

# CITY COUNCIL

## READ FILE COVER SHEET

Subject: **Ordinance 1122 concerning Amending Section 97 Historic Preservation pertaining to Historic Designation and Other Amendments** (Public Hearing)

Date: **9/19/2023**

**Notice:** Any comments made after 5:00 p.m. on the Thursday before the Council Meeting will not be seen in the agenda packet.

- Purpose:
- FYI
  - Read and Comment as Needed**
  - Action Required by October 2, 2023**
  - In Confidential File Drawer

Approve:

Johnny Boker  Yes  No  No Comment  
Comment: \_\_\_\_\_

Casi Boyer  Yes  No  No Comment  
Comment: \_\_\_\_\_

Vicki Jones  Yes  No  No Comment  
Comment: \_\_\_\_\_

Jim Ringsaker  Yes  No  No Comment  
Comment: \_\_\_\_\_

Jason Robertson  Yes  No  No Comment  
Comment: \_\_\_\_\_

Tammy Lynn Schneegas  Yes  No  No Comment  
Comment: \_\_\_\_\_

Note: N/A

CITY COUNCIL  
OF  
HAVRE DE GRACE, MARYLAND

ORDINANCE NO. 1122

Introduced by \_\_\_\_\_ Council Member Jones \_\_\_\_\_

**AN ORDINANCE BY THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE, MARYLAND, ADOPTED PURSUANT TO THE AUTHORITY OF ARTICLE XI-E OF THE MARYLAND CONSTITUTION, THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AND SECTIONS 33 AND 34 OF THE HAVRE DE GRACE CITY CHARTER TO AMEND CITY CODE SECTION 97 HISTORIC PRESERVATION**

On: September 18, 2023

at: 7:00pm

Ordinance introduced, read first time, ordered posted and public hearing scheduled.

**PUBLIC HEARING**

A Public Hearing is scheduled for October 2, 2023 at 7:00 p.m.

**EXPLANATION**  
Underlining indicates matter added to existing law.  
**[Bold Brackets]** indicate matter deleted from existing law.  
Amendments proposed prior to final adoption will be noted on a separate page with line references or by handwritten changes on the draft legislation.

31 Repeal and replace or otherwise amend Sections 97-1, 97-6, 97-7, 97-8, and 97-10 as follows:

32

33 §97-1 Statutory authority.

34

35 The Mayor and City Council of the City of Havre de Grace derives authority for this chapter by  
36 virtue of its conformance with provisions of the State of Maryland Enabling Act for Historic Area  
37 Zoning [(Article 66B, § 8.01-8.17, Annotated Code of Maryland, as amended)] (Land Use  
38 Article §8-101 – §8-501, Annotated Code of Maryland).

39

40 §97-6 Designation of site boundaries.

41

42 [C. Declaration of historic designation. Upon approval of historic designation by the Mayor  
43 and City Council, a declaration of historic designation shall be prepared by the City  
44 administration, signed by the owners of the property and the Mayor and City Council, and  
45 recorded among the land records of Harford County for the purpose of notifying all current  
46 and future interested parties that such designation has been placed on the property, and said  
47 property shall comply with the provisions of this chapter in perpetuity.]

48

49 C. Declaration of historic designation. Upon approval of historic designation by the Mayor and  
50 City Council, the subject property shall be identified by name and historic inventory number and  
51 shall be added to the City of Havre de Grace Historic Landmarks list kept on file and available for  
52 public inspection at the City’s Department of Planning. The City Department of Planning will  
53 share this declaration with Harford County for their Historic Landmarks records. The subject  
54 property shall comply with the provisions of this chapter until a request to remove the designation  
55 is approved by the Mayor and Council.

56

57 D. Designated historic landmarks. The City of Havre de Grace Historic Landmarks list shall be  
58 kept on file and available for public inspection with the Department of Planning.

59

60 §97-7 Application for certificate of appropriateness of Commission Review

61

62 B. (5) Special considerations.

63

64 (a) If an application is submitted for construction, reconstruction, or alteration affecting a site or  
65 the exterior of a structure or for the moving or demolition of a structure, the preservation of which  
66 the Commission considers to be of unusual importance to the City of Havre de Grace or of unusual  
67 importance to the state or the nation, the Commission shall attempt to formulate an economically  
68 feasible plan with the owner(s) of the site or structure for the preservation of the site or structure.  
69 Unless the Commission is satisfied that the proposed construction, alteration, or reconstruction  
70 will not materially impair the historic or architectural significance of the site or structure, the  
71 Commission shall reject the application, filing a copy of its rejection with the Director of  
72 [Economic Development and] Planning [of the City of Havre de Grace].

73

74 C. Commission decision. The Commission shall file with the Director of [Economic  
75 Development and] Planning [of the City of Havre de Grace] a certificate of appropriateness  
76 certifying its approval, modification, or rejection of each application and plans submitted to it for  
77 review. Work shall not be commenced on any project until such a certificate of approval has been  
78 filed, and the Director of [Economic Development and] Planning shall not issue a building permit

79 or historic work permit for such change or construction unless it has received such a certificate of  
80 appropriateness. The failure of the Commission to act upon a completed application within 45 days  
81 from the date the completed application was filed shall be deemed to constitute automatic approval  
82 of the proposed changes unless an extension of this forty-five-day period is agreed upon mutually  
83 by the applicant and the Commission or the application has been withdrawn.

84  
85 §97-8 Demolition by neglect.

86  
87 A. In the event of demolition by neglect, the Commission may request the Director of [**Economic**  
88 **Development and**] Planning to notify, in writing, the property owner of record, any person  
89 having a right, title, or interest therein, and the occupant or other person responsible for the  
90 maintenance of the property, of the deterioration. The notice shall specify the minimum items  
91 of repair or maintenance necessary to correct the deterioration or prevent further deterioration.

92  
93 B. Prior to the issuance of a written notice, the Commission may request the Director of  
94 [**Economic Development and**] Planning to establish a record of demolition by neglect. Such  
95 record may include dated materials such as photographs and written reports of the condition of  
96 the property so as to record or measure the deterioration.

97  
98 D. If, after the public hearing, the Commission determines that the corrective actions remain  
99 necessary, the Commission may request the Director of [**Economic Development and**]  
100 Planning to issue a second and final notice to the property owner or other responsible person  
101 to have corrective action taken to comply with the Commission's determination within 30 days  
102 of the receipt of the final notice.

103  
104 E. Upon failure, neglect, or refusal of the property owner or other responsible person, duly  
105 notified to take corrective action specified in the final notice within the time required, the  
106 Commission may request that the Director of [**Economic Development and**] Planning  
107 institute any of the remedies and penalties provided by law for such violations.

108  
109 §97-10 Appeals

110 In the event that any party is aggrieved by a decision of the Commission, the party has the right of  
111 appeal to the Board of Appeals of the City of Havre de Grace, in accordance with the terms of  
112 Article [**III**] IV, Board of Appeals, of Chapter 25, Boards, Committees and Commissions, of the  
113 Code of the City of Havre de Grace, within 30 days from the date of the Commission's decision.

114  
115 **NOW, THEREFORE**, it is determined, decided, and ordained by the City Council that the  
116 foregoing is hereby approved.

117  
118 ADOPTED by the City Council of Havre de Grace, Maryland this \_\_\_ day of \_\_\_\_\_, 2023.

119  
120 SIGNED by the Mayor and attested by the Director of Administration this \_\_\_\_\_ day of \_\_\_\_\_,  
121 2023.

122  
123 [Signatures to follow on the next page.]

124 ATTEST:

MAYOR AND CITY COUNCIL  
OF HAVRE DE GRACE

125  
126  
127

128 \_\_\_\_\_  
129 Stephen J. Gamatoria  
130 Director of Administration

\_\_\_\_\_  
William T. Martin  
Mayor

131  
132 Introduced/First Reading: 9/18/2023  
133 Public Hearing:  
134 Second Reading/Adopted:  
135  
136 Effective Date:

Public Hearing