

CHAPTER 7

PUBLIC MAINTENANCE AND THE ENVIRONMENT

Article 1. Air Pollution ControlSection 7-101. Prohibition of Open Fires

No person shall cause, suffer, allow or permit an open fire within the Town limits of North East except as provided in the sections below:

Section 7-102. Permitted Open Fires

The following open fires otherwise in conformance with other governmental fire control ordinances, provided no nuisance of air pollution is created, are allowed without the specific permission of the Board:

- a. Cooking of food on open grills, outdoor fireplaces, hibachis, barbeques, etc., for non-commercial purposes.
- b. Oil or gas fired salamanders or similar devices designated for space heating or warming of outdoor workers, provided no visible emissions are created.
- c. Warming fires for outdoor workers provided that said fire is contained within a fireproof vessel and that smoke emissions are not darker than No. 2 on the Ringlemann Smoke Chart.

Section 7-103. Fires Requiring Official Authorization

With the permission of the Board, the following open fires may be set provided all reasonable means are employed to minimize smoke and adequate protection of adjoining properties is provided:

- a. For the prevention of a fire hazard that cannot be abated by other means.
- b. For the instruction of public fire fighters or industrial employees under the supervision of the appropriate fire control official.
- c. For the purpose of burning off a lot or field under the supervision of the fire company.
- d. For the protection of public health or safety when other means of disposing of hazardous materials are not available.

Section 7-104. Fires Specifically Prohibited

There shall be no burning of refuse, garbage, household trash, tires or roofing material, or the like on either commercial or private premises.

Section 7-105. Penalties

Violation of the provisions of this Article or failure to comply with any of its requirements shall constitute a municipal infraction. The fine for each violation shall be \$50.00 for each initial offense and \$100.00 for each repeat offense as provided in Section 1-202 of the North East Town Code.

Article 2. Dumping and Collection of Garbage

Section 7-201. Uncovered Garbage Prohibited

It shall be unlawful to place or permit to remain anywhere in the Town any garbage, or other material subject to decay other than leaves or grass, except in a tightly covered metal or other suitable container of an impervious material.

Section 7-202. Responsibility for Wind Blown Refuse

It shall be unlawful to cause or permit to accumulate any dust, ashes, or trash of such a quantity and consistency that it can be blown away by the wind anywhere in the Town except in a covered container.

Section 7-203. Deposits on the Streets Prohibited

a. It shall be unlawful to deposit or permit to fall from any vehicle any garbage, refuse or ashes on any public street or alley in the Town; provided that this section shall be construed to permit placing such material in a container complying with the provisions of this Ordinance preparatory to having such material collected and disposed of in the manner provided herein.

b. All garbage, refuse and ashes for collection by the Town shall be placed in metal or other suitable container equipped with handles so that they can be lifted or carried.

c. Garbage and refuse for collection shall not be placed on or near the curb more than 24 hours prior to the designated time of pickup.

d. The Town may require, at the expense of the property owner, certain size and quantities of containers based upon the contractual obligations between the Town and private contractors for garbage collection and upon the recommendations and requirements of said independent contractor.

Section 7-204. Consent of Owner Required for Dumping

It shall be unlawful to dump or place any garbage, refuse or ashes on any premises in the Town without the consent of the owner of the premises.

Section 7-205. Disposal and Collection

a. It shall be unlawful to dispose of any garbage, refuse or ashes anywhere in the Town except in proper receptacles.

b. No vehicles, commercial or otherwise, shall be left parked unattended on any of the streets in said Town containing any garbage or other material subject to decay, or ashes.

Section 7-206. Penalties

Violation of the provisions of this Article or failure to comply with any of its requirements shall constitute a municipal infraction. The fine for violation shall be \$400.00 for each initial offense and \$400.00 for each repeat offense, as provided in Section 1-202, et seq. of the North East Town Code.

Section 7-207. Establishment of Responsibility

The fact that garbage, refuse or ashes remain on any occupant's premises in the Town in violation of this Ordinance shall be prima facie evidence that the occupant of such premises is responsible for the violation of this article occurring.

Article 3. Maintenance of Public Ways and Private PropertySection 7-301. Responsibility for Removal of Grass and Weeds

On all streets where there is a space between the curb and the sidewalk, or a space between the sidewalk and the lot line, the grass growing therein shall be kept cut short by the abutting property owner. All grass and weeds growing on any lot shall be cut down and removed so that the same shall not become detrimental to public health.

Section 7-302. Violations and Penalties

An owner or occupier of any property who shall fail to cut down and remove any vegetation, grass or weeds which, in the opinion of the Board, is detrimental to the public health or constitutes a nuisance, shall be subject to the provisions of Section 5-201, et seq.

Section 7-303. Right of Entry for Construction

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

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

(Section Added 10/21/01 by Ordinance 2001-09-01)

Article 4. Mobile Home ProhibitionSection 7-401. Regulations and Prohibitions of Mobile Homes

No person, firm or corporation shall locate or move into the corporate limits of the Town of North East, either temporarily or permanently, any trailer or mobile home, which is defined as a moveable or portable residence built on a chassis and designed without a permanent foundation.

Section 7-402. Penalties

Violation of the provisions of this Article or failure to comply with any of its requirements shall constitute a municipal infraction. The fine for each violation shall be \$100.00 for each initial offense and \$200.00 for each repeat offense, as provided in Section 1-202 of the North East Town Code.

Article 5. Water and Sewage

Section 7-501. Bills for Water Service

North East Water Works shall send bills for water service to the property owner for each property served on a monthly, quarterly, or semiannual basis as approved by the Mayor and Commissioners by Resolution. Said bills shall be sent to the last known address appearing on the Maryland Department of Assessments and Taxation records for the owner of the property. The bills are payable on receipt.
(Repealed and Amended 05/28/13 by Ordinance 2013-04-01)

Section 7-502. Penalties for Overdue Bills

If any bill remains unpaid after 30 days from the date the bill is sent, it shall be deemed past due and the owner thereof delinquent in the payment of same. North East Water Works shall (1) notify the owner of the property served, in writing, that the bill is in arrears and that water service will be discontinued (2) mail the notice to the last known address of the owner and (3) discontinue water service to the property until the owner pays the bill and all charges reasonably related to the cost of supplying notice, shutting off water service and disconnecting water service, as established by this ordinance. If any bill remains unpaid after 60 days from the date of sending the notice: (1) the bill and the penalty imposed under this section shall be collectible from the property owner in the same manner and subject to the same interest as taxes are collectible in the county in which the water system lies; and (2) the water service charges and all penalties shall be a first lien on the property. For purposes of this section the following rates/fees shall apply: (1) \$16.00 for each shut-off notice (2) \$45.00 for physically shutting off each water service and (3) \$355 for removing or locking a water meter. Water service shall not be turned back on or restored until the entire bill and all applicable rates/fees per this section are paid in full.
(Repealed and Amended 05/28/13 by Ordinance 2013-04-01)

Section 7-503. Requirements for Service Outside Corporate Limits

Water service shall not be available to any contiguous property owners lying outside the municipal boundaries of the Town of North East except under the following conditions:

1. A Petition for Annexation and other related documents as required by the Town have been submitted by the property owner and said Petition for Annexation and other related documents have been accepted by the Town and said property owner agrees with the Town that upon the Town's request at any subsequent time, said property owner does for himself, herself or itself, their heirs, successors and assigns, agree and consent to annexation within the corporate boundaries of the Town. Said agreement shall be recorded among the Land Records of Cecil County as a covenant running with the land; *(Amended 04/10/05 by Ordinance 2005-03-01)*

OR

2. The property owner shall, by contract, if the Town so desires, agree to pay, in addition to the normal charges for water service and connection fee, an amount to the Town equal to the taxes which the owner would pay if the property were annexed. The manner of assessment and method of collection shall be determined by the Mayor and Commissioners by resolution. A late charge of 1.5% per month shall be added to any amount unpaid and outstanding thirty days after billing and monthly thereafter until the outstanding amount is paid in full. If any amount is unpaid for a period in excess of thirty days, the Town shall also have the right to collect said sum by filing any necessary litigation. Collection costs necessitated by the filing of litigation, including a reasonable attorney's fee of twenty-five per cent (25%) of the outstanding sum due to the Town shall be due to the Town if collection litigation is initiated. *(Amended 04/10/05 by Ordinance 2005-03-01)*

3. If a property owner connects to the Town water service by Order or requirement of the Cecil County Health Department or the Maryland Department of the Environment or if property owner connects because of a well which has been determined to have failed by the Town, the owner will not be responsible to pay an amount to the Town equal to the taxes which the owner would be if the property were annexed; however, other normal charges for water service fee and connection fee shall be due and payable.

4. Whenever property outside the Town receiving Town water service is annexed into the Town, the charge for such service shall be reduced to that charged to users in the Town and the payments required under section 2 hereinabove shall abate as of the effective date of annexation.

Water service shall not be available to any non-contiguous property owners lying outside the municipal boundaries of the Town of North East except under the following conditions: *(Added 04/10/05 by Ordinance 2005-03-01)*

1. Said property owner agrees with the Town that upon the Town's request at any subsequent time, and at such time as the property is contiguous to the municipal boundaries, said property owner does for himself, herself or itself, their heirs, successors and assigns, agree and consent to annexation within the corporate boundaries of the Town. Said agreement may be recorded among the Land Records of Cecil County as a covenant running with the land. *(Added 04/10/05 by Ordinance 2005-03-01)*

OR

2. The property owner shall, by contract, if the Town so desires, agree to pay, in addition to the normal charges for water service and connection fee, an amount to the Town equal to the taxes which the owner would pay if the property were annexed. The manner of assessment and method of collection shall be determined by the Mayor and Commissioners by resolution. A late charge of 1.5% per month shall be added to any amount unpaid and outstanding thirty days after billing and monthly thereafter until the outstanding amount is paid in full. If any amount is unpaid for a period in excess of thirty days, the Town shall also have the right to collect said sum by filing any necessary litigation. Collection costs necessitated by the filing of litigation,

including a reasonable attorney's fee of twenty-five per cent (25%) of the outstanding sum due to the Town shall be due to the Town if collection litigation is initiated. *(Added 04/10/05 by Ordinance 2005-03-01)*

3. If a property owner connects to the Town water service by Order or requirement of the Cecil County Health Department or the Maryland Department of the Environment or if property owner connects because of a well which has been determined to have failed by the Town, the owner will not be responsible to pay an amount to the Town equal to the taxes which the owner would be if the property were annexed; however, other normal charges for water service fee and connection fee shall be due and payable. *(Added 04/10/05 by Ordinance 2005-03-01)*

4. Whenever property outside the Town receiving Town water service is annexed into the Town, the charge for such service shall be reduced to that charged to users in the Town and the payments required under section 2 hereinabove shall abate as of the effective date of annexation. *(Added(04/10/05 by Ordinance 2005-03-01)*

Section 7-504. Mandatory Connection for Residents of Town.

1. The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the Town of North East and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public water main of the Town may be required, at the expense of the property owner, to connect all inside water plumbing systems with the proper public water main within one hundred twenty (120) days after date of official notice to do so.

2. No well or spring for inside potable water use shall be constructed or maintained on a property assessable to a public water main without the express written consent of the Town of North East.

3. Official notice shall be sufficient if the property owner receives a letter from a properly authorized Town employee advising the property owner that he, she or it is required to connect to the Town water main. Said notice shall be initiated by a Resolution of the President and Commissioners of the Town of North East, duly adopted at a regular or a special meeting.

4. Violation of this Ordinance shall be a municipal infraction punishable in accordance with Article 3 of Chapter 1 of this Code of Ordinance. This Ordinance shall also be enforceable by mandatory injunction or by any other legal means.

Section 7-505. Water Rates.

The rates for water service, connection fees, major facilities charges, benefit assessments, and any and all charges related to the supply of water by the Town of North East to any customers thereof shall be as established from time to time by Resolution of the President and Commissioners after any and all required notices and

hearings.

This Ordinance is declared an Emergency Ordinance and is effective immediately because of the necessity to eliminate confusion as to the current applicable water service charges and to establish the procedure for the adoption of all future water rates.

(Section Amended and Re-Enacted 09/16/91 by Emergency Ordinance 91-9-1)

Section 7-506. Unlawful Tampering.

1. It shall be unlawful for any person or persons to connect, disconnect, tap, interfere or tamper with any of the mains, pipes, curb stops, remote meters, fire hydrants, machinery and appurtenances belonging to, or used by, the Town of North East in its supply of public water without prior written approval from the Town.

2. Any person or persons found guilty of a violation of this Ordinance shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be imprisoned not to exceed six (6) months, or fined not exceeding FIVE HUNDRED DOLLARS (\$500.00), or both.

3. Costs of repair for damaged town property, and a reasonable estimate for the loss or theft of the town's water at the current applicable rates shall be added to the water bill for the customer whose water lines and appurtenances have been so tampered with. Said charges, if not paid, shall become a lien against the property as otherwise established by law.

(Section Added 11/03/15 by Ordinance 21015-09-01)

ARTICLE 6. Erosion and Sedimentation Control Ordinance

Section 7-601. Grading Permits

1. When required:

A grading permit, issued by the Cecil County Department of Public Works (hereinafter called DPW) shall be required prior to the start of any development or activity where such proposed development or activity may, in the judgement of DPW:

- a. Introduce sediment into any watercourse of the County or State;
- b. Move more than 100 cubic yards of earth, and disturb less than 5,000 square feet of earth;
- c. Create undue erosion and sediment damage to lands adjacent to or in the vicinity of the subject site or the stream itself.

Where the proposed development or activity requires a building permit, no such permit shall be granted unless a valid grading permit exists for the subject development or activity.

Any clearing or grading in the Critical Area requires a grading permit. Forest cleared in the Critical Area Buffer without first obtaining a grading permit shall be replanted at three times the area extent of the cleared trees.

2. Exceptions:

No grading permit shall be required for the following:

- a. Agricultural land management practices approved by and installed under supervision of the Cecil Soil Conservation District. This exception, however, shall not apply to agriculture land management practices and agriculture activities that do not conform to the applicable provisions of the Cecil County Critical Area Program.
- b. Construction or maintenance of County roads for which an erosion and sediment control plan has been approved by the Cecil Soil Conservation District.
- c. Quarry operations and the mining of stockpiling of sand, stone and gravel at quarries, concrete, asphalt and material processing plants or storage yards, and all other operations of which a surface mining permit has been issued by the State of Maryland, Department of the Environment, provided sediment and erosion control measures are employed to protect off-site damage in accordance with a plan approved by the Cecil Soil Conservation District.

- d. No exceptions shall be granted for the requirement of a grading permit for any grading, stripping, excavations or filling of land in the Buffer portion of the Cecil County Critical Area District. However, upon evaluation of the site, the inspector may grant the exception for those portions of the site located outside the designated Buffer if the inspector determines that the development activity is classified as "insignificant" in impact to water quality and plant, fish and wildlife habitats as set forth in the County's Critical Area Program.

3. Application Procedure:

The applicant for a grading permit shall complete an application form, which forms are available in the Department of Public Works Office. The applicant shall submit with the application, documented evidence that an erosion and sedimentation control plan (and when required, a stormwater management plan) for the proposed development or activity has been prepared by land surveyor, engineer, architect, or landscape architect licensed by the State of Maryland, and has been approved by the Cecil Soil Conservation District. Such plan(s) shall be considered a part of the grading permit, and any violation of the provisions of said plan(s) shall constitute a violation of this Ordinance. For a single residential lot, the signature of the applicant on a Standard Sediment and Erosion Control Plan for Minor Earth Disturbances may serve in lieu of such documentation.

4. Approvals:

The Department of Public Works may impose such conditions on the grading permit as may be reasonable to prevent creation of a nuisance or dangerous conditions, and to deny the grading permit where the proposed work would cause hazards adverse to the public safety and welfare. Issuance of the grading permit does not eliminate the requirement for compliance with any other applicable County, State or Federal law or regulation.

5. Existing Activities and Structures:

Whenever and wherever the Department of Public Works finds that any existing grading, drainage, or ground condition (irrespective of when, or by whom brought about, or of its resulting from work accomplished under proper permit) is defective or deficient under the requirements of this Ordinance, and constitutes or creates a nuisance, or endangers, or adversely affects the safety, use or stability of any public or private property on site or elsewhere, then, and in such event, the owner or lessee or both of the property upon which such condition is located, upon receipt of notice in writing from the Department of Public Works shall, within the period specified herein, secure the required plan approval by the Cecil Soil Conservation District and permit, perform or cause to be performed the required remedial work, repairs or maintenance so as to correct and remedy the defect or condition, and to be in conformance with the requirement of this Ordinance.

6. Suspension of Grading Permits:

In the event that work performed does not conform to the provisions of the grading permit, or to the approved plans and specifications, or to any written instructions of the Maryland Department of the Environment (MDE) or the Cecil Soil Conservation District, a written notice to comply shall be given to the permittee with copies to the Cecil Soil Conservation District. Such notice shall set forth the nature of the corrections required and the time within which corrections shall be made, not to exceed fourteen (14) days after receipt of notification by certified mail, unless otherwise extended by action of the Maryland Department of the Environment. Failure to comply with such written notice shall be deemed justification for suspension of the permit, shall require that all work stop except that necessary for correction of the violation. Upon correction of the violation, the permittee may re-apply for renewal of the grading permit.

The Maryland Department of the Environment may post a site with an order directing the permittee to cease all land disturbing activity being performed under the Sediment and Erosion Control Plan approved by the Soil Conservation District when such activity does not conform to the specifications, including modifications thereof, of an approved plan or other conditions of the permit issued hereunder, provided that:

- a. Written notice to comply shall have been furnished to the permittee; and
- b. Said notice includes the nature of the corrective measures required and the time within which corrections shall be made.

The Maryland Department of the Environment may also post any site with order directing owner or contractor to cease all land disturbing action which requires an approved Sediment and Erosion Control Plan, but a plan has not been obtained.

7. Permit Cancellation:

After suspension of a grading permit, if corrections required are not completed within the time period specified in Paragraph F above, the permit shall be cancelled. In the event of cancellation, any bonds or cash deposits posted with the County shall be used for work on the site to prevent erosion and to otherwise protect the site as approved by the Cecil Soil Conservation District.

8. Guarantee of Completion:

- a. The permittee shall be required, prior to the issuance of a grading permit, to post with the County a cash deposit performance bond from an approved corporate surety, or other collateral acceptable to the County in an amount equal to one hundred percent (100%) of the

total cost of stormwater management and sediment and erosion control 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, such work and conditions to be approved satisfactory by the Cecil Soil Conservation District.

- b. The requirements in (1) above may be waived by the Department of Public Works under the following circumstances:
 - 1) Where duplication of bonding requirements would exist.
 - 2) For all State and County funded projects.
 - 3) For projects where the total estimated project cost is less than \$1,000.

9. Time Limitations:

A grading permit shall be valid for a period of one (1) year from the date of issuance. Upon request and adequate justification of a permittee, the Department of Public Works may grant a six (6) month extension of validity.

10. Inspections:

The Maryland Department of the Environment and the Soil Conservation Service shall be responsible for detecting violations of an approved Sediment and Erosion Control Plan, requiring compliance with provisions of approved Grading Permits, and initiating appropriate action against offenders. The Maryland Department of the Environment shall make a final on-site inspection when the work covered by an application is reported completed, and shall forward its report to the Cecil Soil Conservation District. The Maryland Department of the Environment shall make inspections at the following stages of work or as otherwise deemed appropriate.

- a. Prior to initiating any grading operations to inspect the natural site and to approve a written description of the sequence of construction. The permittee shall notify the Maryland Department of the Environment forty-eight (48) hours before commencing any land disturbing activity.
- b. Upon completion of preparation of ground to receive fill, but prior to beginning any placement.
- c. Upon completion of final grading, installation of the permanent stormwater management facilities and erosion control facilities, but prior to any seeding, sodding or planting.

- d. Upon completion of installation of all vegetative measures and all work in accordance with the grading permit.
- e. The Maryland Department of the Environment shall make any additional inspections deemed necessary and may waive any of the inspections listed above except the final on-sit inspection.

11. Enforcement:

Any violation of this Section 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 five thousand dollars (\$5,000.00) or one (1) year's imprisonment for each and every violation. Any agency whose approval is required under this Section 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 Section shall be filed with the Maryland Department of the Environment as well as with appropriate County agencies, including the Cecil Soil Conservation District.

12. A nominal fee shall be fixed for the granting of Grading permits and renewal of suspended permits by resolution of the Cecil County Commissioners.

13. Severability:

The provisions of this Act are severable and if any provision, sentence, clause, section or part thereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of the Act of their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Act would have been adopted if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included therein, and if the person or circumstances to which the Act or any part thereof is inapplicable had been specifically exempted there from.

Article 7. Stormwater Management Ordinance

Section 7-701. Stormwater Management

The Mayor and Commissioners of the Town of North East hereby adopts the Cecil County Stormwater Management Ordinance adopted May 4, 2010, and all subsequent amendments that may be made from time to time. The Cecil County Stormwater Management Ordinance is hereby incorporated herein by reference as fully as if set forth verbatim herein. All standards, requirements, rights and liabilities shall be applicable within the corporate boundaries of the Town of North East and any penalties or other sanctions for violations of said Ordinance shall be applicable within the corporate boundaries of the Town of North East just as they are applicable outside of said boundaries. Cecil County has agreed to administer and enforce the Ordinance within the corporate limits of the Town of North East.

(Amended 11/30/10 by Ordinance 2010-10-01)

Section 7-702. Stormwater Management Utility Program

1. Authority:

This section is enacted pursuant to the Annotated Code of Maryland, Environment Article § 4-204(d) which authorizes municipalities to adopt a system of charges to fund the implementation of stormwater management programs.

2. Purpose:

To protect the public health, safety and welfare, the Town's stormwater management, storm drainage, and water quality programs must be supported by an adequate, sustainable source of revenue. All real property in the Town, including property owned by public and tax-exempt entities, benefits from these Town programs and services. Those with higher amounts of impervious surface area contribute greater amounts of stormwater or pollutants to the Town's stormwater management facilities, storm drains, and streams, and therefore should carry a proportionate burden of the cost. The Town has determined that it is in the interest of the public to enact a stormwater management utility fee that allocates program costs to all property owners based on impervious surface area measurement.

3. Definitions:

For the purposes of this Section, the following terms have the meanings given:

“ 2000 Design Standards” means the standards established in the 2000 Maryland Stormwater Design Manual.

“Community Association” means a mandatory membership organization created for the maintenance of commonly owned real estate and improvements where the members are required to adhere to a set of rules and to pay certain assessments.

“Community Association” includes homeowners’ associations and commercial property owners’ associations.

“Commercial lot” means any lot that is used for a non-residential purpose and that is located in an RO, R-4, VC, VM, GC, LC, L1 or HI zoning district, or within the commercial component of any mixed use development.

“Condominium” means a residential property that is subject to a condominium regime established under the Maryland Condominium Act.

“ESD to the MEP” environmental site design implemented to the maximum extent practicable, as defined in the Stormwater Management Ordinance Section 7-701 of this Article.

“Impervious surface” means a surface that is compacted or covered with material that is resistant to infiltration by water, including but not limited to, most conventionally surfaced streets, roofs, sidewalks, patios, driveways, parking lots, and other oiled, graveled, graded, compacted or similar surfaces that impedes the natural infiltration of surface water and from which stormwater runoff will be produced.

“Impervious surface area” means the number of square feet of horizontal surface covered by buildings and other impervious surfaces.

“Multifamily dwelling” means a building containing three or more dwelling units.

“Percent Impervious factor of PIF” means average percent impervious surface area as defined in this Section.

“Single family dwelling” means a dwelling unit designed and used exclusively by one family and surrounded on all sides by yards or other open space.

“Structural management facilities” include facilities that include recharge storage as a portion of the full water quality treatment volume if they are subject to routine structural maintenance.

“Townhouse dwelling” means one a series of two or more attached dwelling units separated from one another by continuous party walls, which are without openings from the lowest floor level to the highest point of the roof.

“Unit rate” means the stormwater management utility fee for 1,180 square feet of impervious surface area, as established by the fee schedule ordinance in effect at the time the fee is calculated.

(Section Added 05/22/19 by Ordinance 2019-05-01, Effective 07/01/19)

Section 7-703. Stormwater Management Fund

1. Establishment. The Town's Stormwater Management Fund is a dedicated enterprise fund. It will be used only to fund stormwater management, storm drainage, and water resources programs and services.
2. Revenue. The following revenue will be deposited into the Stormwater Management Fund:
 - a. All fees established by the Mayor and Commissioners to cover the cost of administering the provisions of the Town's Stormwater Management Ordinance (Section 7-701. Of this Article), including but not limited to application and permit fees and fines and waiver fees;
 - b. All revenue collected from the imposition of the utility fee pursuant to this Section;
 - c. Any other revenue as may be determined by the Mayor and Commissioners, including but not limited to grants and special appropriations.
3. Expenses. The Town may use the Stormwater Management Fund only for the following expenses:
 - a. Regulatory review and inspection of stormwater management, sediment control, and storm drainage for development permits;
 - b. Watershed, stormwater management, floodplain, and storm drainage conveyance studies and planning.
 - c. The study, design, purchase, construction, expansion, retrofit, repair, maintenance, landscaping, operation or inspection of stormwater management facilities, storm drainage, and other watershed improvements;
 - d. Land acquisition (including easements and rights-of-way) for stormwater management facilities or storm drainage;
 - e. Water quality programs related to State or Federal laws, including requirements for the Town's National Pollution Discharge Elimination System permits;
 - f. Water quality monitoring, inspection, and enforcement activities, including illicit discharge and illicit connection investigations;
 - g. Water quality and pollution prevention education and outreach activities;

- h. Program administration and implementation, including reasonable operating and capital reserves to meet unanticipated or emergency requirements for stormwater management, storm drainage and water quality; and
 - i. Other stormwater management, storm drainage, and water quality programs that are reasonable required to protect safety or meet applicable regulatory requirements.
4. Applicability:
Except as otherwise provided in this Section, this Section applies to all improved real property in the Town, including but not limited to government-owned real property and real property that is tax exempt from property tax by Title 7 of the Tax Property Article of the Annotated Code of Maryland.
5. Administrative regulations:
The Mayor and Commissioners may develop and implement administrative regulations as needed to implement the provisions of this Section, including but not limited to procedures for the application for and granting of credits.

(Section Added 05/22/19 by Ordinance 2019-05-01, Effective 07/01/19)

Section 7-704. Stormwater Management Utility Fees

1. Establishment. The Town shall charge a quarterly stormwater management utility fee on all improved real property in the Town based on the amount of impervious surface area on each property and the cost of implementing the Town's stormwater management, storm drainage, and water quality programs. Except as otherwise provided in this Section, the owner of each lot is responsible for paying the stormwater management utility fee imposed for that lot. Any real property added to the State assessment role after July 1 or annexed into the Town after July 1 may be subject to a prorated charge.
2. Single family dwellings, townhouse dwellings and condominiums. The utility fee for single family dwellings, townhouse dwellings and condominiums will be calculated on an equivalent residential unit of 1180 square feet of impervious surface regardless of the actual amount of impervious surface.
3. Apartment complexes. The utility fee for apartment complexes, will be calculated by dividing the actual square footage of impervious surface by 1180 square feet, rounded to the next whole number.
4. Commercial, Institutional and Industrial. The utility fee for commercial, institutional and industrial lots, will be calculated by dividing the actual square footage of impervious surface by 1180 square feet, rounded to the next whole number.

5. Other improved lot fees. The utility fee for other improved lots for which a calculation is not provided in this section will be calculated by dividing the actual square footage of impervious surface by 1180 square feet, rounded to the next whole number.
6. Common areas. Common areas owned by a community association will be charged based on the total impervious surface area of the common area.
7. Roads and other rights of way. The Town will not charge a stormwater utility fee for public roads or other property within a public right of way. The Town will charge a stormwater utility fee to owners of private rights of way, meaning those rights of way that have not been dedicated to public use and are not maintained by the Town or other government agency.

(Section Added 05/22/19 by Ordinance 2019-05-01, Effective 07/01/19)

Section 7-705. Impervious Surface Area Measurements

1. Methods.
 - a. For the purpose of calculating stormwater management fees for residential development, all residential units comprised of single family, condominium and townhouses shall be based on an equivalent residential unit of 1180 square feet of impervious surface regardless of the actual amount of impervious surface.
 - b. For the purpose of calculating equivalent residential units for all other properties comprised of apartment complexes, commercial, institutional and industrial units, the stormwater management fee shall be calculated by dividing the actual square footage of impervious surface by 1180 square feet rounded to the next whole number.
2. Exemptions. An impervious surface area is exempt from measurement for purposes of this Section if the area is:
 - a. Less than 100 square feet and located within an unimproved lot; and
 - b. Located within a public right of way.
3. Credits. The Mayor and Commissioners may adopt by Resolution a policy for granting credits to Commercial, Institutional, Industrial and other tax exempt properties as the need arises.

(Section Added 05/22/19 by Ordinance 2019-05-01, Effective 07/01/19)

Section 7-706. Collection

1. Means of collection. The stormwater management fee will be billed and collected quarterly. The fee will be included as a separate line item from the

quarterly water bill for each property subject to the fee. Payments received will first be applied to the stormwater management fee before any amount is applied towards the water bill.

2. Common areas. Except as otherwise provided in this subsection, the utility fee for common areas owned by community associations will be billed directly to the community association.
3. Delinquency. Any unpaid stormwater management utility fee will be a lien against the property to be collected in the same manner as unpaid municipal taxes are collected.
4. Adjustments.
 - a. Submission of request. Within 30 days after a bill is mailed or issued to a property owner, the property owner may request an adjustment of the utility fee. A request for an adjustment must be submitted to the Director of Finance in writing, stating the grounds for the request. Additional submittal requirements may be set forth in the administrative regulations.
 - b. Criteria. The Director of Finance may adjust the utility fee if:
 - (i) The property was incorrectly classified under Section 7-704;
 - (ii) The impervious surface area was measured incorrectly;
 - (iii) There is a mathematical error in calculating the utility fee;
or
 - (iv) The property owner invoiced for the fee was identified in error.
 - c. Appeals. The decision of the Director of Finance on a utility fee adjustment in a final decision from which an aggrieved party may appeal, within 30 days after the decision, to the Circuit Court of Cecil County in accordance with Title 7, Chapter 200 of the Maryland Rule.

(Section Added 05/22/19 by Ordinance 2019-05-01, Effective 07/01/19)

Article 8. Residential Sprinkler Program

Section 8-101. Definitions

New Residential Construction shall mean and include construction for which a construction authorization is issued for new or replacement single family dwellings, two-family dwellings, multiple-family dwellings and duplexes. New residential construction shall mean and include a new or replacement accessory dwelling unit which is constructed on the same parcel/lot as a new or replacement single family dwelling, two-family dwelling, multiple-family dwelling or a duplex.

Section 8-102. Applicability

The requirements of this Ordinance shall apply to all new residential construction on all existing lots, future lots or proposed new subdivision within the Town of North East which has received preliminary plan approval and for which a construction authorization has not been issued and is requested on or after June 1, 2007.

The requirements of this Ordinance shall supercede the requirements of the Code of Ordinances of the Town of North East Article 9 The Building Code.

Section 8-103. Requirements

Every new residential construction on all existing lots, future lots or proposed new subdivision within the Town of North East shall be required to install an interior automatic fire sprinkler system. The automatic fire sprinkler system shall be installed and maintained in accordance with the most recent version of the standards as promulgated by the National Fire Protection Association (NFPA) as may be modified and adopted by the State of Maryland Fire Prevention Code, as amended from time to time. Interior fire sprinkler systems required pursuant to this Ordinance may be connected to the domestic water supply supplying the residence, provided the water supply is of adequate pressure, capacity and sizing for the combined domestic and sprinkler system requirements and proper back flow valves are installed.

(Article Added 05/29/07 by Ordinance 2007-04-01)

Article 9. The Building Code

Section 7-901. Building Code

SECTION 1. Adoption of Building Code

That a certain document, a copy of which is on file in the office of the Administrator of the Town of North East being marked and designated as "The BOCA National Building Code, Tenth Edition, 1987" as published by the Building Officials and Code Administrators International, Inc. be and is hereby adopted as the Building Code of the President and Commissioners of the Town of North East in the State of Maryland; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said BOCA National Building Code, are hereby referred to, adopted and made a part hereof as if fully set out in this Ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 3 of this Ordinance.

SECTION 2. Inconsistent Ordinances Repealed

That all other Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 3. Additions, Insertions and Changes

That the following sections are hereby revised as follows:

Section 100.1 (page 1, second line). Insert: Town of North East, Maryland.

Section 103.4 (page 3, first line). Insert (date)

Section 114.3.1 (page 11, third line). Insert (Parking Permit \$25.00; Zoning Permit \$10.00; Site Plan Review \$75.00)

Section 117.4 (page 13, sixth and seventh lines). Insert (offense, dollar amount, number of days)

Section 118.2 (page 13, fourth and fifth lines). Insert (dollar amounts in two locations)

Section 123.3 (page 17, second line). Insert (dollar amount)

Section 2906.1 (page 438, first, second and third lines). Insert (dollar amounts in three locations)

SECTION 4. Saving Clause

That nothing in this Ordinance or in the Building Code hereby adopted

shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION 5. Date of Effect

That the Town Administrator shall certify to the adoption of this Ordinance and cause the same to be published as required by law; and this Ordinance shall take full force and effect twenty (20) days after this date of final passage and approval.

Article 10. Water Shortage, Emergencies and ConservationSection 7-1001. Declaration

Whenever by reason of a prolonged drought or a failure of equipment or otherwise, the Town Administrator and the President and Commissioners become aware that a shortage of water in the Town water system is anticipated unless the use of water nonessential to the public health, safety and welfare is curtailed, they may declare a water emergency and direct action be taken in accordance with the provisions set forth below.

Section 7-1002. Conservation Stages

There shall be three stages of water conservation known respectively as Conservation Stages 1, 2 and 3. The President and Commissioners may institute any of the distinct Stages depending on the seriousness of the water shortage as determined by the Board's judgment.

Section 7-1003. Stage 1 - Voluntary Conservation

When it is determined in the judgment of the President and Commissioners that a water shortage exists which warrants the institution of a voluntary effort, then at that time the Board shall make a public announcement in the news media that a Stage 1 voluntary water conservation is in effect and in said announcement persons will be urged to conserve water in every way possible in their homes and business. Persons will specifically be urged to avoid sprinkling their lawns and avoid watering gardens, shrubs or trees with a hose unless absolutely necessary.

Section 7-1004. Stage 2 - Water Rationing

Whenever it is determined in the judgment of the President and Commissioners that the water shortage warrants a Stage 2 water rationing, then at that time the Board shall declare that Stage 2 Water Rationing is in effect. Under Stage 2 water rationing, the following restrictions apply: No person shall use water to sprinkle a lawn or to water any garden, tree or shrub through a hose except between the hours of 8:00 P.M. and midnight or between the hours of 6:00 A.M. and 10:00 A.M. on any day when sprinkling is permitted. Sprinkling, within the permitted hours, shall only be allowed on even number calendar days at locations with even numbered addresses and on odd number calendar days at locations with odd numbered addresses. These restrictions shall apply to all residences and businesses; however, they shall not apply to any person, firm or corporation in the business of growing or selling plants of any kind.

Also there shall be no washing of automobiles except at places of business where automobiles are washed on every business day as part of that business.

During Stage 2 water rationing no swimming pools shall be filled; however, swimming pools that were filled prior to Stage 2 institution may have water added to them to make up for losses due to evaporation and splashing.

Section 7-1005. Stage 3 - Emergency Rationing

Whenever it is determined in the judgment of the President and Commissioners that the shortage of water warrants emergency rationing, then and in that event the Board shall declare that a Stage 3 Emergency Rationing is in effect. Under Stage 3 emergency rationing, the following restrictions apply: No person shall use any water to sprinkle any lawn or use water through a hose to water any garden, tree or shrub except that these restrictions shall not apply to any person, firm or corporation engaged in the business of growing and selling of plants of any kind.

Also there shall be no washing of automobiles except at places of business where automobiles are washed on every business day as part of that business.

Finally no swimming pools shall be filled nor shall any water be added to said swimming pools.

Section 7-1006. Status Reports

The Supervisor of the Town Water Plant will make reports to the Town Administrator at least once a week during the time that any water rationing stage is in effect. The President and Commissioners will review the reports and consider any changes that may be desirable in the regulations as set out in this Ordinance.

Section 7-1007. Termination

Whenever the Supervisor of the Town Water Plant shall inform the Board of Commissioners that a danger of a water shortage in the Town's water system no longer exists, then and in that event the President and Commissioners may take action to terminate the water emergency stages and declare the date and time of termination and shall cause a public notice to be given as to the date and time of said termination.

Section 7-1008. Notice

Whenever the President and Commissioners determine that a water shortage exists of sufficient severity to invoke any of the stages hereinbefore described, they shall give notice of such action by passing a Resolution at a regular or special meeting of the President and Commissioners and notifying the news media of such action. Notice may also be given personally by leaving flyers at the door of water consumers or by any other reasonable means. For purposes of enforcement, it shall be sufficient to have a notice published in a newspaper of general circulation in Cecil County; all effected persons will be deemed to have Legal Notice thereafter.

Section 7-1009. Emergency Provisions - Powers of Town Administrator.

When in the judgment of the Town Administrator, an emergency situation exists under which steps must be taken before the President and Commissioners can convene, the Town Administrator may invoke any of the three stages on his or her own initiative by following the notice provisions hereinbefore set forth. In such event, Town Administrator shall consult as quickly as possible with the President and the Commissioner who is designated Water Commissioner as well as the Supervisor of the Town Water Plant. When said provisions are invoked by the Town Administrator, they shall remain in effect until terminated by the Town Administrator or by a regular or special meeting of the President and Commissioners. When such measures are invoked by the Town Administrator, the President and Commissioners shall be informed at their next meeting of the circumstances prompting said action. The President and Commissioners may choose to ratify or terminate the action at that time.

Section 7-1010. Penalty

Any person, firm or corporation violating any provision of this Ordinance is guilty of a municipal infraction and shall be fined not less than \$100.00 nor more than \$400.00 for each offense, and a separate offense shall be deemed committed on each day during which the violation occurs or continues.

Section 7-1011. Emergency Repair Authority

Whenever it is determined in the judgement of the Mayor and Commissioners, their employees and/or agents that any water main, line, conduit, tap, valve, meter, crock, crock lid, curb stop, remote meter, fire hydrant, machinery or appurtenant located upon private property is in need of necessary and emergency repair to preserve the integrity of the North East Water system and safety of its users and property, and the owner or owners of such property cannot be located or fail to make the necessary and emergency repair after being notified by the Town of the need for such repairs, the Town of North East, its employees and agents may enter upon such property and perform and make all emergency repairs necessary to preserve the integrity of the North East Water system, the safety of its users, and prevent damage to public and private property.

Charges and expenses incurred by the Town shall be a lien upon the real estate and collected in the same manner as water charges and taxes.
(Section Added 12/10/95 by Ordinance 95-10-2)