

COUNCIL OF THE TOWN OF INDIAN HEAD

Ordinance No. 11-02-24

Introduced by:	Mayor & Council
Date Introduced:	November 4, 2024
Town Council Hearing:	None
Amendments Adopted:	None
Date Adopted:	<i>Tentatively, December 2, 2024</i>
Date Effective:	<i>Tentatively, December 22, 2024</i>

AN ORDINANCE concerning

ADOPTION OF NEW TOWN CODE

FOR the purpose of adopting a new Town Code for the Town of Indian Head; providing for the revision and continuation of certain ordinances, the repeal of other ordinances, and expressly saving certain ordinances from repeal; providing for certain changes to preexisting ordinances; providing for the severability of this Ordinance and the provisions of the Town Code; and generally relating to the codification and recodification of ordinances of the Town of Indian Head.

EXPLANATORY STATEMENT: The Code of the Town of Indian Head was last the subject of a major codification in 1991. The Town has been working with General Code for several years to revise, codify and recodify ordinances of the Town into a new Code of the Town of Indian Head to supersede and replace the 1991 Town Code. The Indian Head Town Council has reviewed the proposed new Code of the Town of Indian Head as is on file in the office of the Town Clerk and is prepared to adopt the new Code of the Town of Indian Head in accordance with the terms of this Ordinance.

SECTION 1. BE IT ENACTED BY THE COUNCIL OF THE TOWN OF INDIAN HEAD that the Code of the Town of Indian Head is hereby adopted to replace and supersede the Code of the Town of Indian Head (1991, as revised and supplemented), in accordance with the provisions of § 1-1 through § 1-10 below:

§ 1-1. Code adopted; existing ordinances continued.

Pursuant to the authority contained in § C2-12B(11) of the Charter of the Town of Indian Head, the ordinances of the Town of Indian Head of a general and permanent nature adopted by the Council of the Town of Indian Head, as revised and codified and consisting of Chapters 1 through 440, are hereby approved, adopted, ordained and enacted as the Code of the Town of Indian Head, hereinafter referred to as the "Code." The provisions of the Code, insofar as they are substantively the same as those of the ordinances in force immediately prior to the enactment of the Code by this ordinance, are intended as a continuation of such ordinances and not as new enactments. This ordinance and the Code adopted hereby shall supersede and replace the 1991 Code, as amended and supplemented.

§ 1-2. Code on file; additions and amendments.

- A. A copy of the Code has been filed in the office of the Town Clerk and shall remain there for use and examination by the public until final action is taken on this ordinance. Following adoption of this ordinance, such copy shall be maintained and available for public inspection in the office of the Town Clerk.

- B. Additions or amendments to the Code, when adopted in such form as to indicate the intent of the governing body to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Code of the Town of Indian Head" shall be understood and intended to include such additions and amendments.

§ 1-3. Notice; publication and posting.

The Clerk of the Town of Indian Head shall cause a fair summary of this ordinance to be published where required by state law. The publication of a fair summary of this ordinance coupled with the filing of the Code in the office of the Town Clerk as provided in § 1-2 shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-4. Severability.

Each section of this ordinance and of the Code and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof. If any provision of this Code or the application thereof to any person or circumstances is held invalid, the remainder of this Code and the application of such provision to other persons or circumstances shall not be affected thereby.

§ 1-5. Repealer.

A. Ordinances or parts of ordinances inconsistent with the provisions contained in the Code adopted by this ordinance are hereby repealed; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Town of Indian Head which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.

B. The following sections and articles of the 1991 Code have been excluded from the new Code and are specifically repealed:

- (1) Chapter 3, Article IV, Planning Commission, adopted as part of Chapter II of the 1978 Code, as amended March 4, 1991, by Ord. No. 2-1-91;
- (2) Chapter 3, Article V, Parks and Recreation Commission, adopted as part of Chapter II of the 1978 Code, as amended;
- (3) Chapter 8, Article I, Beautification Committee, adopted January 6, 1986, by Res. No. 1-1-86;
- (4) Chapter 8, Article II, Farmers' Market Committee, adopted March 2, 1987, by Res. No. 3-3-87, as amended March 4, 1991, by Ord. No. 2-1-91;
- (5) Chapter 84, Article II, School Construction, adopted October 2, 1989, by Ord. No. 9-3-89.

§ 1-6. Ordinances saved from repeal.

The adoption of this Code and the repeal of ordinances provided for in § 1-5 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any ordinance adopted subsequent to May 1, 2023.
- B. Any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.
- C. Any offense or act committed or done before the effective date of this ordinance in violation

of any legislative provision or any penalty, punishment or forfeiture which may result therefrom.

- D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance brought pursuant to any legislative provision.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred.
- F. Any ordinance providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place or any portion thereof.
- G. Any ordinance appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond or other instruments or evidence of the Town's indebtedness.
- H. Ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract or obligation.
- I. The levy or imposition of taxes, assessments or charges.
- J. The annexation or dedication of property or approval of preliminary or final subdivision plats.
- K. All currently effective ordinances pertaining to the rate and manner of payment of salaries and compensation of officers and employees.
- L. Any legislation relating to or establishing a pension plan or pension fund for municipal employees.
- M. Any ordinances adopting or amending the Zoning Map or otherwise rezoning property.
- N. Any ordinance or portion of an ordinance establishing or amending a specific fee amount for any license, permit or service obtained from the Town.
- O. Any ordinance or legislation of the Town of Indian Head dealing with the Town Financial Plan and Budget.

§ 1-7. Changes in previously adopted ordinances; new ordinances.

A. In preparing the revision and codification of the ordinances, certain minor grammatical and nonsubstantive changes were made in one or more of said ordinances. It is the intention of the Mayor and Council that all such changes be adopted as part of the Code as if the ordinances so changed had been formally amended to read as such.

B. Nomenclature. Throughout the Code, the terms "Clerk of the Town Council," "Clerk-Treasurer," and "Clerk" (when referring to the Town Clerk) are amended to read "Town Clerk"; the term "Treasurer," when referring to the Town Treasurer, is amended to read "Finance Officer"; the term "Code of Ordinances" is amended to read "Town Code"; the term "certificate of occupancy" is amended to read "occupancy permit"; and the term "(1990, as amended)" is amended to read "(as amended)." In addition:

- (1) Throughout Chapter 170, Building Construction, the terms "Director of Public Works" and "Director of the Department of Public Works" are amended to read "Code Enforcement Officer."
- (2) Throughout Chapter 233, Grading and Sediment Control, the term "Department of Water Resources" is amended to read "Department of the Environment."
- (3) Throughout Chapter 425, Water and Sewers, the term "State Department of Health" is amended to read "State Department of Health," and the term "State Department of Water Resources" is amended to read "State Department of the Environment."

(4) Throughout Chapter 440, Zoning, the term "Board of Zoning Appeals" is amended to read "Board of Appeals," and the term "boardinghouse" is amended to read "rooming house."

C. In addition, the changes, amendments or revisions as set forth in Schedule A, attached hereto and made a part hereof, are made herewith, to become effective upon the effective date of this ordinance. (Chapter and section number references are to the ordinances as they have been renumbered and appear in the Code.)

§ 1-8. Titles and headings; editor's notes.

A. Chapter and article titles, headings and titles of sections and other divisions of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

B. Editor's notes indicating sources of sections, giving other information or referring to the statutes or to other parts of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

§ 1-9. Altering or tampering with Code; violations and penalties.

It shall be unlawful for anyone to change, alter or tamper with the Code in any manner which will cause the laws of the Town of Indian Head to be misrepresented thereby. Any violation of this section shall be punishable as a misdemeanor as provided in § 1-5 of the Town Code.

§ 1-10. Deposit of copies with state agencies.

Pursuant to § 4-109 of the Local Government Article of the Annotated Code of Maryland, a copy of the Code of the Town of Indian Head containing the Charter shall be deposited with the Maryland Department of Legislative Services.

SECTION 2. AND BE IT FURTHER ENACTED that the Town Clerk shall coordinate with General Code as soon as practicable for the publication of § 1-1 through § 1-11 as adopted by Section 1 of this Ordinance as part of the Town Code.

SECTION 3. AND BE IT FURTHER ENACTED that this Ordinance and the Code hereby adopted shall become effective at the expiration of twenty (20) calendar days after its approval by the Council.

INDIAN HEAD TOWN COUNCIL

Brandon Paulin, Mayor

Ron Sitoula, Vice Mayor

Cassandra Grumbine, Councilwoman

ATTEST:

Andrea Brady, Town Clerk

Date: _____

Schedule A

Specific Revisions at Time of Adoption of Code

Chapter 1, General Provisions.

Article I, Use and Construction.

- A. Section 1-3 is amended to change "Code of General Ordinances" to "Code of the Town of Indian Head."
- B. Original § 1-34, When ordinances shall take effect, of the 1991 Code is repealed.

Article II, General Penalty.

- C. Section 1-6.

- (1) Subsection A is amended as indicated:

Unless otherwise provided for in § 1-6 or in any other section of this Code, any person, corporation, firm, partnership or association violating any chapter or article or section or part thereof of the ordinances of the Town of Indian Head shall be guilty of a misdemeanor and shall be subject to a fine not exceeding \$1,000 ~~and~~ or imprisonment in the county jail of ~~Charles County~~ for not more than six months, ~~or until such time as the fine and costs are paid or both such fine and imprisonment.~~

- (2) Subsection G(1) is amended to change "Article 23A, § 3, of the Annotated Code of Maryland" to "§ 6-104 of the Local Government Article of the Annotated Code of Maryland."

- (3) Subsection I is amended as indicated:

Conflict with ~~Article 23A~~ the Local Government Article of the Annotated Code of Maryland. In any case where a provision of this article conflicts with a mandatory provision of ~~Article 23A, § 3,~~ § 6-104 of the Local Government Article of the Annotated Code of Maryland, as amended, the provisions of ~~Article 23A~~ the Local Government Article shall prevail and shall be incorporated herein as if expressly set forth.

Section 1-7B(3) is amended to change \$125 to \$200.

Chapter 7, Administration of Government.

- A. Section 7-1C is amended to delete the first sentence thereof, which originally read: "Special meetings shall be called at the request of the Mayor or a majority of the Council members."
- B. Sections 7-4, 7-6A, 7-7, 7-8G, 7-9A(2), and 7-15 are amended to change "Clerk-Treasurer" to "Town Clerk."
- C. Section 7-14B is amended as indicated: "An emergency ordinance shall become effective ~~on the date specified in the ordinance~~ as provided in § C2-14C of the Town Charter."
- D. Section 7-17A(2) is amended to change "Article 23B, § 22, of the Annotated Code of Maryland" to "§ 5-202 of the Local Government Article of the Annotated Code of Maryland."
- E. Section 7-18B(1) is amended as indicated:

(1) The Department of Records and Department of Finance. The head of the Department of Records ~~and Finance shall be the Clerk-Treasurer~~ shall be the Town Clerk, and the head of the Department of Finance shall be the Finance Officer, and Said Departments shall be responsible for the following operations and such other operations as may hereinafter be assigned by the Town Council and/or the Town Manager:

(a) ~~All of the several financial affairs and operations of the Town~~ All financial affairs shall be the responsibility of the Finance Officer, while records on operations of the Town shall be the responsibility of the Town Clerk.

(b) Assistance with the preparation of the annual operating and capital budgets shall be the responsibility of the Finance Officer.

(c) Assistance with the preparation of the annual financial (audit) report shall be the responsibility of the Finance Officer.

(d) Preparation of budget comparison as the Town Council or Town Manager requires shall be the responsibility of the Finance Officer.

(e) All purchases of goods and services will be maintained by the Finance Officer.

(f) Maintenance of all Town records shall be the responsibility of the Town Clerk.

Chapter 19, Boards, Committees and Commissions.

Article II, Board of Appeals.

A. Section 19-6A is amended as indicated:

An appeal from any final order or decision of a Town administrative official may be taken to the Board of Appeals by a person aggrieved by that decision by filing a written notice of appeal with the Town Manager not later than 10 days from the date of the final order or decision being appealed, unless a different filing period is allowed in other chapters of the Town Code.

B. Section 19-12 is amended to change "Finance Director" to "Finance Officer."

Article III, Environmental Sustainability Committee.

C. Section 19-14A is amended as indicated:

The Environmental Sustainability Committee consists of eight regular members and one member of the Indian Head Town Council who shall serve ex officio and shall not have a vote.

Article V, Indigenous Peoples' Affairs Commission.

D. Section 19-20E is amended as indicated: "The term of the Chair, ~~but~~ may be renewed for one or more successive terms of one year each."

Chapter 43, Elections.

A. Section 43-4 is amended to change "Clerk-Treasurer" to "Town Clerk."

B. Section 43-18 is amended to change "a special runoff election shall be held within 60 days" to "a special runoff election shall be held within 30 days."

C. Section 43-19 is amended as indicated:

At any time within 30 days after any election held under the laws of the State of Maryland, any defeated candidate at that election or any 10 duly qualified voters at such election may present to the Circuit Court of Charles County a petition setting forth, under oath, that prohibited practices, contrary to the provisions of a specified section or sections of this chapter, were committed by the successful candidate or candidates or in the person of his or their agent ~~or city in which said petition was filed~~, having the successful candidate or candidates as defendants and praying that the fact alleged may be inquired into.

Chapter 50, Ethics.

- A. Section 50-4E and F is amended to change "State Government Article, Title 15, Subtitle 8" to "the General Provisions Article, Title 5, Subtitle 8."
- B. Section 50-7A(4) is amended as indicated: "Members of the Board of ~~Zoning~~ Appeals."

Chapter 117, Personnel.

- A. Section 117-1 is amended as indicated:

Pursuant to the authority vested in the Indian Head Town Council by ~~Article 23A, Section 2(B)(19) and (26)~~ § 5-206 of the Local Government Article of the Annotated Code of Maryland, and Section C6-2 of the Charter of the Town of Indian Head, there is hereby established a personnel system for the Town.

- B. Section 117-21B is amended as indicated: "All requests for annual leave shall be submitted to the applicable department head or Town Manager not less than one day prior to the date requested."
- C. Section 117-39B is amended as indicated: "Each such person ~~employee~~ shall be required to acknowledge receipt of this Article IX, in writing."
- D. Section 117-43F is amended as indicated:

All complaints of alleged unlawful harassment or discrimination shall be investigated promptly by the Town Manager or, if the allegations involve the Town Manager, the Mayor or a member of the Town Council. ~~By the Town Council~~, by means that are appropriate under the circumstances.

Chapter 170, Building Construction.

- A. Section 170-2A(16) is amended as indicated:

The Board of Appeals provided for in Chapter 19, Article II, of the Code of the Town of Indian Head may hear and decide appeals of orders, decisions or determinations of the Building Official, relating to the application and interpretation of this code. The ~~application~~ appeal shall be filed within ~~20~~ 30 days of the date of the order, decision or determination being appealed. All appeals filed pursuant to this section shall be governed by the provisions of such Chapter 19, Article II, and by any rules of procedure adopted by the Board of Appeals pursuant to Chapter 19, Article II.

- B. Section 170-6A is amended as indicated:

Applications for permits shall be available in the Town ~~Clerk's~~ Finance Officer's office. The application shall be completed and filed, in duplicate, with the Town ~~Clerk~~ Finance Officer or

designee... A careful record of the original copy of such applications and plans shall be kept in the office of the Town ~~Clerk~~ Finance Officer, and a duplicate copy shall be kept at the building at all times during construction.

C. Section 170-7F is amended as indicated: "At completion of the final inspection of approval of the Building Inspector, the Building Official will issue ~~a certificate of occupancy~~ an occupancy permit within ~~10~~ 14 days."

D. Section 170-9A(12) is amended as indicated:

The Board of Appeals provided for in Chapter 19, Article II, of the Code of the Town of Indian Head may hear and decide appeals of orders, decisions or determinations of the Building Official relating to the application and interpretation of this code. The ~~application~~ appeal shall be filed within ~~20~~ 30 days from the date of order, decision or determination being appealed. All appeals filed pursuant to Section R112.1 shall be governed by the provisions of such Chapter 19, Article II, and by any rules of procedure adopted by the Board of Appeals pursuant to Chapter 19, Article II.

E. Section 170-16O is amended to change "within 10 days" to "within 30 days."

F. Section 170-22.

(1) Subsection C is amended to change "Director of Public Works" to "Fire Code Official."

(2) Subsection D is amended to change "Treasurer of the Town" to "Code Official."

(3) Subsection P.

(a) Entry 4600.1.2 Bulk plants, is amended as indicated:

No new bulk plants shall be constructed within the entire corporate limits of the Town of Indian Head, ~~except that this prohibition shall not apply to bulk plants in industrial zoned districts which permit such bulk plants.~~

(b) Entry 4600.3 Location of containers is amended as indicated:

Bulk storage of liquefied petroleum gas is hereby ~~restricted~~ prohibited within the entire corporate limits of the Town of Indian Head ~~to industrial zoned districts which permit such bulk storage.~~

Chapter 198, Flea Market.

Sections 198-1 and 198-2 are amended to change "farmers' market" to "flea market."

Chapter 221, Floodplain Management.

A. Section 221-11.

(1) The definition of "building code(s)," is amended to change "COMAR 05.02.07" to "COMAR 09.12.51."

(2) The definition of "licensed" is amended to change "Maryland Real Estate Appraisers and Home Inspectors Commission" to "Maryland Commission of Real Estate Appraisers, Appraisal Management Companies and Home Inspectors."

B. Section 221-45A is amended as indicated:

A variance shall be approved only if it is determined to not be contrary to the public interest and where, owing to special conditions of the lot or parcel, a literal enforcement of the provisions of these regulations, ~~an unnecessary hardship~~ would result in an unnecessary hardship.

Chapter 223, Forest Conservation.

- A. Section 223-2, definition of "nontidal wetlands," Subsection B, is amended to change "Natural Resources Article, Title 9" to "Environment Article, Title 16."
- B. Section 223-10A(2) is amended as indicated:

If a person subject to this chapter demonstrates to the satisfaction of the Town that requirements for reforestation or afforestation on-site or off-site cannot be reasonably accomplished, the person shall contribute money, at a rate of \$0.10 per square foot of the area of required planting, ~~reforestation or afforestation on-site or off-site cannot be reasonably accomplished, the person shall contribute money~~ into the Town's Forest Conservation Fund:

Chapter 225, Franchises.

Part 1, Cable Television Franchises.

- A. Section 225-2B is amended as indicated:

All transmission and distribution structures, lines and equipment erected by the franchise holder within the Town shall be so located as to cause minimum interference with the proper use of streets, alleys and other public ways and places and to cause minimum interference with the rights and reasonable convenience of ~~property owners who join~~ owners of property which adjoins any of said streets, alleys or other public ways and places.

- B. Section 225-5.

- (1) Subsection C is amended as indicated:

The franchise holder shall furnish, upon request of the Town Council, one connection each to the Town ~~Police, Fire and Rescue Departments~~ Volunteer Fire Department and to the Town office, without charge for installation and without charge for continuing monthly service.

- (2) Subsection F(2) is amended as indicated:

After the initial nine-month system start-up period, any citizen requesting CATV service, in writing, shall be provided with such service within ~~10 working~~ seven business days. The franchise holder will be assessed liquidated damages to the citizen requesting the service of one month free service for each day over ~~10 working~~ seven business days that the service is not provided.

Part 2, Cable Television Rate Regulations.

- C. Section 225-21B is amended to change \$500 to \$1,000.

Part 3, Gas Light Franchise.

- D. Section 225-32B is amended to change "Maryland State Roads Commission" to "Maryland State Highway Administration."

Chapter 233, Grading and Sediment Control.

A. Section 233-2.

- (1) The definition of "embankment" is repealed.
- (2) The definition of "professional engineer" is amended as indicated:

An engineer duly registered by the State of Maryland to practice professional engineering under the requirements of ~~Article 75-1/2~~ § 14-101 et seq. of the Business Occupations and Professions Article of the Annotated Code of Maryland.

- (3) The definition of "professional land surveyor" is amended as indicated:

A person who has been duly registered and licensed under the requirements of ~~Article 75-1/2~~ § 15-101 et seq. of the Business Occupations and Professions Article of the Annotated Code of Maryland.

B. Section 233-9, lead-in paragraph, is amended as indicated:

The plans and specifications accompanying the grading permit application shall contain the following, subject to the provision that the Department of Code Enforcement may waive the filing of particular information if, in its judgment, such information would serve no useful purpose for the particular project and such waiver would not contravene the purposes of this chapter:

- C. Section 233-13B(4)(d) is amended as indicated: "Upon ~~assurance~~ issuance of a certificate of completion, the bond shall be released."
- D. Section 233-21A is amended as indicated: "The Town of Indian Head, Maryland, shall not be responsible for damage to properties ~~for~~ due to failure of any work done pursuant to this chapter."
- E. Section 233-32B is amended as indicated:

In-place (field) density shall be determined by ASTM test or the American Society of ~~Highway Officials~~ State Highway and Transportation Officials (AASHTO) equivalent test, Method D1556-64T, or by equivalent test(s) approved by the ~~Department of Inspections~~ Building Inspector.

Chapter 245, Health and Sanitation.

A. Section 245-8A is amended as indicated:

Each owner, occupant or other responsible person using or occupying any building or other premises within this municipality where refuse accumulates or is likely to accumulate shall provide and keep covered an adequate number of ~~metal~~ refuse containers.

- B. Section 245-13, definition of "newspaper," is amended to change "Post Office Department of the United States" to "United States Postal Service."
- C. Section 245-25B is amended to change "Town Post Office Department" to "United States Postal Service" and to change "Clerk-Treasurer" to "Town Clerk."
- D. Section 245-28 is amended as indicated:

A. Any person owning or having possession of any dead animal not intended for use as food shall promptly bury the same or notify the County Health Officer and dispose of such animal in such manner as the County Health Officer shall direct.

B. No person shall cast any dead animal into any street, avenue or alley within the limits of the Town of Indian Head.

Chapter 268, Impact Fees.

Article I, Parks and Recreation.

- A. Section 268-1 is amended as indicated: "The Town Council of Indian Head, Maryland, has the power and authority to enact parks and recreation impact fees by virtue of ~~Article 23A~~ the Local Government Article of the Annotated Code of Maryland."
- B. Section 268-4D is amended as indicated: "These regulations shall not apply to affordable housing for families of limited income, as defined in ~~Article 83B, § 2-302~~ § 4-901 of the Housing and Community Development Article, Annotated Code of Maryland."
- C. In § 268-5B(1), the note following the table is deleted, which originally read "This fee shall be collected upon application for a building permit."

Chapter 295, Noise.

Section 295-2A, G, and J(2) is amended to change "11:00 p.m." to "10:00 p.m."

Chapter 309, Parks.

Section 309-1 is amended as indicated: "All public parks owned by the Incorporated Town of Indian Head, Maryland, shall be closed to all individuals or groups of individuals after ~~the hour of 9:00 p.m.~~ dusk."

Chapter 318, Peace and Good Order.

Original §§ 99-2, Dead animals, and 99-4, Noise, of the 1991 Code are repealed.

Chapter 344, Rental Property.

- A. Section 344-1 is amended to change "bed-and-breakfast home" to "bed-and-breakfast."
- B. Section 344-4E is amended as indicated:
Unless the Town has failed to give notice of a renewal date by first-class United States Mail 90 days prior to the expiration date, a penalty fee ~~of \$50 as set by the Town Council by ordinance~~ shall accompany any application filed less than 60 days prior to expiration.
- C. Section 344-5 is amended as indicated:

A. Subject to § 344-9B of this chapter, the operating license fee shall be \$75 as set by the Town Council by ordinance. The fee shall be paid in advance of issuance of the license or renewal.

B. The inspection fee shall be \$75 as set by the Town Council by ordinance for the inspection or reinspection of each dwelling, ~~except that~~ and where multiple dwelling units are located within a dwelling, the fee shall be \$75 as set by the Town Council by ordinance for the inspection or reinspection of each dwelling unit within that dwelling.

D. Section 344-9C is amended as indicated:

A reinspection fee in the amount of ~~of \$50~~ set by the Town Council by ordinance shall be paid before another inspection of a dwelling, dwelling unit or rooming unit is made if, at the time of the scheduled inspection, one or more of the following occurred:

E. Section 344-14 is added to read as follows:

The property owner shall file with the Town the statement required by § 1-503 of the Local Government Article of the Annotated Code of Maryland. An operating license shall not be issued until this statement is filed.

Chapter 375, Stormwater Management.

Section 375-502E is amended as indicated:

Coordinated comments will be provided for each plan phase that reflect input from all appropriate agencies including, but not limited to Charles County, MDE, and the Town of ~~Indian Head~~ Planning and Zoning Administrator and Department of Public Works.

Chapter 381, Streets and Sidewalks.

Section 381-8 is amended as indicated:

Any owner of property abutting a sidewalk in a public right-of-way who fails to remove the snow from the abutting sidewalk within 48 hours after the snow has fallen shall, upon conviction, be guilty of a ~~misdemeanor~~ municipal infraction and shall be subject to a fine in the amount of \$25 ~~or imprisonment for five days, or both.~~

Chapter 387, Subdivision of Land.

A. Section 387-10C is amended as indicated:

The subdivision layout shall be designed in accordance with the principles and standards contained in this article with the objectives of achieving development of the subdivision that is ~~not~~ advantageous to the future residents of the subdivision and adjoining areas.

B. Section 387-13G is amended as indicated: "Concrete sidewalks and curb and gutters shall be provided along both sides of all proposed streets in the subdivision unless waived by the Planning Commission."

C. Section 387-18.

- (1) Subsections C and JJ(6) are amended to change "Charles Soil Conservation District" to "Charles County Soil Conservation District."
- (2) Subsections E(2), O, and W(4) are amended to change "Department of Water Resources" to "Maryland Department of the Environment."
- (3) Subsection H is amended as indicated: "Prior to issuance of a grading permit, copies of the plan shall be referred by the Town to the Charles County Soil Conservation District for approval of the proposed erosion and sediment ~~required~~ control measures."
- (4) Subsection L(1) is amended to change "Clerk-Treasurer" to "Finance Officer."
- (5) Subsection S(1) is amended as indicated: "The Town of Indian Head shall not be responsible for damage to properties ~~for~~ due to failure of any work done pursuant to this section."
- (6) Subsection DD(2) is amended as indicated:

In-place (field) density shall be determined by ASTM test or ~~American Society of Highway Officials~~ American Association of State Highway and Transportation Officials equivalent tests, method D1556-64T, ~~met method~~ or by equivalent tests approved by the Town.

D. Section 387-19F is amended as indicated: "The following procedures and standards shall apply when a bond to the ~~County Commissioners~~ Town Council is required for subdivision improvements:"

E. Section 387-20.

- (1) Subsection A is amended to change "Town Board of Commissioners" to "Town Council."
- (2) Subsection F(5) is amended as indicated:

Approval of the preliminary plat may be revoked by resolution of the Commission at any time prior to the approval of the final plat, upon a finding by the Commission that the plat does not comply with these regulations, any other applicable laws or regulations, or with the Comprehensive ~~Master~~ Plan or any portion thereof, as it may be developed or amended.

F. Section 387-23.

- (1) Subsection A is amended as indicated:

Any person, corporation, association, partnership, or the agent of any such person who sells or agrees to sell or negotiates to sell any land by reference to or exhibition of or by other use of a plat of a subdivision, before such plat has been approved by the Indian Head Planning Commission and recorded in the land records as required by these regulations, shall forfeit and pay a penalty of ~~\$100~~ not less than \$200 and not exceeding \$1,000 for each lot or parcel so transferred or sold or agreed or negotiated to be sold ...

- (2) Subsection B is amended as indicated:

Any person, corporation, association, partnership, or the agent of any such person who shall violate a provision of this chapter or shall fail to comply with any requirements hereof shall be guilty of a misdemeanor, punishable by a ~~fine of not more than \$100 or by imprisonment not exceeding 10 days, or both such fine and imprisonment~~ penalty as provided in § 1-5.

G. Section 387-25B is amended as indicated:

In administering these regulations, ~~"person" includes a corporation, a partnership, and an incorporated association of persons such as a club;~~ "shall" is always mandatory; "building"

includes "structure"; "building" or "structure" means any part thereof; and "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."

H. Section 387-26.

(1) The definition of "comprehensive plan" is amended to change "Master Plan" to "Comprehensive Plan."

(2) The definition of "critical area," Subsection C, is amended as indicated:

Modification to these areas through inclusions or exclusions proposed by the Town of Indian Head and approved by the ~~Commission~~ Critical Area Commission for the Chesapeake and Atlantic Coastal Bays as specified in § 8-1807 of the Natural Resources Article, Annotated Code of Maryland.

(3) The definition of "subdivision" is amended as indicated:

Includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided and means the division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of transfer of ownership or of building development.

Chapter 394, Taxation.

Article II, Personal Property Tax Exemption.

Section 394-1 is amended as indicated:

The stock in business of every person, firm or corporation engaged in any manufacturing or commercial business, as ~~defined~~ provided in § 7-222 of the Tax-Property Article of the Annotated Code of Maryland...

Chapter 410, Vehicles, Abandoned.

Section 410-6 is amended as indicated:

In any case where a provision of this chapter conflicts with a mandatory provision of ~~Article 23A, § 3, § 6-104 of the Local Government Article~~ of the Annotated Code of Maryland, as amended, the provisions of ~~Article 23A § 6-104~~ shall prevail and shall be incorporated herein as if expressly set forth.

Chapter 414, Vehicles and Traffic.

A. Section 414-8 is amended as indicated:

Any person violating the provisions of this article shall, upon conviction thereof, be guilty of a misdemeanor, subject to a ~~maximum fine of \$1,000 and/or a maximum term of imprisonment of six months~~ penalty as provided in § 1-5.

B. Section 414-15 is amended to change "Police officers" to "Law enforcement officers."

C. Section 414-17.

- (1) Subsection B is amended as indicated: "The recipient of a citation may make payment for the violation directly to the Town ~~office~~ of Indian Head."
- (2) Subsection B(2) is amended as indicated: "By use of the ~~collection~~ night deposit box installed at the front of the Town ~~Municipal Building Hall~~; or"
- (3) Subsection C is amended as indicated: "If ~~he~~ the recipient of a citation desires to stand trial for said offense, he may elect to do so ..."

D. Section 414-18 is amended to change "charge" to "fine."

E. Original § 135-19, Early payment, of the 1991 Code is repealed.

F. Section 414-19 is amended to change "in addition to the initial charges" to "in addition to the initial fines."

G. Sections 414-20 and 414-21 are amended to change "Town office" to "Town of Indian Head."

Chapter 425, Water and Sewers.

Article I, General Provisions.

A. Section 425-4 is amended as indicated:

~~Other such buildings and structures not located on land abutting on a street or other public way containing a sanitary sewer must be equipped with sanitary sewage disposal facilities connected to a septic tank approved by the Mayor and Council unless it expressly authorizes and approves a sanitary pit privy.~~ All new buildings and structures not located on land abutting on a street or other public way containing sanitary sewer must connect to the Town's sanitary sewer system through the use of an acquired utility easement or equivalent by the property owner. In some cases, privately owned grinder pumps may be used if gravity sewer flow is not practicable. Grinder pumps shall be the sole responsibility of the property owner. Under no circumstances shall a sewer house connection be connected directly to a Town-owned pump station. Existing properties served by septic tanks/systems shall remain in service with any repairs or in-kind replacements necessary to maintain proper operation. If an increase in sizing is required for existing septic tank/systems, the property owner shall provide sufficient evidence that soil conditions exhibit the proper infiltration rates necessary to accommodate the sizing increase. Any grandfathered septic system shall receive approval prior to work being completed.

Article II, Connection Regulations.

B. Section 425-9 is amended to change "availability charge" to "capital contribution fee."

Article III, Mandatory Connections.

C. Section 425-17 is amended as indicated:

Any person who violates any provision of this article shall be subject to condemnation procedures as set forth in the current ~~BOCA Existing Structures Code~~ International Existing Building Code.

Article IV, Use of Public Sewers.

D. Section 425-19B, definition of "screening," is amended as indicated: "The removal of solids by straining through No. 20 mesh screens, or finer, if desired by the Town ~~wastewater supervisor~~ Engineer."

- E. Section 425-22C(4) is added to read: "The owner of a pretreatment facility shall properly dispose of collected sludges and/or materials at his own expense."

Chapter 440, Zoning.

- A. Section 440-101 is amended to change "Comprehensive Land Use Plan" to "Comprehensive Plan" in Subsections A and B.
- B. Section 440-105A is amended as indicated: "The location and boundaries of zones established in ~~the each district~~ this chapter shall be as shown on the Zoning Map for the Town of Indian Head."
- C. Section 440-107B is amended to change "PUD development plan" to "PUD plan."
- D. Section 440-112 is amended to change "Zoning Inspector" to "Zoning Administrator."
- E. Section 440-200B.
- (1) The defined term "bed-and-breakfast home" is amended to read "bed-and-breakfast," and the reference in said definition to "bed-and-breakfast home" is amended to read "bed-and-breakfast."
 - (2) The definition of "certificate of occupancy" is repealed.
 - (3) The definition of "day-care home" is amended as indicated:

A residence licensed by the State of Maryland in which care is given to a child in place of parental care, for less than 24 hours a day, ~~in a residence~~ located outside the home of the child's parents for which the day-care provider is paid. No more than eight children under the age of six, consisting of no more than four children under age two, including the provider's own, ~~under the age of six~~ may be provided for.
 - (4) The definition of "developer" is amended as indicated: "A person who is responsible for any undertaking that requires a zoning permit, ~~conditional use~~ special exception permit, sign permit, or subdivision approval."
 - (5) The definition of "family day care" is amended to change "COMAR 13A.14.01" to "COMAR Title 13A, Subtitle 15."
 - (6) The definition of "project approvals" is amended as indicated:

The approval of development, including approval of subdivision plats and site plans, inclusion of areas within floating zones, issuance of variances[,] and special exceptions, ~~and conditional use~~ permits, and issuance of zoning permits.
 - (7) The definition of "recycling center" is amended as indicated:

A use conducted for private (nongovernmental) and/or commercial (for-profit) purposes by an owner or operator duly and currently licensed by all applicable governmental authorities that serves and operates as a drop-off point for temporary storage (not processing) of nonliquid recyclable solid waste materials (~~as herein defined~~).
 - (8) The definition of "resource conservation area," Subsection (3), is amended as indicated: "An area with a housing density of less than one dwelling per five ~~twenty~~ acres."
 - (9) The definition of "subdivision, minor" is amended to change "more than a total of three lots" to "more than a total of four lots."

- F. Section 440-305A is amended to change "comprehensive development plan" to "Comprehensive Plan."
- G. Section 440-400E is amended as indicated:
Physical improvements to land to be subdivided may not be commenced ~~except in accordance with a certificate of approval issued by the Planning Commission for major subdivisions or after final plat approval by the Zoning Administrator for minor subdivisions~~ until final plat approval by the Planning Commission (see Chapter 387, Subdivision of Land).
- H. Section 440-404A and C is amended to change "certificate" to "permit."
- I. Section 440-417A is amended as indicated:
Whenever the Board of Appeals disapproves an application for a special exception permit or a variance on any basis other than the failure of the applicant to submit a complete application, such action may not be reconsidered by the ~~respective~~ Board at a later time unless the applicant clearly demonstrates that:
- J. Section 440-420 is amended as indicated:
Building permits or occupancy permits issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, arrangement and construction set forth in such permits[,] and plans, ~~and certificates~~, and no other.
- K. Section 440-508C is amended as indicated:
Competent evidence (evidence admissible in a court of law) shall be preferred when reasonably available, but in no case may crucial findings be based solely upon ~~incompetent~~ other than competent evidence unless competent evidence is not reasonably available, the evidence in question appears to be particularly reliable, and the matter at issue is not seriously disputed.
- L. The paragraph preceding original Sec. 700, regarding authorization limitations on building permits or occupancy permits issued on the basis of plans and applications approved by the Zoning Administrator, of the 1991 Code is repealed.
- M. Section 440-703A is amended as indicated:
Any person, firm, or corporation that violates any of the provisions of this chapter by constructing or altering any building not in accordance with a plan approved under the regulations herein; or defaces, removes, or destroys an official warning, safety or stop work sign; or who interfere with or threatens, in any manner, any person engaged in the performance of a duty required by the terms of this chapter shall be guilty of a misdemeanor and shall be liable to a fine not to exceed \$1,000 per day that the violations exist, imprisonment for not more than six months, or both fine and imprisonment.
- N. Section 440-704D is amended as indicated: "No persons may continue to make use of land or buildings in the manner authorized by any zoning, sign, or special exception ~~use~~ permit after such permit has been revoked in accordance with this section."
- O. Section 440-803F(1) is amended as indicated:
It is on land where development activity has legally progressed to the point of pouring foundation footings or installation of structural members, ~~prior to August 3, 1989, will be permitted to complete construction as per existing development approvals.~~
- P. Section 440-806A is amended to change "special-use permit" to "special exception permit."
- Q. Section 440-900 is amended to change "Multiple-Family Residential" to "Multifamily Residential."

R. Section 440-903.

- (1) Subsection A is amended to change "Town Municipal Building" to "Town Hall."
- (2) Subsection B(4)(a)[3] is amended as indicated: "After the Planning Commission makes its findings, and finds that the proposal has merit, ~~it~~ the proposal will be given conceptual approval."

S. Section 440-906D(2) is amended as indicated: "The maximum height of any structure ~~within 50 feet of a residential~~ shall be 50 feet."

T. Section 440-936A(3)(h) is amended as indicated:

Materials with similar texture and appearance as appropriate to the Town's character shall be used. Facades, if visible from the highway[,] sides of the buildings, shall incorporate brick or stone.

U. Section 440-961.

- (1) The Supplemental Uses table is amended to change "Bed-and-breakfast facility" to "Bed-and-breakfast" in Item 3.40.
- (2) Subsection E(2)(b) is amended as indicated: "A bed-and-breakfast (3.40) ~~facility~~ located in an existing residential structure ..."

V. Section 440-1105B(5)(c) is amended to change "Back yards" to "Rear yards."

W. Section 440-1106A(5) is amended as indicated: "The Board shall specifically consider existing day cares within a 500-~~foot~~ radius of the proposed day care in order to determine the extent of neighborhood impact."

X. Section 440-1107A(4) is amended to change "requirements of the Health Department" to "requirements of the County Health Department."

Y. Section 440-1120B is amended as indicated:

No zoning, ~~special use, or conditional use~~ or special exception permit may be issued with respect to any development covered by Subsection A until the Maryland Department of the Environment has certified to the permit-issuing authority that the appropriate state permits have been received by the developer, or that the developer will be eligible to receive such permits and that the development is otherwise in compliance with applicable air pollution laws.

Z. Section 440-1127F is amended as indicated: "~~Thirty parking spaces shall be provided per nine holes and one space per 500 square feet of club floor area~~ Off-street parking shall be provided in accordance with Article XVII, Part 1, of this chapter."

AA. Section 440-1131I is amended to change "State Health Care Cost Review Commission" to "State Health Services Cost Review Commission."

BB. Section 440-1132D is amended to change "State Department of Health and Mental Hygiene" to "State Department of Health."

CC. Sections 440-1134D and 440-1136B(7) are amended to change "a substantial, slightly solid fence" to "a substantial, solid fence."

DD. Section 440-1134D is further amended to change "an adopted master plan" to "the adopted Comprehensive Plan."

EE. Section 440-1138A(3) is amended as indicated:

The use at the proposed location will not adversely affect nor impede the logical development of the general neighborhood or of the ~~industrial or~~ commercial zone in which the station is proposed, considering service required, population, character, density, and number of similar uses.

FF. In §§ 440-1145G, 440-1149C, and 440-1405F, "zoning certificate" is changed to "zoning permit."

GG. Section 440-1153B is amended as indicated: "In cases where it is deemed necessary, the Zoning Administrator may require the applicant to post a bond to ensure compliance with the conditions of the ~~conditional use~~ special exception permit."

HH. Section 440-1203A is amended as indicated:

Subject to § 440-1204 and the other provisions of this article, no portion of any building or any freestanding sign may be located on any lot closer to any lot line or to the street right-of-way line or center line than is authorized in the ~~table set forth in this article~~ Schedule of Zone Regulations.

II. Section 440-1205A(2) is amended as indicated:

The "height" of a wall or structure or a part of a building is the mean vertical distance from the average established grade in front of the lot, or from the average natural grade at the building line, if higher, to the average height of the top of the cornice of flat roofs, ~~roof line~~, to the deck line of a mansard roof, to the middle height of the highest gable or dormer in a pitched, or hipped roof or, if there are no gables or dormers, to the middle height of such pitched or hipped roof.

JJ. Section 440-1700 is amended to read as follows: "Words and phrases used in this article shall have the meanings indicated in § 440-200B of this chapter."

KK. Section 440-2004B is amended as indicated: "Subject to § 440-2003B, at least ~~15~~ 14 days' notice of the time and place of said hearing shall be published in an official newspaper of general circulation in the Town."

LL. Section 440-2006 is amended as indicated: "Amendment procedure within the Critical Area District shall be as set forth in Article IX[,] and in accordance with the provisions of Article XX."

MM. Official Table of Use Regulations.

(1) Item 6.100 is amended as indicated: "Activity conducted entirely within building or substantial structure."

(2) Item 16.200 is amended as indicated: "Pier-related port facilities when ancillary to a permitted use ~~of~~ and both the permitted use and the pier, marinas or water-dependent facilities."

NN. In the Schedule of Zone Regulations, in the Max. Height/Feet entries for Single-family, Duplex, Townhouse, and Apartment/Condo in the RM District, "(2)" is added after "40."

