

CITY COUNCIL

READ FILE COVER SHEET

Subject: **Ordinance 1214 concerning Establishing New Chapter 106
Titled Licenses; Minor Privileges**

(Public Hearing)

Date: **12/2/2025**

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:

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FYI

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Read and Comment as Needed

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Action Required by December 15, 2025

☐

In Confidential File Drawer

Approve:

Johnny Boker
Comment: _____

☐ Yes

☐ No

☐ No Comment

Casi Boyer
Comment: _____

☐ Yes

☐ No

☐ No Comment

Matthew Ellis
Comment: _____

☐ Yes

☐ No

☐ No Comment

Vicki Jones
Comment: _____

☐ Yes

☐ No

☐ No Comment

Jim Ringsaker
Comment: _____

☐ Yes

☐ No

☐ No Comment

Tammy Lynn
Schneegas
Comment: _____

☐ Yes

☐ No

☐ No Comment

Note: N/A

CITY COUNCIL
OF
HAVRE DE GRACE, MARYLAND

ORDINANCE NO. 1214

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 ESTABLISH NEW CHAPTER 106 TITLED “LICENSES; MINOR PRIVILEGES”

On: December 1, 2025
at: 7:00 p.m.

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

PUBLIC HEARING

A public hearing will be held on December 15, 2025 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.

WHEREAS, the Administration has reviewed the practices and administrative policy for issuing licenses for encroachments onto City-owned property (“City Property”); and

WHEREAS, it has been determined that the City historically has recognized minor encroachments onto City Property, but has not developed a consistent policy with regard to why, when, or how such encroachments are to be recognized; and

WHEREAS, to establish consistent policies and procedures for issuing licenses for encroachments onto City Property, the City has identified herein “minor privileges”, and the City Council desires to establish a new **City Code Chapter 106 – Licenses; Minor Privileges** as follows:

CHAPTER 106: Licenses; Minor Privileges.

Article I. Definitions.

§1.1 **City Property** includes without limitation all City lots or parcels, rights of way, streets, sidewalks, and easements.

§1.2 **Minor privileges** shall include both temporary and permanent minor privileges as defined in this Chapter.

§1.3 **Permanent minor privileges** include without limitation, encroachments in the nature of steps, handicap ramps, elevator shafts, porticoes, bay windows, bow windows, show windows, columns, tiers, covered vaults, covered areaways, curb cuts, drains or drainpipes, and the like which cannot be removed without a material alteration of the property where the said privilege is located.

§1.4 **Temporary minor privileges** include, without limitation, encroachments in the nature of awnings, barber poles, signs, clothes racks, sidewalk displays, vending machines, and other non-permanent structures which can be removed without a material alteration of the property where the said privilege is located.

Article II. Application; Pre-existing encroachments.

§2.1 This Chapter applies to all minor privileges as defined herein for encroachments onto City Property, except that this Chapter shall not apply to properties subject to the sidewalk policy located on the 100 and 200 blocks of North Washington Street as set forth in City Code Chapter 150. Nor does this Chapter apply to any leases entered by the City, franchise agreements, or utilities provided such utilities are installed in pre-existing utility easements in City rights of way.

§2.2 Minor Privileges are personal to the property owner and/or tenant and do not run with the land.

§2.3 Minor privileges may be revoked at any time by the City Council if the City Property is needed for a public purpose.

§2.4 All pre-existing curb-cuts, awnings, signs, stairs, ramps, or other encroachments which are in existence prior to the enactment of this Chapter, regardless of whether there is a written license

agreement, are grandfathered from requesting approval of a minor privilege as defined herein, except upon the transfer of property to a new owner and/or tenant.

§2.5 All license agreements expressly approved by the City Council prior to the enactment of this Chapter, including any existing written licenses, are subject to the terms and conditions agreed upon by the parties in such license. Upon expiration of an existing license agreement, the terms of this Chapter shall apply.

§2.6 The mere existence of a minor privilege, whether pre-existing or newly established, on any City Property that has not been expressly declared surplus property by ordinance does not establish adverse possession claims by an owner and/or tenant.

Article III. Identification; Inventory of Minor Privileges; Fees

§3.1 City staff shall maintain a list of properties whose owner (1) has a written license agreement with the City and identifying the expiration of the license, and/or (2) has by application requested to install a structure that because of encroachment onto City Property would require a temporary or permanent minor privilege as defined in this Chapter. The application will be on a form approved by the Department of Planning as part of the regular permit application process. Additional properties may be added to the inventory list from time to time by City staff as such encroachments onto City Property come to the attention of the City during the normal course of the Department of Planning or Department of Public Works approval process. Any application for a new encroachment shall be deemed a “request for license” for either a temporary or permanent minor privilege and so noted on the application.

§3.2 The list of properties subject to minor privileges is to be shared with the Department of Finance which shall indicate by notation in the tax record that the property is subject to a temporary or permanent minor privilege.

§3.3 Any person seeking a minor privilege license must first seek City Council approval as part of the application process before beginning construction activities and must pay an administrative fee set for herein.

§3.4 Any person seeking to transfer a property subject to minor privilege must pay the administrative fee prior to the City’s issuance of a tax clearance certificate.

§3.5 An administrative fee of \$15.00 is to be paid: (1) at the time of application for any newly requested minor privilege, and (2) prior to issuance of a tax clearance certificate for any property to be transferred if such property is identified as being subject to a minor privilege defined in this Chapter.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, the Mayor and City Council of Havre de Grace, in accordance with the authority vested in the Mayor and City Council of Havre de Grace, by law and the Charter of the City of Havre de Grace hereby adopts new Chapter 106 Licenses, Minor Privileges as set forth above.

ADOPTED by the City Council of Havre de Grace, Maryland this ____ day of _____, 2026.

127 SIGNED by the Mayor and attested by the Director of Administration this ____ day of _____,
128 2026.

129 ATTEST: MAYOR AND CITY COUNCIL
130 OF HAVRE DE GRACE

131
132 _____
133 Christopher Ricci William T. Martin
134 Director of Administration Mayor
135

136 Introduced/First Reading: 12/1/2025

137 Public Hearing:

138 Second Reading:

139 Effective Date:

140

Public Hearing