



THE CITY OF HAVRE DE GRACE  
711 Pennington Avenue  
Havre de Grace, Maryland 21078

### **ANNOUNCEMENT OF PUBLIC HEARINGS**

The Mayor and City Council of Havre de Grace will hold a Public Hearing located at 711 Pennington Ave, Havre de Grace, MD 21078, on March 2, 2020 beginning at 7:00 p.m. The purpose of the public hearing will be to receive public comment on Ordinance 1027 which concerns itself with City Code Chapter 173: Subdivision of Land in its entirety in order to establish new standards for the subdivision of land. A copy of draft Ordinance 1027 is available for review at City Hall and at [www.havredegracemd.com](http://www.havredegracemd.com)

The Mayor and City Council of Havre de Grace will hold a Public Hearing located at 711 Pennington Ave, Havre de Grace, MD 21078, on March 2, 2020 beginning at 7:00 p.m. The purpose of the public hearing will be to receive public comment on Ordinance 1030 which concerns itself with City Code Chapter 31, Building Construction Articles I, II, III, IV, and V. A copy of draft Ordinance 1030 is available for review at City Hall and at [www.havredegracemd.com](http://www.havredegracemd.com)

The Mayor and City Council of Havre de Grace will hold a Public Hearing located at 711 Pennington Ave, Havre de Grace, MD 21078, on March 2, 2020 beginning at 7:00 p.m. The purpose of the public hearing will be to receive public comment on Ordinance 1031 which concerns itself with City Code Chapter 25, Organization and Members. A copy of draft Ordinance 1031 is available for review at City Hall and at [www.havredegracemd.com](http://www.havredegracemd.com)

The Mayor and City Council of Havre de Grace will hold a Public Hearing located at 711 Pennington Ave, Havre de Grace, MD 21078, on March 2, 2020 beginning at 7:00 p.m. The purpose of the public hearing will be to receive public comment on Ordinance 1032 which concerns itself with City Code Chapter 67, Ethics Commission; Filing

Complaints. A copy of draft Ordinance 1032 is available for review at City Hall and at [www.havredegracemd.com](http://www.havredegracemd.com)

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**Ordinance No. 1027**

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF HAVRE DE GRACE PURSUANT TO THE AUTHORITY PROVIDED BY THE MARYLAND CONSTITUTION ARTICLE XI-E, THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AND CITY CHARTER SECTIONS 33 AND 34, DELETING AND REPLACING CITY CODE CHAPTER 173, SUBDIVISION OF LAND, IN ITS ENTIRETY IN ORDER TO ESTABLISH NEW STANDARDS FOR THE SUBDIVISION OF LAND.**

**WHEREAS**, the Mayor and City Council desire to repeal and replace the existing Chapter 173 to establish new standards for the subdivision of land throughout the City.

**WHEREAS**, the Mayor and City Council desire to establish Subdivision Regulations that provide for consistent standards for the subdivision of land in the City, clearly articulate the requirements for utility and road improvements, and establish specific requirements for the recordation of plats.

**NOW THEREFORE**, the Mayor and City Council of Havre de Grace delete in its entirety Chapter 173 of the City Code and replace it with Chapter 151 in its entirety as follows:

1. The existing Chapter 173 is hereby deleted and a new Chapter 173 is added.

**CHAPTER 173. SUBDIVISION REGULATIONS**

**ARTICLE 1. General Provisions**

**§ 173-1. Title.**

This chapter shall be known and cited as the City of Havre de Grace’s Subdivision Regulations. The Subdivision Regulations shall include the text, graphics and regulations and any amendments thereto.

**§ 173-2. Purpose.**

The purpose of the Subdivision Regulations is to establish procedures and standards for the development and subdivision of land within the City of Havre de Grace, hereinafter referred to as the “City”. It is further designed to provide for the orderly growth, development and redevelopment of the City for the coordination of streets and highways within proposed subdivisions with existing or planned streets and highways and with other public facilities, for the dedication or reservation of recreation and other public use areas serving residents of the immediate neighborhood within the subdivision and rights-of-way or easements for street and utility purposes; and for the distribution of population and traffic in a manner that will avoid congestion and overcrowding and will create conditions compatible with protection of the public health, safety and the general welfare, water quality and areas of significant/special natural features. These regulations are designed to facilitate adequate provisions for potable water delivery and firefighting

47 capabilities, wastewater collection and conveyance, roadways, pedestrian circulation, public recreation  
48 facilities (where applicable) and storm water management facilities. It shall also provide for the  
49 Developer’s proportionate share, upon demonstrated need, for improvements to the supply and  
50 conveyance of potable water, for the pumping and treatment of wastewater, and for improvements to  
51 offsite roadways and intersections to provide adequate levels of service as established by the City of Havre  
52 de Grace Design Standards.

53  
54 **§ 173-3. Area of Authority.**  
55

- 56 A. These regulations govern all areas within the municipal limits of Havre de Grace. It shall be unlawful  
57 to subdivide any parcel unless the subdivision is in compliance with the terms of this chapter or is  
58 expressly exempted herefrom.
- 59  
60 B. The Planning Commission shall have control over subdivisions as provided in the subdivision control  
61 provisions of the Land Use Article of the Annotated Code of Maryland. The jurisdiction of the  
62 Commission over plats shall be exclusive within the territory under its jurisdiction. All subdivisions  
63 shall be approved by the Commission.  
64

65 **§ 173-4. Definitions.**  
66

67 Unless otherwise stated herein, definitions shall be per §205-13 (Definitions) of the City Code, as  
68 amended.  
69

70 **ARTICLE II. Subdivision Control**  
71

72 **§ 173-5. Subdivider Shall Prepare and Record Plat.**  
73

- 74 A. Any owner of any tract of land within the City who subdivides the same shall cause a plat of such  
75 subdivision to be made in accordance with the provisions set forth in these regulations and a copy of  
76 said plat shall be recorded in the office of the Clerk of the Circuit Court of Harford County.
- 77  
78 B. Hopper’s Map of the City of Havre de Grace shall only be used as a reference and is not considered a  
79 subdivision plat. Lots shown on Hopper’s Map shall only be recognized if they were separately  
80 deeded and described (lot of record) prior to March 15, 1982 or have a separate assessment and tax  
81 bill from the State Department of Assessments and Taxation.  
82

83 **§ 173-6. Transfers, Sales and Building Permits.**  
84

85 No lot in a subdivision or any section thereof shall be transferred, nor shall a building permit be issued for  
86 a structure thereon, until a final plat of such subdivision or any section thereof has been recorded in  
87 accordance with these regulations.  
88

89 **§ 173-7. Subdivision Waivers.**  
90

91 Adjustment to a boundary line on any unrecorded parcel in the City, which does not create new/additional  
92 parcels, may be accomplished via a subdivision waiver. All subdivision waivers will be reviewed by the  
93 Department of Planning. A metes and bounds survey and copy of the deed will be required for submittal

94 and review with the waiver request. Upon review of the waiver, the Department of Public Works may  
95 require easements or rights-of-ways for existing or proposed utilities and roadways.

96  
97 **ARTICLE III. Requirements for the Development of Land**

98  
99 **§ 173-8. General.**

100  
101 A. The subdivision layout shall generally conform to the Comprehensive Plan and applicable  
102 City Code chapters.

103  
104 B. All subdivision of land shall conform to the Floodplain Management Regulations in  
105 Chapter 78 of the City Code.

106  
107 **§ 173-9. Chesapeake Bay Critical Area Overlay District.**

108  
109 A. In addition to all other requirements, all subdivision of land which lies within the area designated  
110 as the Chesapeake Bay Critical Area shall also meet all requirements of Chapter 49 (Critical  
111 Areas) of the City Code. In addition, applications for subdivision of land which lies within the  
112 Critical Area shall be forwarded by the Department of Planning to the Chesapeake Bay Critical  
113 Area Commission.

114  
115 B. It shall be unlawful to subdivide any parcel of land located within the Critical Area Resource  
116 Conservation Zone (RCA).

117  
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120 **§ 173-10. Streets and Roads.**

121  
122 A. Streets and roads shall conform to the Harford County Road Code.

123  
124 B. When a tract of land to be subdivided abuts an existing City road, the subdivider shall, as  
125 a condition of subdivision approval, deed to the City a road improvement right-of-way appropriate  
126 to the road and its functional classification. When the tract fronts along one side of the existing  
127 road, the subdivider shall deed ½ of the required right-of-way, generally calculated from the center  
128 line of the existing road. Title to road improvement rights-of-way shall be good and marketable  
129 and free of financial liens.

130  
131 **§ 173-11. Improvements.**

132  
133 A. For the purposes of this section, “development” does not include:

- 134  
135 (1) The use of land for agriculture; and  
136  
137 (2) The construction, reconstruction, alteration or enlargement of a single-family  
138 residence on an existing lot or parcel.

139  
140 B. No subdivision or development shall be approved unless it directly accesses an existing  
141 paved road network. All roads providing access from a subdivision/development to an existing

142 paved City, County or State road shall be constructed to the appropriate County road specifications  
143 by the subdivider/developer. A public works agreement shall be executed as required by law for  
144 the construction of any public or private road within a subdivision.  
145

146 C. Construction of access road. Any new or existing road right-of-way or access way, leading  
147 from an existing City, County or State road to the proposed project and all internal roads, including  
148 stub roads, shall be constructed or improved to the prescribed width and road construction, as set  
149 forth in the Harford County Road Code, unless otherwise provided for herein.  
150

151 D. Frontage improvements.  
152

153 (1) Proposed developments, including residential, business, industrial or institutional  
154 developments or subdivisions to be constructed along existing City roadways will be  
155 required to improve City roadways along their property in order to provide safe ingress  
156 and egress to the site and to mitigate the impact of that development. Should construction  
157 of the roadway be considered by the Planning Commission, upon advice of the Planning  
158 Department and/or the Department of Public Works, infeasible or impracticable at the  
159 time of development, the developer may deposit the estimated construction cost in an  
160 account with the City for the future improvements of that roadway to the designated  
161 County road standards.  
162

163 (2) Frontage improvements may be required when a parcel of land is subdivided or  
164 developed for purposes of creating:

165 (a) Any business, industrial or institutional use; or  
166

167 (b) Any residential use for more than 5 dwelling units.  
168

169 (3) The extent of the road improvements required pursuant to this section shall be  
170 determined by the Department of Public Works with the concurrence of the Department  
171 of Planning prior to the plan being submitted for review the Planning Commission.  
172

173 (4) Construction of road improvements shall be required of a property owner pursuant  
174 to this section, if 1 or more of the following is applicable:  
175

176 (a) The additional traffic to be placed on the roadway is directly related to the  
177 proposed development and necessitates additional improvements to the road;  
178

179 (b) The present road condition is not adequate to handle the traffic to be  
180 generated by the proposed development; or  
181

182 (c) The road improvements would otherwise benefit the subdivision and are  
183 related to the protection of the health, safety and general welfare of the residents  
184 of the subdivision.  
185

186 (d) Inadequate provisions for safe vehicular ingress and/or egress, due to  
187 inadequate site distance, geometric conditions, inadequate traffic gaps, or other  
188 such conditions as may be determined by a traffic impact study.  
189

190  
191 (5) Timing of requirements for road, sanitary and other improvements. The minimum  
192 improvements which a subdivider/developer will be required to make, or enter into  
193 agreements to make, shall be completed in full compliance with the requirements,  
194 standards and specifications as contained in the City Code and Harford County Road  
195 Code. Nothing, however, shall be construed to prohibit the subdivider/developer from  
196 constructing improvements of a higher type than the minimum required by such  
197 regulations. Improvements shall be made in accordance with the following:  
198

199 (a) All improvements shall be completed prior to recordation of the final plat  
200 of the subdivision for approval with the Department of Planning. This must be in  
201 accordance with the specifications and under the supervision of the officials  
202 having jurisdiction, and upon posting of a Maintenance Bond not less than 10%  
203 of the cost of said improvements determined by 120% of the Engineer's Estimate  
204 approved by the City, and for a period of no less than 1 year;  
205

206 (b) In lieu of completing the improvements required, the  
207 subdivider/developer shall furnish the City with a cash deposit, letter of credit or  
208 performance bond executed by a surety company approved by the City attorney  
209 and naming the City as sole obligee in an amount sufficient to cover the cost of  
210 any or all improvements required to be installed by the subdivider as estimated  
211 by the City, but no less than 120% of the Engineer's Estimate approved by the  
212 City and with a minimum of 10% of that amount posted in cash. The posted  
213 security shall ensure the actual construction and installation of such  
214 improvements; or  
215

216 (c) Upon the written request of the subdivider/developer, in lieu of  
217 completing the improvements required, and upon mutual recommendation by the  
218 Department of Public Works and Department of Planning and approval by the  
219 City attorney, the subdivider/developer shall deposit the cost, as determined  
220 above in paragraph (b) and as estimated by the City, of constructing/installing  
221 any and all improvements required in an interest-bearing escrow account with the  
222 City, thereby insuring the actual construction/installation of such improvements.  
223 Such an account may be permitted to be established when:  
224

225 [1] The construction of the road improvement is considered by the  
226 Department of Public Works to be infeasible at the time because of existing  
227 physical or topographic conditions, or the developer is unable to acquire the  
228 necessary rights-of-way; or  
229

230 [2] The City has a proposed capital project set forth in the capital  
231 improvements program.  
232

233 (6) Phasing. Upon the mutual recommendation of the Department of Public Works  
234 and the Department of Planning, in subdivisions exceeding 50 lots the improvements may  
235 be phased over a period of time and on a schedule to be determined by the Department of  
236 Public Works and the Department of Planning. The phasing schedule shall be  
237 incorporated in the preliminary plan approval for the project. Where elements of the

238 proposed phased improvements are essential to meet the various standards herein,  
239 including but not limited to providing essential public safety, safe and efficient vehicular  
240 ingress, ingress and/or circulation, adequate public water supply, wastewater conveyance,  
241 storm water management requirements or other required improvements, the Planning  
242 Commission may establish milestones by which certain improvements must be  
243 completed, penalties for the lack of timely completion, along with provisions for specific  
244 Performance Bonding or other guarantees assuring the completion for the residents of the  
245 City of Havre de Grace, irrespective of whether such infrastructure is intended to be  
246 maintained privately or publically.  
247

248 **§ 173-14. Streets.**  
249

250 A. Streets shall connect with existing streets, whether constructed or recorded, where  
251 appropriate and shall be arranged to provide access, where needed, in possible adjoining  
252 subdivisions.  
253

254 B. The street plan shall give suitable recognition to existing topography and shall provide for  
255 good drainage.  
256

257 C. Proposed streets shall provide for appropriate continuation of any existing streets  
258 (constructed or recorded) that come to the boundary line of adjoining property, where feasible,  
259 unless otherwise recommended by the Department of Public Works.  
260

261 D. Streets ordinarily shall intersect as nearly at right angles as is practical.  
262

263 E. Cul-de-sac or dead end streets, more than 600 feet in length, may be approved where  
264 necessitated by topography or where, in the judgment of the Director of Planning, in consultation  
265 with the Director of Public Works, they are appropriate for the type of development contemplated.  
266 A turnaround shall be provided at the end of such a street. The turnaround shall be designed to  
267 accommodate school buses and other similar commercial vehicles.  
268

269 F. Minor residential streets should be so planned as to discourage use by non-local traffic.  
270

271 G. Where a new subdivision involves frontage on an arterial or higher functionally classified  
272 road, particularly a controlled-access highway, the street layout should provide vehicular access  
273 to such frontage by 1 of the following means:  
274

275 (1) A parallel street which provides frontage for lots with rear yards that abut the  
276 highway, or providing the approach for vehicles to a garden apartment development;  
277

278 (2) A series of cul-de-sacs or short loops entered from and planned at right angles to  
279 such parallel street, with the rear lines of the terminal lots abutting on the highway; or  
280

281 (3) A marginal access street separated by a planting strip from the highway, to which  
282 vehicular access from the marginal access street is provided at points suitably spaced.  
283

284 (4) Where any of the above-mentioned arrangements is used, deed covenants or other  
285 means must prevent residential driveways from having direct access to the highway.



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- H. If a railroad is involved, the street plan should:
  - (1) Make allowance for future underpasses or overpasses where grade separations are probable;
  - (2) Parallel the railroad right-of-way with a street at sufficient distance from the railroad to:
    - (a) Permit lots of more than normal depth, where the rear lines abut the railroad; or
    - (b) Form a buffer yard for park, business, industrial or other appropriate use.
  - (3) Provide cul-de-sacs or loops approximately at right angles to the railroad so as to provide lots of more than normal depth to abut the railroad right-of-way.
- I. Street names shall be approved by the Harford County Division of Emergency Services prior to the time of submission of the final plat. Names shall not duplicate or closely approximate existing street names in Harford County, unless they are extensions of existing or previously planned streets of the same name.

**§ 173-15. Dimensional Standards.**

Due to the diversity of development in the City, required pavement widths for roads, bike paths and sidewalks will necessarily vary with the character of building development and the amount of traffic encountered. All streets, roads and intersections shall be established in conformance with the classifications of the road and the standards of the Harford County Road Code.

- A. Right-of-way and easement widths.
  - (1) Roads - minimum right-of-way and easement widths shall be established in conformance with the classifications of the road and the standards of the Harford County Road Code. The functional classification shall be determined as approved by the Director of Planning and the Director of Public Works.
  - (2) Drainage and utility easements - minimum easement width for drainage and utility easements shall be determined by the Department of Public Works.
- B. Private roads. After completing construction of the private road, the developer or any successor in interest to the developer shall:
  - (1) Obtain a statement from a professional engineer licensed by the State of Maryland that, based on site inspections or core samples conducted or obtained by the engineer, the private road has been constructed to the standards of the Harford County Road Code, and Department of Public Works.

333 (2) The Developer shall furnish a copy of the statement to the property owners or the  
334 association and to the Department of Planning. If no association of the subdivision's  
335 property owners is to be formed, the developer or any successor in interest to the  
336 developer shall, at the time of final plat approval, file in the County Land Records, a  
337 private road agreement:

- 338 a. Approved by the Department of Planning; and
- 339
- 340 b. Establishing responsibility for maintenance of the private road.
- 341
- 342

343 (3) The developer or his successor shall remain responsible for the private road until  
344 a developer, who creates a private road, complies with the requirements of the Harford  
345 County Road Code.

346 C. Residential lots. placement

- 347 (1) Every lot shall abut on a street.
- 348
- 349 (2) Corner lots shall have extra width sufficient to meet the setback requirements.
- 350
- 351 (3) Building setback lines shall be established and shown on the plat along all streets  
352 in accordance with the City Code now in effect or as hereafter amended.
- 353
- 354 (4) All lots, except the first and second lot, shall be served by a development road  
355 with the exception that groups not exceeding 6 lots may be served by a common drive,  
356 using the provisions for panhandle lots in the City Code, as amended.
- 357
- 358
- 359

360 **§ 173-16. Requirements Governing Road, Sanitary and Other Improvements in New Subdivision.**

361 A. Minimum requirements.

362 (1) Water and sewer facilities. Where a public water supply or sewerage system is  
363 intended to be provided, such facilities shall be installed in accordance with the standards  
364 prescribed by the authorities having jurisdiction in each case. A water system shall  
365 include standard fire hydrants and water lines of sufficient size to provide standard fire  
366 protection. A water line and a sewerage lateral shall be provided for each lot and shall  
367 extend to the lot line. Upon completion of the water system, the developer shall furnish  
368 the Fire Companies and Ambulance Corps serving the City of Havre de Grace with a map  
369 showing the system's water main shutoff valves.

370 (2) Storm drainage. Every subdivision shall be provided with a stormwater drainage  
371 system adequate to serve the area being platted, including any surface drainage water  
372 originating outside the limits of the area, which would ordinarily run through the area  
373 being platted, and otherwise meeting the drainage specifications as set forth in the Harford  
374 County Road Code and Chapter 169 of the City Code, Stormwater Management.

375 (3) Street name signs. Where required, street name signs, of a design and type of  
376 construction which meets the approval of and placed in position designated by the  
377

381 Department of Public Works, shall be erected at each highway and/or street intersection.  
382 The developer shall install temporary street signs in the development before the City  
383 issues a building permit for a lot included in the public works agreement for the  
384 development.

385  
386 (4) Utility lines. Extensions of distribution lines necessary to provide electric and  
387 telephone service to any residential, commercial or industrial subdivision shall be subject  
388 to the underground rules of the Public Service Commission and existing tariffs.  
389

390 (5) Sidewalks of durable all weather surfacing shall be constructed for all new  
391 developments in the City, unless determined to be infeasible by the Director of Public  
392 Works and the Director of Planning.  
393

394 (6) Crosswalks, where required, shall be constructed in accordance with the width and  
395 specifications contained in the Road Code, and may be required to use differentiations in  
396 color, materials and/or textures to incorporate traffic calming effects.  
397

398 B. Specifications for supporting detailed plans and data. Plans and profiles shall be submitted  
399 in accordance with the rules and regulations of the Department of Public Works and the City  
400 Code.  
401

402 C. Inspection and acceptance. All construction work on improvements required herein,  
403 whether intended for private or public maintenance, shall be subject to inspection during and upon  
404 completion of construction, by the Department of Public Works, or by an authorized engineering  
405 representative of the City, and to approval and acceptance by such representatives on behalf of  
406 the City. The subdivider shall furnish the appropriate agency with accurate and detailed “As-  
407 Built” engineering drawings of all improvements as they were actually constructed, in both  
408 durable reproducible plan and electronic means, compatible with the City of Havre de Grace  
409 resources. No building permits shall be approved until all required improvements have been  
410 satisfactorily completed and accepted in compliance herewith, or a satisfactory bond posted. No  
411 such bond shall be released until all improvements secured by such bond have been completed  
412 and accepted. The Department of Public Works shall, in the event of questions concerning the  
413 amount of bond required, make a final decision on the amount or type of bond or guarantee based  
414 on at least 2 construction estimates made for the improvements to be accomplished, and in  
415 compliance with the requirements of Section 173-11 D. (5) (c) of this Ordinance.  
416

417 **ARTICLE IV. Review of Preliminary Subdivision Plans**

418  
419 **§ 173-17. Preliminary Plans.**  
420

421 A. Submission procedure.  
422

423 (1) All plats intended to subdivide land within the City of Havre de Grace shall be  
424 submitted as a preliminary plan to the Director of Planning and the Director of Public  
425 Works who shall each review the plans for the purpose of determining if public service  
426 facilities are adequate to serve each property within the proposed subdivision and whether  
427 the plans are in compliance with applicable codes or laws. The applicant’s engineer or

428 surveyor is responsible for the representations shown on the subdivision plan meeting the  
429 minimum requirements of the applicable codes.

430  
431 (2) The preliminary plan shall fully comply with the requirements of this chapter.

432  
433 B. Information required. At a minimum, the preliminary plan shall include all items as  
434 specified on the most recent checklist provided by the Department of Planning which is  
435 incorporated by reference and made a part hereof as though it were fully stated herein.

436  
437 C. Review and approval procedure.

438  
439 (1) The Department of Planning shall coordinate the review of preliminary plans with  
440 other City agencies. The Department may solicit comments from other County, State or  
441 Federal agencies where appropriate.

442  
443 (2) The Department of Planning may administratively review and approve  
444 subdivisions up to two lots; however, piecemeal subdivision shall not be permitted to  
445 avoid the requirements of this Chapter.

446  
447 (3) The Department of Planning shall prepare a staff report that incorporates  
448 background information on the subject property, provides a recommendation for approval  
449 or denial, and incorporates recommended conditions as necessary. The staff report shall  
450 be forwarded to the Planning Commission at least 10 business days prior to the hearing  
451 before the Commission.

452  
453 (4) Variances from the design standards included in Chapter 205, Table 1 shall first  
454 require review and approval from the Board of Appeals before being forwarded to the  
455 Planning Commission.

456 (5) If a forest stand delineation is required by Chapter 81 of the City Code, as  
457 amended, the preliminary plan shall not be submitted for review until the forest stand  
458 delineation (FSD) has been approved by the Department of Planning. The Forest  
459 Conservation Plan (FCP) shall be approved prior to the recordation of the final plat.

460  
461 (6) The proposed subdivision shall demonstrate Adequate Public Facilities. The  
462 subdivider shall demonstrate to the Directors of Public Works and Planning that all public  
463 service facilities specified herein are adequate or that provisions have been made for the  
464 construction of adequate facilities. Public service facilities shall include water, sewer,  
465 roads, stormwater management, streetlighting, rights-of-way and easements for future  
466 utilities, sidewalks, walking trails, and bike paths.

467  
468 a. If a traffic impact analysis is required, the analysis shall be completed and  
469 approved by the Department of Planning and Department of Public Works prior  
470 to the submission of a preliminary plan.

471  
472 i. The City shall convene a traffic scoping meeting to determine the  
473 scope of the study. The meeting may include representatives from the  
474 City, County, Police Department and State Highway Administration.

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ii. A TIA shall include a study of intersection capacity for studied intersections, as well as an analysis of street operational issues on streets adjacent to the site and to the nearest collector or higher-functioning classification road, as measured from each point of entrance to the site.

iii. The TIA shall be prepared in accordance with the most recent guidelines prepared by the County for the preparation of a TIA.

b. If an analysis of the water and sewerage system is required, the analysis shall be completed and approved by the Department of Public Works prior to the submission of a preliminary plan.

c. Neighborhoods shall be connected through sidewalks, walking trails and bike paths. Trails and paths shall be constructed of a durable and dustless surface.

d. If the aforesaid facilities are not adequate at the time each Director reviews the preliminary plan, the final plat shall not be approved unless each Director receives assurance that adequate public facilities will be constructed in accordance with the aforesaid specifications prior to the issuance of a use and occupancy permit for any structure in the subdivision.

e. Assurances shall include, but not be limited to, statements of availability by public utility companies, bonds and written agreements.

(7) The Planning Commission may approve, deny or approve with conditions a preliminary plan. If approved with conditions, the Planning Commission's approval letter shall state the basis for any required improvements. At any time, it may table any matter for further discussion or to acquire additional information. A decision shall be rendered within 60 days of the last Planning Commission review, unless an extension is agreed upon, in writing, by all parties involved in the hearing, or the plan shall be deemed approved.

(a) Approval of the preliminary plan shall be set forth in a letter from the Planning Commission or Department of Planning. This letter shall include any conditions of approval and must be countersigned by the applicant and returned to the Department of Planning within 45 calendar days indicating acceptance of terms.

(b) Any substantial change to the preliminary plan may require the submission of a revised plan for review by the Director of Public Works and Director of Planning prior to any further action. The Department of Planning may recommend that the revised preliminary plan be reviewed by the Planning Commission.

(8) If a variance to the design requirements of Table 1 of Chapter 205 are required, then the Board of Appeals shall first approve, deny or approve with conditions a preliminary plan. If approved with conditions, the Board's approval letter shall state the basis for any required improvements and be forwarded to the Planning Commission.

524 (a) Approval of the preliminary plan shall be set forth in a letter from the Planning  
525 Commission or Department of Planning. This letter shall include any conditions  
526 of approval and must be countersigned by the applicant and returned to the  
527 Department of Planning within 45 calendar days indicating acceptance of terms.  
528

529 (b) Any substantial change to the preliminary plan may require the submission of a  
530 revised plan for review by the Director of Public Works and Director of Planning  
531 prior to any further action. The Department of Planning may recommend that the  
532 revised preliminary plan be reviewed by the Planning Commission.  
533

534 D. Tenure of preliminary plans.  
535

536 (1) A preliminary plan approval is valid for 3 years. The Department of Planning may  
537 grant an extension of the plan in accordance with §173-17.D(2) of this chapter.  
538

539 (2) Extension of preliminary plan. A written request for an extension of a preliminary  
540 plan must be filed with the Department of Planning and Zoning at least 60 calendar days  
541 before the date on which the plan's previous approval will expire. A one-time, 2-year  
542 extension of the preliminary plan may be granted by the Department of Planning subject  
543 to the following conditions:  
544

545 (a) The subdivider has executed an agreement with the City for off-site and/or  
546 on-site facilities improvements beyond the required, standard on-site roads and  
547 utilities agreements, and  
548

549 (b) A performance bond for the additional/agreed to facilities improvements  
550 has been posted by the subdivider, or  
551

552 (c) Findings of adequate public facilities based on the standards set in §207-  
553 1 (Adequate Public Facilities) of the City Code, As Amended, have been  
554 established.  
555

556 (3) Upon expiration of any preliminary plan approval, any remaining unrecorded lots  
557 on any portion of the area covered by the preliminary plan shall be deemed null and void  
558 and shall meet the requirements established in the Zoning Code prior to again obtaining  
559 preliminary approval.  
560

561 (4) Phasing for preliminary plans. For any development exceeding 100 lots or units,  
562 a phasing schedule shall be submitted by the subdivider. Such phasing schedule shall be  
563 incorporated in the preliminary plan approval, subject to the requirements of Section 173-  
564 11 D. (6) of this Ordinance.  
565

566 **ARTICLE V. The Final Subdivision Plan**  
567

568 **§ 173-18. The Final Plat.**  
569

570 The final plat of a subdivision may include all or any portion of the area covered by the preliminary plan.  
571 The final plat shall be surveyed and prepared in accordance with the accuracy standards contained in table

572 1 and table 2 of the minimum standard detail requirements for ALTA/ACSM land title surveys (1988).  
573 The final plat shall incorporate any changes or additions required by the preliminary plan approval letter.  
574 The final plat shall conform to the following requirements:

575  
576 A. It shall be legibly and accurately prepared on, or printed on, sheets 24 inches by 20 inches  
577 in size.

578  
579 B. It shall be drawn legibly and accurately at a scale 1 inch to 50 feet or 1 inch to 100 feet,  
580 depending upon the size of the subdivision.

581  
582 C. Information required. At a minimum, final plats shall include all items as specified on the  
583 most recent checklist provided by the Department of Planning and Zoning which is incorporated  
584 by reference and made a part hereof as though it were fully stated herein.

585  
586 D. Graphic information required. One or more corners accurately tied by a system of bearings  
587 and distances to a monument of the Harford County system. Coordinates of said corners will be  
588 computed and shown in X (easting) and Y (northing) in the Maryland Coordinate System  
589 referenced to the North American Datum 1983. The coordinate values may be in either feet or  
590 meters.

591  
592 E. The final plat shall contain the following owner's statements:

593  
594 (1) The owner hereby grants to Havre de Grace, Maryland, an easement for the  
595 construction, maintenance, repair and replacement of water, sewer and storm drainage  
596 lines within the drainage and utility easements and road improvement rights-of-way as  
597 shown on the plat.

598  
599 (2) Unless otherwise provided on this plat, the streets, roads, open spaces and public  
600 sites shown hereon, and the mention thereof in deeds, are for the purpose of description  
601 only and the same are not intended to be dedicated to public use; the fee simple title to  
602 the land so shown is expressly reserved to the present owner(s) shown on this plat, their  
603 successor, heirs and assigns. Nothing contained herein shall preclude the owner from  
604 conveying by deed the streets, roads, open spaces and public sites in fee to Havre de  
605 Grace, Maryland.

606  
607 (3) No lot will be re-subdivided to produce a building site of less area or width than  
608 the minimum required by City Code or the County Health Officer.

609  
610 F. If the owner is a corporation, the plat shall bear the corporate seal and the signature of the  
611 officer authorized to sign for the corporation.

612  
613 G. Required documentation. At the time of final plat submittal to the Department of Planning,  
614 the following documents, where applicable, shall be submitted for review and approval by the  
615 City.

616  
617 (1) For all subdivisions, charge and deposits agreements providing for telephone,  
618 electric and gas service, shall be executed by the subdivider in accordance with the  
619 respective public service company's procedures. These agreements shall provide that the

620 subdivider is responsible for all applicable charges and deposits in accordance with the  
621 applicable public service commission rules and company service tariffs, even though  
622 building lots of the said subdivision may be sold, developed or improved by third parties.  
623 The posting of all required deposits and charges for underground telephone, gas and  
624 electric services shall occur prior to the earlier of:

625  
626 (a) The conveyance of any lot or lots in the subdivision; or

627  
628 (b) The awarding of any contract for the construction of required public or  
629 private improvements within the subdivision.

630  
631 (2) The executed underground gas, electric and telephone agreements shall be  
632 delivered by the subdivider to the appropriate public service company prior to final plat  
633 approval.

634  
635 (3) For all subdivisions, overhead/underground right-of-way agreements shall be  
636 executed by the subdivider, granting public service companies the right-of-way onto the  
637 subdivision for the purposes of or related to providing or maintaining telephone, gas or  
638 electric service, even though building lots of the said subdivision may be sold, developed  
639 or improved by third parties. The executed overhead/underground right-of-way  
640 agreements shall be executed and delivered by the subdivider to the appropriate public  
641 service company prior to final plat approval.

642  
643 (4) For subdivisions having frontage along an existing City road, a signed deed  
644 conveying to the City the road improvement right-of-way along the existing City road for  
645 each lot shown on the final plat shall be submitted for recordation.

646  
647 (5) For subdivisions providing common open space(s), roads and/or private utilities,  
648 a copy of the proposed homeowners' association articles of incorporation, bylaws,  
649 budget, declaration of covenants and restrictions and declaration of covenants for  
650 stormwater management facilities shall be recorded with the final plat. The documents  
651 shall be reviewed for legal sufficiency by the City Attorney prior to recordation.

652  
653 H. The final plat shall include signature blocks for the Director of Public Works, Director of  
654 Planning, Chair of Planning Commission or Board of Appeals as applicable, County Health  
655 Officer, and Director of Administration.

656  
657 **§ 173-19. Improvement Plans and Specification.**

658  
659 A. Prior to approval of the final plat, the subdivider shall prepare and submit to the  
660 Department of Public Works plans for the construction of all required improvements, including  
661 water and sewer lines and facilities, public roads and road improvements, storm drains and  
662 stormwater management facilities. Such plans shall meet the appropriate design guidelines as  
663 established in the rules and regulations of the Department of Public Works and in the City Code.

664  
665 B. In those situations where the preliminary plan approval letter has approved the use of  
666 private roads, the final plats shall clearly indicate that the roads are private and shall bear the note  
667 "The Department of Public Works shall not improve or maintain private roads."



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**§ 173-20. Construction of Improvements or Posting of Bonds.**

Upon the approval of the construction drawings by the Department of Public Works, the subdivider may proceed with the construction of all improvements. In lieu of completing construction prior to recordation of final plats and issuance of building permits, the subdivider may post a performance guarantee in a form acceptable to the City and in an amount sufficient to cover the cost of any or all of the required improvements as determined by the Department of Public Works.

**§ 173-21. Processing of Final Plat.**

- A. The Department of Planning shall route the final plat to all appropriate agencies for review and signature. Once the plat has been signed by all appropriate agencies, the plat shall be taken to the Harford County Land Records by the applicant/developer, along with the appropriate agreements and documents, and shall be recorded by the surveyor or authorized party.
- B. All final plats must be recorded within 1 year from the date a plat is submitted to the City.
- C. If a subdivider desires approval of a final plat in order to record the plat before completion or acceptance by the City of the required improvements, the subdivider and the County shall execute a subdivision agreement, and a copy of the plat shall be filed with the Clerk of the Circuit Court of Harford County.

**§ 173-24. Acceptance of Improvements.**

Upon satisfactory completion and acceptance of the required public improvements, performance guarantees shall be released and any required maintenance bonds posted. The subdivider shall deed the roads to the City of Havre de Grace in fee simple.

- (1) The Department of Public Works may require the subdivider to hire a third party to certify that the improvements have been satisfactorily completed.
- (2) The City shall not accept any improvements that are not fully completed.

**§ 173-25. Public Release.**

Upon satisfactory completion and acceptance of the public improvements required in §173-11 (Improvements), the City shall accept, by duly executed deed, the lands (together with their improvements) reserved for roads or streets upon which improvements have been completed and accepted.

ATTEST:

THE MAYOR AND CITY COUNCIL  
OF HAVRE DE GRACE

716 PATRICK D. SYPOLT  
717 DIRECTOR OF ADMINISTRATION  
718  
719 First Reading: 2/18/2020  
720 Public Hearing: 3/2/2020  
721 Second Reading/Adoption: 3/16//2020  
722

WILLIAM T. MARTIN, MAYOR

**ORDINANCE NO.1030**

**AN ORDINANCE CONCERNING  
HAVRE DE GRACE CITY CODE  
CHAPTER 31  
BUILDING CONSTRUCTION**

**AN ORDINANCE BY THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE ADOPTED PURSUANT TO THE AUTHORITY OF ARTICLE XI-E OF THE MARYLAND CONSTITUTION, ARTICLE 23A OF THE ANNOTATED CODE OF MARYLAND, AND SECTIONS 33 AND 34 OF THE HAVRE DE GRACE CITY CHARTER, FOR THE PURPOSE OF AMENDING HAVRE DE GRACE CITY CODE CHAPTER 31 BUILDING CONSTRUCTION ARTICLES I, II, III, IV AND V.**

**WHEREAS**, the Mayor and City Council of Havre de Grace (“City”) adopted Ordinance 975 on December 7, 2015 and codified the 2015 versions of the International Property Maintenance Code, International Building Code, and the International Residential Code for one- and two-family dwellings, along with the general savings clause and violation provisions; and

**WHEREAS**, the City has determined that the 2018 versions of the International Property Maintenance Code, International Building Code, and the International Residential Code for One and Two-family Dwellings should replace the current Codes, and that the Code Violations Costs should be retained;

**NOW THEREFORE**, the Mayor and City Council ordain, establish and enact the following Ordinance as follows:

1. The Havre de Grace City Code Chapter 31 Building Construction Article 1 Property Maintenance Code is modified with language that is shown in **bold underlined** to be added and the language that is shown [~~bracketed with strikeout~~] to be deleted;

Article I  
PROPERTY MAINTENANCE CODE

- A). Section 31-1. Adoption of International Property Maintenance Code [~~2015~~] **2018**.

The International Property Maintenance Code [~~2015~~] **2018**, as published by the International Code Council Inc., Chapters 1 through 8, copies of which are on file with the Department of Planning of the City of Havre de Grace, is hereby adopted by the Mayor and City Council of the City of Havre de Grace, Maryland for the purpose of protecting the health, safety and welfare of the citizens of the City of Havre de Grace.

B). Section 31-2. Amendments.

The International Property Maintenance Code [~~2015~~] **2018** shall be adopted with the following amendments:

- A. The name of the jurisdiction in the second line of Section 101.1, Title, on page 1 of the International Property Maintenance Code [~~2015~~] **2018** shall be “the City of Havre de Grace, Maryland.”
- B. Section 102.3 Application of other codes: shall read: “Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the International Building Code [~~2015~~] **2018**, the International Residential Code for One and Two Family Dwellings [~~2015~~] **2018**, The City of Havre de Grace Zoning Ordinance, and applicable Codes of Harford County, Maryland and the State of Maryland.”
- C. Section 103.1 General: shall read: “The Director of the Department of Planning or the Director’s designee to be known as the Code Official is hereby designated as the administrative official in charge of the implementation and enforcement of the International Property Maintenance Code [~~2015~~] **2018**.”
- D. Section 103.2 Appointment shall be deleted.
- E. Section 103.3 Deputies shall be deleted.
- F. Section 103.5 Fees: shall read: “The fees for activities and services performed by the Department in carrying out its responsibilities under the International Property Maintenance Code [~~2015~~] **2018** shall be based upon the valuation of staff time required to complete plan and permit examinations, site inspections and enforcement activity and shall be established by the Mayor and City Council from time to time.”
- G. Section 104.6 Department records: shall read: “An official record shall be kept of all business and activities of the Department specified in the provisions of the International Property Maintenance Code [~~2015~~] **2018**, and all such records shall be open to public inspection at all appropriate times and according to reasonable rules to maintain the integrity, confidentiality, and security of such records.”
- H. New Section 104.7 “Restriction of Employees” Shall be added as follows: “An official or employee connected with the Department of Planning shall not be engaged in or directly or indirectly connected with the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building, or the preparation of construction documents thereof, unless that person is the owner of the building; nor shall such officer or employee engage in any work that conflicts with official duties or with the interests of the Department.”

I. Section 106.3 Prosecution of violation: shall read:

- a. Any person who shall be adjudged to have (1) violated any of the provisions of this Ordinance; or (2) failed to comply herewith or permitted or maintained such a violation; or (3) violated or failed to comply with any order made hereunder; or (4) to have built in violation of any details, statements, specifications or plans submitted or approved hereunder; or (5) failed to operate in accordance with the provisions of any certificate, permit, or approval issued hereunder, shall, severally for each violation and noncompliance respectively, be guilty of a municipal infraction, for which a fine not to exceed \$1,000.00 may be imposed for each such infraction, payable to the City of Havre de Grace, with costs imposed in the discretion of the court. Each day that an infraction continues after notice has been served shall be deemed a separate infraction. The imposition of a fine for any violation shall not excuse the violation nor shall the violation be permitted to continue. Prosecution or lack thereof of either the owner, occupant, or the person in charge shall not be deemed to relieve any of the others.
- b. Any person who shall be convicted of willfully (1) violating any of the provisions of this Ordinance; or (2) failing to comply herewith or permitting or maintaining such a violation; or (3) violating or failing to comply with any order made hereunder; or (4) building in violation of any details, statements, specifications or plans submitted or approved hereunder; or (5) failing to operate in accordance with the provisions of any certificate, permit, or approval issued hereunder, shall, severally for each violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine of not more than \$1,000.00 and imprisonment not exceeding ninety (90) days for each violation, with costs imposed in the discretion of the court. Each day that a violation continues after notice has been served shall be deemed a separate offense. The imposition of punishment for any violation shall not excuse the violation nor shall the violation be permitted to continue. Prosecution or lack thereof of either the owner, occupant, or the person in charge shall not be deemed to relieve any of the others.
- c. Any order or notice issued or served as provided in this Ordinance shall be complied with by the owner, operator, occupant or other person responsible for the condition or violation to which the order or notice pertains. Every order or notice shall set forth a time limit for compliance dependent upon the hazard and danger created by the violation. In cases of extreme danger to persons or property immediate compliance shall be required. If the notice of violation is not complied with, the Code Official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto.
- d. In addition to the other provisions set out in this Ordinance, the City of Havre de Grace may institute injunctive, declaratory or any other appropriate action or

proceedings at law or equity for the enforcement of this Ordinance or to correct violations of the International Property Maintenance Code 2012, and any court of competent jurisdiction has the right to issue restraining orders, temporary or permanent injunctions or mandamus or other appropriate forms of remedy or relief.

- e. All provisions of Article 23A, Section 3 of the Annotated Code of Maryland relating to municipal infractions are incorporated in this chapter. In the event of any inconsistency between this Section 106.3 and Article 23A, Section 3, the provisions in Article 23A, Section 3 shall prevail.
- J. Section 106.4 Violation penalties shall be deleted.
- K. Section 106.5. Abatement of violation: add a second sentence which shall read as follows: “Any costs associated with any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and may be recovered as a lien upon such real estate. **Costs shall also include City inspection fees.**”
- L. Section 107.2 At the end of the section, the following exception shall be added: “Exception: Notice of violations requiring immediate attention will be conspicuously posted on the premises and allowing **up to 5** (five) days to abate the violations. Such notice shall be used for overgrown grass and/or weeds, untagged or unregistered vehicles, trash and rubbish removal, snow removal, or other violations **which require immediate attention.**”
- M. Section 107.3 [Add the following to item 1.] **At the end of the section the following language shall be added: “In the case of violations requiring immediate attention, see the Exception under Section 107.2.** [or conspicuously posted on the premises as outlined in the Exception under 107.2”]
- N. Section 107.5 Penalties. Refer to Section 106.3 and 106.5 in this code.
- O. **Section 110.1 General: shall read: “The Code Official shall order the owner, or owner’s authorized agent, of any premises upon which is located any structure, which in the Code Official’s judgment is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure. If such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair, or to demolish and remove at the owners option. Boarding the building for future repair shall not extend beyond 180 days, unless approved by the Code Official.**
- P. **New Section 110.1.1 Abatement of Unsafe Conditions. “Abatement failure by the owner of any premises upon which is located a structure posing an**

**imminent danger to human life or the public welfare due to an unsafe condition, the Director or the Director's designee shall cause the necessary work to be done to eliminate the condition including, but not limited to, the demolition of the structure or structures. The Director or the Director's designee shall cause to be published, for three (3) consecutive days, in a County newspaper of record, notice setting forth the address of the building; a description of the real estate sufficient for its identification; a statement that the property is unsafe and constitutes an immediate and continuing hazard to the community; and a statement that the City intends to demolish same if the owner fails to do so. A person objecting to the proposed actions of the City may file an objection in an appropriate form in a court of competent jurisdiction. If the building is not demolished within thirty (30) days of mailing notice to the owners of record, or within thirty (30) days of the last day of publication of the notice in a County newspaper of record, whichever is later, the Director or the Director's designee shall have the power to demolish the structure or structures.**

- Q. **Add a new Section 110.1.2, Creation of a Tax Lien. There is created a tax lien on real property for monies expended by the City for the making safe of buildings or structures and/or abatement of other unsafe nuisances or conditions constituting a danger to the public health and safety. The amount of such lien shall be collected by the Director of Finance in the same manner as other City real estate taxes.**
- R. Sections 111.2 through 111.8 are deleted (see City of Havre de Grace Board of Appeals Ordinance).
- S. Section 112.1 Authority: shall read: “Whenever the Code Official finds any work regulated by this Code, or other building codes adopted by the local jurisdiction, being performed in a manner contrary to the provisions of these codes, or in a dangerous or unsafe manner, the Code Official is authorized to issue a stop work order.
- T. Section 112.4 Failure to Comply: in the last line insert \$100 and \$1000 as the range of fine amounts.
- U. Section 201.4 At the end of the section, the following language shall be added: “or as is interpreted by the Director of Planning or Code Official.”
- V. Section 202.0 General Definitions: shall have added to it these additional definitions as follows: 1. “JUNK YARD: Any land or building licensed and used for abandonment, storage, keeping, collecting or bailing of paper, rags, scrap metals, other scrap, discarded materials or junk for the purpose of abandonment, demolition, dismantling, storage, recycling or salvaging. Proper business licensing required.” 2. “OPEN STORAGE AREAS”: Property areas used for storage of materials that are related to the occupation of the property owner and/or lessee.” 3. “SALVAGE YARDS”: Property area upon which any person or business stores three or more

wrecked vehicles outdoors for the purpose of dismantling or otherwise wrecking the vehicles to remove parts for sale or for use in an automotive repair or rebuilding business. Any auto salvage business must be properly licensed. 4. "SURFACE COAT": All exterior siding and millwork shall be scraped to a sound base and sanded smooth. Scraped and sanded areas shall have joints and cracks filled and shall be primed with exterior primer paint. Following this preparation, all exterior siding and millwork shall be painted with two coats of exterior quality paint. 5. "BICYCLES, BOAT TRAILERS, MOPEDS AND OTHER MOTOR VEHICLES": The same as the definitions provided under Title 11 of the Transportation Article of the Annotated Code of Maryland, as amended, respectively. 6. "BOATS": Every description of watercraft, including jet skis, wave-runners, or an ice boat that is used or capable of being used as a means of transportation on water or ice but does not include a seaplane, canoe, kayak, sculling boat, paddle board or similar recreational equipment. 7. "INOPERABLE": Unable to function in a manner or condition consistent with or similar to the design operation for which it was intended, regardless of modification. 8. "NOXIOUS MATTERS": Debris, garbage, junk, noxious odors, rubbish and trash; abandoned or inoperable bicycles, boats, boat trailers, mopeds or motor vehicles; abandoned appliances, furniture or parts thereof; and/or any other matter or condition as determined to be detrimental to the adjoining properties or the public health, safety, and welfare.

- W. New Section 301.3.1 "Vacant Structure Maintenance" shall be added to read as follows: "All land or improved premises within the City shall be maintained as though said property were being used or occupied. Once vacated or abandoned, the exterior of any structure and surrounding premises must be maintained to the minimum standards required by this code. Except for any structure damaged by fire, flood or natural disaster, the City shall be notified prior to any boarding of windows and doors to secure the structure. Any boarding shall be done in a professional manner and the materials used shall conform to the overall exterior appearance of the structure. Said structure, except for historic structures as defined by the City, shall be made habitable within three months, or the structure shall be considered an unsafe condition and subject to the provisions of this Chapter. The Code Official shall have the authority to allow a structure damaged by fire, flood or any natural disaster to remain boarded and secure for a period of one year at which such time the structure shall be made habitable or said structure shall be considered an unsafe condition and subject to the provisions of this Chapter."
- X. New Section 302.2.1 "Drainage General" shall be added as follows: "Storm water, sump pumps, sanitary system, and other water supplied appliances shall not discharge in a manner that is detrimental to neighboring properties or creates a public nuisance."
- Y. Section 302.3 Sidewalks and Driveways: Add the following section at the end of the paragraph: "It shall be unlawful for any person, incorporated body, public institution or other corporation using or occupying in any manner, or for any purpose whatsoever, any house, store, shop, stable, or tenement of any kind, persons having



charge of churches and public buildings of every description and of owners of unoccupied houses and unimproved lots, situated on any street in this City, to fail to remove and clear away, or cause to be removed and cleared away, the snow/ice from the foot pavements fronting the respective houses, stores, shops, stables, churches, buildings or lots so used, occupied or owned by them or under their charge within 24 hours after the end of any weather event resulting in snow or ice.” (See City Code § 190-38)

Z. Section 302.4 Weeds: Add the language “ten (10)” after the words “in excess of” in the second line. Add the following after the third sentence: “Trees and shrubs located on private property shall not create a nuisance, shall not create a safety hazard to, and shall not impose on public safety or interfere with any structure on the subject premises or adjoining properties or public utilities. When any lot, lots, parcels or tracts of land abut on any public street, avenue, alley, lane, sidewalk or other public right-of-way, the owner, occupant, lessor, lessee, tenant and/or any person, firm or corporation in control of such lot, lots, parcels or tracts of land shall be required to maintain so much of the public right-of-way as lies between the curblines/surfaced edge of the right-of-way and property lines of such lots, parcels or tracts of land as is occupied by or used by such owner, occupant, lessor, lessee, tenant and/or any person, firm or corporation in control thereof. This shall include maintenance to the centerline of the unimproved alley by all owners of any abutting lots, parcels or tracts of land.”

AA. Section 302.7 Accessory structures: shall read: “All accessory structures, including but not limited to detached garages, storage buildings, fences and walls, shall be maintained structurally sound and in good repair. Fences and walls shall be erected such that a finished side of the structure faces outward from the property on which it is constructed.”

BB. Section 302.8 Motor vehicles is amended by adding the following to the end of the section: “One unregistered but otherwise operative vehicle and/or trailer, not within a building, is permitted to be stored on the premises **for a period not to exceed 6 (six) months. Vehicle must belong to the current occupant or owner of the property. Owner or occupant must obtain a permit from the Department of Planning for the storage of the unregistered vehicle. After 6 (six) months, the vehicle must be registered or removed from the premises.**”

CC. New Section 302.10, Storage of junk, boats, appliances and furniture, shall be added as follows: "It shall be unlawful for any owner, occupant, lessor, lessee, tenant and/or person, firm or corporation in control of any lot, lots, parcels or tracts of land within the City to permit any junk, trash, refuse, debris, piled brush and branches, unused construction materials, garbage, or rubbish; abandoned or inoperable bicycles, boats, boat trailers, mopeds, motor vehicle parts, i.e., batteries, tires, fenders, rims, etc., or abandoned appliances, equipment, or furniture to remain on any such lot, lots, parcels or tracts of land where the Department of Planning determines that such materials or items are dangerous, detrimental or cause a

nuisance to the adjoining properties or the public health and safety and welfare of the City or are the nesting place for vermin. In the case of a boat, it must have a current registration; be situated upon a boat trailer that also has a current registration and is in operational condition. No boat(s) shall be stored on private property that has a hull registration size of 30 feet or greater without first obtaining a permit from the City. All permits for storage of boats 30 feet or greater shall be made, in writing, to the City's Director of Planning with a copy sent to the Director of Administration and Council President. All permits shall be valid for seasonal storage purposes and are renewable upon approval of subsequent letters of request. All requests must contain proof of current registration and are subject to inspection of the boat and property to ensure the boat has not become a nuisance or danger. Any denied or expired requests for permitted seasonal storage require removal of the boat from the property within 60 days. A boat may be placed on blocks or cribbing for not more than one year. A property owner shall not have more than two registered and tagged boats and/or boat trailers parked or stored on a property, unless the property owner is operating as a licensed boat storage or boat operations business in accordance with all applicable zoning and other applicable laws or the property owner holds a valid Maryland State Commercial Fishing or Crabbing License. Boats that are stored inside an approved enclosed structure are exempt from this section of the code."

**DD. New Section 302.11, Control of Animal Waste shall be added as follows: "No owner of a dog, or other pet, shall allow it to soil, defile, defecate upon or commit any other nuisance upon any public property or private property. The pet owner must take immediate steps to eliminate any such nuisance, including feces caused by the animal, in an appropriate and sanitary manner. Owner or occupant shall not allow accumulation of animal feces on any property in their control."**

EE. Section 304.1 General: shall read: "The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to create a public nuisance or be detrimental to adjoining properties, or pose a threat to the public health, safety or welfare."

FF. Section 304.3 Premises Identification shall have the following added to the end of the section: "In the case of structures with accessory apartments, all apartments with side or rear entrances, or multiple front entrances, must be clearly identified with their apartment number or letter, in addition to the premises address."

GG. Section 304.14 The dates in the first line shall be "April 1" and "November 1," respectively.

HH. New Section 304.20 Storage Areas shall be added as follows: "All open salvage yards and open storage areas shall be continuously completely obscured from surrounding property by a screened fence approved by the Director not less than 8 feet and not more than 10 feet in height and/or approved landscaping."

II. Section 307.1 General shall read: “Handrails and Guards shall comply with applicable subsections of the [2015] **2018** International Residential Code Sections R311 and R312.”

JJ. **Section 505.3 Supply: Add the following to the end of the paragraph: “Disconnected water supply due to non-payment of the utility service to a dwelling, shall be placarded as Unfit after 5 (five) days without service and subject to the provisions of Section 108 of the International Property Maintenance Code. Owners of residential rental units shall not request water supply disconnection as a substitute to legal eviction proceedings.”**

KK. **Section 507.1 Storm Drainage: Add the language “sump pumps,” after the words “Drainage of” in the first line.**

LL. Section 602.3 The dates in the fifth line shall be “September 15” and “May 31,” respectively.

MM. **New Section 602.3.1 Heat Substitute: “Approved portable heat supply, designed for interior use, shall be limited to a maximum 10 (ten) days during any period of repair or replacement of the primary mechanical heat source. The Code Official may grant an extension for genuine extenuating circumstances.”**

NN. Section 602.4 The dates in the third line shall be “September 15” and “May 31”, respectively.

OO. Chapter 8: Replace the following stated Codes and substitute as follows:

- (1) National Electrical Code – Harford County Electrical Code
- (2) International Fire Code – NFPA 101 & NFPA 1
- (3) International Plumbing Code – Harford County Plumbing Code
- (4) International Zoning Code – City of Havre de Grace Zoning Ordinance
- (5) International Fuel Gas Code – Harford County Plumbing Code

C). Section 31-3. Saving Clause.

Nothing in this Ordinance or in the International Property Maintenance Code [2015] **2018** hereby adopted shall be construed to affect any existing suit or proceeding pending in any court, or any vested rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed, and any amendments

thereto; nor shall any preexisting legal right or remedy of any character be lost, impaired or affected merely by the passage of this Ordinance.

2. The Havre de Grace City Code Chapter 31 Building Construction Article II Building Code is modified with language that is shown in **bold underlined** to be added and the language that is shown [~~bracketed with strikeout~~] to be deleted

Article II  
BUILDING CODE

- A). Section 31-4 Adoption of the International Building Code [~~2015~~] **2018**.

The International Building Code [~~2015~~] **2018**, Chapters 1 through 26, 28, 30 through 35 along with Appendix C, F, G, H & I as amended, as published by the International Code Council Inc., a copy of which is on file with the Department of Planning of the City of Havre de Grace, is hereby adopted by the Mayor and City Council of the City of Havre de Grace, Maryland, for the purpose of protecting the public health, safety and welfare of the citizens of the City of Havre de Grace.

- B). Section 31-5 Amendments.

The International Building Code [~~2015~~] **2018** shall be adopted with the following amendments:

- A. The name of the jurisdiction in the second line of Section 101.1 on page 1 of the International Building Code [~~2015~~] **2018** shall be "The City of Havre de Grace."
- B. Section 101.4.1 Replace reference to the "International Fuel Gas Code" with the "Harford County Plumbing Code".
- C. Section 101.4.3 first sentence shall read as follows: "The provisions of the Harford County, Maryland Plumbing Code shall apply to the installation, alterations, repairs and replacement of plumbing systems, including equipment, appliances, fixtures, fittings, and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system."
- D. Section 101.4.5 shall read as follows: "The provisions of the State of Maryland Fire Prevention Code shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the

construction, extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.”

- E. Section 101.4.6 shall read as follows: [~~“The provisions of the Maryland Energy Conservation Building Standards Act shall apply to all matters governing the design and construction of buildings for energy efficiency.”~~] **Electrical. “The provisions of the Harford County, Maryland Electrical Code shall apply to the installation, alterations, repairs and replacement of electrical systems.”**
- F. Section 102.6: Reference to the “International Fire Code” shall be changed to the “State of Maryland Fire Prevention Code” and NFPA 101 and NFPA 1, and reference to the International Property Maintenance Code shall be as amended by this Code.
- G. Section 103 shall be entitled "Division of Inspection Services"; and Section 103.1 shall read as follows: “Creation of Enforcement Agency. The Director of The Department of Planning or the Director’s designee is hereby designated as the Building Official or Code Official and shall be in charge of all matters related to building **and property** inspections.”
- H. Add a new Section 104.12 Restriction of Employees: “An official or employee connected with the Department of Planning shall not be engaged in or directly or indirectly connected with the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building, or the preparation of construction documents thereof, unless that person is the owner of the building; nor shall such officer or employee engage in any work that conflicts with official duties or with the interests of the Department.”
- I. Section 105.1 Required. Add to the end of the section the following: “A commercial Use & Occupancy permit will be required for any change in ownership and/or tenancy.”
- J. Section 105.1.1 Annual Permit shall be deleted.
- K. Section 105.1.2 Annual Permit Records shall be deleted.
- L. Section 105.2 Work Exempt from Permit shall be deleted.
- M. **Section 105.2.2 is deleted and replaced with the following: “Repairs. Application or notice to the Building Official is not required for ordinary repairs to structures. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements, or other work affecting public health or general safety.”**

- N. Add a new Section 105.3.3 Abatement of Uncompleted Structures. In the event that the responsible party fails to complete construction of a structure after 180 days of abandonment, or revocation of the building permit, and in the event that the responsible party fails to comply with the lawful order of the Director or the Director's designee to make safe by the completion of the construction or to demolish an unsafe and uncompleted structure, the Director or the Director's designee shall cause emergency work to be completed as required, to abate the unsafe conditions by appropriate means, including the demolition and removal of dangerous structures, using such public or private resources required and available.
- O. Add a new Section 105.3.4, Abatement of Unsafe Conditions. When, in the opinion of the Director or the Director's designee, there is an imminent danger to human life or the public welfare due to an unsafe condition, the Director or the Director's designee shall cause the necessary work to be done to eliminate the condition including, but not limited to, the demolition of the structure or structures. The Director or the Director's designee shall cause to be published, for three (3) consecutive days, in a County newspaper of record, notice setting forth the address of the building; a description of the real estate sufficient for its identification; a statement that the property is unsafe and constitutes an immediate and continuing hazard to the community; and a statement that the City intends to demolish same if the owner fails to do so. A person objecting to the proposed actions of the City may file an objection in an appropriate form in a court of competent jurisdiction. If the building is not demolished within thirty (30) days of mailing notice to the owners of record, or within thirty (30) days of the last day of publication of the notice in a County newspaper of record, whichever is later, the Director or the Director's designee shall have the power to demolish the structure or structures.
- P. Add a new Section 105.3.5, Creation of a Tax Lien. There is created a tax lien on real property for monies expended by the City for the making safe of buildings or structures and/or abatement of other unsafe nuisances or conditions constituting a danger to the public health and safety. The amount of such lien shall be collected by the Director of Finance in the same manner as other City real estate taxes.
- Q. Section 105.5 Expiration: shall read as follows “A permit shall be deemed to be expired [~~and void~~] if the work on the site authorized by said permit is not commenced within 180 days after its issuance, [~~or if the work authorized on the site by such permit is commenced but is suspended or abandoned for a period of 180 consecutive days after the work is commenced~~]. The Building Official may grant one (1) extension for a period of ninety (90) days to commence work on the site if requested in writing and showing justifiable cause prior to permit expiration.

- R. Add a new Section 105.5.1 Void: “Any permit which has been applied for and not issued within 180 days of application, [~~or expired after issuance,~~] and which no work has begun shall be deemed void. No refunds will be issued on any permits, unless the permit has been cancelled in writing by the applicant within 30 (thirty) days of date of original application, less a \$100.00 administrative fee, or permit fee, whichever is less. In no case will water and sewer cost recovery fees be refunded or transferred.”
- S. **Add a new Section 105.5.2 Incomplete: If the work authorized on the site by such permit has commenced, but is suspended or abandoned for a period of 180 consecutive days after the work is commenced, and the structure is left in an unsafe condition, see Sections 105.3.3 and 105.3.4 above. If all building and trades inspections have not received final approval, the City may attach the permit record to tax records to prevent transfer of title until all required inspections have been approved and the permit file is closed.**
- T. **Section 105.6 Suspension or revocation is amended by adding the following to the end of the section: “Any permit may be suspended or revoked for illegal occupancy, or construction activities outside the scope of application for a period of 90 days, provided the structure is not left in an unsafe condition. No work may proceed during the 90-day period until the reason for suspension or revocation is addressed by re-applying, or submitting revised building plans based on current building codes. See also all previous 105 Sections as applicable.”**
- U. Section 105.7 Placement of Permit shall read as follows: “The building permit or copy shall be kept on the site of the work, and displayed in plain view where appropriate, until the completion of the project and final inspections are approved.”
- [~~Section 106 Floor and Roof Design Loads shall be deleted in its entirety. ]~~
- [~~Section 107.1 General is amended by adding the following to the end of the section: “Where required by the Building Official, all braced wall lines, shall be identified on the construction documents and all pertinent information including, but not limited to, bracing methods, location and length of braced wall panels, foundation requirements of braced wall panels at top and bottom shall be provided.”]~~
- V. Section 109.2 shall read as follows: Building Permit Fees: "Fees for permits shall be based upon the valuation of staff time required to execute plan examinations, permit reviews and site inspections and shall be established by the Mayor and City Council from time to time."
- W. **Section 109.3 is amended by deleting the last two sentences of the section.**
- X. Section 109.4 Work commencing before permit issuance: shall read as follows: “Any person who demolishes any building or structure, or commences any work on

a building, structure or property, or opens a new business before obtaining the necessary permits shall be subject to a fee equal to double the required permit fee, and may be guilty of a municipal infraction or a misdemeanor. If the permit is not applied for with the appropriate fees paid within 10 days of documented notification, the property owner shall be subject to an additional fine equal to the required permit fees for each 30-day period the permit is not applied for, not to exceed \$1,000.00, and shall be collected as ad valorem taxes.”

- Y. New Section 110.1.1 “Approval of Inspections or Permits” shall be added as follows: “Any inspection or permit approval provided by the City is not a warranty of construction or workmanship. New permit applications may be placed on hold if the applicant or property owner has other open permits that are not compliant with City Administrative procedures and policies, as determined by the Director.”

~~[New Section 110.3.8.1 “Hazardous Materials Inspection” shall be added as follows: “As deemed necessary by the Building Official, approval from the Harford County Hazardous Materials Team, or its designee, may be required prior to a use and occupancy permit being issued.”]~~

- Z. New Section 110.7 “Standards” shall be added as follows: “All buildings, structures and appurtenances thereto shall be constructed strictly in compliance with accepted engineering practices. All members and components of the structure shall be installed, fitted or fastened, moved or stored in such a manner that the full structural capabilities of the members are obtained. Improper alignment (level and square), fitting, fastening or methods of construction shall be considered a violation of this Code.”
- AA. Section 111.2 Use and Occupancy Certificate Issued shall read as follows: “The Building Official, or designee, shall sign and date the office copy of the Permit Application and Zoning Certificate for Use and Occupancy upon completion and approval of all required inspections for which the permit was applied for. A copy of the certificate with the Use and Occupancy approval shall be made available to the applicant.”
- BB. Section 113.1 Board of Appeals-General shall read as follows: “Any person affected by any decision or notice which has been issued by the City in connection with the enforcement of any provision of this Code, or of any rule or regulation adopted pursuant hereto, or any person who desires to appeal a decision made pursuant hereto, or who requests a variance from the terms hereof, or who requests an interpretation of the terms hereof, may file an appropriate application with the Board of Appeals of the City of Havre de Grace in accordance with the Board of Appeals Ordinance contained in the Codified Ordinances of the Mayor and City Council.”
- CC. Board of Appeals Sections 113.2 through 113.3 are deleted.



DD. Section 114.4 Violation penalties shall read as follows:

“a. Any person who shall be adjudged to have (1) violated any of the provisions of this Ordinance; or (2) failed to comply herewith or permitted or maintained such a violation; or (3) violated or failed to comply with any order made hereunder; or (4) to have built in violation of any details, statements, specifications or plans submitted or approved hereunder; or (5) failed to operate in accordance with the provisions of any certificate, permit, or approval issued hereunder, shall severally for each violation and noncompliance respectively, be guilty of a municipal infraction, for which a fine not to exceed \$1,000.00 may be imposed for each such infraction, payable to the City of Havre de Grace, with costs imposed in the discretion of the court. Each day that an infraction continues after notice has been served shall be deemed a separate infraction. The imposition of a fine for any violation shall not excuse the violation nor shall the violation be permitted to continue. Prosecution or lack thereof of either the owner, occupant, or the person in charge shall not be deemed to relieve any of the others.

b. Any person who shall be convicted of willfully (1) violating any of the provisions of this Ordinance; or (2) failing to comply herewith or permitting or maintaining such a violation; or (3) violating or failing to comply with any order made hereunder; or (4) building in violation of any details, statements, specifications or plans submitted or approved hereunder; or (5) failing to operate in accordance with the provisions of any certificate, permit, or approval issued hereunder, shall severally for each violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine not exceeding \$1,000.00 and imprisonment not exceeding ninety (90) days for each violation, with costs imposed in the discretion of the court. Each day that a violation continues after notice has been served shall be deemed a separate offence. The imposition of punishment for any violation shall not excuse the violation nor shall the violation be permitted to continue. Prosecution or lack thereof of either the owner, occupant, or the person in charge shall not be deemed to relieve any of the others.

c. Any order or notice issued or served as provided in this Ordinance shall be complied with by the owner, operator, occupant or other person responsible for the condition or violation to which the order or notice pertains. Every order or notice shall set forth a time limit for compliance dependent upon the hazard and danger created by the violation. In cases of extreme danger to persons or property immediate compliance shall be required. If the notice of violation is not complied with, the Code Official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this Code or of the order or direction made pursuant thereto.

d. In addition to the other provisions set out in this Ordinance, the City of Havre de Grace may institute injunctive, declaratory or any other appropriate action or proceedings at law or equity for the enforcement of the International Building Code

2012 or to correct violations of the International Building Code 2012, and any court of competent jurisdiction has the right to issue restraining orders, temporary or permanent injunctions or declaration of rights or other appropriate forms of remedy or relief.

e. All provisions of Article 23A, Section 3, of the Annotated Code of Maryland relating to municipal infractions are incorporated in this chapter. In the event of any inconsistency between this Section 114.4 and Article 23A, Section 3, the provisions in Article 23A, Section 3 shall prevail.”

- EE. Section 115.2 Issuance shall read as follows: At the end of the first sentence, add the following phrase “or posted conspicuously on the property.”
- FF. Section 115.3 Unlawful continuance, shall read as follows: “Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to the penalties set forth in this Code.”
- GG. Add a new section: Section 116.6 Abatement: “If a person who has been issued an order under this section fails, within the time limit specified in a notice of violation or order, to abate the unsafe condition or violation as directed, the Department of Planning may take whatever abatement action that may be necessary by use of City employees and equipment and/or by contract with private contractors. The cost and expense of abating the unsafe condition shall be certified by the Department of Planning. These charges shall constitute a lien upon the real property and shall be collectible in the same manner as real property taxes with the same priority, interest and penalties. Initiation of abatement action shall not preclude the commencement of any other action or legal proceedings authorized or permitted under this Code, the laws of the State of Maryland and the common law.”
- HH. Section 903.2.1.2 is amended by substituting “300” for “100” in item 2 between the words “of” and “or”.**
- II. Section 1020.1 is amended by adding the following exception: “6. Corridors contained within a single tenant space.”
- JJ. Chapter 11 Accessibility is deleted in its entirety and is replaced with the Maryland Accessibility Code set forth in COMAR [~~05.02.02~~] **09.12.53** et. seq.
- KK. Section 1503.4.3 Gutters: Add to the existing section: "Gutters and downspouts shall be provided on all roofed structures having a horizontal building plane area exceeding 240 square feet. They shall be sized to accommodate run off from the roof area, and in accordance with manufacturer's specifications. Storm water outfall from downspouts shall not be discharged in a manner that detrimentally impacts adjoining properties.”

- LL. Add a new section: Section 1503.7: "Drip Edge: "Non-corrosive roof edging shall be provided at roof edges and shall cover the upper edges of the roof sheathing and fascia."
- MM. Figure 1608.2 is amended by adding the following note: "The ground snow load, pg, for Harford County, Maryland shall be 30 psf.
- NN. Section 1612.3 Establishment of Flood Hazard Area: shall be deleted: (See the City of Havre de Grace Floodplain Ordinance.)
- OO. Section 1809.5 Frost Protection is amended by deleting method 1 and inserting in lieu thereof: "1. Extending below the frost line established as 30" below final grade."
- PP. Table 2304.10.1 Fastening Schedule: Number 6 add the following language: "Applicably sized hurricane top plate anchors are mandatory."
- QQ. **Add a new subsection 3001.1: Maryland State Elevator Code. The provisions of this code are in addition to the requirements in the Maryland State Elevator Code. If a conflict between this code and the state code exists, the requirements in the state code shall apply.**
- RR. Section 3103.1.2 Permit Required shall read: "Permits shall be required for temporary structures in accordance with applicable codes."
- SS. Section 3109.1 is hereby deleted and the following is inserted in lieu thereof: 3109.1 General. [~~"The provisions of this section shall apply to the design of barriers for pools and spas. No property owner or contractor shall fill a new swimming pool or spa with water until a permanent or temporary barrier has been approved by the building official or building inspector. A temporary barrier may remain in place for no more than 30 days unless approved by the building official. See attached exhibit A for barrier drawing examples."~~] **"All swimming pools, spas and hot tubs shall be provided with barrier protection in accordance with Section 305 of the 2018 International Swimming Pool and Spa Code. No property owner or contractor shall fill a new swimming pool or spa with water until a permanent or temporary barrier has been approved. A temporary barrier may remain in place for no more than 30 days unless approved by the Building Official."**
- TT. **New subsection 3109.2 is added as follows: "3109.2 Suction Entrapment Avoidance. All swimming pools, spas and hot tubs shall be provided with suction entrapment avoidance in accordance with Section 310 of the 2018 International Swimming Pool and Spa Code."**
- UU. **New subsection 3109.3 is added as follows: "3109.3 Grading. Inground swimming pools require silt fencing to be installed around work area. Final**

**grading cannot impact storm water runoff onto neighboring properties.  
Excavated material to be removed from property.”**

[Section 3109.4 is amended by deleting “3109.4.3” in the third line and replacing it with “3109.4.15”, and by deleting the exception in its entirety.

Sections 3109.4.1 through 3109.5 are hereby deleted and the following is inserted in lieu thereof:

~~3109.4.1 Barrier Height and Clearances. Barrier heights and clearances shall be in accordance with all of the following:~~

~~1. The top of the barrier shall be not less than 48 inches (1219 mm) above grade where measured on the side of the barrier that faces away from the pool or spa. Such height shall exist around the entire perimeter of the barrier and for a distance of 3 feet (914 mm) measured horizontally from the outside of the required barrier.~~

~~2. The vertical clearance between grade and the bottom of the barrier shall not exceed 2 inches (51 mm) for grade surfaces that are not solid, such as grass or gravel, measured on the side of the barrier that faces away from the pool or spa.~~

~~3. The vertical clearance between the bottom of the barrier and a solid surface below the barrier, such as concrete, shall not exceed 4 inches (102 mm) measured on the side of the required barrier that faces away from the pool or spa.~~

~~4. Where the top of the pool or spa structure is above grade, the barrier shall be installed on grade or shall be mounted on top of the pool or spa structure. Where the barrier is mounted on the top of the pool or spa, the vertical clearance between the top of the pool or spa and the bottom of the barrier shall not exceed 4 inches (102 mm).~~

~~3109.4.2 Openings. Openings in the barrier shall not allow passage of a 4-inch diameter (102 mm) sphere.~~

~~3109.4.3 Solid Barrier Surfaces. Solid barriers that do not have openings shall not contain indentations or protrusions that form handholds and footholds, except for normal construction tolerances and tooled masonry joints.~~

~~3109.4.4 Mesh Fence as a Barrier. Mesh fences, other than chain link fences in accordance with subsection 3109.4.7, shall be installed in accordance with the manufacturer’s instructions and shall comply with the following:~~

~~1. The bottom of the mesh fence shall be not more than 1 inch (25 mm) above the deck or installed surface or grade.~~

~~2. The maximum vertical clearance from the bottom of the mesh fence and the solid surface shall not permit the fence to be lifted more than 4 inches (102 mm) from grade or decking.~~

~~3. The fence shall be designed and constructed so that it does not allow passage of a 4-inch (102 mm) sphere under any mesh panel. The maximum vertical clearance from the bottom of the mesh fence and the solid surface shall not be more than 4 inches (102 mm) from grade or decking.~~

~~4. An attachment device shall attach each barrier section at a height not lower than 45 inches (1143 mm) above grade. common attachment devices include, but are not limited to, devices that provide security equal to or greater than that of a hook and eye type latch incorporating a spring actuated retaining lever such as a safety gate hook.~~

~~5. Where a hinged gate is used with a mesh fence, the gate shall comply with subsection 3109.4.11.~~

~~6. Patio deck sleeves such as vertical post receptacles that are placed inside the patio surface shall be of a nonconductive material.~~

~~7. Mesh fences shall not be installed on top of on-ground residential pools.~~

~~3109.4.5 Closely Spaced Horizontal Members. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches (1143 mm), the horizontal members shall be located on the pool or spa side of the fence. Spacing between vertical members shall not exceed 13/4 inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 13/4 inches (44 mm) in width.~~

~~3109.4.6 Widely Spaced Horizontal Members. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches (1143 mm) or more, spacing between vertical members shall not exceed 4 inches (102 mm). Where there are decorative cutouts within vertical members, the interior width of the cutouts shall not exceed 13/4 inches (44 mm).~~

~~3109.4.7 Chain Link Dimensions. The maximum opening formed by a chain link fence shall be not more than 1 3/4 inches (44 mm). Where the fence is provided with slats fastened at the top and bottom which reduce the openings, such openings shall be not more than 13/4 inches (44 mm).~~

~~3109.4.8 Diagonal Members. Where the barrier is composed of diagonal members, the maximum opening formed by the diagonal members shall be not more than 13/4 inches (44 mm). The angle of diagonal members shall be not greater than 45 degrees (0.79 rad) from vertical.~~

~~3109.4.9 Clear Zone. There shall be a clear zone of not less than 36 inches (914 mm) between the exterior of the barrier and any permanent structures or equipment such as pumps, filters and heaters that can be used to climb the barrier.~~

~~3109.4.10 Poolside Barrier Setbacks. The pool or spa side of the required barrier shall be not less than 20 inches (508 mm) from the water's edge.~~

~~3109.4.11 Gates. Access gates shall comply with the requirements of subsections 3109.4.1 through 3109.4.3 and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward away from the pool or spa, shall be self-closing and shall have a self-latching device.~~

~~3109.4.11.1 Utility or Service Gates. Gates not intended for pedestrian use, such as utility or service gates, shall remain locked when not in use.~~

~~3109.4.11.2 Double or Multiple Gates. Double gates or multiple gates shall have at least one leaf secured in place, and the adjacent leaf shall be secured with a self-latching device. The gate and barrier shall not have openings larger than 1/2 inch (12.7 mm) within 18 inches (457 mm) of the latch release mechanism. The self-latching device shall comply with the requirements of subsection 3109.4.11.3.~~

~~3109.4.11.3 Latches. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from grade, the release mechanism shall be located on the pool or spa side of the gate not less than 3 inches (76 mm) below the top of the gate, and the gate and barrier shall not have openings greater than 1/2 inch (12.7 mm) within 18 inches (457 mm) of the release mechanism.~~

~~3109.4.12 Structure Wall as a Barrier. Where a wall of a dwelling or structure serves as part of the barrier and where doors or windows provide direct access to the pool or spa through that wall, one of the following shall be required:~~

- ~~1. Operable windows having a sill height of less than 48 inches (1219 mm) above the indoor finished floor and doors shall have an alarm that produces an audible warning when the window, door or their screens are opened. The alarm shall be listed and labeled as a water hazard entrance alarm in accordance with UL 2017. In dwellings or structures not required to be accessible units, type A units or type B units, the operable parts of the alarm deactivation switches shall be located 54 inches (1372 mm) or more above the finished floor. In dwellings or structures required to be accessible units, type A units or type B units, the operable parts of the alarm deactivation switches shall be located not greater than 54 inches (1372 mm) and not less than 48 inches (1219 mm) above the finished floor.~~

- ~~2. A safety cover that is listed and labeled in accordance with ASTM F 1346 is installed for the pools and spas.~~

~~3. An approved means of protection, such as self-closing doors with self-latching devices, is provided. Such means of protection shall provide a degree of protection that is not less than the protection afforded by item 1 or 2.~~

~~3109.4.13 Onground Residential Pool Structure as a Barrier. An onground residential pool wall structure or a barrier mounted on top of an onground residential pool wall structure shall serve as a barrier where all of the following conditions are present:~~

~~1. Where only the pool wall serves as the barrier, the bottom of the wall is on grade, the top of the wall is not less than 48 inches (1219 mm) above grade for the entire perimeter of the pool, the wall complies with the requirements of subsection 3109.4 and the pool manufacturer allows the wall to serve as a barrier.~~

~~2. Where a barrier is mounted on top of the pool wall, the top of the barrier is not less than 48 inches (1219 mm) above grade for the entire perimeter of the pool, and the wall and the barrier on top of the wall comply with the requirements of subsection 3109.4.~~

~~3. Ladders or steps used as means of access to the pool are capable of being secured, locked or removed to prevent access except where the ladder or steps are surrounded by a barrier that meets the requirements of section 3109.~~

~~4. Openings created by the securing, locking or removal of ladders and steps do not allow the passage of a 4-inch (102 mm) diameter sphere.~~

~~5. Barriers that are mounted on top of onground residential pool walls are installed in accordance with the pool manufacturer's instructions.~~

~~3109.4.14 Natural Barriers. In the case where the pool or spa area abuts the edge of a lake or other natural body of water, public access is not permitted or allowed along the shoreline, and required barriers extend to and beyond the water's edge not less than 18 inches (457 mm), a barrier is not required between the natural body of water shoreline and the pool or spa.~~

~~3109.4.15 Natural Topography. Natural topography that prevents direct access to the pool or spa area shall include, but not be limited to, mountains and natural rock formations. A natural barrier approved by the governing body shall be acceptable provided that the degree of protection is not less than the protection afforded by the requirements of subsections 3109.4 through 3109.14.~~

~~3109.5 Indoor Swimming Pools. Walls surrounding indoor swimming pools shall not be required to comply with subsection 3109.4.12.~~

~~3109.6 Entrapment Avoidance. Suction outlets shall be designed and installed in accordance with ANSI/APSP 7."~~

- VV. New Section [3109.7] **3109.3** “Pool Installation” shall be added as follows: Any pool installation requiring grading or excavation as part of the installation will be required to erect silt fencing completely around the area to be graded or excavated. No fill or excavated material shall be distributed or placed in a manor which would affect storm water runoff to neighboring properties.
- WW. Section 3201.3 Other Laws: Second sentence shall be added as follows: “No encroachment into the Public Right-of-Way for construction or installation of any structure may take place without prior approval by the Mayor and City Council.”
- XX. Section 3201.4 Drainage shall read: “Drainage water collected from a roof, awning, canopy or marquee, foundation drains, sump pump, fresh water ground springs resulting from new construction or grading, and condensation from mechanical equipment shall not flow over a public walking surface.”
- YY. Section 3202.3.3 Encroachments 15 feet or more above grade: shall be deleted.
- ZZ. Add a new section: Section 3301.3 Housekeeping: “Rubbish and trash shall not be allowed to accumulate on construction sites or other premises and shall be stored in approved secured containers and removed as soon as conditions warrant. Combustible rubbish shall be removed promptly and shall not be disposed of by burning on the premises or within City Limits. Unused or discarded construction materials must be removed from the construction site immediately following project completion or when a permit is void. Vegetation and weeds shall be properly maintained in accordance with the IPMC.”
- AAA. Appendices A, B, D, E, **H** and J shall be deleted.
- BBB. Appendix G: Flood Resistant Construction: In case of conflicts, the order of compliance is Federal Emergency Management Agency Regulation, Maryland Department of the Environment Regulation, City of Havre de Grace Ordinances, and Appendix G last.

~~[Appendix H: Signs: shall be amended as follows:~~

~~Section H101.2: Signs Exempt from Permits: shall be deleted.~~

~~Section H104: Identification: shall be deleted.~~

~~Section H106.1: Illumination: reference to NFPA 70 in line three shall be replaced with Harford County, Maryland Electrical Code.~~

~~Section H106.2: Electrical Service: reference to NFPA 70 shall be replaced with Harford County, Maryland Electrical Code.~~

~~Section H115: Referenced Standards: Reference to National Electrical Code shall be replaced with Harford County, Maryland Electrical Code.~~



~~In case of conflicts between any of the above with the City of Havre de Grace Sign Ordinance, the City of Havre de Grace Sign Ordinance shall prevail.]~~

C). Section 31-6. Saving Clause.

Nothing in this Ordinance or in the International Building Code [2015] **2018** hereby adopted shall be construed to affect any existing suit or proceeding pending in any court, or any vested rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed, and any amendments thereto; nor shall any preexisting legal right or remedy of any character be lost, impaired or affected merely by the passage of this Ordinance.

3. The Havre de Grace City Code Chapter 31 Building Construction Article III Residential Code is modified with language that is shown in **bold underlined** to be added and the language that is shown [~~bracketed with strikeout~~] to be deleted.

Article III  
RESIDENTIAL CODE

- A). Section 31-7 Adoption of the [2015] **2018** International Residential Code for One and Two Family Dwellings .

The International Residential Code for One and Two Family Dwellings [2015] **2018** as published by the International Code Council, Inc., Chapters 1 through 23, 42 and 44, Section P2904, and Appendices A through E, G, H, J, K, as amended through 2018, a copy of which is on file with the Department of Planning of the City of Havre de Grace, is hereby adopted by the Mayor and City Council of the City of Havre de Grace, Maryland, for the purpose of protecting the health, safety and welfare of the citizens of the City of Havre de Grace.

- B). Section 31-8. Amendments.

The International Residential Code for One and Two Family Dwellings [2015] **2018** shall be adopted with the following amendments:

- A. The name of the jurisdiction in the second line of R101.1 Title on page 1 of the International Residential Code for One and Two Family Dwellings [2015] **2018** shall be “the City of Havre de Grace”.

- B. Add a new section: Section R101.4 Safeguards During Construction: “The provisions of Chapter 33 of the [2015] **2018** International Building Code, as amended, shall be applicable to all construction sites possessing a valid building permit.”
- C. Section R102.7 Existing Structures: References to the International Fire Code shall be changed to the “State of Maryland Fire Prevention Code”.
- D. Sections R103 through R114 are deleted and Sections 103 through 116 of the [2015] **2018** International Building Code, as amended, shall apply.
- E. **Section R202 Fire Separation Distance definition shall be amended as follows: add new item 4. To an exclusive use easement line.**
- F. Section R202 Manufactured Home definition shall be amended as follows: in the 7<sup>th</sup> line delete “or without” and delete the last two sentences of the definition.
- G. Table R301.2 (1) shall read as follows:

Ground Snow Load:	30 lbs
Wind Speed:	90 mph
Topographic Effects:	No
<b>SPECIAL WIND REGION:</b>	<b>NO</b>
<b>WIND-BORNE DEBRIS ZONE:</b>	<b>NO</b>
Seismic Design Category:	<b>A B</b>
Weathering:	Severe
Frost Line Depth:	30 inches
Termite:	Moderate to Heavy
Winter Design Temp.:	13 Degrees F
Ice Barrier Underlayment:	No
Flood Hazards:	FIRM Date 01/07/2000
Air Freezing Index:	645
Mean Annual Temp.:	53.2 Degrees F

- H. Add Section R302.1.1 Balconies and Decks on Townhomes: “All portions of balconies and decks on townhomes constructed of combustible materials shall not be located closer than 24 inches (609.6 mm) to any property line.”
- I. TABLES R302.1(1) AND R302.1(2) SHALL HAVE THE FOLLOWING LINE ADDED TO THE BOTTOM OF EACH TABLE:

ALL PORTIONS OF ATTACHED DECKS AND OPEN ROOF COVERED DECKS. OPEN ROOF COVERED DECKS MAY HAVE A MAXIMUM OPAQUE WALL SURFACE AREA OF 50%	NOT ALLOWED	N/A	<2 FEET
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- ~~[K. Section R302.7 is amended by adding the following exception: “Exception. Enclosed accessible spaces under stairs when protected by an automatic sprinkler system installed in accordance with section 903.3.1.3 of the 2015 International Building Code.”]~~
- J. Add a new section: Section R312.1.1.1 Areaway Guards: “A guardrail or other approved barrier shall be installed on areaway walls with a grade level elevation difference of greater than 48 inches (1219.2 mm). Guards shall be constructed in accordance with Section R312.”
- K. Section 326.1 general shall read as follows: [~~“the provisions of section 3109 of the 2015 International Building Code as adopted by the city of Havre de Grace shall apply to swimming pools and spas.”~~] **“All swimming pools, spas and hot tubs shall be provided with barrier protection in accordance with Section 305 of the 2018 International Swimming Pool and Spa Code. No property owner or contractor shall fill a new swimming pool or spa with water until a permanent or temporary barrier has been approved. A temporary barrier may remain in place for no more than 30 days unless approved by the Building Official.”**
- L. New subsection 326.2 is added as follows: “326.2 Suction Entrapment Avoidance. All swimming pools, spas and hot tubs shall be provided with suction entrapment avoidance in accordance with Section 310 of the 2018 International Swimming Pool and Spa Code.”**
- M. New subsection 326.3 is added as follows: “326.3 Grading. Inground swimming pools require silt fencing to be installed around work area. Final grading cannot impact storm water runoff onto neighboring properties. Excavated material to be removed from property.”**
- N. Section R405.1 is amended by deleting the exception at the end of the section, and adding the words “in accordance with the Harford County Plumbing Code” after the word “system” in the seventh line.
- O. Section R506.2.2 is amended by deleting the exception at the end of the section.
- P. Add Section R703.9.3 Special Inspections: “Special inspections shall be required for all EIFS applications.  
Exceptions:  
1. Special inspections shall not be required for EIFS applications installed over a water-resistive barrier with a means of draining moisture to the exterior.  
2. Special inspections shall not be required for EIFS applications installed over masonry or concrete walls.”

- Q. Add Section R903.4.2 Gutters and Leaders: “Gutters and leaders shall be installed in accordance with the Harford County Plumbing Code. No rain leader shall discharge closer than 10’ from any lot line or encroach upon a storm water management easement.”
- O. Chapter 11 is deleted in its entirety and the [2015] **2018** International Energy Conservation Code is inserted in lieu thereof.

C). Section 31-9. Saving Clause.

Nothing in this Ordinance or in the International Residential Code for One and Two Family Dwellings [2015] **2018** hereby adopted shall be construed to affect any existing suit or proceeding pending in any court, or any vested rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed, and any amendments thereto; nor shall any preexisting legal right or remedy of any character be lost, impaired or affected merely by the passage of this Ordinance.

4. The Havre de Grace City Code Chapter 31 Article IV Violation Cost is modified with language that is shown in bold and underlined to be deleted and the language that is shown in bold and in caps to be added.

Article IV  
VIOLATION COST

A). Section 31-10. Costs Incurred By City.

Any and all fees, charges, services, and other costs incurred by the City to restrain, correct or abate a violation of this Ordinance, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises in violation of this Ordinance, including but not limited to attorney fees, surveying costs, engineering costs (the “Violation Costs”), shall be the responsibility of, and payable by the owner of the property on which the violation occurred, to the City of Havre de Grace (the “City”) upon receipt of a written itemized invoice from the City for such costs. The invoice shall be sent by hand delivery or by regular mail, certified mail, or by posting the property. A late charge equal to 1.5% per month shall be added to any amount unpaid and outstanding thirty (30) days after billing until the outstanding amount is paid in full. Unless paid on time, the Violation Costs and interest shall be placed on the said property owner’s City property tax bill. The said property owner shall pay all collection costs, including the City’s actual attorney fees, should the City engage

the services of any attorney to collect any unpaid such charges. All Violation Costs, interest, and collection costs thereon shall be chargeable against the property on which the violation occurred, and shall be collected and secured in the same manner as general ad valorem taxes and shall be subject to the same penalties and the same procedure, sale and lien priority in case of delinquency, as is provided for general ad valorem taxes. An administrative fee of \$75.00 shall be added to the lien for processing of the lien procedure.

5. The Havre de Grace City Code Chapter 31 Article 5 Automatic Fire Sprinkler System is modified with language that is shown in bold and underlined to be deleted and the language that is shown in bold and in caps to be added.

~~{Article V~~

~~AUTOMATIC FIRE SPRINKLER SYSTEM~~

~~A). Section 31-11. Sprinkler system required.~~

~~A. Every new residence, including single family, multifamily, and duplex dwellings, modular homes, and mobile homes constructed within the City of Havre de Grace on an existing lot or proposed new subdivision, which has received preliminary plan approval for which a building permit has not been issued as of the effective date hereof, shall have an interior sprinkler system installed. The requirement for interior sprinkler systems shall not apply to the rebuilding, refurbishment, renovation, or alteration of a residence unless such existing structure is razed and replaced by a new residential structure.~~

~~B. For purposes of this chapter, placement or erection of modular homes, on an existing lot or proposed new subdivision is considered new construction and the provisions of this chapter shall apply thereto. The only exception is for modular homes that are currently part of a modular home seller's inventory. This would include the current inventory an individual, company or supplier of modular homes physically has on hand at their place of business or for which orders have been placed by customers prior to May 4, 2009. It must be proven that the modular home was a part of their inventory prior to May 4, 2009.~~

~~C. The requirement for the installation of interior sprinkler systems shall not apply to accessory or uninhabitable structures, including but not limited to detached carports, garages, greenhouses, and sheds.~~

~~\_\_\_\_\_ D. Interior automatic fire sprinkler systems shall be installed and maintained in all new residential construction in accordance with the most recent applicable version of Standard NFPA 13D, as promulgated by the National Fire Protection Association (NFPA), and as modified and adopted by the Maryland State Fire Marshal's Prevention Code as amended from time to time.~~

~~\_\_\_\_\_ E. Interior automatic fire sprinkler systems required pursuant to this chapter may be connected to the domestic water supply serving the residence, provided the domestic water supply is of adequate pressure, capacity, and sizing for the combined domestic and sprinkler system requirements, and proper backflow valves are installed.]~~

**BE IT FURTHER ENACTED AND ORDAINED THAT ALL PRIOR ORDINANCES AND RESOLUTIONS INCONSISTENT HERewith, INCLUDING BUT NOT LIMITED TO CITY CODE CHAPTER 140, ARE HEREBY REPEALED TO THE EXTENT OF THE INCONSISTENCY, BUT IN ALL OTHER RESPECTS SHALL REMAIN IN FULL FORCE AND EFFECT.**

**BE IT FURTHER ENACTED AND ORDAINED** that this Ordinance shall take effect 45 days following passage.

WITNESS:

THE MAYOR AND CITY COUNCIL OF  
HAVRE DE GRACE, MARYLAND

\_\_\_\_\_  
Patrick Sypolt  
Director of Administration

\_\_\_\_\_  
Bill Martin, Mayor

Introduced: 2/18/2020  
Public Hearing: 3/2/2020  
Passed: 3/16/2020

Legislative History

Ordinance No. 827, As Amended, enacted March 4, 2002

Ordinance No. 861, As Amended, enacted September 20, 2004

Ordinance No. 903, As Amended, enacted May 4, 2009

Ordinance No. 919, As Amended, enacted August 2, 2010

Ordinance No. 944, As Amended, enacted October 15, 2012

Ordinance No. 975, As Amended, enacted December 7, 2015

DRAFT

1 Ordinance No. 1031

2  
3 AN ORDINANCE OF THE MAYOR AND CITY COUNCIL  
4 OF THE CITY OF HAVRE DE GRACE PURSUANT TO THE  
5 AUTHORITY PROVIDED BY THE MARYLAND  
6 CONSTITUTION ARTICLE XI-E, THE LOCAL  
7 GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF  
8 MARYLAND, AND CITY CHARTER SECTIONS 33 AND 34  
9 AMENDING THE CITY CODE CHAPTER 25: ARTICLE VII,  
10 ORGANIZATION AND MEMBERS, SECTION 25-36, BY  
11 REVISING ITEM 11, TO INCLUDED A REPRESENTATIVE  
12 FROM “VISIT HARFORD, INC.” AS AN EX-OFFICO  
13 MEMBER OF THE TOURISM ADVISORY BOARD

14  
15 WHEREAS, the Mayor and City Council desire to include a member of *VISIT HARFORD*  
16 *INC.*, as an “Ex- Officio” member of the Tourism Advisory Board, to assist in the mission of  
17 the Advisory Board in promoting and supporting growth in the Tourism Industry.

18  
19 NOW THEREFORE, BE IT ORDAINED, AS FOLLOWS:

20  
21 1. Article, VII Section 25-36 (11) shall be amended as follows, with words shown **bold**  
22 **underlined** to be added and those shown [~~bracketed with strikeout~~] to be deleted;

23  
24 § 25-36. (11) One member representing [~~the Harford County Economic Development~~  
25 ~~Department~~] **Visit Harford, Inc.**, who shall serve as an ex-officio member;

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31 ATTEST:

32 THE MAYOR AND CITY COUNCIL  
33 OF HAVRE DE GRACE

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37 \_\_\_\_\_  
38 PATRICK D. SYPOLT  
39 DIRECTOR OF ADMINISTRATION

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43 \_\_\_\_\_  
44 WILLIAM T. MARTIN, MAYOR

45  
46 First Reading: *February 18, 2020*  
47 Public Hearing: *March 2, 2020*  
48 Second Reading/Adoption: *March 16, 2020*



Ordinance No. 1032

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF HAVRE DE GRACE PURSUANT TO THE AUTHORITY PROVIDED BY THE MARYLAND CONSTITUTION ARTICLE XI-E, THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AND CITY CHARTER SECTIONS 33 AND 34 AMENDING THE CITY CODE CHAPTER 67: ETHICS, SECTION 2, ETHICS COMMISSION; FILING COMPLAINTS; AMENDMENTS, BY REVISING ITEM A, TO CLARIFY VOTNG AND NON VOTING MEMBERS.

WHEREAS, the Mayor and City Council desire to provide further clarity regarding voting and non-voting members of the Ethics Commission.

NOW THEREFORE, BE IT ORDAINED, AS FOLLOWS:

- 1. Section 67-2 (A) shall be amended as follows, with words shown **bold underlined** to be added and those shown [~~bracketed with strikeout~~] to be deleted;

§ 67-2 Ethics Commission; filing complaints; amendments.

A. There is a Havre de Grace Ethics Commission which shall consist of five **citizen voting** members, appointed by the Mayor with the consent of the City Council **and three non-voting members: City Attorney, Director of Administration and a City Councilmember who shall serve as an ex-officio member and liaison to the City Council.** A member must be a citizen of the United States for not less than 10 years and a resident and qualified voter in the City of Havre de Grace for not less than five years prior to appointment. The term of office is five years; however, the initial members will be appointed to terms of one, two, three, four and five years, respectively.

ATTEST:

THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE

PATRICK D. SYPOLT DIRECTOR OF ADMINISTRATION

WILLIAM T. MARTIN, MAYOR

46  
47  
48 First Reading: *February 18, 2020*  
49 Public Hearing: *March 2, 2020*  
50 Second Reading/Adoption: *March 16, 2020*  
51