipient may vote as an absentee voter under the provisions hereof.

(c) Any person to whom an absentee ballot has been mailed who has not returned said ballot as provided in Section 2-304(a) and who finds that he is able to vote in person at the polls on election day may vote in such election if he delivers his unmarked absentee ballot, together with both the Ballot Envelope and the Outer Envelope to the Board of Supervisors of Elections prior to the close of the polls. The Board of Supervisors of Elections shall clearly mark each of such materials "void" and shall enter in the appropriate register the fact that such materials have been returned but not used.

Section 2-305. Procedure for Canvassing Absentee Ballots

The procedure for the canvassing of ballots shall be as follows:

(a) The Clerk-Treasurer shall deliver all sealed Outer Envelopes received by him to the Board of Supervisors of Elections. No sealed Outer Envelopes shall be opened at any time prior to the canvassing of the absentee ballots.

(b) The Board of Supervisors of Elections shall conclusively determine whether or not each person who has submitted an absentee ballot is a qualified, registered voter in the Town to whom an absentee ballot was mailed under Section 2-303(b)(3) and has not voted in person at the election. They shall then open the Outer Envelopes found to be valid and thereafter shall separately open the Ballot Envelopes in such a manner that they are unable to match the names of the absentee voters with the particular absentee ballots they have submitted. When any Outer Envelope is opened, the Board of Supervisors of Elections shall then proceed to count and certify the absentee ballots.

(c) The Outer Envelope found to be invalid by the Board of Supervisors of Elections shall not be opened. The Board of Supervisors of Elections shall keep a record of all absentee ballots which have been rejected and the reason for each such rejection. Such record and the items specified in Section 2-303(b) shall be available for public inspection at the Town office for a period of six months after the election.

CHAPTER 3

ANIMALS AND FOWL

Article 1. In General

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- 3-101 Restricted Animals
- 3-102 Bees
- 3-103 Rabbits, Poultry, or Pigeons
- 3-104 Penalties for Violations

Article 2. Dogs

- 3-201 Definition of Terms
- 3-202 License and Registration Required
- 3-203 Proper Custody of Dogs
- 3-204 Barking or Noise
- 3-205 Appointment of Dogcatcher; Impounding Dogs
- 3-206 Female Dogs in Heat
- 3-207 Maintaining Kennels
- 3-208 Violations and Penalties

Article 1. In General

Section 3-101. Restricted Animals

It shall be unlawful for any person to keep any live horses, swine, sheep, goats, cows, or animals of the bovine kind within the corporate limits of the Town of Hurlock.

Section 3-102. Bees

No person, firm or corporation shall keep within the Town, any bees or hives of bees at any place within a radius of five hundred feet of any dwelling intended for human habitation; provided that this shall not apply to bees confined at all times in closed hives, or on property so enclosed that they may not stray therefrom.

Section 3-103. Rabbits, Poultry, or Pigeons

It shall be unlawful for any person to keep any live rabbits, poultry, pigeons, or any other type of fowl within the corporate limits of the Town of Hurlock.

Section 3-104. Penalties for Violations

Any owner or owners who violate Section 3-101 through 3-103 of this Article shall be penalized at a cost of five dollars (\$5.00) for each and every animal which constitutes a separate violation of the preceding Sections.

Article 2. Dogs

Section 3-201. Definition of Terms

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

Dog shall mean both male and female.

Owner shall mean any person or persons, firm, association or corporation owning, keeping or harboring a dog.

At Large shall mean off the premises of the owner and not under the control of a human being either by leash, cord, chain or otherwise.

Kennel shall mean any type of enclosure where three (3) or more dogs are kept, harbored or bred.

Section 3-202. License and Registration Required

(a) All dogs kept, harbored or maintained in the Town of Hurlock for which a license is required pursuant to the laws and ordinances of the State of Maryland and Dorchester County shall have such license, and it shall be unlawful for any owner to harbor, keep or maintain a dog in the Town for which a license is required unless such dog has a license of current validity and efficacy.

(b) The provisions of this Section shall not be intended to apply to dogs whose owners are non-residents, temporarily within the Town, nor to dogs brought into the Town for the purpose of participating in any dog show, nor to "seeing-eye" dogs properly trained to assist blind persons when such dogs are actually being used by blind persons for the purpose of aiding them in going from place to place.

Section 3-203. Proper Custody of Dogs

The owner of any dog within the Town of Hurlock shall keep the same securely upon his own premises or under the control of the said owner or some other person by means of leash, cord, chain or otherwise. No dog shall be permitted to run at large within the Town of Hurlock at any time. When a dog is discovered running at large, the owner shall be presumed responsible for said dog being at large.

Section 3-204. Barking or noise

The harboring of any dog which by loud or long continued barking disturbs the neighborhood is hereby declared to be a violation of this Article subjecting the owner of said dog to the penalties herein imposed.

Section 3-205. Appointment of Dogcatchers; Impounding Dogs

The Animal Welfare Society of Dorchester County, its agents and employees are designated as dogcatchers and agents in the Town of Hurlock. It shall be the duty of every police officer and the aforesaid dogcatchers to apprehend any dog found running at large contrary to the provisions of Section 3-203, and to impound such dog in the Dorchester County pound. The Police Officer or Dogcatcher who impounds a dog shall record the breed, color, and sex of such dog and its license tag number, if any. A compilation of the records of all dogs caught and impounded shall be maintained at the Animal Welfare Society of Dorchester County.

Section 3-206. Female Dogs in Heat

Female dogs in heat found running at large shall be seized and detained by the dogcatcher in the Animal Welfare Society of Dorchester County pound. Any female dog so seized and detained may be redeemed by the owner upon payment of the redemption fee. If the same dog, belonging to the same owner, is impounded for a second time within twelve months, said dog cannot be reclaimed by the owner unless the owner shall pay for the spaying of his dog within one week after notice.

Section 3-207. Maintaining Kennels

It shall be unlawful to maintain any kennel within the corporate limits of the Town of Hurlock that becomes a nuisance. If upon investigation by the Town Police, or the Animal Welfare Society of Dorchester County, such kennel is declared a nuisance, the kennel shall be closed, and all dogs within it removed from the Town within twenty-four (24) hours. Upon failure of the kennel owner to comply with the preceding, the Town Police shall have all dogs within the kennel impounded. Nothing in this Section is intended to interfere with the proper operations of animal hospitals.

Section 3-208. Violations and Penalties

Any owner found violating any provision of this Article shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of twenty-five dollars (\$25.00) for the first offense, and of all subsequent offenses, by a fine of twenty-five dollars (\$25.00) to one hundred dollars (\$100.00).

CHAPTER 4

BUILDING AND HOUSING REGULATIONS

Article 1. Building Regulations

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4-104	Setback and Minimum Lot Requirements
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4-404	Violations and Penalties

Article 1. Building Regulations

Section 4-101. Building Permit Required

(a) It shall be unlawful for any person, partnership, business or corporation to undertake or cause to be undertaken, the construction, reconstruction, enlargement, or relocation of any building or structure unless a building permit has been obtained from the Mayor and Council of Hurlock.

(b) A building permit shall not be required for repairs to existing buildings or structures, provided that no structural changes or modifications are involved.

Section 4-102. Definitions

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

Building. A combination of materials to form a permanent structure having walls and a roof.

Person. Any person, persons, partnership, business or corporation.

Structure. A combination of materials to form anything permanently affixed to or in the ground or any other building or structure permanently affixed to or in the ground. Included shall be such things as driveways, carports, porches, swimming pools, etc.

Section 4-103. Application Procedure

Application for such a building permit shall be made in writing to the Town Council on forms supplied by the Municipality. Such application shall contain at least the following:

- (1) Name and address of applicant;
- (2) Name and address of owner of land on which proposed construction is to occur;
- (3) Name and address of contractor;
- (4) Site location;
- (5) Brief description of proposed work and estimated cost;
- (6) New buildings or structures require a plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.

Section 4-104. Setback and Minimum Lot Requirements

The Council shall have the right to refuse or deny a permit to any person, partnership, business or corporation unless and until plans for the location of construction shall have been submitted which plans shall conform to the following limitations or requirements, namely:

- (1) That the width of the lot upon which such building or structure is to be erected shall be no less than seventy-five (75) feet.
- (2) That no building or structure, nor any part thereof, shall be located less than twenty-five (25) feet from any established right of way or curb line of any street or highway.
- (3) That no building or structure, nor part thereof, shall be located less than ten (10) feet from the line of any adjoining property.
- (4) That no dwelling, nor part thereof, shall be constructed which has a floor area of less than one thousand (1,000) square feet.

Section 4-105. Driveways Required

All construction within the Town that is used as a dwelling or for business purposes shall be provided with a driveway from the street to the property suitable for the convenient parking of at least one automobile. The property owner shall be responsible for building

and maintaining such driveway. If the owner does not provide such a driveway, he or she will be subject to the penalties provided for violation of this Article, and the Town Council may cause the required driveway to be built and maintained and place a charge against the property owner for the full cost of such construction and maintenance. Such a charge may be collected by entering it on the tax records as a lien upon the property, or by suit, or by both. Any person who feels that this Section would work an undue hardship on him may petition the Town Council for an exception to this section. After a hearing of the matter before the Town Council, the Council may grant an exception to this Section, if it is convinced that such would work an undue hardship.

Section 4-106. Driveway Construction

Each person who constructs a driveway from any street to a private property shall be personally responsible for seeing that such construction does no damage to Town property or interferes in any way with the normal functioning or use of the Town property, except as specific permission may have been granted by the Town Council before construction is started.

Section 4-107. Issuance of Permits

The Town Council shall issue a building permit only after it has been determined that the proposed construction will be in conformance with all applicable requirements and regulations.

Section 4-108. Permit Changes

After the issuance of a building permit by the Town Council, no changes of any kind shall be made to the application, permit, or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Council.

Section 4-109. Placards

In addition to the building permit, the Town Council shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the building permit, the date of its issuance, and be signed by the Mayor or one of the Councilmembers of the Town of Hurlock.

Section 4-110. Start of Construction

Work on the proposed construction shall begin within six (6) months after the date of issuance of the building permit or the permit shall expire unless a time extension is granted, in writing, by the Town

Council. Construction shall be considered to have started with the first placement of permanent construction on the site, such as the pouring of slabs or footings or any work beyond the stage of excavation. For a structure without a basement or poured footings, the start of construction includes the first permanent framing or assembly of the structure or any part thereof on its pilings or foundation, or the affixing of any prefabricated structure to its permanent site. Permanent construction does not include land preparation, land clearing, grading, filling; excavation for basement, footings, piers, or foundations; erection of temporary forms; the installation of piling under proposed water pipes, or electric or other service lines from the street.

Section 4-111. Inspection and Revocation

During the construction period, the Town Council or other authorized officials may inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws, and ordinances. In the event the Town Council or its designated agent discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Town Council shall revoke the building permit.

Section 4-112. Fees

Applications for a building permit shall be accompanied by a fee, payable to the municipality, based upon the estimated cost of the proposed construction as determined by the Town Council.

Section 4-113. Violations and Penalties

Any person who fails to comply with any or all of the requirements or provisions of this Article or who fails or refuses to comply with any notice, order or direction of the Town Council or any other authorized employee of the municipality, shall be guilty of an offense and, upon conviction, shall pay a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) plus costs of prosecution. In default of such payment, such person shall be imprisoned in the Dorchester County Jail for a period not to exceed ten (10) days. Each day during which any violation of this Article continues shall constitute a separate offense. In addition to the above penalties all other actions are hereby reserved including an action in equity for the proper enforcement of this Article. The imposition of a fine or penalty for any violation of,

or non-compliance with, this Article shall not excuse the violation or non-compliance or permit it to continue; and all such persons shall be required to correct or remedy such violations and non-compliance within a reasonable time. Any structure or building constructed, reconstructed, enlarged, altered, or relocated, in non-compliance with this Article may be declared by the Town Council to be a public nuisance and abatable as such.

Section 4-114. Removal of Unsafe Buildings

Any building or structure within the Town of Hurlock that may be or shall at any time hereafter, become dangerous or unsafe, shall, unless made safe and secure, be taken down and removed.

Section 4-115. Inspection and Order Required

Upon receipt of information that a building or structure is unsafe, the Town Council shall make an inspection, and if an unsafe condition exists, a written notice shall be served on the owner, or the owner's agent, the lessee, or other persons having a vested or contingent interest in such building or structure, containing a description of the building or structure deemed unsafe, and a statement of the particulars in which the building or structure is unsafe, and an order requiring the same to be made either safe and secure, or removed, within such period of time as may be deemed necessary by the Town Council.

Section 4-116. Compliance with Preceding

If the person served with a notice to remove or repair an unsafe building or structure shall fail, within the specified time, to comply with the requirements thereof, the Town Attorney shall institute an appropriate action in court to compel a compliance.

Article 2. Flood Control Regulations

Section 4-201. National Flood Insurance Program (NFIP) Participation

The Town Council of the the Town of Hurlock is hereby granted the authority and means to assure the Federal Insurance Administration that it will enact as necessary, and maintain in force for those areas having flood hazards, adequate land use and control measures with effective enforcement provisions consistent with the criteria set forth in Section 1910 of the National Flood Insurance Programs Regulations.

Section 4-202. General Responsibilities of the Council Under NFIP

The Council of the Town of Hurlock is hereby granted the responsibility, authority, and means to:

(a) Delineate or assist the Administrator at his request, in delineating the limits of the areas having special flood hazards on available local maps of sufficient scale to identify the location of building sites.

(b) Provide such information as the administrator may request concerning present uses and occupancy of the flood plain.

(c) Cooperate with Federal, State and local agencies and private firms which undertake to study, survey, map, and identify flood plains, and cooperate with neighboring communities with respect to management of adjoining flood plain areas in order to prevent aggravation of existing hazards.

(d) Submit on the anniversary date of the community's initial eligibility an annual report to the Administrator on the progress made during the past year within the community in the development and implementation of flood plain management measures.

(e) Appoint the Town Clerk to maintain for public inspection and to furnish upon request a record of elevations (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures located in the special flood hazard areas. If the lowest floor is below grade on one or more sides, the elevation of the floor immediately above must also be recorded.

(f) Agree to take such other official action as may be reasonably necessary to carry out the objectives of the program.

Section 4-203. Specific Flood Control Responsibilities of the Council

The Council of the Town of Hurlock is hereby granted the following specific flood control responsibilities:

(a) To review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a location that has a flood hazard, any proposed new construction or substantial improvement (including prefabricated and mobile homes) must (1) be designed (or modified) and anchored to prevent flotation, collapse, or lateral movement of the structure, (2) use construction materials and utility equipment that are resistant to flood damage, and (3) use construction methods and practices that will minimize flood damage.

(b) To review subdivision proposals and other proposed new developments to assure that (1) all such proposals are consistent with the need to minimize flood damage, (2) all public utilities and facilities, such as sewer, gas, electrical and water systems are located, elevated, and constructed to minimize or eliminate flood damage, and (3) adequate drainage is provided so as to reduce exposure to flood hazards.

(c) To require new or replacement water supply systems and/or sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the system and discharges from the

systems into flood waters, and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.

Article 3. Grading, Erosion, and Sediment Control

Section 4-301. Purpose

The purpose of this Article is to safeguard the natural resources of the Town of Hurlock by establishing minimum requirements for the control of grading and earth moving; to provide measures to control soil erosion and sedimentation; and to establish procedures by which these requirements and measures are to be administered and enforced. Provisions of this Article are adopted under authority of, and in compliance with, Sections 105 through 110 of Article 96A of the Annotated Code of Maryland.

Section 4-302. Definitions

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

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

Floodplain. That area, which would be inundated by accumulated storm water run-off from a rainfall of fifty year frequency in a totally developed watershed, plus an additional one foot water elevation, and within which no development may take place unless consistent with this Article.

Grading. Any stripping, excavating, fill (including hydraulic fill), stockpiling or other movement or disposition of earth materials or any combination thereon, and shall include the land in its excavated or filled condition.

Sediment. Soils or surficial materials transported by wind or surface water as a product or result of erosion.

Watercourse. Any natural or constructed waterway in which waters flow in a more or less definite direction or course, either continuously or intermittently; and including the floodplain as herein defined.

Section 4-303. Scope

(a) A Town Grading Permit must be obtained prior to the start of any grading, clearing, filling or other change in earth which may:

- (1) Introduce sediment into any watercourse of the Town, or
- (2) Move more than 250 cubic yards of earth, or
- (3) Involve an equivalent project cost of \$500.00 or more.

(b) A Grading permit shall not be required for the following, subject to compliance with Sections 105 through 110 of Article 96A of the Annotated Code of Maryland pertaining to Sediment Control Plans approved by the Dorchester Soil Conservation District (DSCD):

- (1) Agricultural land management practices approved by the DSCD.
- (2) Construction of agricultural structures or the construction of single family residences and/or their accessory buildings on lots of two acres or more.
- (3) Maintenance of roads for which an erosion and sediment control plan has been approved by the DSCD.
- (4) Authorized Town of Hurlock capital improvement projects, provided such projects have Sediment Control Plans approved by the DSCD and are inspected in accordance with the provisions of this Article.

(c) All provisions of this Article must be satisfied prior to issuance of a building permit.

Section 4-304. Conditions of Approval or Denial

The Town Council of Hurlock reserves the right to impose such conditions on the grading permit as may be reasonable to prevent creation of a nuisance or dangerous conditions, and to deny the issuance of a grading permit where the proposed work would cause hazards adverse to the public safety and welfare.

Section 4-305. Permit Application

Application forms for a Grading Permit will be available in the Office of the Clerk to the Town Council of Hurlock. The form, when

completed, shall provide sufficient information to identify the applicant, the place and nature of the work to be done, and the steps or procedures to be taken to control erosion and sedimentation. Acceptable standards and specifications for soil erosion and sediment control are available in the office of the DSCD. Where developments are involved (commercial, industrial or two or more residential units), the developer shall include in the application a grading and an erosion and sediment control plan designed by a professional engineer, land surveyor, landscape architect or architect registered in the State of Maryland, and a certificate that all land clearing, construction, and development will be done pursuant to the said plan.

Section 4-306. Issuance of Permits

Proposed steps and procedures to control erosion and sedimentation must be approved prior to issuance of a grading permit. Erosion and sediment control plans, when required, must be approved by the DSCD. Issuance of a Town Grading Permit does not eliminate the requirement for obtaining a Department of Natural Resources Permit, if required under conditions specified by State Law.

Section 4-307. Permit Suspension

In the event that work performed does not conform to the provisions of the permit, or to the approved plans and specifications, or to any written instructions of the Town Council, a written notice to comply shall be given to the permittee. Such notice shall set forth the nature of the corrections required and the time within which corrections shall be made. Failure to comply with such written notice shall be deemed justification for suspension of the permit, which will require that all work stop except that necessary for correction of the violation. Upon correction of the violation the permittee may apply for removal of the suspension.

Section 4-308. Permit Cancellation

After suspension of a grading permit, if corrections required are not completed within the time period specified as provided in the Section above, the permit shall be cancelled. In event of cancellation, any bonds or cash deposits posted with the Town shall be used for work on the site to prevent erosion.

Section 4-309. Guarantee of Completion

When deemed necessary by the Council of Hurlock, the permittee shall be required, prior to the issuance of a grading permit, to post with the Town a cash deposit, performance bond from an approved corporate surety, or other collateral acceptable to the Council. The

amount posted shall be sufficient to guarantee that in the event provisions of the permit are not completed satisfactorily, or that the permit is cancelled, the site can be restored to a condition meeting the minimum requirements of the standards for erosion control.

Section 4-310. Time Limitations

A grading permit shall be valid for a period of one (1) year from date of issuance and during the continuation of work in conformity with an approved plan. Upon request and adequate justification of a permittee, the Council of Hurlock may grant a six (6) month extension of validity.

Section 4-311. Inspections

(a) The Engineer for the Town of Hurlock shall be responsible for detecting violations of this Article, requiring compliance with provisions of approved Grading Permits, and initiating appropriate action against offenders. The Engineer for the Town of Hurlock shall make a final on-site inspection when the work covered by an application is reported completed, and shall forward his report to the DSCD.

(b) The permittee shall request the Engineer for the Town of Hurlock to make inspections at the following stages of work:

- (1) Prior to initiating any grading operations, to inspect the natural site and to approve a written description of the supervision and construction control program.
- (2) Upon completion of preparation of ground to receive fill, but prior to beginning any placement.
- (3) Upon completion of final grading, permanent drainage and erosion control facilities, but prior to any seeding, sodding, or planting.
- (4) Upon completion of installation of all vegetative measures and all work in accordance with the Grading Permit.

(c) The Engineer for the Town of Hurlock may make any additional inspections deemed necessary, and may waive any of the inspections listed above except the final on-site inspection. Inspections requested shall be completed within two (2) working days, following request.

Section 4-312. Enforcement

Any violation of this Article shall be deemed a misdemeanor, and the person, partnership, or corporation who is found guilty of such violation shall be subject to a fine not exceeding one hundred dollars (\$100.00) or thirty (30) day's imprisonment for each and every violation. Any agency whose approval is required under this Article or any person in interest may seek an injunction against any person, partnership, or corporation, whether public or private, violating or threatening violation of any provisions of this Article. Notice of violation of the provisions of this Article shall be filed with the Department of Natural Resources as well as with appropriate County officials.

Section 4-313. Permit Fee

A nominal fee will be fixed for the granting of Grading Permits by resolution of the Council of Hurlock.

Article 4. Housing Regulations

Section 4-401. Trailers as Places of Habitation Prohibited

It shall be unlawful for any person to use a trailer for the purpose of habitation within the Town of Hurlock.

Section 4-402. Definitions of Term "Trailer"

For the purposes of this Article the word trailer shall be taken to mean any structure, built or constructed in such a manner as to be equipped with wheels or capable of being equipped with wheels for the purpose of being moved readily from place to place.

Section 4-403. Exceptions

No person shall maintain or use any trailer which is used as a dwelling or for sleeping purposes any place within the Town of Hurlock for a period of more than three days in any month. Trailers which are used for the sole purpose of housing office space during temporary construction may be used, so long as the construction is in progress and as long as no health hazard is created.

Section 4-404. Violations and Penalties

Any person, firm or corporation who shall violate any provision of this Article shall be guilty of a misdemeanor and upon conviction before the District Court of Dorchester County, or by the Circuit Court for Dorchester County, shall be fined not less than ten dollars

(\$10.00), nor more than twenty-five dollars (\$25.00) for each and every offense, and shall stand committed to the Dorchester County Jail until such fine and costs are paid and each and every day such violation of the provisions of this Article continues shall constitute a separate offense.

CHAPTER 5

HEALTH AND SANITATION

Article 1. In General

Section

5-101 Health and Sanitation Nuisances

Article 2. Litter Control

5-201 Definitions
5-202 Litter in Public Places
5-203 Placement of Litter in Receptacles so as to Prevent
Scattering
5-204 Sweeping Litter into Gutters Prohibited
5-205 Owner to Maintain Premises Free of Litter
5-206 Violations and Penalties

Article 1. In General

Section 5-101. Health and Sanitation Nuisances

(a) It shall be unlawful for any person to permit any premises owned, occupied, or controlled by him to become or remain in a filthy condition, or to permit the use or occupation of same in such a manner as to create noxious or offensive smells and odors in connection therewith, or to allow the accumulation or creation of unwholesome and or offensive matter or the breeding of flies, rodents, or other vermin on the premises to the menace of the public health or the annoyance of people residing within the vicinity.

(b) It shall also be unlawful for any person to sweep into or deposit in any gutter, street, or other public place within the Town any accumulation of ice or snow which has formed on any private or public lot, or private or public sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

Article 2. Litter Control

Section 5-201. Definitions

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

Authorized Private Receptacle. A litter storage and collection receptacle made of metal or other suitable material, watertight, strong, durable, rodent and insect proof, and provided with tight covers. The capacity of such shall not exceed twenty gallons.

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

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

Private Premises. Any dwelling, house, building, or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building, or other structure.

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

Refuse. All putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid market and industrial wastes.

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

Section 5-202. Litter in Public Places

No person shall throw or deposit litter in or upon any streets, sidewalk, parks, or other public place within the Town except in public receptacles, in authorized private receptacles for collection, or in official Town dumps.

Section 5-203. Placement of Litter in Receptacles so as to Prevent Scattering

Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk, or other public place or upon private property.

Section 5-204. Sweeping Litter into Gutter Prohibited

No person shall sweep into or deposit in any gutter, street, or other public place within the Town the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

Section 5-205. Owner to Maintain Premises Free of Litter

The owner or person in control of any private property shall at all times maintain the premises free of litter. Provided, however, that this Section shall not prohibit the storage of litter in authorized private receptacles for collection.

Section 5-206. Violations and Penalties

Any person, (persons, firm, or corporation) which violates any of the provisions of this Chapter shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not to exceed one hundred dollars (\$100.00) and may be confined to the Dorchester County Jail for a period not to exceed thirty (30) days. Each day any violation of any provisions of this Chapter shall continue shall constitute a separate offense.

CHAPTER 6

MISCELLANEOUS OFFENSES (PEACE AND ORDER)

Article 1. In General

Section

- 6-101 Destruction of Private Property
- 6-102 Disturbing the Public Peace
- 6-103 Public Intoxication
- 6-104 Intoxication at School Activities
- 6-105 Habitual Offenders
- 6-106 Throwing Glass, Refuse, etc., upon the Street
- 6-107 Discharge or Possession of Firearms or Other Dangerous Weapons
- 6-108 Burning Within Town Limits
- 6-109 Violations and Penalties

Article 1. In General

Section 6-101. Destruction of Private Property

It shall be unlawful for anyone to willfully and/or maliciously destroy, injure, deface or molest any real or personal property of another.

Section 6-102. Disturbing the Public Peace

No person shall disturb the peace and quiet of any neighborhood by loud and unseemly noises, by fighting, by using profane or vulgar language, by making rude or insulting remarks, by being drunk, or by being disorderly; nor shall any person disturb or interfere with any religious worship or other legal public meeting.

Section 6-103. Public Intoxication

No person shall be intoxicated or under the influence of an hallucinatory substance and endanger the safety of another person or property, and no person shall be intoxicated or drink any alcoholic beverage or take any hallucinatory substance in a public place or in or upon any public conveyance and cause a public disturbance.

Section 6-104. Intoxication at School Activities

No person shall take, drink, or have in his possession, any intoxicating beverages or hallucinatory substances while in attendance as a spectator or otherwise, at any place where any school activity is taking place and cause a public disturbance; provided that any such person under Sections 6-103 or 6-104 hereof shall first be requested by the law enforcement officer to discontinue his drinking and public disturbance, and that no such person shall be charged with a violation of this ordinance if he promptly discontinues such drinking and public disturbance upon the first such request.

Section 6-105. Habitual Offenders

A person who shall have been convicted or have forfeited collateral under the provisions of Sections 6-103 or 6-104 hereof three (3) times in the preceding twelve (12) months shall be deemed an habitual offender and may be committed by the court to an appropriate alcoholism treatment facility for a period of not more than sixty (60) days. The District Court of Dorchester County, Maryland, shall have concurrent jurisdiction of such offense with the Circuit Court of Dorchester County, Maryland. Any member of the city, town, or county or State Police force may, in lieu of incarcerating an intoxicated person for violation of Sections 6-103 or 6-104 hereof, take or send the intoxicated person to his home or to a public or private health facility; provided, that the law enforcement officer takes measures to ascertain the commercial transportation used for such purposes is paid for by such person in advance. Any law enforcement officers so acting shall be considered as carrying out their official duty.

Section 6-106. Throwing Glass, Refuse, etc., upon the Street

No person shall throw any stone, fireworks, or other material in the Town of Hurlock in any way that is likely to harm or injure any person or property, or in such a manner as to cause reasonable apprehension of such harm or injury. No person shall throw or place any glass, nails, tacks, or other materials which would damage any vehicle or person, into any street, alley, or public parking area of the Town.

Section 6-107. Discharge or Possession of Firearms or Other Dangerous Weapons

No person other than an officer in line of duty, or a person in the necessary defense of life or property, shall discharge any firearm of any kind, or any air rifle, within the limits of the Town of Hurlock. No person, other than a law enforcement officer, shall have in his or her possession

while on the streets of the Town, any revolver, pistol, blackjack, brass knuckles, or other dangerous weapon except guns or archery equipment for game hunting or target practice which shall have no ammunition in either the barrel or magazine or arrows nocked.

Section 6-108. Burning Within Town Limits

Except as specifically authorized by the Town Council, no person shall burn any material on any of the streets or other public properties of the Town of Hurlock. There shall be no fires of any kind for the burning of trash any place within the Town between the hours of 10:30 p. m. and sunrise, or at any time on Sunday.

Section 6-109. Violation and Penalties

Any person violating the prohibitions of this Chapter shall be deemed guilty of a misdemeanor; and upon conviction thereof shall be subject to a fine of not more than One Hundred (\$100.00) Dollars, or be confined in jail for a period of not more than thirty (30) days, or be both fined and imprisoned in the discretion of the court.

CHAPTER 7

TRAFFIC AND MOTOR VEHICLES

Article 1. In General

Section

7-101	Parking in Designated No Parking Areas Prohibited
7-102.	Time Limit on Parking Unattended Vehicles
7-103	Stop Sign Regulations
7-104	Violations and Penalties

Article 1. In General

Section 7-101. Parking in Designated No Parking Areas Prohibited

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

Section 7-102. Time Limit on Parking Unattended Vehicles

It shall be unlawful for any person to park or leave any unattended vehicle on any street or alley within the corporate limits of the Town of Hurlock for a period in excess of forty-eight (48) hours.

Section 7-103. Stop Sign Regulations

It shall be unlawful for any person operating any type of motor vehicle who approaches any street intersection, or other point, within the Town of Hurlock, where a stop sign, designated by the Council is located, to proceed without at first coming to a complete, full stop.

Section 7-104. Violations and Penalties

(a) Any person who violates Sections 7-101 through 7-102 of this Article, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not less than two dollars (\$2.00) nor more than one hundred dollars (\$100.00) for each and every offense, in addition to court costs.

(b) Any person who violates Section 7-103 of this Article, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) in addition to court costs, or by imprisonment in the Dorchester County Jail for a term not exceeding thirty (30) days, or by both such fine and imprisonment for each offense in the discretion of the Court.

CHAPTER 8

STREETS AND SIDEWALKS

Article 1. Streets

Section

- 8-101 Use of Unusual Vehicles
- 8-102 Closed Streets
- 8-103 Tampering with Caution Signs
- 8-104 Interfering with Street Construction, Repairs, etc.
- 8-105 Obstructing Streets, Alleys, or Sidewalks

Article 2. Fences and Shrubbery

- 8-201 In General
- 8-202 Fences and Shrubbery which Obstruct Drivers' Vision
- 8-203 Violations and Penalties

Article 1. Streets

Section 8-101. Use of Unusual Vehicles

No person shall operate over or upon any of the streets, roads or highways within the limits of the Town of Hurlock any vehicle so constructed or equipped as to cause any unusual amount of damage to such streets, or operate over or upon such streets, any wagon, truck, road engine, traction engine or other vehicle equipped with metal tires or treads having upon the wheels any clamps, spikes, ribs or other devices which may cut into or injure the road surface, or operate over such streets any wagon or vehicle of any kind equipped with a rough lock or similar device under one or more of the wheels or treads which could cut or injure the road surface.

Section 8-102. Closed Streets

No person shall drive any vehicle across or over any public street in the Town of Hurlock at which there is any barrier, sign, lantern or flare, or authorized person indicating that the street is closed, except for the purpose of entrance or exit from abutting properties.

Section 8-103. Tampering with Caution Signs

No person shall remove, tamper with, or destroy any barrier, barricade, lantern or flare, or sign indicating a need for caution unless specifically authorized to do so.

Section 8-104. Interfering with Street Construction, Repairs, etc.

It shall be unlawful for any person to interfere in any manner with any improvement, that is, any construction, repairs or maintenance that has been authorized by the Town Council on any street, highway, or property of the Town of Hurlock.

Section 8-105. Obstructing Streets, Alleys, or Sidewalks

No person shall place along any street, alley, or sidewalk anything which obstructs, in whole or in part, any street, alley, or sidewalk, or interferes with or endangers the free passage of any person or vehicle.

Article 2. Fences and Shrubbery

Section 8-201. In General

(a) No person shall erect any solid fence or wall or plant any shrubbery, or combination thereof on any property beyond the building or sideyard setback line, or within 2 feet of any property line, around any property lying adjacent to any public street or alley within the corporate limits of the Town of Hurlock without a permit from the Town Council.

(b) On a corner lot, beyond the building line or sideyard setback line, there shall be no fence, wall, terrace, structure, shrubbery or planting, which is an obstruction to vision for a height greater than three feet above the curb level of the shutting street for a distance of twenty-five feet from the intersection of the front and side street lines.

Section 8-202. Fences and Shrubbery which Obstruct Drivers' View

It shall be unlawful for the owner or the occupant of any premises within the corporate limits of the Town of Hurlock to erect any fence or wall, or grow any shrubbery, or a combination thereof, so as to obstruct the clear vision of the drivers of vehicles.

Section 8-203. Violations and Penalties

Any person, firm, or corporation violating any provisions of this Chapter, shall upon conviction thereof be fined not more than one hundred dollars (\$100) and court costs, or in default of payment of such fine, to imprisonment in jail for a period not exceeding ten (10) days.

CHAPTER 9

WATER AND SEWER

Article 1. Water

Section

- 9-101 Responsibility for Water Service Payment
- 9-102 Water Rates in General
- 9-103 Commercial Metered Users
- 9-104 Residential Users
- 9-105 New Water Service
- 9-106 Payment for Water Service

Article 2. Sewer

- 9-201 Charge for Installation or Extension of Sewer Lines
- 9-202 Charges Similar to Lien Upon Property
- 9-203 Sewer Service Charge
- 9-204 Amount of Sewer Service Charge
- 9-205 Payment for Sewer Service
- 9-206 Sewer Service Charge Outside Town Limits

Article 1. Water

Section 9-101. Responsibility for Water Service Payment

All charges for water furnished to non-commercial properties within (by) the Town of Hurlock shall be charged to the owner of record of the property irrespective of the identity of the occupant of said property.

Section 9-102. Water Rates in General

All rates for water consumption shall be set by the Town Council.

Section 9-103. Commercial Metered Users

(a) The cost of all water meters, larger than one inch, shall be paid by the consumer. In addition, the cost of installation of such meters shall be paid by the consumer.

(b) The Town Council may authorize the installation of a meter at commercial premises when in their judgment such action is in the best interest of the Town.

Section 9-104. Residential Users

(a) The basis for establishing the rate for water service to non-metered residences shall be calculated according to the number of cold water taps on the premises served.

(b) In counting the number of cold water taps in a non-metered residence and on the premises, a connected automatic washing machine will be counted as one cold water tap.

(c) Water charges for swimming pools having a capacity of five hundred (500) gallons or more will be assessed by the Town Council.

Section 9-105. New Water Service

(a) When a water main is located in the street adjacent to unimproved property, the Town will tap the main and extend the water line from the main to the property line of the consumer. The fee for such tap-in is \$50.00, payable to the Town of Hurlock.

(b) The cost of extending water lines into new territory or into areas not served shall be borne by the applicants residing in such new territory or area not served by the Town water system.

Section 9-106. Payment for Water Service

(a) All water rents and charges shall be payable quarterly at the office of the Mayor and Council.

(b) All water rents and charges not paid within thirty (30) days from the due date will result in the water service to premises of said delinquent consumer being turned off.

(c) Upon water service being discontinued for nonpayment, a penalty in the amount of 25¢ per day shall be charged to the consumer for each day said delinquency continued. In addition, there shall be charged a fee of Five Dollars (\$5.00) for turning the water off and a like charge of Five Dollars (\$5.00) for turning the water on again.

Article 2. Sewer

Section 9-201. Charge for Installation or Extension of Sewer Lines

(a) Within the Town limits of Hurlock, whenever a public sanitary sewer line is extended or a new sanitary sewer line is installed, the owners of the adjacent property, abutting and binding on the streets where said sewer line is extended or laid out, shall be charged by the Town Council a sum equal to the actual cost of labor and material to install said sewer line. The cost to be paid by each abutting property owner shall be arrived at by dividing the entire cost of labor and material by the number of lineal feet of sewer line installed, and each property owner shall be required to pay his proportionate share of said cost based on the front footage of said abutting property.

(b) The charges herein referred to are in addition to the tapping charge made for tapping, entering, joining or connecting with any public sanitary sewer within the Town.

Section 9-202. Charges Similar to Lien Upon Property

The charge for installation or extension of public sanitary sewer lines shall be a lien upon the abutting land and any improvements thereon, and the lien shall take priority over all other liens recorded after such sewer lines are extended or installed.

Section 9-203. Sewer Service Charge

For the purpose of paying the cost of construction, maintenance and operation of the sanitary sewer system and sewage treatment facilities of the Town of Hurlock, a sewer service charge is hereby imposed upon all properties now or hereafter connected with said sanitary sewer system, whether located inside or outside the corporate limits of the Town of Hurlock.

Section 9-204. Amount of Sewer Service Charge

There shall be added to the water bill for every property served by it and connected with said sanitary sewer system, a charge in rate and amount sufficient to provide for the payment of the principal, interest, maintenance, and operation of said sanitary sewer system and sewage treatment facilities.

Section 9-205. Payment for Sewer Service

Sewer service charges shall be billed at the same time statements for water charges are rendered, and shall be collected at the same time and in the same manner. Unpaid bills shall constitute liens in the same manner and shall invoke similar penalties as unpaid water bills.

Section 9-206. Sewer Service Charge Outside Town Limits

Sewer service charges for properties located outside the corporate limits of the Town of Hurlock shall be calculated to include the connection costs to the sanitary sewer system as well as a charge for sewage discharged into the sanitary sewer system in an amount comparable to like or similar property located within the Town limits.

CHAPTER 10

SUBDIVISION AND LAND DEVELOPMENT

Article 1. Subdivision Regulations

Section

10-101	"Subdivision" Defined
10-102	Procedure for Filing of Application
10-103	Filing of Preliminary Subdivision Plat
10-104	Contents of Preliminary Subdivision Plat
10-105	Council Approval or Disapproval
10-106	Time Limit on Preliminary Subdivision Plat
10-107	Filing of Final Subdivision Plat
10-108	Contents of Final Subdivision Plat
10-109	General Policy Concerning Subdivision Streets and Road Maintenance
10-110	Width of Streets
10-111	Grading
10-112	Dead End Streets
10-113	Drainage
10-114	Storm Water Easements
10-115	Sidewalks
10-116	Prescribed Base Course of Streets and/or Roads
10-117	Recreation Areas
10-118	Inspection and Approval of Improvements

Article 1. Subdivision Regulations

Section 10-101. "Subdivision" Defined

"Subdivision," for the purpose of this Chapter, shall mean any division of a lot, tract, or parcel of land or part thereof into two (2) or more parcels, for the purpose of development thereon.

Section 10-102. Procedure for Filing of Application

All applications requesting the Council to accept new subdivision developments must be filed, in duplicate, on the appropriate Standard Form, which may be acquired at the office of the Mayor and Council of Hurlock.

Section 10-103. Filing of Preliminary Subdivision Plat

The Subdivider, Developer or Property Owner shall present a Preliminary Subdivision Plat prepared by a registered land surveyor. Two copies of the Preliminary Subdivision Plat shall be filed with the Town Clerk of Hurlock, preferably at the scale of one inch equals 100 feet, but in no case smaller than one inch equals 200 feet.

Section 10-104. Contents of Preliminary Subdivision Plat

The Preliminary Subdivision Plat shall include the following information:

- (1) Subdivision name.
- (2) Name and address of record owner (or owners).
- (3) Location and names of adjacent subdivisions, and/or names of owners of adjacent acreages.
- (4) Widths, lengths, locations and names of all proposed streets and other public ways.
- (5) Approximate lot lines.
- (6) Method of drainage showing grades (including culverts).
- (7) Public areas proposed. (See Section 10-117).
- (8) Topographic Map, at suitable scale, when required by the Council of Hurlock.
- (9) Date, north point, and scale.

Section 10-105. Council Approval or Disapproval

After filing with the Town Clerk, the Preliminary Subdivision Plat shall be approved (with or without modification) or disapproved by the Council within thirty (30) days. Such approval or disapproval shall be indicated on the copies of said Plat, together with any modifications thereof. One copy of the Preliminary Subdivision Plat shall be returned to the Subdivider, Developer, or Owners and one copy shall be retained in the files of the Town Council.

Section 10-106. Time Limit on Preliminary Subdivision Plat

Unless a Final Subdivision Plat, prepared in accordance with the approved Preliminary Subdivision Plat and including any modifications thereof, is filed with the Town Clerk of Hurlock within six months after the approval of the Preliminary Subdivision Plat, the Council's approval thereof shall be deemed cancelled and the just-described procedure must be repeated.

Section 10-107. Filing of Final Subdivision Plat

The Final Subdivision Plat shall be clearly and legibly drawn and shall be accompanied by two legible blue or black line prints for presentation to the Town Council.

The size of these sheets shall be 21 inches by 30 inches including a margin of one-half inch outside ruled border lines. All maps shall preferably be drawn to a scale of 100 feet to one inch but not smaller than 200 feet to one inch, showing all details clearly, particularly lettering and figures. Upon submission of the Final Subdivision Plat, the subdivider shall pay to the Town an application fee of \$10.00 and post a \$5,000.00 bond to insure compliance with all provisions.

Section 10-108. Contents of Final Subdivision Plat

The Final Subdivision Plat shall include the following information:

- (1) The street and alley lines, lots, reservations, easements and the areas (e.g., required recreation areas) to be dedicated to public use.
- (2) Sufficient data to determine readily the location, bearing, and length of every street line, lot line, block line, and boundary line and to reproduce same on the ground.
- (3) A properly executed dedication of all public areas, streets and/or roads and easements to public use.
- (4) A certificate of an Engineer or Surveyor that all land within the Subdivision is covered by title of record under name of owner, together with certificate of survey of outlying boundaries of the entire subdivision, and if required by the Town Council of Hurlock, a tabulated traverse of the tract showing percentage of error, if any, in the survey. All surveys shall be made with an accuracy of no less than one to five thousand (1-5000) on tracts of five acres or more, or less than one to ten thousand (1-10,000) on tracts if less than five acres.
- (5) Permanent monuments or markers shall be set at all street intersections; such monuments or markers shall be made of stone, metal or good concrete and shall not be less than 30 inches square cross-section and shall be placed to extend not more than four

inches above the surface of the ground. The location of all such monuments or markers shall be precisely designated upon a map or plat by the symbol .

- (6) All bearings are to be referred to true meridian.
- (7) Names and locations of any adjoining subdivisions and location and ownership of adjoining unsubdivided property.

Section 10-109. General Policy Concerning Subdivision Streets and Road Maintenance

The following policy shall be applicable to platted and recorded dedicated streets on which there are not less than three occupied houses or businesses not on the same lot:

- (a) The developer or property owner may petition for a street or road to be taken into the Town System of Streets and Roads for maintenance.
- (b) The developer or property owner will be required to have complied with requirements of this policy pertaining to grading, grades, drainage, width of streets, dead end streets, culverts and bridges, storm water easements, curb and gutter, curb radius, intersections, sidewalks and base course. This shall be at the developer's or property owner's expense.
- (c) The developer or property owner will be responsible for establishing all necessary boundaries with cement posts and paying the cost thereof.
- (d) All work must be approved by the Town Council of Hurlock.
- (e) Paving will be provided by the Town of Hurlock. Time of application will be based on traffic surveys or need and available monies.

Section 10-110. Width of Streets

The minimum dedicated width of streets or roads between property lines shall be fifty (50) feet. Additional width may be required for collector type streets which are projected to carry heavier volumes of traffic.

Section 10-111. Grading

- (a) Before acceptance by the Town of Hurlock, all streets and/or roads must be graded to provide designed drainage and to attain the proper cross-section as shown in Drawing #1 attached to these regulations.

- (b) Easement shall be provided outside the right-of-way for the construction and maintenance of slopes and for the construction and maintenance of drainage when same fall outside the right-of-way limits, as shown in Drawing #1 attached to these regulations.
- (c) The minimum allowable grade on any street shall be $\frac{1}{2}$ of one percent and maximum allowable grade shall be five percent, although when topographic or other conditions make heavier grades necessary, the Town Council may give its approval upon the recommendation of the Town Engineer, when in his opinion such grades would cause no hazard to the road or traffic.

Section 10-112. Dead End Streets

No "Dead End" streets will be accepted unless they are provided with a circular "turn around" having a minimum radius of forty (40) feet.

Section 10-113. Drainage

- (a) Proper and adequate provisions for drainage shall be made for the disposal of storm water, on and adjacent to the right-of-way, of a design, grade and capacity as determined by the "Rational Method" and as approved by the Town Council. Such drainage shall be carried to a permanent drainage outlet secured by proper legal agreements. Grades of side-ditches and culverts shall be shown on the plat.
- (b) Where such is determined a necessity by the Town Engineer, the drain pipe or culvert underneath driveways must be at least twelve (12) inches in diameter and twenty (20) feet long.

Section 10-114. Storm Water Easements

In the event that the subdivision or development is traversed by any natural or designed water course or channel, stream, creek, or ditch, easements must be furnished, by dedication, conforming substantially with, and adjacent to the lines of such water course, so as to enable the most economic maintenance by the Town. The exact width and location of such easements shall be determined by the Town Council of Hurlock.

Section 10-11 . Sidewalks

Sidewalks, if placed, shall be located at least eighteen (18) inches from the right-of-way line of the road or street, and shall be constructed as shown on Drawing #2 attached to these regulations, and shall conform to the Dorchester County Roads Board Standard Drawing for such construction, and shall meet the approval of the Town Council of Hurlock.

Section 10-116. Prescribed Base Course of Streets and/or Roads

Before acceptance by the Town of Hurlock, all streets and/or roads must be provided with a base course, meeting the specifications as shown in Drawing #1 attached to these regulations. Blending of materials will be permitted. Final density shall be 95% of laboratory determined density as determined by AASHO T180, Method D.

A base of 6-8 inches of "Run of the Pit" gravel, upon approval by the Town Council of Hurlock, may be used; however, this substitution must provide a minimum density, in place of 120 pounds per cubic foot.

Section 10-117. Recreation Area

In any approved development, a recreation area must be provided on a ration of one acre for recreation space to each seven acres of land developed.

Section 10-118. Inspection and Approval of Improvements

Before acceptance by the Town of Hurlock, all street improvements shall be completed in accordance with the specifications of this Chapter and the hereto attached standard drawings and annexes. All material and construction shall meet Dorchester County Roads Board specifications.

This ordinance was passed and approved by the Mayor on April 19, 1977, to be added to the Code of Ordinances of the Town of Hurlock as Chapter 10 and to become effective on May 9, 1977.

Oliver Harding, Mayor