

QUEENSTOWN TOWN CODE



Adopted by Ordinance 14-04
Amended through 4.30.18

TABLE OF CONTENTS

CHAPTER 1. GENERAL PROVISIONS 7

 Section 1.1 How Code designated and cited. 7

 Section 1.2 Definitions and rules of construction..... 7

 Section 1.3 Catchlines of sections. 8

 Section 1.4 Repeal of ordinances. 8

 Section 1.5 Effect of repeal. 8

 Section 1.6 Provisions deemed continuations of existing ordinances. 9

 Section 1.7 Severability of parts of Code. 10

 Section 1.8 Amendment to Code; effect of new ordinance; amendatory language. 10

 Section 1.9 Authority of Code. 10

 Section 1.10 General penalty for misdemeanors; municipal infractions. 10

 Section 1.11 Administrative Search Warrant; Right of Entry. 11

CHAPTER 2. FIREARMS 13

 Section 2.1 Carrying of firearms in Town. 13

 Section 2.2 Discharge of firearms in Town. 13

CHAPTER 3. VEHICLES AND TRAFFIC 14

 Section 3.1 Supplemental laws to the Transportation Article. 14

 Section 3.2 Standard speed limits. 14

 Section 3.3 Vehicles emitting noise or noxious fumes. 15

 Section 3.4 Vehicular use of Town roadways. 15

 Section 3.5 Commercial truck parking in Town. 16

 Section 3.6 Parking – Trailers and Oversized Vehicles 16

 Section 3.7 Parking in prohibited places. 17

 Section 3.8 Destruction of Lights and Traffic Signals. 19

 Section 3.9 Weight restriction on road. 20

 Section 3.10 Stopping or parking on road. 20

 Section 3.11 Violations. 20

CHAPTER 4. ANIMALS 21

 Section 4.1 Animal control. 21

 Section 4.2 Raising of fowl, animals and livestock. 21

 Section 4.3 Trapping and shooting of squirrels. 21

CHAPTER 5. PEDDLING, SOLICITING AND VENDING 22

 Section 5.1 License required. 22

 Section 5.2 Definitions. 22

 Section 5.3 Application for license. 23

 Section 5.4 Issuance of license. 24

 Section 5.5 Exhibition of license. 24

 Section 5.6 Duration of license. 24

Section 5.7	Revocation.....	24
Section 5.8	Hearing.....	25
Section 5.9	Inspections.....	25
Section 5.10	Hours.....	25
Section 5.11	Exemptions.....	25
Section 5.12	Violations and penalties.....	26
CHAPTER 6. NOISE.....		27
Section 6.1	Loud or unnecessary noise prohibited.....	27
Section 6.2	Disorderly conduct.....	27
Section 6.3	Exemptions.....	27
Section 6.4	Violations and penalties.....	28
CHAPTER 7. RESERVED.....		29
CHAPTER 8. BUILDING CONSTRUCTION.....		30
Section 8.1.	Permit required.....	31
Section 8.2.	Adoption by Reference.....	32
Section 8.3	Amendments.....	32
Section 8.4	Copies on file.....	37
Section 8.5	Repealer.....	37
Section 8.6	Severability.....	37
Section 8.7	Adoption by Reference.....	38
Section 8.8	Amendments.....	38
Section 8.9	Repealer.....	47
Section 8.10	Copies on File.....	47
Section 8.11	Severability.....	47
Section 8.12	Adoption of standards by reference.....	48
Section 8.13	Amendments.....	48
Section 8.14	Repealer.....	50
Section 8.15	Copies on file.....	50
Section 8.16	Severability.....	50
Section 8.17	Adoption by reference.....	51
Section 8.18	Amendments.....	51
Section 8.19	Copies on file.....	53
Section 8.20	Repealer.....	53
Section 8.21	Severability.....	53
Section 8.22	Requirements.....	54
Section 8.23	Standards.....	54
CHAPTER 9. PROPERTY MAINTENANCE.....		55
Section 9.1.	Adoption of standards by reference.....	55
Section 9.2	Amendments.....	55
Section 9.3	Repealer.....	59
Section 9.4	Copies on file.....	59

Section 9.5	Severability.....	59
Section 9.6	Exemptions.....	59
CHAPTER 10.	REFUSE	60
Section 10.1	Trash receptacles.....	60
Section 10.2	Throwing refuse upon the streets.....	60
Section 10.3	Town Dock dumpster.....	60
Section 10.4	Abandonment of ice boxes.....	61
Chapter 11.	OPEN YARD BURNING.....	62
Section 11.1	Open yard burning.....	62
CHAPTER 12.	SNOW ON PUBLIC SIDEWALKS OR PATHS	63
Section 12.1	Snow on public sidewalks or paths.....	63
CHAPTER 13.	PARKS AND PUBLIC PROPERTY	64
Section 13.1	Defacing municipal signs; failure to obey sign.....	64
Section 13.2	Defacing or injuring trees.....	64
Section 13.3	Prohibited Activities within Town Parks.....	64
CHAPTER 14.	WATER AND SEWER.....	66
Section 14.1	Maintenance of water and sewer connections.....	67
Section 14.2	Water and wastewater facilities.....	68
Section 14.3	Definitions and word usage.....	68
Section 14.4	Connections to public service required.....	72
Section 14.5	Permission required to make extensions.....	73
Section 14.6	Use of wells prohibited for potable use; restrictions for outdoor use.....	73
Section 14.7	Abandoned wells to be capped and closed.....	74
Section 14.8	Procedures for the use of wells.....	74
Section 14.9	Separate and independent building water and sewer.....	74
Section 14.10	Connections with existing building sewer or building water services.....	74
Section 14.11	Inspections; supervision of connections.....	75
Section 14.12	Inspections upon transfer of property.....	75
Section 14.13	Capital allocation charges and connection fees; rates, other fees.....	75
Section 14.14	Maintenance of system and connections.....	76
Section 14.15	Unlawful connection.....	77
Section 14.16	Extra-Territorial extensions.....	77
Section 14.17	Certain water discharges restricted.....	79
Section 14.18	Discharge to storm sewers or natural outlets restricted.....	79
Section 14.19	Restricted water or waste discharges enumerated.....	79
Section 14.20	Discharges which are harmful to sewers or facilities.....	79
Section 14.21	Action by Town upon certain discharge.....	81
Section 14.22	Grease, oil and sand interceptors.....	82
Section 14.23	Preliminary treatment or flow equalizing facilities.....	82
Section 14.24	Commercial and Industrial users.....	82
Section 14.25	Use of reclaimed waters.....	83

Section 14.26	Damaging, destroying or tampering with works; penalties.....	83
Section 14.27	Entry onto property.....	83
Section 14.28	Use of Town’s water system, right to impose restrictions.	84
Section 14.29	Use of fire hydrants.	84
Section 14.30	Approved water supply, plumbing fixtures; inspection of systems.....	84
Section 14.31	Potable water supply systems; cross-connections.	84
Section 14.32	Unlawful discharge water into the streets.....	85
Section 14.33	Swimming pool connections.	86
Section 14.34	Conservation of water during shortage; disasters and emergencies.	86
Section 14.35	Use of Water Meters.....	87
Section 14.36	Water conservation requirements.	87
Section 14.37	Definitions.	90
Section 14.38	Findings; legislative intent.....	91
Section 14.39	Application for sewer allocation.....	91
Section 14.40	Allotment of water and wastewater capacity.....	91
Section 14.41	Allotment of water and wastewater capacity at time of subdivision or site plan approval.	92
Section 14.42	Allocation of capacity upon issuance of building permits.	93
Section 14.43	Capital Allocation and Connection charges.	93
Section 14.44	Forfeiture of allocation.	93
Section 14.45	Assignability; transferability.	94
Section 14.46	Effect of zoning action.	95
Section 14.47	Private financing for additional capacity.....	95
Section 14.48	Conditions of allocation.....	95
Section 14.49	Water and sewer usage and basic service charge.	97
Section 14.50	Operation and maintenance costs.	97
Section 14.51	Payment of water and sewer charges.....	97
Section 14.52	Unpaid charges to become a lien on the property.	98
Section 14.53	Violation and penalties.	99
Section 14.54	Liability for damages.....	99
Section 14.55	Executive regulations.	99
Section 14.56	Public works agreements.	99
Section 14.57	Miscellaneous.	99
CHAPTER 15. BAY RESTORATION FEE EXEMPTION PROGRAM.....		101
Section 15.1	Exemption Requirements.	101
CHAPTER 16. TOWN DOCK.....		102
Section 16.1	Docking Restrictions.	102
Section 16.2	General Rules and Regulations.....	102
Section 16.3	Loading and Unloading of Boats at Wastewater Treatment Plant facilities..	103
CHAPTER 17. FINANCE COMMITTEE.....		104
Section 17.1	Establishment of Finance Committee.....	104
Section 17.2	Powers, Duties and Responsibilities.....	104

CHAPTER 18. PROCUREMENT ORDINANCE	105
Section 18.1 Purpose	105
Section 18.2 Definitions	105
Section 18.3 Competitive bidding procedure	106
Section 18.4 Bid opening procedure; Rejection of bidding.....	107
Section 18.5 Exceptions to competitive bidding	107
Section 18.6 Award of Contract	108
Section 18.7 Ethics in contracting	109
Section 18.8 Authority to debar or suspend contractors.....	109
Section 18.9 Violation of competitive bidding regulations	110
CHAPTER 19. FLOODPLAIN	111
CHAPTER 20. DEVELOPMENT RIGHTS AND RESPONSIBILITIES AGREEMENTS....	112
Section 20.1 Authority.....	112
Section 20.2 Applicability.	112
Section 20.3 Contents of development rights and responsibilities agreement.	112
Section 20.4 Referral to planning commission.....	114
Section 20.5 Public hearing.	114
Section 20.6. Amendment of agreement.	115
Section 20.7 Termination of agreements; suspension.	115
Section 20.8 Applicable laws, regulations and policies.	115
Section 20.9 Recording.....	115
Section 20.10 Enforcement by interested parties.	115
Section 20.11 Severability.....	116
Section 20.12 Compatibility with State law.	116
CHAPTER 21. SEDIMENT AND EROSION CONTROL	117
Section 21.01 Adoption.	117
Section 21.02 Amendments.....	117
CHAPTER 22. ROAD DESIGN STANDARDS	118
Section 22.1 Title.....	118
Section 22.2 Applicability; Relation to Existing Zoning and Subdivision Regulations. ...	118
Section 22.3 Definitions.	119
Section 22.4 Authority to adopt ordinances and regulations.....	120
Section 22.5 Design Manual.....	121
Section 22.6 Control.	121
Section 22.7 Property acquisition.....	121
Section 22.8 Fees.....	122
Section 22.9 Permit required.	122
Section 22.10 Access Permits.....	123
Section 22.11 Use of roads and bridges.	123
Section 22.12 Liability for damage.	124
Section 22.13 Special use permits.	124

Section 22.14	Unlawful acts.....	124
Section 22.15	Maintenance and services.....	125
Section 22.16	Drainage.....	125
Section 22.17	Subdivisions.....	127
Section 22.18	Traffic Impacts.	127
Section 22.19	Public works agreements.....	127
Section 22.20	Enforcement; violations and penalties.....	128
Section 22.21	Administrative appeals.	130
Section 22.22	Appeals to courts.	130
CHAPTER 23.	ZONING.....	131
CHAPTER 24.	SUBDIVISION OF LAND.....	132
CHAPTER 25.	STORMWATER MANAGEMENT	133
CHAPTER 26.	FOREST CONSERVATION	134
CHAPTER 27.	SHORT TERM RENTALS	135
Section 27.1	Definition and word usage.....	135
Section 27.2	Requirements for Short Term Rentals.....	135
Section 27.3	Violations and Penalties.	137

CHAPTER 1. GENERAL PROVISIONS

- 1.1. How code designated and cited
- 1.2. Definitions and rules of construction
- 1.3. Catchlines of sections
- 1.4. Repeal of ordinances
- 1.5. Effect of repeal
- 1.6. Provisions deemed continuations of existing ordinances
- 1.7. Severability of parts of Code
- 1.8. Amendment to Code; effect of new ordinances; amendatory language
- 1.9. Authority of Code
- 1.10. General penalty for misdemeanors; continuing violations
- 1.11. Administrative Search Warrant; right of entry

Section 1.1 How Code designated and cited.

The ordinances embraced in the following chapters and sections shall constitute and be designated as “Town of Queenstown Code” and may be so cited. The Code may also be cited as “Queenstown Town Code”.

Section 1.2 Definitions and rules of construction.

In the construction of this Code and all ordinances, the following definitions and rules shall be observed, unless such definitions and rules would be inconsistent with the manifest intent of the Town of Queenstown or the context clearly requires otherwise.

Charter-shall mean the Charter of the Town of Queenstown.

Commissioners- when used as “the Commissioner” or “this Commissioner” shall mean the Commissioners of the Town of Queenstown.

Community Plan- shall mean the Queenstown Comprehensive Plan.

County - when used as “the County” or “this County” shall mean Queen Anne’s County, Maryland.

Owner - The word “owner”, applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, or joint tenant or tenant by the entirety, of the whole or part of such building or land.

Person - shall include a corporation, company, partnership, association or society as well as a natural person.

Property - shall include real and personal property.

Shall; May – The word “shall” is mandatory, and the word “may” is permissive.

Sidewalk - is any path or way, paved or unpaved, whether publicly or privately owned, intended for public use by pedestrians.

State - when used as “the State” or “this State” shall mean the State of Maryland.

Street - shall include any public ways, roads, highways, avenues, alleys and lanes within the Town.

Tenant; Occupant - when applied to a building or land, shall include any person who occupies the whole or a part of such building or land, whether alone or with others.

Time - when used in the past or present tense, include the future as well as the past and present.

Town - when used as “the Town” or “this Town” shall mean the Town of Queenstown, in the County of Queen Anne’s and the State of Maryland.

Year – shall mean a calendar year except when referring to the fiscal year.

Section 1.3 Catchlines of sections.

The catchlines or titles of the several sections of this Code are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be a legal part of such sections, nor as any other part of such sections, nor unless expressly so provided, shall they be deemed when any of such sections, including the catchlines, are amended or re-enacted.

Section 1.4 Repeal of ordinances.

All ordinances or portions of ordinances in conflict with the provisions of this Code are hereby repealed to the extent of such conflict.

Section 1.5 Effect of repeal.

The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect. The repeal set forth in Section 1.4. shall not affect any of the following:

A. Any offense or act committed or done or any penalty or forfeiture incurred before the enactment date.

B. Any contract or right established or accruing before the enactment date.

C. Any ordinance or resolution promising or guaranteeing the payment of money for the Town of Queenstown or authorizing the issuance of any bonds of the Town or any evidence of the Town's indebtedness or any contract or obligation assumed by the Town.

D. Any annual tax levy, rates, charges, or fees that are not inconsistent with the provisions of this Code.

E. Any right, permit, license, or franchise conferred by the Town upon any person or corporation.

F. Any ordinance or resolution of the Town adopted for purposes which have been consummated.

G. Any ordinance which is temporary although general in effect, or special although permanent in effect.

H. Any ordinance or resolution relating to the salaries of the Town officers or employees, or administrative policies or procedures of the Town, including, by way of example and not by limitation, document retention policies.

J. Any ordinance or resolution annexing territory to the town.

K. Any ordinance naming, renaming, opening, accepting or vacating streets or alleys in the town.

L. Any ordinance adopted after the effective date.

M. The Zoning Ordinance of the Town and Queenstown Community Plan.

N. The Queenstown Charter.

Section 1.6 Provisions deemed continuations of existing ordinances.

The provisions appearing in this Code, so far as they are the same in substance as ordinances existing at the effective date of this Code, shall be considered as continuation thereof and not as new enactments.

Section 1.7 Severability of parts of Code.

If any word, phrase, clause, item, sentence, paragraph, Section or Chapter of this Code of Ordinances shall judicially be declared to be unconstitutional or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of the Chapters, Sections, paragraphs, sentences, items, clauses, phrases or words shall not be affected thereby.

Section 1.8 Amendment to Code; effect of new ordinance; amendatory language.

All ordinances passed subsequent to this Code which repeal or in any way affect this Code or Ordinances, may be numbered in accordance with the numbering system of this Code and printed for inclusion therein. When subsection ordinances repeal any chapter, section or subsection or any portion thereof, those repealed portions may be excluded from this Code by omission from reprinted pages. All sections, articles, chapters, titles or provisions of this Code desired to be replaced should be specifically repealed by section, chapter or title number, as the case may be.

Section 1.9 Authority of Code.

This Code is a revision and a codification of the general regulatory ordinances of the Town which have been enacted and published in accordance with the provisions of the laws of Maryland and which have not been repealed, and is done by virtue of authority granted in Maryland Code Annotated, Local Government Article, Section 4-110.

Section 1.10 General penalty for misdemeanors; municipal infractions.

A. Misdemeanors. Unless otherwise specifically provided by this Code or Town ordinance, whenever in this Code or in any ordinance, the Town Commissioners shall declare that any act or failure to act is a misdemeanor or is declared unlawful, and is not specifically declared to be an infraction, the violation of any such provision shall be punishable by a fine not to exceed the maximum allowable fine for misdemeanors as set forth in Section 6 of the Local Government Article of the Maryland Annotated Code, or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment as determined in the discretion of the Court. Where this Code or ordinance sets forth a specific fine for a particular misdemeanor, that fine shall apply. If no specific fine is set by this Code or by ordinance of the Town Commissioners for a misdemeanor, the fine for the first offense shall be One Hundred Dollars (\$100.00), and shall be Two Hundred Dollars (\$200.00) for each additional offense within a 12-month period. Each and every day such violation occurs shall be considered a separate offense, and subject to separate penalties and fines.

B. Municipal Infractions. The Town Commissioners of Queenstown shall by official act declare the violation of which Code provisions or ordinances shall be an infraction or

infractions, and for each such violation a fine shall be set. Unless otherwise declared to be a misdemeanor, all violations of any municipal ordinance shall be municipal infractions.

This fine shall never exceed the maximum allowable fine for each municipal infraction as set forth in Section 6 of the Local Government Article of the Maryland Annotated Code. Unless this Code or any ordinance of the Town sets forth a different fine amount for the particular infraction, the penalty for the first infraction shall be One Hundred Dollars (\$100.00), and Two Hundred Dollars (\$200.00) for the second violation. Where this Code or any ordinance sets forth a specific fine for a particular municipal infraction, that fine amount shall apply. Each day that such a violation continues shall be considered a separate offense.

The Town Clerk, Zoning Inspector, any member of the Sherriff's Department of Queen Anne's County, the Maryland State Police, Maryland Natural Resources Police, or any person(s) designated by the Town Commissioners of Queenstown for purposes of enforcing Town Ordinances, may deliver a citation to any person whom they adjudge to be committing a municipal infraction, or on the basis of an affidavit submitted by a member of the Town Commissioners of Queenstown citing the facts of an alleged incident adjudged to be a municipal infraction.

Section 1.11 Administrative Search Warrant; Right of Entry.

The Town of Queenstown, or its designated code official, may apply to a judge of the District Court or Circuit Court for Queen Anne's County, for an administrative search warrant to enter any premises to conduct any inspection required or authorized by this Code or applicable law.

A. Form. The application for an administrative search warrant shall be in writing and sworn to by the applicant and shall particularly describe the place, structure, premises, etc., to be inspected and the nature, scope and purpose of the inspection to be performed by the applicant.

B. Findings. A judge of a court referred to in this section may issue the warrant based upon information set forth in subsection A upon a finding that:

1. The applicant has sought access to the property for the purpose of making an inspection;
2. After requesting, at a reasonable time, that the owner, tenant or other individual in charge of the property allow the applicant access, the applicant has been denied access to the property, or after making a reasonable effort the applicant has been unable to locate any of these individuals;
3. The Town or its designated code official(s) is authorized by law to make an inspection of the property for which the warrant is sought; and

4. Probable cause for the issuance of the warrant has been demonstrated by the applicant by specific evidence of a public nuisance that affects the health, safety and welfare of the Town's citizens, or that the property to be inspected falls within the Town's inspection process pursuant to the Property Maintenance Code.

C. An administrative search warrant issued under this section shall specify the place, structure, or premise to be inspected. The inspection conducted may not exceed the limits specified in the warrant.

D. An administrative search warrant issued under this section authorizes the applicant and other designated officials or employees of the Town to enter specified property to perform the inspection, sampling and other functions authorized by law to determine compliance with the provisions of the code or other law.

E. An administrative search warrant issued under this section shall be executed and returned to the judge by whom it was issued within:

1. The time specified in the warrant, not to exceed thirty days; or
2. If no time period is specified in the warrant, fifteen days from the date of its issuance.

F. Information obtained in accordance with an administrative search warrant under this section is confidential and may not be disclosed except:

1. To the extent used in an administrative or judicial proceeding that arises out of a violation that relates to the purposes for which the warrant was issued and within the scope of the warrant; or
2. To the owner or occupant of the building or premises.

[History: Ord. 14-07, 10/22/14]

CHAPTER 2. FIREARMS

- 2.1 Carry of firearms in Town
- 2.2 Discharge of firearms in Town

Section 2.1 Carrying of firearms in Town.

A. No person shall within the Town limits of the Town of Queenstown have concealed about his person, any deadly or dangerous weapon, or shall carry openly any such weapon, with intent to unlawfully use the same. Nothing contained in this Section shall be so construed as to prevent any person from lawfully keeping or carrying about his place of business, dwelling house, or premises any such dangerous weapon, or from carrying the same from place of purchase to his dwelling house or place of business or, from his dwelling house or place of business to any place where repairing is done to have the same repaired and back again. [History: Ord. 704, 7/13/82]

Section 2.2 Discharge of firearms in Town.

A. It shall be unlawful to fire or discharge any firearms (including but not limited to the following:) rifle, shotgun, fowling piece, air rifle, pistol, BB gun, bow and arrow or sling shot within the Town Limits. A permit may be obtained from the Town Clerk upon a written request for an exception to this Ordinance to permit an authorized person for a definite period of time to use a specified type of firearm to rid their premises of certain rodents, birds or pigeons.

B. Nothing in this Ordinance is to prevent the discharging of a weapon by an authorized officer of the state, county or town. [History: Ord. 704, 7/13/82]

CHAPTER 3. VEHICLES AND TRAFFIC

Article I – In General

- 3.1 Supplemental laws to the Transportation Article
- 3.2 Standard speed limits
- 3.3 Vehicles emitting noise or noxious fumes
- 3.4 Vehicular use of Town roadways

Article II – Parking

- 3.5 Commercial truck parking in Town
- 3.6 Parking in prohibited places

Article III – Lights and Traffic Signals

- 3.7 Destruction of lights and traffic signals

Article IV – Outlet Center Drive

- 3.8 Weight restriction on road
- 3.9 Stopping or parking on road

ARTICLE I- IN GENERAL

Section 3.1 Supplemental laws to the Transportation Article.

The provisions of this Chapter are intended to be in addition to, and to supplement the provisions of the Transportation Article of the Annotated Code of Maryland, as amended from time to time.

Section 3.2 Standard speed limits.

No person shall drive any vehicle, including but not limited to, cars, truck, mopeds, motor bikes, trial bikes, go-carts, dune buggies, etc., on any road, street, lane or alley within the corporate limits of the Town of Queenstown, at a speed greater than twenty-five (25) miles per hour, unless otherwise posted.

Any violation of the provisions of this Ordinance shall be deemed a misdemeanor and any person, upon conviction thereof before the District Court of Queen Anne's County, Maryland, shall be fined not more than One Hundred Dollars (\$100.00). [History: Ord. 400, 7/13/82]

Section 3.3 Vehicles emitting noise or noxious fumes.

No person or in control of any vehicle, as defined above, shall allow said vehicle, or any device connected there with, to be operated in such manner as to emit litter or excessive noise or unreasonable quantities of smoke, noxious gases or vapor, by improperly loading said vehicle, unnecessarily racing the motor of said vehicle while running idle, opening the muffler, or permitting such vehicle or any device thereon to emit an unreasonable quantity of smoke or noxious gases and vapor.

Any violation of the provisions of this Ordinance shall be deemed a misdemeanor and any person, upon conviction thereof before the District Court of Queen Anne’s County, Maryland, shall be fined not more than One Hundred Dollars (\$100.00). [History: Ord. 400, 7/13/82]

Section 3.4 Vehicular use of Town roadways.

Vehicle traffic on all Town roadways is restricted to passenger vehicles and non-commercial trucks and vans. No through-traffic is permitted. Commercial vehicles owned and/or used by residents of said streets are permitted to access those residents. Any vehicle delivering to or servicing a residence or business on a Town roadway is permitted only for purposes of such delivery or service. [History: Ord. 07-04, 8/28/07]

ARTICLE II - PARKING

Section 3.5 Commercial truck parking in Town.

A. Parking on Town Streets. It shall be unlawful for trucks such as are used for the transportation of sand, gravel, cement, gasoline, freight, etc., which in any way can be classified as not being used for passenger service, to park for more than two hours on the streets of the Town during the day or night; this does not prevent trucks from making legitimate deliveries of goods, wares and merchandise in the Town as long as the truck does not impede the regular flow of traffic. Private automobiles and light trucks may park at any place where there are no signs prohibiting the parking of vehicles provided it is for a reasonable period of time. In no case shall parking be permitted on the sidewalks. Any violation of this section shall constitute a municipal infraction, and shall be punishable by a fine of \$50.00 for the first violation, and a fine of \$100.00 for each subsequent offense, plus court costs. [History: Ord. 406, 7/13/82]

B. Truck Idling. It shall be unlawful for any commercial truck, tractor trailer, bus or other diesel engine vehicle to run its engine when the vehicle is not in motion for more than five (5) minutes within 100 feet of a residence between the hours of 8:00 p.m. and 7:00 a.m. A person who shall violate this subsection and any property owner who allows the idling to occur on his or her private property shall be deemed to have committed a municipal infraction, and the penalty for the first violation shall be One Hundred Dollars (\$100.00) for the first offense and Two Hundred Dollars (\$200.00) for the second offense. Each twelve-hour period shall constitute a separate offense. In addition to the fines and penalties set forth herein, the Town may avail itself of any and all civil and equitable remedies, including injunctive relief, for the purposes of stopping any threatened or continuing violation of this Section. [History: Ord 18-07, 4/25/18]

Section 3.6 Parking – Trailers and Oversized Vehicles

A. Definitions. Within this Section, the following definitions shall apply:

BOAT TRAILER - A vehicle that is designed and constructed to transport a boat used for recreational purposes.

CAMPING TRAILER - A vehicle that: (1) is mounted on wheels; and (2) has collapsible partial sidewalls that fold for towing by another vehicle to unfold to provide temporary living quarters for recreational, camping, or travel use.

OVERSIZED VEHICLE - A vehicle that is either over 21 feet two inches in length or is over six feet eight inches in width, or both.

MOBILE HOME - A motor vehicle, semitrailer, or trailer that is designed, constructed or equipped as a permanent or temporary living or sleeping space and for use as a conveyance on streets or highways, but does not qualify as a camping trailer or travel trailer as defined herein.

SEMI-TRAILER -A vehicle that: (1) has no motive power; (2) is designed to carry people or property and to be towed by a motor vehicle; and (3) is constructed so that some of its weight or load rests on or is carried by another vehicle.

STREET - The entire width between the boundary lines of any way or thoroughfare of which any part is used by the public for vehicular travel, whether or not the way or thoroughfare has been dedicated to the public and accepted by any proper authority.

TRAILER - A vehicle that: (1) has no motive power; (2) is designed to carry people or property and to be towed by a motor vehicle; and (3) is constructed so that no part of its weight rests on the towing vehicle.

TRAVEL TRAILER – A vehicle that: (1) is mounted on wheels; (2) is of such a size and weight as not to require any special highway movement permit when towed by a motor vehicle; (3) and is designed and constructed primarily to provide temporary living quarters for recreational, camping or travel use.

VEHICLE - Any device in, on or by which any individual or property is or might be transported or towed on a street or highway.

B. Prohibited Acts. A person shall not cause or knowingly permit a boat trailer, camping trailer, oversized vehicle, mobile home, semi-trailer, trailer, or travel trailer, owned by him or under his control to be parked and remain parked on any street within the corporate boundaries of the Town in substantially the same place on such a street for a period of twelve (12) consecutive hours or more.

C. Violations and Penalties. A person who shall violate this Section shall be deemed to have committed a municipal infraction, and the penalty for the first violation shall be One Hundred Dollars (\$100.00) for the first offense and Two Hundred Dollars (\$200.00) for the second offense. Each twelve-hour period shall constitute a separate offense. In addition to the fines and penalties set forth herein, the Town may avail itself of any and all civil and equitable remedies, including injunctive relief, for the purposes of stopping any threatened or continuing violation of this Section. [History: Ord. 11-01, 4/12/11]

Section 3.7 Parking in prohibited places.

A. It shall be unlawful to stop, stand or park a vehicle, at any time, longer than actually necessary to take on or discharge passengers, baggage or merchandise on the following named streets, alleys or lanes in the Town:

1. North and South sides of Melvin Avenue, from intersection of Maryland State Route 18 (Main Street) to Maryland State Route 301.
2. East and West sides of Aker Avenue, from the intersection of Melvin Avenue in fifty (50) feet.

3. East and West sides of Steamboat Avenue, from the intersection of Maryland State Route 18 (Main Street), to the intersection of Maryland Avenue.

B. Any person, firm or corporation violating any of the provisions of this ordinance shall receive a citation, either in person or by having same placed in a conspicuous place on the vehicle which he or she was using at the time of the violation of said provisions, to appear before the District Court of Queen Anne's County, to answer a charge of violating the provisions of this Ordinance; provided, however, that if the person, firm or corporation may pay the fine or fines charges against them, have the effect of dismissing this citation.

In any prosecution charging a violation of this Ordinance, proof that the particular vehicle described in the summons was parked in violation of the Ordinance, together with proof that the defendant named in the summons was parked in violation of the Ordinance, together with proof that the defendant named in the summons was at the time of such parking or other unlawful act the registered owner of such vehicle, shall constitute a prima facie presumption that the registered owner of such vehicle was the person who parked and placed vehicle at the point, where, and for the time during which such violation occurred.

C. If any section or provision, or part thereof, of this Ordinance shall be adjudged invalid or unconstitutional by a court of competent jurisdiction, such jurisdiction shall not affect the validity of the Ordinance as a whole, or any section, provision or part thereof, not adjudged invalid or unconstitutional. [History: Ord. 850, 10/8/96]

ARTICLE III - LIGHTS AND TRAFFIC SIGNALS

Section 3.8 Destruction of Lights and Traffic Signals.

It shall be unlawful for any person or persons to willfully break any street lights within the corporate limits of the Town of Queenstown or break any street light post, parking signs, traffic signs, traffic signal device or any other lights maintained by the Town including but not limited to Christmas lights and sewer plant lights, in said Town. A violation of this section shall constitute a misdemeanor punishable under Section 1.10.A. [History: Ord. 402, 7/13/82]

ARTICLE IV – OUTLET CENTER DRIVE

Section 3.9 Weight restriction on road.

It shall be unlawful for any vehicle, local or otherwise, weighing more than three quarters of a ton, to use the Outlet Center Drive, in Queenstown, Maryland, except for, and only for, deliveries to the Queenstown Outlets or adjacent businesses.

Section 3.10 Stopping or parking on road.

It shall be unlawful for any vehicle to stop or park on Outlet Center Drive, Queenstown, during the hours of 9:00p.m. – 7:00 a.m.

Section 3.11 Violations.

A violation of this Article IV shall be considered a municipal infraction, subject to a civil penalty of \$25.00 per day. Each day that a violation exists shall constitute a separate offense.

[History: Ord. 830, 11/12/91; Ord. 835, 2/25/92]

CHAPTER 4. ANIMALS

- 4.1 Animal control
- 4.2 Raising of fowl, animals and livestock
- 4.3 Trapping and shooting of squirrels

Section 4.1 Animal control.

The Town Commissioners of the Town of Queenstown for the purpose of Animal Control have adopted the Animal Control Ordinance of Queen Anne's County. The penalties for violation of the Animal Control Ordinance shall be as specified in the County Ordinance. [History: Ord. 600, 7/13/82]

Section 4.2 Raising of fowl, animals and livestock.

It shall be unlawful to raise any pigs, chickens, poultry or livestock within the Town Limits. [History: Ord. 602, 7/13/82]

Section 4.3 Trapping and shooting of squirrels.

It shall be unlawful for any person to shoot, trap, maim, kill or harm any squirrel within said Town, whether the same belongs to himself or another, without first obtaining a written permit from the Town Clerk. [History: Ord. 604, 7/13/82]

CHAPTER 5. PEDDLING, SOLICITING AND VENDING

- 5.1 License Required
- 5.2 Definitions
- 5.3 Application for license
- 5.4 Issuance of license
- 5.5 Exhibition of license
- 5.6 Duration of license
- 5.7 Revocation
- 5.8 Hearing
- 5.9 Inspections
- 5.10 Hours
- 5.11 Exemptions
- 5.12 Violations and penalties

Section 5.1 License required.

It shall be unlawful for any peddler, hawker, vendor, canvasser or solicitor, as hereinafter defined, to engage in such activity within the Town of Queenstown without first obtaining a license therefore in accordance with the provisions of this Chapter, except as exempted herein.

Section 5.2 Definitions.

When used in this Chapter 5, the following terms shall have the following meanings:

ITINERANT MERCHANTS, TRANSIENT VENDORS AND SALESMAN – shall be deemed to be in the category of peddler, hawker, vendor, solicitor or canvasser, as set forth.

PEDDLER, HAWKER AND VENDOR – Any person, either principal or agent, whether a resident of the Town of Queenstown or not, who in/on any public street, road highway or public place or from any vacant property, whether publicly or privately owned, or by going from place to place or house to house, delivers or distributes advertising material, literature, pamphlets, samples or handbills, or sells or offers for sale, barter, or exchange any goods, wares, merchandise, serve or any other article or thing whatsoever, either in his possession or not in his possession, either for immediate or future delivery.

PERSON – Any natural person, corporation, partnership, association, joint-stock company, society or any other entity of any kind.

SOLICITOR OR CANVASSER – Any person, either principal or agent, whether a resident of the Town of Queenstown or not, who, in any public street, road, highway or public place or from any vacant property, whether publicly or privately owned, or by going from house to house or by going from place to place for the following purposes:

- A. Sells any goods, wares, merchandise, including magazines and printed matter, or accepts subscriptions or orders therefore.
- B. Accepts or requests donations for any charitable purpose.
- C. Takes or attempts to take orders for the sale of services to be performed in the future.

Section 5.3 Application for license.

A. Applicants for a license under this Chapter shall file with the Town Clerk a sworn application, in writing on a form to be furnished by the Town Clerk, which shall give the following information:

1. Name, permanent home address and local mailing address, if any, of applicant.
2. A physical description of the applicant, setting forth the applicant's age, height, weight, color or hair and eyes, and any other distinguishing physical characteristic of applicant.
3. The name, address and telephone number for the firm or corporation for whom or through whom orders are to be solicited or cleared.
4. The name and address of the applicant's employer, if different from paragraph 3 above.
5. A brief description of the nature of the business and the goods to be sold and the name and address of the principal office of their manufacturer, as well as the name and address of the agent designated to receive service of the process in the State of Maryland.
6. Whether or not orders are to be solicited or taken for future delivery of goods or performance of services and whether or not soliciting is for funds.
7. The length of time for which the right to do business is desired.
8. A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, other than a traffic violation, and the nature of the offense and the punishment or penalty assessed therefore.
9. Current verification that the applicant holds a Maryland sales tax identification number.

10. A copy of a valid state motor vehicle operator's license.
11. If the applicant is unable to meet the criteria of subsection 10 above, some other type of identification with picture.

Section 5.4 Issuance of license.

Upon furnishing the information required under subsection 5.3, the applicant shall be issued a license by the Town Clerk.

Section 5.5 Exhibition of license.

All licenses issued must be worn or displayed in such a manner as to be readily visible when engaged in the activities regulated herein.

Section 5.6 Duration of license.

All licenses issued under this ordinance shall expire at the end of the calendar year in which they are issued. Licenses shall not be transferable and must be surrendered after expiration before a renewal license can be issued.

Section 5.7 Revocation.

A. Licenses issued under this ordinance may be revoked by the Town Clerk, after notice and hearing, for any of the following causes:

1. Misrepresentation or false statement contained in the application for the license.
2. Fraud, misrepresentation or false statement made in the course of carrying on activities regulated herein.
3. Conviction of any crime or misdemeanor involving moral turpitude.
4. Conducting the business of soliciting in an unlawful manner in violation of this ordinance or in such manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

B. Notice of hearing for revocation of a license shall be given in writing, setting forth the grounds of complaint and the time and place of the hearing. Such notice shall be served, personally upon the licensee or mailed, postage pre-paid, to the licensee at the addresses given by the licensee in making application, at least five (5) days prior to the date set for hearing.

Section 5.8 Hearing.

Any person aggrieved by the action of the Town Clerk with reference to the revocation of a license as provided in Section 5.7 of this shall have the right of appeal to the Town Commissioners of Queenstown. Such appeal shall be taken by filing with the Commissioners, within fourteen (14) days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The Commissioners shall set a time and place for a hearing on such appeal. The decision and order of the Commissioners on such appeal shall be final and conclusive.

Section 5.9 Inspections.

The equipment used or employed by peddlers, hawkers and vendors of ice cream, foods, beverages, confections and other related commodities shall be maintained in a clean and sanitary manner and be subject to inspection by and comply with the rules and regulations of the Queen Anne's County Health Department.

Section 5.10 Hours.

The time of solicitation, peddling, hawking, vending and canvassing shall be between the hours of 9:00 a.m. and 8:00 p.m.

Section 5.11 Exemptions.

The provisions of Chapter shall not apply to the following:

- A. Persons, firms or corporations residing in the town who shall have a State Trader's License.
- B. The peddling of farm produce or dairy products by farmers or persons who produce such goods.
- C. The peddling of seafood or seafood products of any time which have been taken from the waters within the limits of Queen Anne's County.
- D. The delivery of food, goods, wares, merchandise, magazines, periodicals, produce, services or commodities previously ordered by the occupant of the premises to which the same is delivered or on which the services are to be performed.
- E. Route deliverymen who made deliveries at least once a week to regular customers and whose solicitation is only incidental to their regular deliveries.
- F. The delivery of newspapers.

G. School-affiliated groups (e.g. PTA, band boosters, etc.) provided that the organization is affiliated with a school located in Queen Anne's County.

H. Organized youth teams based in Queen Anne's County (baseball, soccer, lacrosse, basketball, field hockey, etc.).

I. Members of any nonprofit religious, charitable, benevolent society, educational, civic or veterans' organization, society, association, service club, volunteer first aid or fire company, etc., provided that organization has registered with the Town Clerk and the names of the solicitors have been listed as members of the organization and the organization has provided each person with an approved means of identification of the organization represented.

Section 5.12 Violations and penalties.

A violation of this Chapter 5 shall constitute a municipal infraction pursuant to Section 1.11 of the Town Code, and shall be punishable by a civil fine in the amount of \$25.00 for the first offense, and \$50.00 for a second and subsequent offenses. Each day that a violation occurs shall be considered a separate offense.

CHAPTER 6. NOISE

- 6.1 Loud or unnecessary noise prohibited
- 6.2 Disorderly conduct.
- 6.3 Exemptions.
- 6.4 Violations and penalties.

Section 6.1 Loud or unnecessary noise prohibited.

It shall be unlawful for any person or persons to make, continue or cause to be made or continued any loud, unnecessary or unnatural noise or any noise which endangers the health, safety or welfare of the community or which annoys, disturbs, injures or endangers the comfort, rest, health, peace or safety of others within the Town of Queenstown.

Section 6.2 Disorderly conduct.

The following acts, among others, are declared to be loud, unnecessary, disturbing and a danger to the health, safety and welfare of the community and its people, in violation of Section 6.1, but the enumeration shall not be deemed to be exclusive:

A. Using, operating or permitting to be played any musical instruments or other musical devices (including, but not limited to live music or performances), or any radio, television, computer, sound amplifier, or any other machine or device for the producing or reproducing of sound, in such a manner as to disturb the peace, quiet and comfort of any person or persons in the vicinity. The operation of any such machine or device between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of twenty-five (25) feet from the building, structure, device or vehicle in which it is located shall be a prima facie evidence of a violation of this section. Any person or persons who cause production of said sound through the operation of the machines or devices enumerated herein may be deemed a violator of this Section.

B. The keeping of any dog, bird or other animal causing frequent or long-continued noise shall disturb the comfort or response of any person or persons in the vicinity.

C. The use of any chain saw, tractor, machinery, automobile, motorcycle, truck, or vehicle so out of repair or loaded or operated in such a manner as to create loud and unnecessary grating, grinding, rattling or other noise between 10:00 p.m. and 7:00 a.m.

Section 6.3 Exemptions.

Nothing in this Chapter shall be construed to apply to church bells or chimes nor to the playing of bands or orchestras in a hall or building in a manner which will not annoy the peace, comfort and quiet of the neighboring inhabitants nor to municipal, county, state or federal

government agencies in connection with any emergency nor to normal working activities of or activities sponsored by the Town nor to warning devices on other vehicles used only for traffic safety purposes.

Section 6.4 Violations and penalties.

A violation of this Chapter 6 shall constitute a municipal infraction pursuant to Section 1.11 of the Town Code, and shall be punishable by a civil fine in the amount of \$25.00 for the first offense, and \$50.00 for a second and subsequent offenses. Each day that a violation occurs shall be considered a separate offense.

CHAPTER 7. RESERVED

CHAPTER 8. BUILDING CONSTRUCTION

Article I – General Permit Requirement

- 8.1 Permit required

Article II – Residential Code

- 8.2 Adoption by reference
- 8.3 Amendments
- 8.4 Copies on file
- 8.5 Repealer
- 8.6 Severability

Article III – Building Code

- 8.7 Adoption by reference
- 8.8 Amendments
- 8.9 Repealer
- 8.10 Copies on file
- 8.11 Severability

Article IV – Existing Building Code

- 8.12 Adoption of standards by reference
- 8.13 Amendments
- 8.14 Repealer
- 8.15 Copies on file
- 8.16 Severability

Article V - Energy Conservation Code

- 8.17 Adoption by reference
- 8.18 Amendments
- 8.19 Copies on file
- 8.20 Repealer
- 8.21 Severability

Article VI – Green Building Design Standards

- 8.22 Requirements
- 8.23 Standards

ARTICLE I - GENERAL PERMIT REQUIREMENT

Section 8.1. Permit required.

No person shall construct new buildings, or expand existing buildings of a residential, industrial, or commercial nature, nor create any new uses of land of such nature or use land for trailers for residential purposes, without first securing a permit therefore from the Commissioners of Queenstown and/or the Planning and Zoning Commission. [History: Ord. 104, 7/13/82]

ARTICLE II – RESIDENTIAL CODE

Section 8.2. Adoption by Reference.

The 2015 Edition of the International Residential Code for One- and Two-Family Dwellings, as published by the International Code Council, Inc., as amended by the State of Maryland as the Maryland Building Performance Standards (set forth in COMAR 05.02.07), is hereby adopted as the Town of Queenstown Residential Code for One and Two Family Dwellings (sometimes referred to as the “Residential Code”). The Residential Code shall regulate the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings (town houses) no more than three stories in height with separate means of egress in the Town of Queenstown. All of the regulations, provisions, terms, and conditions, of the Residential Code are hereby adopted and made a part hereof as if fully set forth in this Article, with the amendments, deletions and insertions as set forth in COMAR 05.02.07 and as further set forth in Section 8.3 herein.

Section 8.3 Amendments.

The following sections of the 2015 Edition of the International Residential Code for One- and Two- Family Dwellings are modified, deleted, substituted, or added as follows:

CHAPTER 1-SCOPE AND ADMINISTRATION

SECTION R101 GENERAL

Section R101.1. Title. These regulations shall be known as the “Town of Queenstown Residential Building Code for One- and Two-Family Dwellings”. Where the name of the jurisdiction is to be indicated in any section of this Code, it shall be considered the “Town of Queenstown”.

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SECTION R102 APPLICABILITY

Section R102.5. Appendices. All the provisions in the Appendices are adopted as part of the IRC except those in Appendices E, J and L.

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SECTION R106

CONSTRUCTION DOCUMENTS

Section R106.1. Submittal Documents. Add new paragraph to Section R.106.1 as follows:

106.1.1 Information on Construction documents. The application for the building permit shall be accompanied by plans and specifications as follows:

1. Detached one and two family dwellings. Two (2) sets of drawings drawn to scale with sufficient clarity and detail to show the nature and character of the work to be performed, including, but not limited to:
 - a. Floor plans each floor level, 2 elevations and typical cross section.
 - b. Copies of plot plans or copies of formal approved site plan as required by the code official, if applicable;
2. Detached one and two family dwellings – alterations, small additions, miscellaneous structures. Same as 1. Above.
3. New buildings, additions and alterations to buildings other than detached one and two family dwellings. Two (2) complete sets of architectural, structural, mechanical (heating, ventilation, air conditioning-HVAC) plumbing and electrical plans, drawn to scale with sufficient clarity and detail to show the nature and character of work to be performed. The plans shall be prepared in compliance with this Code, and shall have the seal and signature of a Maryland state professional engineer or architect affixed to each and every sheet of all sets at least one of which shall bear the original (not reproduced) seal and signature.

SECTION R112 BOARD OF APPEALS

Section R112.1. General. Any person affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Queenstown Board of Appeals, provided that a written application for appeal is filed within 30 days after the day the decision, notice, or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

Section R112.2. Board of Appeals. For the purposes of this code, the board of appeals shall be the Board of Appeals established in the Town of Queenstown

Zoning Ordinance. All provisions governing the Board of Appeals with respect to members, provisions for alternates, quorum, procedure, chairman, term of office, etc. shall be applicable to appeals from this code. Review of the decision of the Board of Appeals shall also be in accordance with the Queenstown Zoning Ordinance, and the Maryland Rules of Procedure applicable to review of administrative agency decisions.

....

Section R112.3. Qualifications. Deleted.

SECTION R113 VIOLATIONS

Section 113. Delete this section in its entirety and substitute the following:

Section R113.1. Unlawful acts. It shall be a municipal infraction for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause the same to be done, in conflict with or in violation of any of the provisions of this code.

Section R113.2. Notice of violation. The building official or other authorized designee of the Town of Queenstown is authorized to serve a notice of violation or other order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or a structure in violation of the provisions of this code, or in violation of a detail statement or a plan approved thereunder, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

Section R113.3. Prosecution of violation. If the notice is not complied with in the time prescribed by such notice, the building official or other authorized designee of the Town of Queenstown is authorized to issue a civil municipal citation and to institute the appropriate proceedings 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 building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto. The Town Attorney is authorized to prosecute or file a civil action in connection with a violation of any provision of this code.

Section R113.4. Violation penalties. Violation of this code shall be a municipal infraction subject to a fine of Five Hundred Dollars (\$500.00). Each day that a violation continues after due notice has been served shall be deemed a separate offense. In addition to said fine, the Town may request during the adjudication of

the infraction that the defendant abate the violation at the defendant's expense. Enforcement of this section shall be in accordance with Md. Code Annotated Local Government Article §6-102, et. seq., as amended from time to time. This provision is not an exclusive remedy, and the Town may seek injunctive or other relief as necessary.

Section R113.5. Unpaid expenses as a lien against real estate. Whenever pursuant to this code, a building official directs a property owner to take an action to abate a violation of this code and the property owner fails to do so in the time frame set forth in the notice or pursuant to an order of the court, the building official may cause such action to be performed and the costs thereof shall be a lien against the real estate and shall be collectible in the same manner in which real estate taxes are collected, or the Town may collect it by such other action at law, in the Town's discretion.

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CHAPTER 3. BUILDING PLANNING

**SECTION R301
DESIGN CRITERIA**

Section R301.2. Climatic and geographic design criteria. This subsection shall be amended as follows:

**Table R301.2(1)
Climatic and Geographic Design Criteria**

Ground Snow Load	25PSF
Roof Snow Load	20PSF
Wind Speed (c)	90/100 MPH
Seismic Design	0
Weathering (a)	Severe
Front Line Depth (b)	24"
Termite	Moderate
Decay	Slight to Moderate
Winter Design Temp.	75 degrees F
Flood Hazards	The Queenstown Flood Hazard Areas, which have been identified by

	<p>the Federal Emergency Management Agency, as amended or revised by the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM), in addition to other applicable ordinances related to flood plain regulation and stormwater management</p>
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- a. Weathering may require a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code. The grade of masonry units shall be determined from this code. The grade of masonry units shall be determined from ASTM C34, C55, C62, C73, C90, C129, C145, C216 or C652.
- b. The frost line depth may require deeper footings than indicated in Figure R403.1(1).
- c. Wind exposure category shall be determined on a site specific basis in accordance with Section R301.2.1.4.

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CHAPTER 12. MECHANICAL ADMINISTRATION

Section M.1201.1 Scope. The subject matter of chapters 12 through 24 is not within the scope of the Maryland Building Performance Standards and is hereby omitted from this Code. For the applicable requirements concerning the mechanical systems, refer to the mechanical code adopted pursuant to the provisions of Business Regulations Article, §9A-205, Annotated Code of Maryland.

....

CHAPTER 25. PLUMBING ADMINISTRATION

Section P.2501.1. Scope. The subject matter of chapters 25 through 33 is not within the scope of the Maryland Building Performance Standards and is hereby omitted from this Code. For the applicable requirements concerning the plumbing systems, refer to the plumbing code adopted pursuant to the provisions of Business Occupations and Professions Article, Title 12, Annotated Code of Maryland.

....

CHAPTER 34. ELECTRICAL – GENERAL REQUIREMENTS

Section E3401.2. Scope. The subject matter of chapters 34 through 43 is not within the scope of the Maryland Building Performance Standards and is hereby omitted from this

Code. For the applicable electrical requirements, refer to the National Electrical Code as adopted and enforced by the State Fire Marshal, authorized fire officials, or building officials pursuant to the provisions of Public Safety Article, Title 12, Subtitle 6, Annotated Code of Maryland.

Section 8.4 Copies on file.

The Clerk-Treasurer of the Town of Queenstown shall maintain one (1) copy of the Town Residential code on file in the Town Office.

Section 8.5 Repealer.

All prior residential code ordinances or parts of residential code ordinances in conflict herewith are hereby repealed, except that in any case in which the Queenstown Zoning ordinance and this Ordinance conflict, the Queenstown Zoning Ordinance shall control.

Section 8.6 Severability.

If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Commissioners of Queenstown hereby declare that they would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

(History – Ordinance 16-05, 12/14/16)

ARTICLE III -- BUILDING CODE

Section 8.7 Adoption by Reference.

The 2015 Edition of the International Energy Conservation Code, as published by the International Code Council, Inc., as amended by the State of Maryland as the Maryland Building Performance Standards (set forth in COMAR 05.02.07), is hereby adopted as the Town of Queenstown Building Code, for the control of buildings and structures as herein provided. All of the regulations, provisions, terms, and conditions, of the Building Code are hereby adopted and made a part hereof as if fully set forth in this Article, with the amendments, deletions, and insertions as set forth in Section 8.8 herein.

Section 8.8 Amendments.

The following sections of the 2015 Edition of International Building Code are hereby amended as follows:

CHAPTER 1. SCOPE AND ADMINISTRATION

SECTION 101 GENERAL

Section 101.1. Title. These regulations shall be known as the “Town of Queenstown Building Code”. Where the name of the jurisdiction is to be indicated in any section of this Code, it shall be considered the “Town of Queenstown”.

Section 101.2. Scope. The provisions of this code shall apply to the construction, alteration, relocation, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

Exception 1. Detached one- and two-family dwellings and multiple single family dwellings (townhouses) not more than three stories above grade plane in height with a separate means of egress and their accessory structures shall comply with the International Residential Code.

Exception 2. Existing buildings undergoing repair, alterations or additions, and change of occupancy shall comply with the Maryland Building Rehabilitation Code set forth in COMAR 05.16.

Exception 3. Maintenance of residential structures and premises shall comply with the State Minimum Livability Code (COMAR 05.02.03) and the Town’s Property Maintenance Code (Chapter 9 of the Queenstown Town Code).

Section 101.2.1. Appendices. All of the Appendices are adopted as part of the Queenstown Building Code except those in Appendices A, B, D, E, and K.

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**SECTION 104
DUTIES AND POWERS OF BUILDING OFFICIAL**

Section 104.6. Right of entry. Delete this section in its entirety and substitute the following:

Section 104.6. Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the building official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises is occupied, the credentials be presented to the occupant and entry requested. If such structure or premise is unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry, including obtaining an administrative search warrant.

....

**SECTION 107
SUBMITTAL DOCUMENTS**

Section 107.2.1. Information on Construction documents. Amend Section 107.2.1 to include the following paragraph:

Section 107.2.1. Information on Construction documents. For new buildings, additions and alterations to buildings other than detached one and two family dwellings, the application for the building permit shall be accompanied by: two (2) complete sets of architectural, structural, mechanical (heating, ventilation, air conditioning-HVAC) plumbing and electrical plans, drawn to scale with sufficient clarity and detail to show the nature and character of work to be performed. The plans shall be prepared in compliance with this Code, and shall have the seal and signature of a Maryland state professional

engineer or architect affixed to each and every sheet of all sets at least one of which shall bear the original (not reproduced) seal and signature.

....
SECTION 109
FEEES
....

Section 109.6. Refunds. Delete subsection 109.6 and substitute the following:

Section 109.6. Refunds. When an unissued permit has been denied by the building official or withdrawn by property owner or agent, a 50% refund is due on building codes and zoning fees paid. No refund will be given on issued permits.

Section 109.7. Inspection fees. Add a new subsection 109.7, to read as follows:

Section 109.7. Re-Inspection fees. A re-inspection fee may be charged for each re-inspection if the work has to be re-inspected because:

1. The work was not ready for inspection at the pre-arranged time for inspection;
2. The inspector did not have access to the work at the pre-arranged time for inspection; or
3. The inspector discovers a flagrant noncompliance during a requested inspection.

....
SECTION 110
INSPECTIONS
....

Section 110.3. Required Inspections. Add a new subsection 110.3.1. Replace with the following:

Section 110.3.1. Foundation Inspections. Foundation inspection shall be made when the foundation is complete with all required anchors, vents and termite shield installed.

Section 110.3.3. Lowest Floor Elevation. Delete this section.

Section 110.3.9.1. Coordination of Inspections. Add a new subsection 110.3.9.1 to read as follows:

Section 110.3.9.1. Coordination of Inspections. All required inspections shall be made and coordinated with the other trades, building, electrical, plumbing, HVAC and Sprinkler.

Section 110.5. Inspection Request. Amend section to include the following at the end of the first sentence: “forty-eight (48) hours before said work is completed.”

Section 110.7. Withholding of Inspection and Permit. Add a new subsection 110.7 to read as follows:

Section 110.7. Withholding of Inspection and Permit. If the Code official finds that a contractor, developer, or owner has violated the provisions of the Code, or rules or regulations which implement this Code, in connection with the construction, maintenance, alteration, or repair of any building, structures, equipment or land within the Town of Queenstown, the Town’s designated building official, after written notice to the violator, and a hearing on the allegations, if applicable, may refuse to grant further inspections or further permits of any kind to the contractor, developer, or owner until all violations have been corrected and all fees have been paid.

....

SECTION 113 BOARD OF APPEALS

Section 113.1. General. Delete this section and replace with the following:

Section 113.1. General. Any person affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Queenstown Board of Appeals, provided that a written application for appeal is filed within 30 days after the day the decision, notice, or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

Section 113.2. Limitations on authority. Delete this section and replace with the following:

Section 113.2. Board of Appeals. For the purposes of this code, the board of appeals shall be the Board of Appeals established in the Town of Queenstown Zoning Ordinance. All provisions governing the Board of Appeals with respect to members, provisions for alternates, quorum, procedure, chairman, term of office, etc. shall be applicable to appeals from this code. Review of the decision of the Board of Appeals shall also be in accordance with the Queenstown Zoning Ordinance, and the Maryland Rules of Procedure applicable to review of administrative agency decisions.

Section 113.3. Qualifications. Deleted.

SECTION 114 VIOLATIONS

Section 114. Violations. Delete this section in its entirety and substitute the following:

Section 114.1. Unlawful acts. It shall be a municipal infraction for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause the same to be done, in conflict with or in violation of any of the provisions of this code.

Section 114.2. Notice of violation. The building official or other authorized designee of the Town of Queenstown is authorized to serve a notice of violation or other order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or a structure in violation of the provisions of this code, or in violation of a detail statement or a plan approved thereunder, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

Section 114.3. Prosecution of violation. If the notice is not complied with in the time prescribed by such notice, the building official or other authorized designee of the Town of Queenstown is authorized to issue a civil municipal citation and to institute the appropriate proceedings 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 building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto. The Town Attorney is authorized to prosecute or file a civil action in connection with a violation of any provision of this Code.

Section 114.4. Violation penalties. A violation of this code shall constitute a municipal infraction subject to a fine of Five Hundred Dollars (\$500.00). Each day that a violation continues after due notice has been served shall be deemed a separate offense. In addition to said fine, the Town may request during the adjudication of the infraction that the defendant abate the violation, or in the alternative, to permit the Town to abate the violation at the defendant's expense. Enforcement of this section shall be in accordance with Md. Code Annotated Local Government Article §6-102 et. seq., as amended from time to time. This provision is not an exclusive remedy, and the Town may seek injunctive or other relief as necessary.

Section 114.5. Unpaid expenses as a lien against real estate. Whenever, pursuant to this code, a building official directs a property owner to take an action to abate a violation of this code and the property owner fails to do so in the time frame set forth in the notice or pursuant to an order of the court, the building official may cause such action to be

performed and the costs thereof shall be a lien against the real estate and shall be collectible in the same manner in which real estate taxes are collected, or the Town may collect it by such other action at law, in the Town's discretion.

**SECTION 115
STOP WORK ORDER**

....

Section 115.2.1. Stop Work Order, Posting. Add a new subsection 115.2.1 to read as follows:

Section 115.2.1. Stop Work Order, Posting. The posting of a stop work order at the job site shall constitute adequate notification by the Town of Queenstown's designated code official.

....

CHAPTER 9. FIRE PROTECTION SYSTEMS

901.1. Scope. ADDITIONAL NOTE: Fire protection system requirements of Chapter 9 may be concurrently covered in the State Fire Prevention Code, Public Safety Article §§ 6-101 – 6-102, Annotated Code of Maryland, and COMAR 29.06.01. The State Fire Prevention Code is enforced by the State Fire Marshal or authorized fire official. In the event of a conflict between these provisions and the State Fire Prevention Code, the provisions of the State Fire Prevention Code shall control.

....

CHAPTER 10. MEANS OF EGRESS

1001.1. General. ADDITIONAL NOTE: Means of egress requirements of Chapter 10 may be concurrently covered in the State Fire Prevention Code, Public Safety Article §§ 6-101 – 6-102, Annotated Code of Maryland and COMAR 29.06.01. The State Fire Prevention Code is enforced by the State Fire Marshal or authorized fire official. In the event of a conflict between these provisions and the State Fire Prevention Code, the provisions of the State Fire Prevention Code shall control.

....

CHAPTER 11. ACCESSIBILITY

Chapter 11 of the IBC related to accessibility requirements is hereby replaced with the Maryland Accessibility Code set forth in COMAR 05.02.02.

....

CHAPTER 16. STRUCTURAL DESIGN

....

Section 1607.12. Minimum Roof Live Loads. Delete this section and replace with the following:

Section 1607.12. Minimum Roof Live Loads. Roofs shall be designed for a minimum live load of 20 pounds per square foot or designed for the minimum snow load, whichever is greater.

....

Section 1612.3. Establishment of Flood Hazard Areas. Amend subsection 1612.3 as follows:

Section 1612.3. Establishment of Flood Hazard Areas. The Town of Queenstown has established flood hazard areas, which have been identified by the Federal Emergency Management Agency as reflected in the Flood Insurance Rate Maps for Queen Anne's County, Town of Queenstown, and related supporting data along with any revisions thereto, which shall apply to any construction within flood hazard areas, in addition to all other applicable ordinances related to flood plain regulations and storm water management.

Section 1809.5. Frost protection. Delete Section 1809.5 and replace with the following:

Section 1809.5. Frost protection. Except where erected upon solid rock or otherwise protected from frost, foundation walls, piers, and other permanent supports of buildings or structures 120 square feet or larger in area or 10 feet in height shall extend below the frost line of 24" below finished grade, and spread footings of adequate size shall be provided where necessary to properly distribute the load within the allowable load bearing value of soil. Alternatively, such structures shall be supported on piles where solid earth or rock is not available. Footings shall not bear on frozen soils unless frozen condition is of a permanent nature.

Exception: Sheds under 300 square feet shall be permitted to be erected upon six (6) inches of compacted gravel base, provided they are anchored with approved anchors on all four corners.

3306.10. Accessibility During Construction Operations. Add new section titled as above to read as follows:

3306.10. Accessibility During Construction Operations. During construction operations the contractor shall maintain at all times a vehicular roadway that will permit the unimpeded movement of emergency vehicles from the improved street to within 200 feet of the most remote building under construction on the site. The vehicular access roadway surface shall be either crusher run, stone base, blacktop or other suitable compacted surface material approved by the Department.

♦ ♦ ♦ ♦
CHAPTER 18. SOILS AND FOUNDATIONS

♦ ♦ ♦ ♦

Section 1809.5. Frost Protection. Amend subsection 1809.5 to read as follows:

Section 1809.5. Frost Protection. Except where erected upon solid rock or otherwise protected from frost, foundation walls, piers, and other permanent supports of buildings or structures 120 square feet or larger in area or 10 feet in height shall extend below the front line of 24” below finished grade, and spread footings of adequate size shall be provided where necessary to properly distribute the load within the allowable load bearing value of soil. Alternatively, such structures shall be supported on piles where solid earth or rock is not available. Footings shall not bear on frozen soils unless frozen condition is of a permanent nature.

Exception: Shed under 300 square feet shall be permitted to be erected upon six (6) inches of compacted gravel base, provided they are not anchored with approved anchors on all four corners.

♦ ♦ ♦ ♦
CHAPTER 24. GLASS AND GLAZING

The requirements for safety glazing set forth in Public Safety Article, Title 12, Subtitle 4, Annotated Code of Maryland, are in addition to Chapter 24, Section 2406 of the IBC related to safety glazing. In the event of a conflict between Chapter 24 of the IBC and the Annotated Code of Maryland, the requirements of the Annotated Code of Maryland prevail.

♦ ♦ ♦ ♦
CHAPTER 27. ELECTRICAL

2701.1 Scope. The subject matter of this chapter is not within the scope of the Maryland Building Performance Standards and is hereby omitted from this Code. For the applicable electrical requirements, refer to the National Electrical Code as adopted and enforced by the State Fire Marshal, authorized fire officials, or building officials pursuant to the provisions of Public Safety Article, Title 12, Subtitle 6, Annotated Code of Maryland.

CHAPTER 28. MECHANICAL SYSTEMS

2801.1. Scope. The subject matter of this chapter is not within the scope of the Maryland Building Performance Standards and is hereby omitted from this Code. For the applicable requirements concerning the mechanical systems, refer to the local mechanical code and the mechanical code adopted pursuant to the provision of Business Regulation Article, §9A-205, Annotated Code of Maryland.

CHAPTER 29. PLUMBING SYSTEMS

2901.1. Scope. The subject matter of this chapter is not within the scope of the Maryland Building Performance Standards and is hereby omitted from this Code. For the applicable requirements concerning the plumbing code adopted pursuant to the provision of Business Occupations and Professions Article, Title 12, Annotated Code of Maryland.

CHAPTER 30. ELEVATORS AND CONVEYING SYSTEMS

The provisions of Chapter 30 of the IBC relate to elevators and conveying systems and are in addition to and not instead of the requirements set forth in Public Safety Article, Title 12, Subtitle 8, Annotated Code of Maryland. In the event of a conflict between the IBC and the Annotated Code of Maryland, the provisions of the Annotated Code of Maryland prevail.

....

CHAPTER 33. SAFEGUARDS DURING CONSTRUCTION

....

Section 3306.10. Accessibility During Construction Operations. Add new subsection 3306.10 to read as follows:

Section 3306.10. Accessibility During Construction Operations. During construction operations the contractor shall maintain at all times a vehicular roadway that will permit the unimpeded movement of emergency vehicles from the improved street to within 200 feet of the most remote building under construction on the site. The vehicular access roadway surface shall be either crusher run, stone base, black top or other suitable compacted surface material approved by the Town's code official or designee.

....

Section 8.9 Repealer.

All prior building code ordinances or parts of building code ordinances in conflict herewith are hereby repealed, except that in any case in which the Queenstown Zoning ordinance and this Ordinance conflict, the Queenstown Zoning Ordinance shall control.

Section 8.10 Copies on File.

The Clerk-Treasurer of the Town of Queenstown shall maintain one (1) copy of the Building Code on file in the Town office.

Section 8.11 Severability.

If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional such decision shall not affect the validity of the remaining portions of this Ordinance. The Commissioners of Queenstown hereby declare that they would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

(History – Ordinance 16-06, 12/14/16)

ARTICLE IV – EXISTING BUILDING CODE

Section 8.12 Adoption of standards by reference.

The 2015 Edition of the International Existing Building Code, as published by the International Code Council, as amended by the Maryland Building Rehabilitation Code, is hereby adopted as the Town of Queenstown Existing Building Code (sometimes referred to as the “Existing Building Code”). The Existing Building Code shall regulate and govern the repair, alteration, change of occupancy, addition, and relocation of existing buildings, including historic buildings, providing for the issuance of permits therefor. All of the regulations, provisions, terms, and conditions, of the 2015 Edition of the International Existing Building Code are hereby adopted and made a part hereof as if fully set forth in the Article, with the amendments, deletions, and insertions as set forth in COMAR 05.16.01, as well as the amendments, deletions and insertions set forth in Section 8.13 herein.

Section 8.13 Amendments.

The following sections of the 2015 International Existing Building Code are hereby modified, deleted, substituted, added, or revised as follows:

SECTION 101 GENERAL

Section 101.1. Title. These regulations shall be known as the “Town of Queenstown Existing Building Code”, (sometimes hereinafter referred to as the “Existing Building Code” or “this code.”). Where the name of the jurisdiction is to be indicated in any section of this Code, it shall be considered the “Town of Queenstown”.

....

SECTION 103 DEPARTMENT OF BUILDING SAFETY

....

Section 103.1. Deleted.

Section 103.2. Appointment. The code official shall be the Town Clerk-Treasurer, or any person or entity designated or appointed by the Commissioners of Queenstown to serve as code official. The code official shall have full enforcement authority of this Code.

....

SECTION 104 DUTIES OF THE CODE OFFICIAL

....

Section 104.6. Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the code official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this code, the code official is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by the code, provided that if such structure or premises is occupied the code official shall present credentials to the occupant and request entry. If entry is refused, the code official shall have recourse to the remedies provided by law to secure entry, including obtaining an administrative search warrant.

....

**SECTION 112
BOARD OF APPEALS**

Section 112.1. General. Delete Section 111 in its entirety and replace with the following:

Section 112.1. General. Any person affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Queenstown Board of Appeals, provided that a written application for appeal is filed within twenty (20) days after the day the decision, notice, or order was served. All provisions governing the Board of Appeals with respect to members, provisions for alternates, quorum, procedure, chairman, term of office, etc. shall be applicable to appeals from this code. Review of the decision of the Board of Appeals shall also be in accordance with the Queenstown Zoning Ordinance and the Maryland Rules of Procedure applicable to review of administrative agency decisions.

....

112.3. Qualifications. Deleted.

**SECTION 113
VIOLATIONS**

....

Section 113.3. Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 113.2 shall be deemed to have committed a civil municipal infraction as determined by the Town, and the violation shall be deemed a strict liability offense. 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. Any action taken by the authority having jurisdiction over such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

....

**SECTION 114
STOP WORK ORDER**

....

Section 114.3. Unlawful continuance. 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 deemed to have committed a municipal infraction. The penalty for the first violation shall be One Hundred Dollars (\$100.00), and Two Hundred Dollars (\$200.00) for the second violation. Each day that a violation continues shall be considered a separate offense.

....

Section 8.14 Repealer.

All prior ordinances in conflict herewith are hereby repealed, except that in any case in which the Queenstown Zoning Ordinance and this Ordinance conflict, the Queenstown Zoning Ordinance shall control.

Section 8.15 Copies on file.

The Town Clerk shall maintain one copy of the Existing Building Code on file in the Town Office.

Section 8.16 Severability.

If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Commissioners of Queenstown hereby declare that they would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

(History – Ordinance 16-07, 12/14/16)

ARTICLE V – ENERGY CONSERVATION CODE

Section 8.17 Adoption by reference.

The 2015 Edition of the International Energy Conservation Code, as published by the International Code Council, as amended by the State of Maryland as the Maryland Building Performance Standards (set forth in COMAR 05.02.07), and as further amended by this Ordinance, be and is hereby adopted as the Energy Conservation Code of the Town of Queenstown for regulating and governing energy efficient building envelopes and installation of energy efficient mechanical, lighting and power systems as herein provided; providing for the issuance of permits; and each and all of the regulations, provisions, penalties, conditions and terms of said Energy Conservation Code, with the additions, insertions, deletions and changes, if any, prescribed herein.

Section 8.18 Amendments.

The following sections of the 2015 Edition of the International Energy Conservation Code are modified, deleted, substituted, or added as follows:

Section C101.1 Title. This code shall be known as the Energy Conservation Code of Queenstown for Commercial Buildings.

Section C101.2 Scope. This Code applies to commercial buildings and the building sites and associated systems and equipment. Additional requirements concerning energy conservation for buildings and structures may be required by Energy Conservation Building Standards, Public Utility Companies Article §§ 7-401 – 7-408 of the Annotated Code of Maryland, as amended.

Section C108.2 Issuance. Delete section C108.2 and substitute the following:

Section C108.2 Issuance. The stop work order shall be in writing and the posting of a stop work order at the job site shall constitute adequate notification by the Town of Queenstown’s designated code official. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

Section C108.4 Failure to comply. Delete section C108.4 and substitute the following:

Section C108.4 Failure to comply. 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 deemed guilty of a municipal infraction and subject to a fine to be assessed as provided in Chapter 1, Section 1.10B of the Town Code.

**SECTION C109
BOARD OF APPEALS**

Section C109 Board of Appeals. Delete section C109 Board of Appeals and substitute the following:

Section C109 Board of Appeals. For the purposes of this code, the board of appeals shall be the Queenstown Board of Zoning Appeals established by the Queenstown Zoning Ordinance. All provisions governing the board of appeals with respect to members, provisions for alternates, quorum, procedure, chairman, term of office, etc. shall be applicable to appeals from this code. Review of the decision of the board of appeals shall also be in accordance with the Queenstown Zoning Ordinance and the Maryland Rules of Procedure applicable to review of administrative agency decisions.

....

**CHAPTER 1
SCOPE AND ADMINISTRATION – RESIDENTIAL PROVISIONS**

**SECTION R101
SCOPE AND GENERAL REQUIREMENTS**

Section R101.1 Title. Delete Section R101.1 and substitute with the following:

Section R101.1 Title. This code shall be known as the Energy Conservation Code of Queenstown for Residential Buildings.

....

**SECTION R108
STOP WORK ORDER**

....

Section R108.2 Issuance. Delete Section R108.2 and substitute with the following:

Section R108.2 Issuance. The stop work order shall be in writing and the posting of a stop work order at the job site shall constitute adequate notification by the Town of Queenstown’s designated code official. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

....

Section R108.4 Failure to Comply. Delete Section R108.4 and replace with the following:

Section R108.4 Failure to Comply. 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 deemed guilty of a municipal infraction and subject to a fine to be assessed as provided in Chapter 1, Section 1.10B of the Town Code.

SECTION R109 BOARD OF APPEALS

Section R109 Board of Appeals. Delete Section R109 and replace with the following:

Section R109 Board of Appeals. For the purposes of this code, the board of appeals shall be the Queenstown Board of Zoning Appeals established by the Queenstown Zoning Ordinance. All provisions governing the board of appeals with respect to members, provisions for alternates, quorum, procedure, chairman, term of office, etc. shall be applicable to appeals from this code. Review of the decision of the board of appeals shall also be in accordance with the Queenstown Zoning Ordinance and the Maryland Rules of Procedure applicable to review of administrative agency decisions.

Section 8.19 Copies on file.

The Clerk-Treasurer of the Town of Queenstown shall maintain one copy of the Town Energy Conservation Code on file in the Town Office.

Section 8.20 Repealer.

All prior ordinances or parts of ordinances in conflict herewith are hereby repealed, except that in any case in which the Queenstown Zoning ordinance and this Ordinance conflict, the Queenstown Zoning Ordinance shall control.

Section 8.21 Severability.

If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Commissioners of Queenstown hereby declare that they would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

(History – Ordinance 16-08, 12/14/16)

ARTICLE VI – GREEN BUILDING DESIGN STANDARDS

Section 8.22 Requirements.

All owners, developers, architects, engineers, and builders to design and construct new public, business, commercial and industrial buildings in the Town generating more than 30,000 square feet of impervious surface shall be required to use Green Building Design Standards.

Section 8.23 Standards.

All buildings subject to this Article, shall be constructed to be “Energy Star” compliant using the LEED Green Building Rating System developed by the U.S. Green Building Council as an objective method for measuring the degree of compliance with this Ordinance. All new construction shall be required to achieve a LEED score of at least 35 out of a possible 69. [History: Ord. 06-03, 5/13/08]

CHAPTER 9. PROPERTY MAINTENANCE

- 9.1 Adoption of standards by reference
- 9.2 Amendments
- 9.3 Repealer
- 9.4 Copies on file
- 9.5 Severability
- 9.6 Exemptions

Section 9.1. Adoption of standards by reference.

The 2015 Edition of the International Property Maintenance Code, as published by the International Code Council, Inc. is adopted as the Queenstown Property Maintenance Code, and is incorporated into this Code by reference as if fully set forth herein, subject to the amendments set forth in Section 9.2.

Section 9.2 Amendments.

The following sections of the 2015 International Property Maintenance Code are hereby modified as follows:

**SECTION 101
GENERAL**

Section 101.1. Title. These regulations shall be known as the “Town of Queenstown Property Maintenance Code”, hereinafter referred to as “this code.”

....

Section 101.2. Scope. The provisions of this Code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties. Notwithstanding anything to the contrary herein, the provisions of the Property Maintenance Code that govern the interior condition of a residential structure shall not apply to an owner-occupied housing unit. Only the provisions of this Code governing the exterior condition of a structure shall apply to an owner-occupied housing unit.

....

Section 102.3. Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the applicable building codes

of the Town of Queenstown, including the International Building Code, the International Building Code for One- and Two-Family Dwellings, the International Energy Code, and the International Existing Building Code, as those codes have been adopted and/or amended by the Town of Queenstown and incorporated into the Queenstown Town Code. Nothing in this Code shall be construed to cancel, modify or set aside any provision of the Queenstown Building Code.

....

**SECTION 103
DEPARTMENT OF MAINTENANCE AND INSPECTION**

....

Section 103.2. Appointment. The code official shall be the Town Clerk, or any person or entity designated or appointed by the Commissioners of Queenstown to serve as code official.

Section 103.5. Fees. The fees for activities and services performed under this Ordinance shall be set forth in a fee schedule adopted by the Commissioners of Queenstown.

....

**SECTION 104
DUTIES OF THE CODE OFFICIAL**

....

Section 104.3. Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the code official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this code, the code official is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by the code, provided that if such structure or premises is occupied, the code official shall present credentials to the occupant and request entry. If such structure or premise is unoccupied, the code official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the code official shall have recourse to the remedies provided by law to secure entry, including obtaining an administrative search warrant.

....

**SECTION 106
VIOLATIONS**

....

Section 106.3. Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed to have

committed a civil municipal infraction as determined by the Town, and the violation shall be deemed a strict liability offense. 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 or the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction over such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

....

**SECTION 111
MEANS OF APPEAL**

....

Section 111. Means of Appeal. Delete Section 111 in its entirety and replace with the following:

Section 111.1. Application for appeal. Any person affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Queenstown Board of Appeals, provided that a written application for appeal is filed within twenty (20) days after the day the decision, notice, or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

Section 111.2. Board of Appeals. For the purposes of this code, the board of appeals shall be the Board of Appeals established by the Town of Queenstown Zoning Ordinance. All provisions governing the Board of Appeals with respect to members, provisions for alternates, quorum, procedure, chairman, term of office, etc. shall be applicable to appeals from this code. Review of the decision of the Board of Appeals shall also be in accordance with the Queenstown Zoning Ordinance and the Maryland Rules of Procedure applicable to review of administrative agency decisions.

....

**SECTION 112
STOP WORK ORDER**

....

Section 112.4. Failure to comply. 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 deemed to have committed a municipal infraction. The penalty for the first violation shall be One Hundred Dollars (\$100.00), and

Two Hundred Dollars (\$200.00) for the second violation. Each day that a violation continues shall be considered a separate offense.

....

SECTION 302
EXTERIOR PROPERTY AREAS

....

Section 302.4. Weeds. All premises and exterior property shall be maintained from weeds or plant growth in excess of six inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

....

SECTION 304
EXTERIOR STRUCTURE

....

Section 304.3. Premises identification. Buildings shall have approved address numbers place in a position to be plainly legible and visible from the street or road fronting the property in compliance with 911.

....

Section 304.14. Insect screens. During the period from May 1 to October 1, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screen of not less than 16 mesh per inch (16 mesh per 25mm), an every screen door used for insect control shall have a self-closing device in good working condition.

....

Section 9.3 Repealer.

All prior property maintenance ordinances or parts of property maintenance ordinances in conflict herewith are hereby repealed, except that in any case in which the Queenstown Zoning Ordinance and this Ordinance conflict, the Queenstown Zoning Ordinance shall control.

Section 9.4 Copies on file.

The Town Clerk shall maintain two copies of the Property Maintenance Code on file in the Town Office.

Section 9.5 Severability.

If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Commissioners of Queenstown hereby declare that they would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 9.6 Exemptions.

The provisions of the property maintenance code relating to the interior condition of a residential structure shall not apply to an owner-occupied housing unit.

(History – Ordinance 16-09, 12/14/16)

CHAPTER 10. REFUSE

Article I – Refuse Disposal

- 10.1 Trash receptacles
- 10.2 Throwing refuse upon the streets
- 10.3 Town Dock dumpster

Article II – Abandoned Ice Boxes

- 10.4 Abandonment of Ice Boxes

ARTICLE I - REFUSE DISPOSAL

Section 10.1 Trash receptacles.

It shall be unlawful for any person or persons to take and carry away, or willfully break, injure or destroy any box or other receptacle maintained upon any street or alley in the Town of Queenstown for the reception of paper, filth or waste matter, however, these receptacles shall not be used for the reception of waste material from commercial establishments or residential homes. [History: Ord. 508, 7/13/82]

Section 10.2 Throwing refuse upon the streets.

It shall be unlawful for any person to cast or throw into any street, alley, avenue, highway, or beach within the jurisdiction of the Town of Queenstown, any glass, bottles, glassware, crockery, porcelain, or other similar substances, or pieces thereof, or any pieces of iron, hardware or sharp metal, nails, tacks, or other articles, or any waste paper, trash, rubbish, garbage, or refuse of any kind. [History: Ord. 510, 7/13/82]

Section 10.3 Town Dock dumpster.

A. The dumpster located at the Town Dock on First Avenue is to be used solely for trash or garbage from boats using the Town Dock.

B. It shall be unlawful for any person to use or deposit trash or garbage in the dumpster located at the Town Dock on First Avenue unless the trash or garbage is from boats using the Town Dock.

A. Any person in violation of this Article shall be deemed to have committed a municipal infraction, punishable by a fine in the amount of \$50.00 for the first offense and \$100.00 for a second offense. Each day of that an offense continues shall be considered a separate offense.

ARTICLE II - ABANDONED ICE BOXES

Section 10.4 Abandonment of ice boxes.

It shall be unlawful for any person, firm or corporation to abandon, discard, store or keep in any place accessible to children, or to permit, as the owner, lessee, or manager, to remain in the premises under his control, a refrigerator, icebox, freezer or any other similar container of any kind which has an air tight door, or lock which may not be released for opening from the inside of said refrigerator, icebox, freezer cabinet or other container and which is no longer used for refrigeration purposes, without the attached doors, hinges, lids or latches being first removed. [History: Ord. 500, 7/13/82]

CHAPTER 11. OPEN YARD BURNING

11.1 Open yard burning.

Section 11.1 Open yard burning.

- A. It shall be unlawful for any person to openly burn leaves, papers, garbage, branches, wood, and other items within the corporate limits of Queenstown.

- B. Any person is violation of this ordinance shall be deemed to have committed a municipal infraction, subject to a civil fine in the amount of \$50.00 for the first offense and \$100.00 for each subsequent offense.

CHAPTER 12. SNOW ON PUBLIC SIDEWALKS OR PATHS

12.1 Snow on Public Sidewalks or Paths

Section 12.1 Snow on public sidewalks or paths.

A. Owners of any sidewalk or foot path used by the public shall remove all snow and ice from said sidewalk within twenty four (24) hours following the cessation of the snowfall.

B. Whenever any premises situated in the Town of Queenstown shall not be kept free of snow and ice as set forth in the above paragraph aforesaid, the Town Commissioners of Queenstown are not in any way responsible or liable for the removal of the same in that the individual property owner is completely liable and responsible for the same.

C. Any person, firm or corporation violating the provisions of this Ordinance or aiding, abetting or assisting in the violation of said provisions, shall upon conviction before the proper official, be sentenced to pay a fine, of not less than Five (\$5.00) Dollars and not more than Fifty (\$50.00) Dollars, and cost of prosecution for each offense. [History: Ord. 304, 7/13/82]

CHAPTER 13. PARKS AND PUBLIC PROPERTY

- 13.1 Defacing municipal signs; failure to obey signs
- 13.2 Defacing or injuring trees
- 13.3 Prohibited Activities within Town Parks.

Section 13.1 Defacing municipal signs; failure to obey sign.

A. It shall be unlawful for any person or persons to purposely tear down or in any manner deface any sign, or posters which have been posted by authority of the Town of Queenstown.

B. It shall be unlawful for any person or persons to fail to obey any duly authorized sign regulating the use of public property or public ways within the Town. For purposes of this Section, a duly authorized sign shall be any sign regulating the use of public property or public way, including signs regulating parking, which shall be posted by the Commissioners of Queenstown, or any agent or designee of the Town of Queenstown pursuant to the authority of the Queenstown Commissioners.

C. Failure to comply with any provision of this Section 13.1 shall constitute a municipal infraction as set forth in Section 1.10.B. of the Town Code.

Section 13.2 Defacing or injuring trees.

It shall be unlawful for any person to purposely injure or deface, by cutting, breaking or otherwise, any tree or trees now planted or hereafter to be planted along the sidewalks or within the public right-of-ways within the corporate limits of the Town of Queenstown. Failure to comply with any provision of this Section 13.2 shall constitute a municipal infraction as set forth in Section 1.10.B. of the Town Code.

Section 13.3 Prohibited Activities within Town Parks.

A. Applicability. This Section 13.3 applies to publicly owned Town parks, which shall include all publicly owned areas designated for recreation within the corporate limits of the Town of Queenstown, including but not limited to all parks, marinas and boat ramps.

B. Prohibited activities in Town parks.

1. Within the limits of any Town park, it shall be unlawful for any person to act in any manner or fail to act that is contrary or inconsistent with a lawfully posted sign, including, but not limited to signage relating to: hours of operation, authorized persons on any path, sidewalk, walkway, pets, bicycles, vehicles, parking, other conduct.
2. No person shall consume, sell, distribute or use any alcoholic beverages in Town parks.
3. No person shall indulge in riotous, boisterous, threatening or indecent conduct, or abusive, threatening or obscene language.
4. No person shall litter in Town parks or place any refuse in Town park trash receptacles that has been brought from private property in the vicinity.
5. No person shall damage, deface, or disturb any tree, shrub, plant, building, wall, fence, bench, sign or any other structure or property.

C. Operating Hours. A person may not be present in any Town park when it is closed, except for the limited purposes of harvesting seafood, or to begin or terminate a trip by a vessel owner renting a slip from the Town. Unless a Town sign prescribes a different time for park hours, the parks shall be open from sunrise until sunset. No person shall remain on park property upon receiving a lawful order to depart by any law enforcement officer.

D. Authority of the Commissioners. The Commissioners of Queenstown have the authority to grant special permission to a person or group to use a Town park for a special event, and may prescribe the terms and conditions of the use permit. Town sponsored events shall not be subject to the provisions of this Ordinance.

E. Violations and Penalties. A person who shall violate this Section 13.3 shall be deemed to have committed a municipal infraction, and the penalty for the first violation shall be One Hundred Dollars (\$100.00) for the first offense and Two Hundred Dollars (\$200.00) for the second offense. Each 12-hour period shall constitute a separate offense. In addition to the fines and penalties set forth herein, the Town may avail itself of any and all civil and equitable remedies, including injunctive relief, for the purposes of preventing any threatened or continuing violation of this Section.

[History: Ord. 15-02, 06/24/15]

CHAPTER 14. WATER AND SEWER

Article I – In General

- 14.1 Maintenance of water and sewer connections
- 14.2 Water and wastewater facilities
- 14.3 Definitions and word usage

Article II – Connections to Public Water and Wastewater Service

- 14.4 Connections to public service required
- 14.5 Permission required to make extensions
- 14.6 Use of wells prohibited for potable use; restrictions for outdoor use
- 14.7 Abandoned wells to be capped and closed
- 14.8 Procedures for the use of wells
- 14.9 Separate and independent building water and sewer
- 14.10 Connections with existing building sewer or building water services
- 14.11 Inspections; supervision of connections
- 14.12 Inspections upon transfer of property
- 14.13 Capital allocation charges and connection fees; rates, other fees
- 14.14 Maintenance of system and connections
- 14.15 Unlawful connection
- 14.16 Extra-Territorial extensions

Article III – Use of Public Sewers

- 14.17 Certain water discharges restricted
- 14.18 Discharge to storm sewers or natural outlets restricted
- 14.19 Restricted water or waste discharges enumerated
- 14.20 Discharges which are harmful to sewers or facilities
- 14.21 Action by Town upon certain discharges
- 14.22 Grease, oil and sand interceptors
- 14.23 Preliminary treatment or flow equalizing facilities
- 14.24 Commercial and industrial users
- 14.25 Use of reclaimed waters
- 14.26 Damaging, destroying or tampering with works; penalties
- 14.27 Entry onto property

Article IV – Use and Protection of Public Water Supply

- 14.28 Use of Town's water system; right to impose restrictions
- 14.29 Use of fire hydrants
- 14.30 Approved water supply, plumbing fixtures; inspection of systems
- 14.31 Potable water supply systems; cross connections
- 14.32 Unlawful discharge water into the streets

- 14.33 Swimming pool connections
- 14.34 Conservation of water during shortage; natural disasters, public health emergencies
- 14.35 Use of Water Meters
- 14.36 Water conservation requirements

Article V – Allocation of Water and Wastewater Capacity

- 14.37 Definitions
- 14.38 Findings; legislative intent
- 14.39 Application for sewer allocation
- 14.40 Allotment of water and wastewater capacity
- 14.41 Allotment of water and wastewater capacity at time of subdivision or site plan approval
- 14.42 Allocation of capacity upon issuance of building permits
- 14.43 Capital allocation and connection charges
- 14.44 Forfeiture of allocation
- 14.45 Assignability; transferability
- 14.46 Effect of zoning action
- 14.47 Private financing for additional capacity
- 14.48 Conditions of allocation

Article VI – Water and Sewer Charges and Rates

- 14.49 Water and sewer usage and basic service charge
- 14.50 Operation and maintenance charges
- 14.51 Payment of water and sewer charges
- 14.52 Unpaid charges to become a lien on the property

Article VII- Supplemental Provisions

- 14.53 Violation and penalties
- 14.54 Liability for damages
- 14.55 Executive regulations
- 14.56 Public works agreements
- 14.57 Miscellaneous

ARTICLE I - IN GENERAL

Section 14.1 Maintenance of water and sewer connections.

A. The property owner or owners are responsible for the maintenance of all water connections from the street main to the property line. The Town may do maintenance or repair work on such connection, however, the cost, including overhead expense, shall be paid by the property owner.

B. All pipes and appurtenances on private property shall be maintained by, and at the expense of, the property owner. The Town may do maintenance or repair work on private property, in which case, the cost, including overhead expenses, shall be paid by the property owner.

C. In the event of a complaint regarding a leak the Town will at once determine if the leak is in the public way in which case the leak will then be repaired. If it is found that the leak is not the town's responsibility, the owner will be so notified and it shall be his responsibility to have the leak repaired within three (3) days by a master plumber at the owner's expense or if necessary the town may perform such repair work. However, the cost including overhead expenses shall be paid by the property owner or assessed against such owner and shall be billed and collected in the same manner as Town Taxes including constituting a lien upon said property until paid. [History: Ord. 202, 7/13/82]

Section 14.2 Water and wastewater facilities.

A. This Chapter may be referred to as the "Queenstown Water and Sewer Ordinance".

B. The Town of Queenstown shall exercise control of publicly owned water and wastewater facilities in the Town, as well as any facilities that may be connected to the Town from areas beyond the Town boundary in accordance with this Ordinance.

C. The Town Commissioners may adopt rules and regulations governing the use and conservation of publicly owned water and wastewater facilities in areas served by the Town systems, as well as connection, allocation, and user fees and charges in accordance with Maryland law.

D. The Town of Queenstown may make periodic revisions of its forms, applications, or permits that are necessary for the efficient operation of its water and wastewater systems.

Section 14.3 Definitions and word usage.

A. Terms defined. Unless the context specifically indicates otherwise, the meanings of terms used in this Chapter shall be as follows:

BACKFLOW- The flow of water or other liquids, mixtures or substances into distributing pipes of a potable supply of water from any source or sources other than its intended source.

BOD (denoting "biochemical oxygen demand") - The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in milligrams per liter.

BUILDING – A structure built, erected and framed of component structural parts designed for the housing, shelter, or enclosure of persons or property of any kind.

BUILDING DRAIN - That part of the lowest horizontal piping of a drainage system which receives the discharge from soil waste and other drainage pipes inside the walls of the building and conveys it to the building sewer; the building drain terminating five feet outside the inner face of the building wall.

BUILDING SEWER - The extension of pipe from the building drain to the public sewer or other place of disposal.

BUILDING WATER SERVICE PIPE or BUILDING WATER SERVICE – That pipe which extends from the termination of the public water service pipe to the water distributing system for the building served.

CROSS-CONNECTION – Any connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other either water of unknown questionable safety or steam, gas or chemical, whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two systems.

DWELLING UNIT OR FAMILY UNIT – A building or part thereof arranged or designed to provide living and sanitary facilities for only one family.

DISCHARGE - The direct or indirect introduction of pollutants into the Town system from any source, by any means.

GARBAGE - Solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

INDUSTRIAL WASTES - The liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.

MULTIPLE DWELLING UNIT OR MULTI-FAMILY RESIDENCE – A building containing two or more dwellings or family units.

NATURAL OUTLET - Any outlet into a watercourse, pond, ditch, lake or other body or surface or ground water.

PERSON - Any individual, firm, company, association, partnership, society, corporation, governmental body or group.

pH - The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

PLUMBING FIXTURES – The installed receptacles, devices or appliances which are supplied with water or which receive or discharge liquids or liquid-borne waste, with or without discharge into the drainage system with which they may be directly or indirectly connected.

POLLUTED WATER – Water in which there are microorganisms, chemicals or waste materials in a concentration which renders the water harmful or objectionable.

POTABLE WATER – Water which is satisfactory for drinking, culinary and domestic purposes and meets the requirements of the health authority having jurisdiction.

PRIVATE – Of, belonging to or concerning a particular person and not open to or intended for the public.

PROPERLY SHREDED GARBAGE - The wastes from the preparation, cooking and dispensing of foods that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch in any dimension.

PUBLIC SEWER - A sewer which is controlled by public authority.

PUBLIC WATER MAIN – Water supply pipe for public use controlled by the Town.

PUBLIC WATER SERVICE PIPE or PUBLIC WATER SERVICE – That part of the water service pipe to the building which is constructed by the Town from the public water main in the public way to the property line.

PUBLIC WATER SUPPLY SYSTEM or WATERWORKS – The works, structures, equipment and processes required to supply, treat and distribute water to people at large or to any considerable number of members of the public indiscriminately for domestic, commercial, industrial and fire uses, including reclaimed waters.

SANITARY SEWER - A sewer which carries sewage and to which storm-, surface and ground waters are not intentionally admitted.

SEWAGE or SEWERAGE or WASTES - A combination of the water-carried wastes from residences, business, buildings, institutions and industrial establishments, together with such ground-, surface and storm waters as may be unintentionally admitted.

SEWAGE TREATMENT PLANT - Any arrangement of devices and structures used for treating sewage.

SEWAGE TREATMENT WORKS - All facilities for collecting, pumping, treating and disposing of sewage.

SEWER - A pipe or conduit for carrying sewage.

SINGLE-FAMILY DWELLING or SINGLE-FAMILY RESIDENCE – A building arranged or designed to provide living and sanitary facilities for only one family.

SLUG - Any discharge of water, sewage or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than 15 minutes more than five times the average twenty-four-hour concentration or flows during the normal operation.

STORM DRAIN or STORM SEWER - A sewer which carries storm- and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

SUSPENDED SOLIDS - Solids that either float on the surface of, or are in suspension in, water, sewage or other liquids, and which are removable by laboratory filtering.

TOWN - The Commissioners of Queenstown or Town of Queenstown, a municipal corporation of the State of Maryland, and/or its duly authorized officers or agents.

USER - A person who contributes or causes or permits the contribution of wastewater into the Town sewer and sewerage system.

WASTEWATER - Any combination of domestic and nondomestic water-carried wastes from dwellings, business buildings, institutions, and commercial and industrial establishments, together with groundwater, surface water, and stormwater that may be present, that discharges into the Town sewer and sewerage system.

WATERCOURSE - A channel in which a flow of water occurs, either continuously or intermittently.

WATER MAIN or MAIN – The principal pipes of a water supply system to which water services may be connected.

WATER PLUMBING SYSTEM – The water supply and distribution pipes, plumbing, fixtures and traps and water-treating or water-using equipment, including their respective connections, devices and appurtenances, within the property lines of the premises.

- A. Word usage. "Shall" is mandatory "may" is permissive.
- B. Abbreviations.
In this Chapter, the following abbreviations are used as indicated.
 - 1. BOD - biochemical oxygen demand.
 - 2. °C - degrees Celsius.
 - 3. COD - chemical oxygen demand.
 - 4. °F - degrees Fahrenheit.
 - 5. mg/l - milligrams per liter.

6. NPDES - National Pollutant Discharge Elimination System.
7. POTW - publicly-owned treatment works.

ARTICLE II- CONNECTIONS TO PUBLIC WATER AND WASTEWATER SERVICE

Section 14.4 Connections to public service required.

A. The Town shall maintain for each property abutting on a street or right-of-way in which a water main or wastewater main is laid, a water and/or wastewater service access connection. The access connection shall connect to the private service connection at the street or right-of-way limit and be maintained by the Town. The costs associated with the installation, maintenance, repair, or replacement of the access connection shall be paid to the Town by the owner of property. Bills for work related to the access connection shall be sent on completion of the work or with the normal invoice for service.

B. Except as provided in subsection C, all improved parcels of real property within the Town which abut a public way where water or sewer lines are available, shall be supplied with water and drained of domestic wastewater by connection to Queenstown water and sewer utilities provided that the Town has the capacity to provide such services as determined by the applicable permits and state regulations.

C. Unless an exemption is granted by the Town Commissioners, within six (6) months of the effective date of this Ordinance, all houses, buildings or properties used for human occupancy, employment, recreation or other purposes within the Town's corporate limits which properties abut a public way where water or sewer lines are available, shall be required to connect to that public water or sewer line if not already so connected as of that effective date. Upon written application by the property owner, the Town Commissioners may grant an exemption from the provisions of this Section where the property owner has water and/or sewer services that have been approved by the Maryland Department of the Environment, the Queen Anne's County Health Department, and any other appropriate regulatory authority and provided that such water and sewer facilities do not create any threat to the public health, safety or welfare.

D. All connections must be made under Town permit and to Town specifications, as amended from time to time. The Town may require plans, specifications, surveys, maps and any necessary information or engineering opinions in its discretion for the purpose of evaluating the permit application.

E. The applicant requesting the water and/or sewer extension shall furnish, without expense to the Town, satisfactory rights-of-way necessary for the construction, maintenance and operation the extension, or shall agree to reimburse the Town for all expenses incurred in the procurement of the necessary rights-of-way.

F. All costs and expenses incidental to the installation and connection of the building water and sewer service shall be borne by the owner. The owner shall indemnify and hold the Town harmless from any loss or damage that may directly or indirectly be caused by the installation of utility service.

Section 14.5 Permission required to make extensions.

A. No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any public water main, water service, public sewer or sewer treatment works, or appurtenance thereof, without first obtaining a written permission from the Town Commissioners and/or their duly authorized agent.

B. In each case where the property owner is seeking water or sewer service for any residential, commercial or industrial service, the owner or his agents shall make application to the Town for a permit. When requested, the permit application shall be supplemented by plans, specifications or other information considered pertinent in the judgment of the Town.

C. When a property owner or private contractor has completed utility installations, all such installations must be inspected and approved by the Town's authorized representatives prior to any backfilling or covering of the fixtures, pipes, lines or other apparatus installed.

Section 14.6 Use of wells prohibited for potable use; restrictions for outdoor use.

A. No well or spring shall be drilled, used or maintained on any property located within the Town for potable water use or irrigation or consumption where the property is located within 100 feet of the public water main unless authorized by the Commissioners pursuant to Section 14.4.C.

B. Unless authorized by the Commissioners pursuant to Section 14.4.C, no new wells shall be drilled for use by any residential dwelling unit (including any single-family, multi-family, or other multiple family dwelling unit), for any purpose, including outdoor irrigation, gardening, or other uses incidental to any residential use. For residential properties with an existing well located on the property as of the effective date of this Ordinance, or for any residential property annexed into the Town after the effective date of this Ordinance, the existing well may continue to be used for outside water supply purposes in accordance with the provisions of Section 14.8 herein. Prior to the continuation of an existing well that utilizes potable water for non-potable purposes, the property owner shall establish to the Town's satisfaction that such water cannot be obtained from a non-potable source. In addition, such existing well use for non-potable purposes shall be discontinued if reclaimed water is available for such uses at the property line, and such well shall be abandoned and capped and closed in a manner satisfactory to the Town and any other agency having jurisdiction.

C. For any property used for agricultural or recreational purposes (eg. ballparks, public parks, golf courses, etc), the Town may permit a well to be drilled for outdoor uses or irrigation purposes in accordance with Section 14.8 herein, only if reclaimed water is not available at the property line for such use. In the event that reclaimed water is not available to satisfy the usage requirements, the Town shall only permit a well to be drilled into a potable water supply for non-potable purposes if the property owner can establish that there is no other non-potable source that provides water of acceptable quality to satisfy the non-potable usage requirements.

D. Notwithstanding anything to the contrary herein, geothermal wells drilled, used or maintained for heating and cooling shall be not be prohibited.

Section 14.7 Abandoned wells to be capped and closed.

Except as hereinafter provided or otherwise approved pursuant to an exemption by the Commissioners pursuant to Section 14.4.C, immediately subsequent to the commencement of public water supply service to a property previously served by a well, the well shall be abandoned and capped or closed in a manner satisfactory to the Town, the Maryland Department of the Environment or other agency having jurisdiction.

Section 14.8 Procedures for the use of wells.

Where an existing well is permitted for any use under this Ordinance or approved pursuant to an exemption by the Commissioners pursuant to Section 14.4.C, the well shall be examined and the well water tested by the Queen Anne's County Health Department or the Town or its designee to determine whether the well is polluted or will be a menace to health, safety or welfare. If the well will not create a threat to the public health, safety or welfare, it may be used for water supply purposes, provided that it has been approved by any other state or governmental agency having jurisdiction over the same. Should such a well be found to be polluted or a menace to health, it shall be abandoned and capped or closed in a manner satisfactory to the Town as specified in Section 14.7.

Section 14.9 Separate and independent building water and sewer.

Unless exempted in writing by the Town Commissioners upon written application of the property owner prior to construction of separate or additional building(s), a separate and independent building water service and building sewer service shall be provided for every building.

Section 14.10 Connections with existing building sewer or building water services.

Existing building sewer services or existing building water services may be used in connection with new buildings only when they are found, examined and tested to the satisfaction

of the Town, to meet all of the requirements of this Ordinance and any other regulations adopted by the Town Commissioners from time to time.

Section 14.11 Inspections; supervision of connections.

The applicant for a building water service permit and/or a building sewer permit shall notify the Town when the service is ready for inspection and connection to the public water and/or sewer service. The connection shall be made under the supervision of the Town or its representatives. The applicant shall obtain the Town's approval before backfilling or covering the service pipe(s).

Section 14.12 Inspections upon transfer of property.

Prior to the transfer or sale of any property that receives Town water and/or sewer services, the property owner shall have at his or her cost and expense, a closed circuit television inspection of the building sewer, as well as a static and dynamic pressure test of the water service pipe by a professional approved or certified by the Town as being qualified to make such an inspection. The individual undertaking the inspection shall advise the Town of the results of the inspection(s). Any problems inflow, infiltration or other leak of a water and/or sewer lateral located on private property detected by said inspections shall be, in the discretion of the Commissioners of Queenstown, corrected by a licensed plumber, which shall be inspected and approved by the Town's agent prior to the transfer or sale.

Section 14.13 Capital allocation charges and connection fees; rates, other fees.

A. The Commissioners may establish three classes of building water and/or sewer service permits: residential service, commercial service and industrial service. A connection fee will be charged for each new individual unit connection to the public water and/or sewer system, which may be based upon meter size. The amount of the fee for water and sewer connections will be uniform within each class or type of unit (residential, commercial and industrial). In addition to the connection fee, in the event that the Town makes the connection, the property owner will also be responsible for the time and materials, as determined by the Town, for all expenses that are not covered by the connection fee. The Town reserves the right to require an additional payment in the event that the property is reclassified or used for a new or different use which requires greater services (for example, a property is reclassified from a residential use to a commercial or industrial use) and the Town has adopted greater connection fees for such use). In addition to the basic connection fee, where no town water or sewer extensions exist to a property, the property shall be responsible for all costs of extension, including construction costs, engineering costs, legal fees and other professional costs.

B. In accordance with state law, to provide funds for the payment of principal and interest on indebtedness that is incurred to finance any water or sewer system, the Town Commissioners shall establish reasonable capital allocation charges that are not less than the actual

cost, for each connection to the system. The Town Commissioners may also set annual assessments payable to the Town, on any property, improved or unimproved, that abuts a street, road, lane, alley or right-of-way in which there is a water or sewer main in accordance with state law.

C. The Town Commissioners shall establish reasonable rates for water and sewer service, and reasonable charges for maintenance, repair, and operation of any water or sewerage system, and the payment of all or part of the principal and interest on any indebtedness that is incurred to finance any water or sewerage system.

D. All fees, costs, and charges associated with an individual unit or property connection must be paid prior to service connection and the start of service unless otherwise deferred by the Town Commissioners.

E. No occupancy permit for new construction will be issued until all fees and costs associated with the property's connections have been paid, and satisfactory evidence of such payment shall be presented to the Town representative responsible for issuing the permit.

F. The fees, costs and charges incurred during the connection of a unit or property shall include, without limitation, the connection fee for each system, time and materials associated with the installation or extension of the public system, and all permit application and other fees payable to the Town.

Section 14.14 Maintenance of system and connections.

A. The Town will maintain all water and sewer services from the street main to the property line or the public right of way, where applicable. The Town's responsibility for maintenance, repair, or replacement of any water or sewer fixture, connection or other apparatus shall be limited to those which are part of the public system or are located within the boundaries of a public way.

B. All pipes and appurtenances related to building water or sewer service on private property shall be maintained by, and at the expense of, the property owner. Likewise, the cost of any work outside of the property line made necessary by the neglect or through action of a property owner or tenant may be charged to the property owner.

C. In the event of a complaint regarding a leak of water service, the Town will determine if the leak is in the public way, in which case the leak will be repaired by the Town. If the Town determines that the leak is not in the public way and is not the Town's responsibility, the owner will be notified, and it shall be his responsibility to have the leak repaired at once by a master plumber at the owner's expense. If the property owner fails to make such repairs, in order to conserve water and protect the public health, the Town Commissioners or its designated agent may turn off the water and it will not be turned on until all proper and necessary repairs are made

to the inspection and approval of the Town, and until all expenses incurred in shutting off and turning on the water are paid in full.

Section 14.15 Unlawful connection.

A. A person may not make connection to a Town water or wastewater line without permission from the Town and without having complied with connection permit and other connection application requirements of this ordinance.

B. A person may not turn on a water valve or restore water service that has been disconnected or turned off without permission from the Town.

C. No person shall make connection of roof downspouts, basement or crawl space sump pumps, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

D. On discovery of an unlawful connection, the Town shall issue a notice requiring the property owner to make appropriate applications and pay appropriate charges, including connection and past service charges, within 30 days after issuance of the notice. The charges shall be determined as of the date of the permit application. If the property owner fails to submit proper applications and pay appropriate charges, the Town may disconnect the premises until proper applications are submitted. The property shall be subject to all other connection requirements and procedures of this ordinance.

E. In addition to any other penalties applicable under this article, the owner of any property served by an unlawful connection shall pay the past water and wastewater service charges for use of public water or wastewater since the actual connection. If the time of connection cannot be determined or if the property has been transferred since the connection, the period of violation subject to past service charges shall end at the time of disconnection and shall begin:

1. one year after the water and/or wastewater system was placed into service;
or
2. on the date legal title was conveyed to the owner.

F. In calculating past service charges, the average periodic service charge for properties similarly used shall be applied for the period of violation.

Section 14.16 Extra-Territorial extensions.

A. Except as set forth herein, the Town shall not provide water and/or sewer service to properties located outside of the corporate limits of the Town. The Town may, but shall not be obligated, to extend its service only in the following circumstances:

1. Where the outlying property has a failing water and/or septic system, thereby creating a health risk. The extension of water and/or sewer service in such a situation shall be limited and remedial in nature. Prior to the extension by the Town, the property owner must execute an irrevocable consent or covenant to annexation in the future if the Town initiates such annexation. Such extension shall be limited only to existing uses and shall not be used to provide service to undeveloped properties or additional hookups other than those necessary to address a health or safety concern; or

2. The property is subject to an annexation agreement.

B. Where an extension is made pursuant to this section, the property owner shall be responsible for all fees, costs and expenses related to the extension.

ARTICLE III - USE OF PUBLIC SEWERS

Section 14.17 Certain water discharges restricted.

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.

Section 14.18 Discharge to storm sewers or natural outlets restricted.

Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the Town. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Town, to a storm sewer or natural outlet.

Section 14.19 Restricted water or waste discharges enumerated.

No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

A. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;

B. Any waters, wastes or substances containing harmful, toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewer treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant;

C. Any waters or wastes having a pH lower than 6.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewerage works.

D. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage treatment works, such as by way of example, but not limited to: ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, manure, hair and fleshings, seafood waste, entrails and paper dishes, cups, milk containers, either whole or ground by garbage disposal units.

Section 14.20 Discharges which are harmful to sewers or facilities.

No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the Town that such wastes can harm either the sewers, sewerage treatment plant, or process or equipment, have an adverse effect on the receiving stream or can otherwise endanger life, limb, public or private property or constitute a nuisance. In forming its opinion as to the acceptability of these wastes, the Town will give consideration to such factors as the quantities of subject waste in relation to the flows and velocities in the sewers, materials of construction of the sewers, nature of the sewerage treatment process, capacity of the sewerage treatment plant, degree of treatability of wastes in the sewerage treatment plant and other pertinent factors. The substances prohibited are:

- A. Any liquid or vapor having a temperature higher than 140° F. (60° C.)
- B. Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 milligrams per liter or containing substances which may solidify or become viscous at temperatures between 32° and 140° F. (0° and 60° C.).
- C. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 1½ horsepower or greater shall be subject to review and approval by the Town.
- D. Any waters or wastes containing strong acid from pickling wastes or concentrated plating solutions, whether neutralized or not.
- E. Any waters or waters containing iron, chromium, copper, zinc and other similar objectionable or toxic substances or wastes exerting an excessive chlorine or other disinfectant requirement, to such degree that any material received in the composite sewerage at the sewerage treatment plant exceeds the limits established by the State or Town for such materials.
- F. Any waters or wastes containing phenols or other taste or odor producing substances in such concentrations exceeding limits which may be established by the State or Town, as necessary, after treatment of the composite sewerage, to meet the requirements of the state, federal, or other public agencies having jurisdiction for such discharge into the receiving waters.
- G. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Town in compliance with applicable state or federal regulations.
- H. Any water or wastes having a pH lower than 6.0 or higher than 10.0, or having any other corrosive property that may be hazardous to the Town system.
- I. Materials which exert or cause:

1. Unusual concentration of inert suspended solids (such as, but not limited to, Fuller’s earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride, and sodium sulfate).
2. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
3. Unusual BOD, chemical oxygen demand or chlorine or other disinfectant requirements in such quantities as to constitute a significant load on the sewerage treatment works.
4. Unusual volume of flow or concentration of wastes constituting “slugs” as defined herein.

J. Prescription medications or other pharmaceutical products.

K. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewerage treatment processes employed, or are amenable to treatment only to such degree that the sewerage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

Section 14.21 Action by Town upon certain discharge

A. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 304 of this Ordinance, and which, in the judgment of the Town, may have a deleterious effect upon the sewage treatment works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Town may:

1. Reject the wastes;
2. Require pretreatment to an acceptable condition for discharge to the public sewers;
3. Require control over the quantities and rates of discharge; and/or
4. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges.

B. If the Town permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Town and subject to the requirements of all applicable codes, ordinances and laws.

Section 14.22 Grease, oil and sand interceptors.

Grease, oil and sand interceptors shall be provided when, in the opinion of the Town, they are necessary for the proper handling of liquid wastes containing grease or oil in excessive amounts or any flammable wastes and/or other harmful ingredients, except that such interceptors shall not be required but are recommended for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Town and shall be located as to be readily and easily accessible for cleaning and inspection.

Section 14.23 Preliminary treatment or flow equalizing facilities.

Where preliminary treatment or flow equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense, and accessible for inspection after twenty four (24) hours advanced notice by the Town or its designee.

Section 14.24 Commercial and Industrial users.

The following provisions apply to commercial or industrial properties within the Town:

A. When required by the Town, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control structure, together with such necessary meters and other appurtenances, in the building sewer or control structure to facilitate observation, sampling and measurement of the wastes. Such structure, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Town. The structure shall be installed by the owner at his or her expense and shall be maintained by him or her so as to be safe and accessible at all times.

B. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater, " published by the American Public Health Association, and shall be determined at the control structure provided or upon suitable samples taken at said control structure. In the event that no special structure has been required, the control structure shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage treatment works and to determine the existence of hazards to life, limb and property.

C. The Town and other duly authorized employees, or representative of the Town bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Section. While performing the necessary work on private industrial or commercial properties referred to in this Section, the Town or its employees or representatives of

the Town shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the Town employees or representatives, and the Town shall indemnify the company against loss or damage to its property by Town employees or representatives and against liability claims and demands for personal injury or property damage asserted against the company and growing out of its gauging and sampling operation, except as may be caused by negligence or failure of the company to maintain safe conditions as required by Section 14.24.C.

D. No statement contained in this Ordinance shall be construed preventing any special agreement or arrangement between the Town and any industrial user whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefor, by the industrial concern.

Section 14.25 Use of reclaimed waters.

The Town recognizes that the federal and state agencies encourage recycling and reuse of treated wastewater, and that various governmental agencies are in the process of establishing guidelines to regulate water reuse projects. The Town will encourage and support any efforts by commercial or industrial users to use reclaimed water instead of potable water for all non-potable water applications that are permitted by state and federal law and regulations.

Section 14.26 Damaging, destroying or tampering with works; penalties.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage treatment works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct or for violation of any of the laws of the State of Maryland.

Section 14.27 Entry onto property.

A. The Town and other duly authorized employees or representatives of the Town bearing proper credential and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage treatment works lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

B. As a condition to the extension of water and/or sewer service, the Town shall have free access to and right-of-way for the piping, meters, and appurtenances on private property used for the service. The property owner shall consent to the entry onto property for the purpose of inspecting, reading meters, and keeping in repair or removing any or all of its apparatus using in the supply of water or sewer.

ARTICLE IV - USE AND PROTECTION OF PUBLIC WATER SUPPLY

Section 14.28 Use of Town's water system, right to impose restrictions.

Water from the Town's system may be used for residential, business, industrial and public purposes. The Town reserves the right to impose at any time such restrictions on the use of water as, in its judgment, may appear necessary.

Section 14.29 Use of fire hydrants.

A. No person, other than an authorized employee of the Town or a member of a Fire Department acting under orders of his proper superior in the performance of his duties, may operate a public fire hydrant unless in possession of a permit from the Town to do so.

B. Public or private fire hydrants may not be used for flushing or for any other purpose except by special written permission of the Town, for the time and at the location specified. If such permission is granted, the water used shall be paid for by the user, who shall be charged for the water at the prevailing water rates.

Section 14.30 Approved water supply, plumbing fixtures; inspection of systems.

All buildings which are served with public water from the Town's system shall have approved water supply and plumbing fixtures and piping; where the same do not exist or are not of proper character, in the judgment of the Town, or are in a state of disrepair, they shall be provided, altered or repaired, as the case may be, in such manner as shall be required and within the time named, by notice served by the Town upon the property owner or occupant. No such building shall be hereafter erected in a location accessible to a public water main or sewer without being provided with adequate water supply and plumbing arrangements as required in this Ordinance.

Section 14.31 Potable water supply systems; cross-connections.

A. Potable water supply systems shall be designed, installed and maintained in such manner as to prevent non-potable liquids, solids or gases from being introduced into the potable water supply through cross-connections or any other piping connections to the system.

B. Piping conveying potable water shall be constructed of nontoxic material and shall bear the National Sanitation Foundation ("NSF") certification. No chemicals or other substances that could produce either toxic conditions, taste, odor or discoloration in a potable water system shall be introduced into or used in such systems. The interior surface of a potable water tank shall not be lined, painted or repaired with any material not approved by NSF which will affect either the taste, odor, color or potability of the water supply when the tank is placed in or returned to service.

C. No physical connection or cross-connection shall be permitted between the public water supply and an industrial, fire or other auxiliary or emergency water supply source. This prohibition applies to all piping systems, whether inside or outside of any building or buildings.

D. Backflow or back-siphonage.

1. No plumbing fixture or device shall be installed which will provide a cross-connection between the Town's water supply and a drainage or sewerage system so as to permit or make possible the backflow of sewage or waste into the Town's water supply system; nor shall any such plumbing fixture or device be installed which will provide a possible cross-connection between the Town's water supply system and any well, spring, cistern, river or other private source of water supply. No toilet bowl shall be supplied directly from a domestic water supply system through a flush valve unless such valve is set above the toilet bowl in a manner so as to prevent any possibility of polluting the water supply and the valve is protected by an approved air-break or backflow preventer.
2. In order to prevent back-siphonage, all heating plants connected to the water system shall have a Town-approved check valve installed on the waterline supplying the plant, and the check valve shall be installed ahead of the plant's automatic water feeder or ahead of the boiler shutoff valve.
3. All humidifiers or similar devices having the water inlet below the overflow level shall be equipped with a Town-approved non-siphon ball cock.
4. Water which has been used for cooling or heating purposes shall not be reused for domestic purposes.

E. Soda, bar, laboratory, dental, medical, surgical and other appliances requiring either a waste or water supply connection are identified plumbing fixtures, and no such fixture may be connected to either a waste or water supply unless the said fixture is approved as free of any possibility of cross-connection or back-siphonage. Dental, surgical or other aspirators shall not be of the type operated by water pressure, unless equipped with a Town-approved vacuum-break device.

Section 14.32 Unlawful discharge water into the streets.

A person may not empty, discharge, or cause or allow to be emptied or discharged from premises occupied by the person, directly or indirectly, to or on any of the public streets of the Town of Queenstown, a liquid other than rainwater flowing in its natural course. Notwithstanding anything to the contrary herein, car washing, and routine washing of sidewalks, buildings, patios,

driveways or similar surfaces or structures shall be permitted, nor shall this section be construed to prevent the discharge of water in the case of flooding or excess water accumulation.

Section 14.33 Swimming pool connections.

A. No direct connection shall be made from a swimming pool to the water supply piping of any building.

B. There shall be no direct connection between any domestic water supply line and any circulating pump, filter, water softener or other apparatus or device that comes in contact with water in or from a swimming pool. The potable water supply inlet to the make-up tank or pool shall be located above the extreme overflow level in such a manner as to prevent water from the tank or pool from entering the potable water supply line.

Section 14.34 Conservation of water during shortage; disasters and emergencies.

A. In this section, "public water shortage" means a situation in which the Town of Queenstown is unable to provide public water of sufficient pressure and quality to residents of the Town or a part of the Town to accommodate normal domestic inside uses of public water exclusive of outside uses, such as sprinkling of lawns, washing of cars, and filling of swimming pools.

B. If the Town Commissioners determine that a public water shortage exists or is anticipated in the Town or in an extension of the water system beyond the Town Limits, the Town Commissioners may declare a state of public water shortage and may adopt rules and regulations designed to conserve the public water supply in the Town or parts of the County affected by the water shortage by restricting the use of the public water supply in the area affected.

C. The Town or its duly authorized agent may turn off the water service to a user of public water violating any of the provisions of the rules and regulations restricting the use of public water during a declared state of public water shortage if the town or its duly authorized agent has advised the user of the violation and has requested the user to cease the activity constituting the violation and the user does not cease the activity within a period of time reasonable under the circumstances. If water service to a non-complying user is turned off in accordance with the provisions of this subsection, the Town may charge the user a turn-off and turn-on charge to be levied and assessed against the non-complying user in a like manner as other charges and assessments for utility services.

D. As part of their exercise of their police powers, the Town Commissioners may discontinue water use in any or all areas within the Town where there exists a bona fide danger to the health, safety or welfare of the citizens of the Town.

Section 14.35 Use of Water Meters.

A. Water meters. Water meters shall be installed for each dwelling unit or building connected to the Town’s water system. Water meters shall also be installed:

1. Upon any new connection to the Town’s water and/or sewerage system; and
2. upon a sale, transfer or conveyance of an existing buildable lot of record to a third party.

B. All water meters will remain under the ownership of, and will be maintained by; the Town as far as ordinary wear and tear are concerned. The property owner shall be responsible for any injury to, or loss of, the meter not caused by Town.

C. Any meters installed pursuant to this section shall be of a type, size and specifications approved by the Town, or its agents, and shall be installed and inspected by the Town’s agent or representative, unless the property owner obtains prior written permission from the Town Commissioners and/or their duly authorized agent.

D. It shall be unlawful for any person not specifically authorized by the Town to interfere with, remove, replace or tamper with a meter or a meter seal.

E. No connection shall be made to any water service pipe between the water main and the meter, except as installed by the Town or its agents. If such unlawful connection is found, the water service will be cut off until the unlawful connection is disconnected and abandoned. Any expense incurred by the Town due to an unlawful connection shall be paid for by the responsible property owner before water service is restored.

F. Where a water meter fails to register the total amount of water used, the property owner shall pay for such period an estimated amount based on consumption in a similar period. The property owner shall at once notify the Town of any injury to, or any cessation in registration of, the water meter as soon as it comes to his knowledge. In the case of a disputed account involving the accuracy of a water meter, such meter shall be tested, upon the request of property owner, in conformity with the provisions of the rules and regulations pertaining to water service utilities of the Public Service Commission of Maryland. In the event the water meter so tested is found to have an error in registration of 4% or more, the bills will be increased or decreased accordingly as provided by the aforesaid rules.

Section 14.36 Water conservation requirements.

A. In general. For the purpose of this section, the following words have the meaning indicated:

APPROVED KITCHEN SINK FAUCET FOR PRIVATE USE - Any faucet using no more than 2.5 gallons per minute, with the rate based on a pressure at the fixture of not more than 60 pounds per square inch under no-flow conditions.

APPROVED LAVATORY SINK FAUCET FOR PRIVATE USE - Any faucet using no more than 2.0 gallons per minute, with the rate based on a pressure at the fixture of not more than 60 pounds per square inch under no-flow conditions.

APPROVED SHOWER HEAD - Any automatic flow shower head using no more than 2.5 gallons of water per minute, with the rate based on a pressure at the fixture of not more than 60 pounds per square inch under no-flow conditions.

APPROVED SINK FAUCET FOR A PUBLIC FACILITY - Any faucet with spring-loaded valves or other devices that stop the flow of water upon release of the handle or that stop the flow of water after not more than 1.0 gallon of water has flowed through the fixture.

APPROVED WATER CLOSET - Any water closet using not more than 1.6 gallons of water per flush, with the rate based on a pressure at the fixture of not more than 60 pounds per square inch under no-flow conditions.

APPROVED URINALS - Any single flush-type urinal using not more than 1.5 gallons of water per flush, with the rate based on a pressure at the fixture of not more than 60 pounds per square inch under no-flow conditions.

BUILDING - Includes any building or structure the initial construction of which commenced on or after the effective date of this section.

CONSTRUCTION - the building, inspection and supervision of new structures and the installation of equipment required in connection with the new structures.

LOCAL PLUMBING INSPECTION - Inspection by the appropriate agencies or units of the Town which inspect the installation of plumbing fixtures and devices and water, drainage, and sewage systems.

REMODELED - The complete restoration, relocation or addition of a whole plumbing system to another part of a building.

B. Required water-conserving fixtures and devices. Except as provided under Subsection D, the following fixtures or devices shall be installed, as necessary, in buildings constructed or remodeled after the effective date of this Ordinance:

1. Approved water closets in every building.

2. Approved showerheads in every building.
3. Approved sink faucets for private residences and in buildings with restrooms not intended for public use.
4. Approved sink faucets for a public facility in buildings with restrooms intended for public use.
5. Approved urinals for buildings intended for public use.

C. Excessive pressure. When street main pressure exceeds 60 pounds per square inch, an approved pressure-reducing valve and an approved relief device shall be installed in the water service pip near its entrance to the building to reduce the water pressure to 60 pounds per square inch or lower. Pressure at any fixture shall be limited to no more than 60 per square inch under no-flow conditions.

D. Enforcement suspended. Enforcement of this section may be suspended by the Town's consulting engineer for a specified period of time if it is determined by the local plumbing inspectors that:

1. There is an inadequate supply of approved water closets, approved sink faucets or approved showerheads, or water-conserving devices intended for attachment to water closets, sink faucets or showerheads to allow the fixtures to qualify as approved fixtures, under Subsection A; or
2. The configuration of a drainage system for a building requires a greater quantity of water to adequately flush the system than is delivered by approved fixtures; or
3. There would be an adverse effect upon an historic restoration.

[History: Ord. 12-11, 12/11/12]

ARTICLE V - ALLOCATIONS OF WATER AND WASTEWATER CAPACITY

Section 14.37 Definitions.

A. In this subtitle the following words have the meanings indicated.

ALLOCATION - Water or wastewater capacity reserved at a utility facility for use at a particular property.

CAPITAL ALLOCATION CHARGE - A fee or charge equal to the costs associated with the planning, permitting, design, construction and financing of the Town's water and wastewater system based upon the number of EDUs allocated. The apportionment of these costs among commercial, industrial, residential and properties located within and without the Town corporate limits shall be the prerogative of the Town Commissioners.

ALLOTMENT - The apportionment of available capacity of water or wastewater by the Town Commissioners among the uses set forth in 503 of this subtitle.

APPROVED LOT - A legally existing lot, tract, or parcel of record, created as a separate lot, tract, or parcel.

AVAILABLE CAPACITY OF WASTEWATER - The positive difference between the capacity of the most limited single or group of components of the wastewater system and the computed flow through the system, plus allocations granted and outstanding.

AVAILABLE CAPACITY OF WATER - The positive difference between the yield or system capacity of the components of the water system or the permitted groundwater appropriation whichever is smaller and the computed flow through the system, plus allotments and allocations granted and outstanding.

BUILDABLE APPROVED LOT - An approved lot that can reasonably be expected to receive the Federal, State, County and Town approvals necessary for the issuance of a building permit.

COMMERCIAL DEVELOPMENT – A subdivision or use that in whole or in part involves the sale of merchandise, materials, food, and services including non-residential uses that in the opinion of the Queenstown Planning Commission are commercial. Home occupations as defined by the Queenstown Zoning Ordinance are excepted.

EQUIVALENT UNIT or EQUIVALENT DWELLING UNIT - The projected wastewater flow from one single-family residential housing or apartment unit plus an amount for infiltration/inflow, which is estimated at 250 gallons per day per single family dwelling. For all other non-residential uses, it shall be determined by the Water Use Standards (set forth in Appendix 1 to the Ordinance 10-02) divided by 250 gallons per day.

FINAL APPROVAL - The signing and dating of a final record plat and/or site plan by the Queenstown Planning Commission.

OVERALL DEVELOPMENT SITE PLAN - A site plan consisting of a drawing reflecting the proposed and required improvements, changes to existing improvements and topographic features, and necessary information and details to show compliance with the zoning and subdivision ordinances.

SITE PLAN APPROVAL - The final approval of a development plan by the Town Planning Commission.

SUBDIVISION - Has the meaning set forth in Section 105 of the Queenstown Zoning Ordinance.

Section 14.38 Findings; legislative intent.

A. The Town Commissioners find that temporary shortages of available capacity in water and wastewater facilities may occur as a result of health, environmental, or financial considerations. The Town Commissioners further find that in order to adhere strictly to the requirements of Title 26, Subtitle 3 of COMAR and to provide public knowledge regarding available capacity in water and wastewater facilities, it is necessary to establish a method by which available capacity is calculated, priority of water and wastewater services is determined, and available capacity is allotted.

B. It is the intent of the Town Commissioners that the provisions of this subtitle shall accomplish this objective, the cost of construction and expansion of water and wastewater facilities be generally borne by those who will directly benefit. It is also the intent of the Town Commissioners that there be established fair and equitable methods of allotting water and wastewater capacity, and that procedures be established by which new users of the system pay the costs of planning, designing, permitting and construction of expanded facilities and the modifications to the existing systems necessary to accommodate the expansion.

Section 14.39 Application for sewer allocation.

Any individual with a proprietary or financial interest in property located within the Town may file an application for sewer allocation within the provisions of this Ordinance. Such individual shall complete a sewer allocation application prepared and approved by the Town Commissioners and shall provide any and all documents required by the Town Commissioners showing evidence of the financial or proprietary interest in the subject property.

Section 14.40 Allotment of water and wastewater capacity.

A. The Town Commissioners may establish allotments of available water supply and wastewater capacity for the following uses:

1. public health needs;
2. public service needs, including County or Town capital projects;
3. assisted housing;
4. buildable approved lots for single-family dwellings,,
5. other buildable approved lots,
6. subdivisions or planned unit developments;
7. commercial or industrial subdivisions or site plans; and
8. reserve capacity.

B. The Town Commissioners may at any time:

1. reorder the priority of uses;
2. redistribute allotments that have not been placed into use or service and for which the applicable Capital Allocation Charges have not been paid in order to reflect changes in actual and projected demands, development activity or inactivity, the needs of the community and the Town; and
3. establish sub-uses to the uses listed in subsection A. of this section.

Section 14.41 Allotment of water and wastewater capacity at time of subdivision or site plan approval.

A. Final approval of residential, commercial or industrial subdivisions or site plans shall be contingent upon the allocation and allotment of water and wastewater capacity. The town commissioners shall make an allocation in accordance with this ordinance.

B. The Town Commissioners shall notify the subdivider, owner or applicant in writing of the allotment.

C. The Town may require that each subdivision plat contain a note that reflects the water and wastewater capacity allotted, the conditions of allotment, and the requirements and limitations set forth in this section. Allocation of allotted capacity among the parcels and lots created by subdivision may be required to be shown on the subdivision plat.

Section 14.42 Allocation of capacity upon issuance of building permits.

Except in accordance with an exemption approved by the Commissioners pursuant to Section 14.4.C hereof, prior to the issuance of any building permit for a buildable approved lot, the Town Commissioners shall allot water and wastewater for the structure. Thereafter, the Town Commissioners shall notify the applicant in writing of the allocation, at which time the building permit shall be issued provided that the applicant has received all other applicable approvals, and all fees required by this Ordinance have been paid.

Section 14.43 Capital Allocation and Connection charges.

A. Each structure and use to be connected to the Town's public water or wastewater systems shall pay a capital allocation charge and connection charge for each utility, which shall be established by the Town Commissioners by ordinance.

B. The applicant for a building permit for an approved buildable lot shall pay the entire amount of the capital allocation and connection charges prior to or at the time that the building permit is issued.

C. The capital allocation and connection charges for a subdivision or property subject to site plan approval shall be paid at the time final plat approval or site plan approval is received, unless otherwise expressly authorized by a public works agreement that sets forth a payment schedule in the sole discretion of the Town Commissioners.

D. Notwithstanding anything to the contrary herein, the Town Commissioners shall have the authority to provide a credit against capital allocation and/or connection fees where the property owner or other private individual or entity constructs additional capacity and/or pays for the required connections.

Section 14.44 Forfeiture of allocation.

A. An allocation awarded to a subdivider or owner of property subject to a site plan or shall lapse and be invalid if:

1. A public works agreement or development agreement is not executed as otherwise required by this Ordinance; and
2. The fees required under Section 14.13 are not paid in accordance with that section.

B. An allocation awarded to an applicant for a building permit for a buildable approved lot shall be invalid unless the applicant has paid all capital allocation and connection charges and fees, and any other expenses and charges required by this Ordinance.

- C. When the allotment lapses under this Section:
1. All charges and fees that have been paid shall be forfeited; and
 2. All paid charges and fees shall be forfeited, future fees that are pledged in the public works agreement shall be due and any unpaid allocation reservation charges shall become due

Section 14.45 Assignability; transferability.

A. Except for those situations outlined herein, an allocation may not be assigned or transferred.

B. An allotted allocation to a subdivision may be assigned or transferred for use within the subdivision for which the allocation was originally granted, provided that the transfer or assignment shall be:

1. To lots or units requiring an amount of allocation equal to or less than the original allocation or portion thereof being transferred; and
2. Subject to the conditions, time limitations or other restrictions that are applicable to the unused allocation as of the date of transfer and to such additional requirements that may be established by the Town Commissioners.

C. In the event that assignment or transference is contemplated in accordance with subsection B, the subdivider shall make a written request to the Town Commissioners for a transfer of allocation. The request shall specify those areas of the subdivision from which and to which the allocation will be transferred or assigned.

D. Town Commissioners' approval of a transfer shall be contingent upon the receipt of certification that there has been recorded in the land records of Queen Anne's County a plat or instrument in a form acceptable to the Commissioners indicating the conditions of approval established by the Commissioners and:

1. indicating the specific areas of the subdivision from which and to which the allocation is assigned or transferred;
2. deleting the lot(s) from which the entire allocation was transferred;
3. indicating the conditions, time limitations, and restrictions applicable to the areas subject to the assignment or transfer; and

4. that has the approval and signature of the Chairman of the Queenstown Planning Commission.

E. On transfer or assignment of an allocation, the portion of the subdivision from which the allocation was transferred or assigned shall be considered a proposed subdivision awaiting allocation of water and wastewater capacity.

Section 14.46 Effect of zoning action.

The grant of a reclassification of property, special exception, or other zoning action does not entitle a person to an allotment or allocation of water or wastewater capacity for that property.

Section 14.47 Private financing for additional capacity.

A. A person or firm may, with the consent of the Town, pay all or a portion of the costs to plan, permit, design, and construct additions to water and wastewater facilities and/or new facilities, systems or improvements in return for a guaranteed allotment of a portion of the capacity of the new, expanded or modified facilities. The Commissioners may waive capital allocation and/or connection charges based upon a person or firm's payment of the costs to plan, permit, design, and construct additions to water and wastewater facilities.

B. An allotment or allocation granted under this section and any waiver of capital allocation and/or connection charges shall be incorporated as part of a written public works agreement or development rights and responsibilities agreement between the subdivider or developer and the Town and that sets forth specific terms and conditions under which the allotment or allocation is granted.

C. The Town Commissioners may negotiate and prescribe terms and conditions of each agreement in order to carry out the intent of this section and protect the interests of the Town.

Section 14.48 Conditions of allocation.

The award of an allocation under this Section is subject to the following conditions:

A. Future water and wastewater capacity is contingent on the availability of federal, state, county, town or private funds to finance water and wastewater capital projects.

B. The Town of Queenstown is not responsible for providing water or wastewater service and is not liable for direct and/or consequential damages resulting from the failure to provide water and/or wastewater service if the Town is unable to acquire suitable rights-of-way or permits necessary for the construction and maintenance of water or wastewater capital projects.

C. The Town of Queenstown is not responsible for any federal or state action, including operational moratoria that suspend, delay, or otherwise affect an allocation.

D. The Town of Queenstown is not responsible for direct, and/or consequential damages or the costs of delayed occupancy or use if a contractor defaults on a Town water or wastewater project in the service area in which an allocation has been made.

E. The Town is not responsible for any other contingency that affects the timing or ability to connect which is beyond the control of the Town.

ARTICLE VI - WATER AND SEWER CHARGES AND RATES

Section 14.49 Water and sewer usage and basic service charge.

A. The Town shall impose a basic service charge and a per gallon usage charge on each and every service connected to the municipal water or sewer system. When a structure containing multiple units is connected to the Town water or sewer system, each residential dwelling unit or multiple non-residential user served by the meter shall be considered a separate service regardless of the number of physical connections to the water or sewer main serving the structure. The owner of a building served by water and sewer service is responsible for paying all of the water and sewer charges for the building.

B. The Town shall base the usage charges for properties served by meter(s) on the water flow indicated by the meter(s).

Section 14.50 Operation and maintenance costs.

Operation and maintenance costs for the water system shall be reviewed by the Town on an annual basis. The water and sewer basic service and usage charge shall be adequate to assure the Town will have sufficient funds to operate and maintain the water and sewerage system and shall provide sufficient funds to establish a reserve account for future replacement of capital equipment during the service life of the water system.

Section 14.51 Payment of water and sewer charges.

A. The Town may establish a billing period for water bills from time to time as deemed appropriate, but no less often than quarterly.

B. Unless otherwise stated, payment of a water and sewer bill is due in full within thirty (30) days of the date of billing. The Town reserves the right to stagger the payments of quarterly water bills to allow customers to pay the charges for the first month's service within thirty (30) days of the date of the billing, charges for the second month within sixty (60) days of the date of the billing, and charges for the third month within ninety (90) days of the date of the billing.

C. Water user charges shall be billed at the same time sewer charges are billed. All payments credited to combined water and sewer bills shall be equally divided between the unpaid water and unpaid sewer account balances.

D. When a water and sewer bill is not paid within thirty (30) days after the due date, the Town shall post a conspicuous notice on the property, or send notice via first class U.S. mail to the last known address of the property owner and current occupant of the property, stating that

the water bill is delinquent and that the water service may be turned off on the fourteenth day after the date of the notice. The sewer service shall be considered turned off when the water service is turned off. Water service will not be turned off when the outside air temperature is over 90 degrees F or forecast to be over 90 degrees F on the day after the scheduled turnoff.

E. Water and sewer bills will be sent by first class U.S. mail to the owner of the property. The property owner shall be responsible for paying all water and sewer charges.

F. Bills paid after the due date shall be subject to a late charge of \$5.00

Section 14.52 Unpaid charges to become a lien on the property.

All rates, charges, fees and/or fines referred to in this Ordinance shall constitute a lien on the real property served and shall be levied, collected, and enforced in the same manner as are Town real property taxes, and shall have the same priority rights, bear the same interest and penalties, constitute a lien on the real property so assessed, and be treated as Town real property taxes. [History: Ord. 12-11, 09/25/12]

ARTICLE VII - SUPPLEMENTAL PROVISIONS

Section 14.53 Violation and penalties.

Any person found to be violating any provision of this Ordinance shall be a municipal infraction, the fine for which shall be \$200.00 for the first offense, and \$500.00 for each subsequent offense. Each day that a violation continues shall be considered a separate offense. In addition to said fine, the Town may request during the adjudication of an infraction that the owner(s) abate the violation, or in the alternative, permit the Town to abate the violation, and that all costs incident to the abatement shall be charged against the property owner, and shall constitute a lien on the property.

Section 14.54 Liability for damages.

Any person found violating any provision of this Ordinance shall become liable to the Town of Queenstown for any expense, loss or damage occasioned by the Town by reason of such violation.

Section 14.55 Executive regulations.

The Town Commissioners may adopt such supplemental ordinances and regulations are permitted by State law necessary for the safe and efficient operation of its water and sewer system from time to time.

Section 14.56 Public works agreements.

The Town Commissioners shall have the right to require that any person or property owner that has requested its water and/or sewer services execute public works agreement and/or development rights and responsibilities agreement to address the conditions of extensions or services, including, but not limited to: financing, timing of work, scope of work, plans and specifications for infrastructure or facilities, warranties, allocations, performance and/or payment bonds or other security obligations, and such other terms and conditions that the Town Commissioners determine, in its discretion, are necessary or required for the use or extension of its facilities.

Section 14.57 Miscellaneous.

A. All ordinances or portions of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

B. It is hereby declared to be the intention of the Commissioners that the sections, paragraphs, sentences, clauses, and words of this Ordinance are severable, and if any word, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional or otherwise invalid by the valid judgment of decree of any court of competent jurisdiction, that unconstitutionality or invalidity shall not affect any of the other remaining words, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted by the Commissioners without the incorporation of in this Code of any unconstitutional or invalid word, clause, sentence, paragraph or section. [History: Ord. 12-11, 09/25/12]

CHAPTER 15. BAY RESTORATION FEE EXEMPTION PROGRAM

Section 15.1 Exemption Requirements.

A. Application Process. All applications for an exemption shall be reviewed for sufficiency by the Town Attorney.

B. Eligibility. To be eligible for the exemption, the applicant must be a citizen of Queenstown and an owner-occupant of the property for which the exemption is sought. The property owner must also meet at least two (2) of the following criteria for exemption from the Bay Restoration Fee, and submit the required documentation.

1. Receipt of energy assistance within the last 12 months. Confirmation on official letterhead is required of the applicant.
2. Receipt of public assistance-supplemental Social Security Income (SSI) or food stamps within the last 12 months. Confirmation on official letterhead required of the applicant.
3. Receipt of Veteran's or Social Security disability benefits within the last 12 months. Confirmation on official letterhead required of the applicant.
4. Meet the income criteria, as prescribed by the Maryland Department of the Environment. The current year's tax return is required to be submitted by the applicant.

C. Period of Exemption. The exemption will be valid for 12 months from the date of approval. Upon the expiration of the exemption, it will be the responsibility of the property owner to reapply and provide all required documentation upon reapplication.

D. Disqualification. Any citizen who, in the discretion of the Town, submits false information in support of an application for an exemption will be disqualified from re-applying for an exemption.

[History: Ord. 12-09, 10/23/12]

CHAPTER 16. TOWN DOCK

- 16.1 Docking restrictions
- 16.2 General Rules and Regulations
- 16.3 Loading and Unloading at Wastewater Treatment Plant facilities

Section 16.1 Docking Restrictions.

It shall be unlawful for any vessel to be docked at the Town Dock located on Second Avenue between the hours of 9:00 P.M. and 6:00 A.M. without the expressed written permission of the Town Commissioners. Vessels may dock at the end of the Town Dock for a maximum of two (2) hours during the hours of 6:00 A.M. to 9:00 P.M. The north side of the Town Dock, adjacent to the parking area, is restricted to loading and unloading only. [History: Ord. 803, 3/25/97]

Section 16.2 General Rules and Regulations.

A. No vessel, other than the one owned and registered by the slip renter, may dock in a town slip without the written permission of the slip renter and the Commissioners of Queenstown.

B. All motor vehicles and trailers shall park in designated parking areas only, and there shall be no overnight parking of vehicles permitted.

C. No vehicle shall park in front of the trash dumpster or any other trash receptacle provided by the Town of Queenstown. Access to the trash receptacles by the Town or the waste collection company shall be made available at all times.

D. No littering is permitted at the dock. All rubbish, trash, and other refuse shall be placed in receptacles provided or shall be removed from the dock area.

E. Trash receptacles shall be used for the disposal of waste generated by persons engaged in actual use of the Town Dock. The disposal of residential or commercial waste or refuse is strictly prohibited.

F. Any personal belongings, equipment, etc. left on or around the Town Dock and/or parking area for a period longer than 48 hours shall be disposed of by the Town.

G. Written permission may be granted by the Town Commissioners for docking at the end of the Town Dock in excess of the two (2) hour limits. Fees for docking at the end of the Town Dock shall be set by the Town Commissioners. Fees shall be paid in advance before written permission is granted. Vessels docked at the end of the Town Dock for more than forty-eight (48)

hours without written permission, will be removed at the vessel owner's expense as outlined under the provisions of Natural Resources Article 8-721.

H. For violations of this Chapter, the following fines shall be in addition to the costs of removal and storage of the violator's vessel. First Offense: warning; Second Offense: \$25.00; Third Offense: \$75.00. Each subsequent offense will entail a fine of not more than \$100.00 each. Where the offense is of a continuing nature, each day's violation shall be deemed a separate offense.

I. Citations for these violations shall be given, and regulations enforced, by those persons and/or agencies appointed by the Commissioners of Queenstown.

Section 16.3 Loading and Unloading of Boats at Wastewater Treatment Plant facilities.

A. It shall be unlawful for any non-resident of the Town of Queenstown to use the facilities located at the Wastewater Treatment Plant on MD St. Rt. 18 for the loading and unloading of boats without the written consent of the Town Commissioners.

B. Any persons in violation of this Section shall be deemed to have committed a municipal infraction.

[History: Ord. 810, 10/6/89]

CHAPTER 17. FINANCE COMMITTEE

17.1 Establishment of Finance Committee

17.2 Powers, Duties and Responsibilities

Section 17.1 Establishment of Finance Committee

There is hereby established a Finance Committee for the Town of Queenstown, which Committee shall consist of three (3) members appointed by the Commissioners for staggered three year terms.

Section 17.2 Powers, Duties and Responsibilities

The Finance Committee shall have the following powers, duties and responsibilities:

A. The Committee shall review all financial transactions of the Town as they see necessary, obtain financial reports from the Town's auditor, banker(s) and regulator(s), and make recommendations to the Town Commissioners regarding the financing condition of the Town as well as other financial matters that should be brought to the attention of the Commissioners. To the extent that the Finance Committee believes that it has not been provided with sufficient documentation or information with regards to a particular issue, it may raise the issue with the Commissioners, who shall determine if more information is necessary for the Committee to perform its duties.

B. The Finance Committee shall report to the Commissioners at one of their regularly scheduled meetings in open session at least quarterly.

C. The Finance Committee may, to the extent that it deems necessary and in accordance with state law, set rules for the conduct of its meetings and shall comply with the provisions of the State Open Meetings Act as set forth in the State Government Article of the Maryland Annotated Code, as amended from time to time.

[History: Ord. 06-04, 6/27/06]

CHAPTER 18. PROCUREMENT ORDINANCE

- 18.1 Purpose
- 18.2 Definitions
- 18.3 Competitive Bidding Procedure
- 18.4 Bid Opening Procedure; Rejection of Bidding
- 18.5 Exceptions to Competitive Bidding
- 18.6 Award of Contract
- 18.7 Ethics in Contracting
- 18.8 Authority to Debar or Suspend Contractors
- 18.9 Violation of Competitive Bidding Regulations

Section 18.1 Purpose

The purpose of this Chapter is to provide the taxpayers of the Town of Queenstown with an economical and efficient method of public purchasing. The Ordinance will promote maximum competition without compromising quality; provide fairness in selection of vendors; assure quality goods and services at the best price; and provide clear, accurate and uniform information on goods, services or construction to be purchased. This will be accomplished by implementing standardized regulations and procedures under a centrally supervised purchasing system.

Section 18.2 Definitions

As used in this Chapter, the following terms shall be defined as follows:

AWARD – A determination, after review, that a certain vendor will be given the contract.

BID – A price submitted by a vendor for a product or service estimated to cost more than seven thousand five hundred dollars (\$7,500).

BIDDER – Any person who submits a quote, proposal or bid.

EMERGENCY – A sudden and unexpected occurrence or condition which the Town Commissioners reasonably could not foresee, posing an actual and immediate threat to the continuance of essential normal operation of a Town function or the need to cope with a public exigency.

PURCHASING AGENT – The Clerk of the Town of Queenstown or such person as may be designated by the Town Commissioners.

RESPONSIVE BIDDER – A bidder is responsive if their bid responds to the bid specifications in all material respects and contains no irregularities or deviations from the specifications that would affect the amount of the bid or otherwise give the bidder an unfair competitive advantage.

RESPONSIBLE BIDDER – A bidder that shows financial responsibility, integrity, skill, ability, and the likelihood the bidder will do faithful and satisfactory work.

Section 18.3 Competitive bidding procedure

A. All supplies and contractual services, except as otherwise provided in this Chapter, shall be purchased by formal written contract from the lowest responsive and responsible bidder, after due notice inviting proposals when the estimated value shall exceed \$7,500.

B. In all purchases and or sales requiring competitive bidding, the purchasing agent shall:

1. Provide that notice inviting bids be published once a week for a minimum of two weeks in at least one official newspaper of general circulation in Queen Anne’s County. Said notice shall run once at least five days preceding the last day set for the receipt of proposals. Said notice shall include a brief description of the item or items to bid, the time and date on which sealed bids are to be received and the location to which bids are to be returned, and any special conditions to which the item or items may be subject. The notice shall contain the time, date and location of the bid opening, and all such openings are to be public. The notice shall also contain the name of the purchasing agent.
2. Provide written specifications to all parties responding to the notice of the bid. Said specifications shall contain sufficient information to reasonably describe the item or items, services, materials, equipment, etc., being sought for purchase. The use of exclusive specifications to the prohibition of equal items, etc., is prohibited. The specifications shall also contain any bond and/or special conditions attached or made a part of the bid requirements. Bid forms may be provided.
3. The purchasing agent shall also solicit sealed bids from all responsible prospective suppliers who have requested their names to be added to a bidders’ list, which the purchasing agent shall maintain, by sending them a copy of such newspaper notice or such other notice as will acquaint them with the proposed purchase or sale. In any case, invitations sent to the vendors on the bidders’ list shall be listed to commodities that are similar in character and ordinarily handled by the trade group to which the invitations are sent.
4. The purchasing agent shall also advertise all pending purchases by a notice posted on the public bulletin board in the Town Hall. A Bid Bond may be prescribed in the public notices inviting bids. Unsuccessful bidders shall be entitled to return of surety. A successful bidder shall forfeit any surety upon

failure on his part to enter a contract with the Town within 15 days after the award.

Section 18.4 Bid opening procedure; Rejection of bidding

A. Bids shall be submitted sealed to the purchasing agent and shall be identified as a bid with the name of the project on the envelope. Bids shall be opened in public at the time and place stated in the public notices. A tabulation of all bids received shall be posted for public inspection.

B. The purchasing agent, with the approval of the Town Commissioners, shall have the authority to reject all bids for any one or more supplies or contractual services included in the proposed contract when the public interest will be served thereby. The purchasing agent shall not accept the bid of a contractor who is in default on the payment of taxes, licenses or other money's due the Town.

Section 18.5 Exceptions to competitive bidding

A. The following types of contracts may be awarded without complying with the bidding procedures otherwise required under this subtitle:

1. Purchases or contracts involving less than \$5,000;
2. Purchases of supplies or services that are available only through one source;
3. Contracts for professional services such as those of attorneys, physicians, architects, engineers, accountants, consultants, and others possessing a similar high degree of technical skill and expertise, provided that to the extent appropriate for the particular services to be provided, an attempt is made to secure competitive proposals for these services;
4. Purchases or contracts made when the Town Commissioners or an individual acting in their absence determines that an immediate danger to the person or property exists.
5. From any other emergency with the approval of the Town of Commissioners; and
6. Purchases based on state, county or municipal contracts that are established by a legal or competitive process.

B. For the exceptions in subsections A. 1 through 6, notification of such non-bidding purchase must be provided in writing to the Town Commissioners at the next regular meeting.

Section 18.6 Award of Contract

A. The Town Commissioners shall have the authority to award contracts within the purview of this section.

1. Contracts shall be awarded to the lowest responsive and responsible bidder. In determining the lowest responsive and responsible bidder, in addition to price, the town shall consider:
 - a. The ability, capacity, and skill of the bidder to perform the contract or provide the service required.
 - b. Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference.
 - c. The character, integrity, reputation, judgment, experience and efficiency of the bidder.
 - d. The quality of performance of previous contracts or services.
 - e. The previous and existing compliance by the bidder with the laws and ordinances relating to the contract or service.
 - f. The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service.
 - g. The quality, availability and adaptability of the supplies or contractual services to the particular use required.
 - h. The ability of the bidder to provide future maintenance and service for the use of the subject of the contract.
 - i. The number and scope of conditions attached to the bid.

B. When the award is not given to the lowest bidder, a full and complete statement of the reasons for placing the order elsewhere shall be prepared by the purchasing agent and filed with the other papers relating to the transaction.

C. In the event of tie bids, the following procedure shall be followed: if all bids received are for the same total amount or unit price, quality and service being equal, the contract shall be awarded to one of the tie bidders by drawing lots in public.

D. The Town Commissioners shall have the authority to require a performance bond before entering a contract in such amount as they shall find reasonably necessary to protect the best interest of the Town.

E. No contract or purchase shall be subdivided to avoid the requirements of this Ordinance.

Section 18.7 Ethics in contracting

A. Collusive bidding. When collusion is suspected among any bidders, a written notice of such suspicion shall be transmitted to the Town Attorney.

B. Retention of documents. All documents involved in any procurement in which collusion is suspected shall be retained until the Town Attorney approves their destruction. All retained documents shall be made available to the Town Attorney upon request.

C. Amount of liability for damage. A person who enters into a contract with the Town after engaging in collusion with another person for the purpose of defrauding the Town shall be liable for damages equal to three times the value of the loss to the Town that is attributable to the collusion.

Section 18.8 Authority to debar or suspend contractors

A. After reasonable notice to the person involved and reasonable opportunity for that person to be heard, the Town Commissioners, after consulting with the Town Attorney is authorized to debar a person for cause from consideration for award of contracts. The debarment shall be for a period of not more than five (5) years. After consultation with the Town Attorney, the Town Commissioners are authorized to suspend a person from consideration for award of contracts if there is probable cause to believe that the person has engaged in any activity that might lead to debarment. The suspension shall not be for a period less than three (3) years.

B. The causes for debarment include:

1. Conviction for commission of a criminal offense in relation to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract;
2. Conviction under State or Federal statutes for embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty which currently, seriously, and directly affects responsibility as a Town contractor;

3. Conviction under State or Federal antitrust statutes;
4. Violation of contract provisions, as set forth below, of a character which is regarded to be so serious as to justify debarment action:
 - a. Deliberate failure without good cause to perform in accordance with the specifications or within the time limit provided in the contract;
 - b. A recent record of failure to perform or of unsatisfactory performance in accordance with the terms of one (1) or more contracts, provided that failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor shall not be considered to be a basis for debarment.
5. Any other cause determined to be so serious and compelling as to affect responsibility as a Town contractor, including debarment by another governmental entity.

Section 18.9 Violation of competitive bidding regulations

A. No contract shall be let or awarded in which any official or employee of the Town is financially interested and through which the official or employee may individually profit financially, nor shall any official or employee of the Town, in any capacity whatsoever, represent any person where such representation involves an appearance before the Town Commissioners or before any department of the administrative service of the Town. Any contract in violation of the provisions of this subsection shall be void, and any person found responsible for the making of a contract in willful violation of the provisions of this subsection shall be guilty of a misdemeanor.

B. For the purposes of subsection A., a person who owns less than five (5) percent of the stock of any publicly held corporation listed on a national stock exchange shall not be considered to be financially interested.

CHAPTER 19. FLOODPLAIN

Editor's Note. The Queenstown Floodplain Ordinance, and all amendments thereto, are incorporated into this volume by reference as if fully set forth herein. Copies are on file in the Town Office, where they may be examined during regular business hours.

CHAPTER 20. DEVELOPMENT RIGHTS AND RESPONSIBILITIES AGREEMENTS

- 20.1 Authority
- 20.2 Applicability
- 20.3 Contents of development rights and responsibilities agreement
- 20.4 Referral to planning commission
- 20.5 Public hearing
- 20.6 Amendment of agreement
- 20.7 Termination of agreements; suspension
- 20.8 Applicable laws, regulations and policies
- 20.9 Recording
- 20.10 Enforcement by interested parties
- 20.11 Severability
- 20.12 Compatibility with State law

Section 20.1 Authority.

The Town Commissioners of Queenstown shall exercise the authority granted by Section 7-301, *et. seq.* of the Land Use Article, of the Annotated Code of Maryland to enter into development rights and responsibilities agreements (“DRRA”).

Section 20.2 Applicability.

Any person having a legal or equitable interest in real property located within the boundaries of the Town may petition the Town Commissioners of Queenstown to enter into an agreement pertaining to the development of that property. Development beyond that already permitted as a matter of right cannot proceed until after a DRRA is executed between the Petitioner and the Town.

Section 20.3 Contents of development rights and responsibilities agreement.

A. At a minimum, a development rights and responsibilities agreement shall contain the following:

1. A legal description of the real property subject to the agreement;
2. A certification that the petitioner has either a legal or equitable interest in the property;
3. The names of all parties having an equitable or legal interest in the property;
4. The duration of the agreement;

5. The permissible uses of the real property;
6. The density or intensity of use;
7. The maximum height, architectural design, and size of structures;
8. Description of the permits required or already approved for the development of the property;
9. A statement that the proposed development is consistent with applicable development regulations and the Comprehensive Plan of the Town;
10. A description of the conditions, terms, restrictions or other requirements determined by the Commissioners, or its designees, to be necessary to ensure the public health, safety and welfare;
11. In addition, as the same may be applicable to the proposed development project, the agreement shall include provisions for:
 - a. Dedication of portions of the real property for public use;
 - b. Protection of sensitive areas;
 - c. Preservation or archaeological investigation of prehistoric sites which may provide information not commonly available from similar sites in the County or Town, and preservation or restoration of significant historical structures for which preservation or restoration, and maintenance, are economically reasonable and feasible;
 - d. Construction or financing of public facilities and extension or improvement of necessary utilities with associated easements;
 - e. Restrictive easements, set asides, or other prohibitions on land otherwise developable;
 - f. The calling out of special features such as street or external building lighting, signage, sidewalks, pedestrian and/or motorized transport ways including bridges and tunnels, roads and alleys, as well as parks, playgrounds, landscaping, utilities, community centers, ponds, piers, and other such features that may be different from or

not specifically addressed in existing Town's Subdivision regulations, and/or underlying zoning ordinances;

- g. Requirement to build all structures to comply with LEEDS green building design standards;
- h. Requirement to factor in storm surge when laying out roads, critical features, and other forms of development that may put public health, safety, and welfare at risk;
- i. All other aspects of the development that may call out for special consideration regardless of underlying zoning or regulation;
- j. Provision for creating special taxing, water, sewer, and other utility districts, etc.; and
- k. Requirement to flood proof all new structures including sewers and their appurtenances built within the surge plain.

B. An agreement may fix the period in which and terms by which development and construction may commence and be completed, as well as provide for other matters consistent with this title, including the phasing of development in such a manner that public facilities and services may be provided in an orderly and sequential fashion in the discretion of the Town Commissioners of Queenstown.

Section 20.4 Referral to planning commission.

Upon receipt of a petition to enter into an agreement, the Town Commissioners shall refer the petition to the Planning Commission for a determination whether the proposed agreement is consistent with the Town Comprehensive Plan. The Planning Commission shall make specific findings within 60 days of referral of the petition. The Town Commissioners may not enter into an agreement unless the Planning Commission determines whether the proposed agreement is consistent with the Comprehensive Plan.

Section 20.5 Public hearing.

Before an agreement may be executed by the Town Commissioners of Queenstown, the Town Commissioners of Queenstown shall hold a public hearing on the proposed agreement. Notice of the hearing shall be published in a newspaper of general circulation within the Town once each week for two consecutive weeks, with the first such publication of notice appearing at least 14 days prior to the hearing. The notice shall contain the name of the petitioner, a brief description sufficient to identify the property involved, a fair summary of the contents of the petition and the date, time and place of the public hearing.

Section 20.6. Amendment of agreement.

A. Subject to paragraph B. of this subsection and after a public hearing, the parties to an agreement may amend the agreement by mutual consent.

B. The parties may not amend an agreement unless the Planning Commission determines whether the proposed amendment is consistent with the Comprehensive Plan. The Planning Commission shall make specific findings within 60 days of the referral of the proposed amendment.

Section 20.7 Termination of agreements; suspension.

A. The parties to an agreement may terminate the agreement by mutual consent.

B. After a public hearing, the Town Commissioners may determine that suspension or termination is essential to ensure the public health, safety or welfare.

Section 20.8 Applicable laws, regulations and policies.

A. Except as provided in paragraph B. of this subsection, the laws, rules, regulations and policies governing the use, density or intensity of use or development of the real property subject to the agreement shall be the laws, rules, regulations and policies in force at the time of the Town Commissioners of Queenstown and the petitioner execute the agreement.

B. An agreement may not prevent compliance with the laws, rules, regulations and policies enacted after the date of the agreement, if the Town Commissioners determine that imposition and compliance with these laws and regulations is essential to ensure the public health, safety or welfare of residents of all or part of the Town.

Section 20.9 Recording.

A. An agreement shall be void if not recorded in the Land Records of Queen Anne's County within 20 days after the date on which the Town Commissioners and the petitioner execute the agreement.

B. When an agreement is recorded, the Town Commissioners and the petitioner, and their successors in interest, are bound to the agreement.

Section 20.10 Enforcement by interested parties.

Unless terminated under Section 19.7, the Town or the petitioner, and their respective successors in interest, may enforce the agreement.

Section 20.11 Severability.

In the event any provision of this Ordinance is determined invalid by act of competent jurisdiction, said provision shall be stricken and the remainder of the Ordinance remains in full force and effect.

Section 20.12 Compatibility with State law.

In the event any part of this Ordinance conflicts with Article 66B, § 13.01 of the Md. Code, § 13.01 shall control.

[History: Ord. 07-02, 2/13/07]

CHAPTER 21. SEDIMENT AND EROSION CONTROL

Section 21.01 Adoption.

Section 21.02 Amendments

Section 21.01 Adoption.

The Town of Queenstown hereby adopts Chapter 14:2 of the Queen Anne's County Code as the Erosion and Sediment Control Ordinance of the Town of Queenstown, a copy of which is maintained in the Town Office for inspection and incorporated herein by reference. Chapter 14:2 is modified as outlined below and all other sections of Chapter 14:2 shall remain unchanged.

Section 21.02 Amendments.

A. Section 14:2-8(G) shall be modified as follows:

Section 14:2-8(G)(1) The plan shall include a statement indicating that the developer shall request that the Queenstown Zoning Administrator or other designated agent of Queenstown approve work completed in accordance with the approved erosion and sediment control plan, the grading or building permit, and this Chapter 14:2.

B. Section 14:2-10. shall be modified as follows:

- A. By Soil Conservation Service. The Soil Conservation Service may revise approved plans as necessary.
- B. Request for modification. The permit holder and/or the Queenstown Zoning Administrator or other designated agent of Queenstown may request modification of a plan.

[History: Ord. 12-10, 10/23/12]

CHAPTER 22. ROAD DESIGN STANDARDS

- Section 22.1 Title
- Section 22.2 Applicability; Relation to Existing Zoning and Subdivision Regulations
- Section 22.3 Definitions
- Section 22.4 Authority to adopt ordinances and regulations
- Section 22.5 Design manual
- Section 22.6 Control
- Section 22.7 Property Acquisition
- Section 22.8 Fees
- Section 22.9 Permit required
- Section 22.10 Access permits
- Section 22.11 Use of roads and bridges
- Section 22.12 Liability for damage
- Section 22.13 Special use permits
- Section 22.14 Unlawful acts
- Section 22.15 Maintenance and service
- Section 22.16 Drainage
- Section 22.17 Subdivisions
- Section 22.18 Traffic impacts
- Section 22.19 Public works agreements
- Section 22.20 Enforcement; violations and penalties
- Section 22.21 Administrative appeals
- Section 22.22 Appeals to court

Section 22.1 Title.

This Chapter shall be known and may be cited as the “Queenstown Roads Ordinance.”

Section 22.2 Applicability; Relation to Existing Zoning and Subdivision Regulations.

A. Unless otherwise stated, this Chapter applies to all public roads, roadways and bridges within the Town, except those owned or controlled by the State of Maryland, and to all property rights, easements, appurtenances, rights-of-way, permits, approvals, and licenses associated with public ways.

B. This Chapter is intended to supplement and be applied to implement the provisions of the (i) Town Zoning Ordinance, (ii) Town Subdivision Regulations and (iii) The Town Code.

Section 22.3 Definitions.

In this Chapter, the following words have the meanings indicated:

ACCESS – A location along a Town roadway planned, designed, or used to enter or exit a Town roadway from a highway, street, road, roadway, alley, lane, thoroughfare, right-of-way, easement, driveway, or field. “Access” includes the right to use such a location.

ACCESS PERMIT – A written license issued by a designee of Queenstown pursuant to procedures and criteria established by this Chapter.

AGRICULTURAL ACCESS – Ingress or egress of farm equipment to or from a Town roadway for agricultural land management activities.

BRIDGE – A traffic-bearing structure within a roadway, spanning a waterway, drainageway, depression, or obstruction, that requires periodic documented and certified inspection and condition survey under provisions of the Maryland State Highway Administration and the Federal Highway Administration.

COUNTY – means Queen Anne’s County, Maryland.

DEVELOPER – means a person who engages in development.

DEVELOPMENT – Any activity other than farming, gardening or yard maintenance that results in a change or intensification of land use or improvement of property, with new or modified structures.

EASEMENT – A right of use or enjoyment of land of another.

ENTRANCE – An access for residential, commercial, industrial, or institutional use.

DESIGN MANUAL – The Queen Anne’s County Department of Public Works Roads Design and Construction Standards Manual as amended from time to time.

OUTFALL – Any area containing a natural or constructed drainageway, receiving and transporting storm runoff from a roadway.

PERSON – An individual, corporation, municipal corporation, partnership, association, and any other entity recognized as having legal existence.

PRIVATE OR PRIVATELY OWNED – Refers to a roadway, bridge, lane, driveway, right-of-way, easement, or access way, that is not owned, deeded to, controlled, or maintained by the Town, the County, or the State, and is not generally accessible to the public, or is restricted from use by the general public.

PROPERTY – Any real or personal property, including any interest therein.

PUBLIC OR PUBLICLY OWNED – Refers to a roadway, bridge, right-of-way, or easement that is owned, deeded to, controlled, or maintained by the Town, and funded by public revenues.

ROAD – The traffic-bearing pavement, or driving surface, and associated base course, constructed and maintained within a roadway.

ROADWAY – The land area comprising the entire width and length of any right-of-way or easement containing a road, including traffic surfaces, intersections, entrances, cul-de-sac, turnarounds, accesses, parking areas, public landings, should areas, drainage ditches and structures, utilities and utility reservation areas, maintenance areas, plantings, vehicle clearances, and any other structures, signage or appurtenances needed for the safe and beneficial use of the roadway.

SHA – The Maryland State Highway Administration, an agency of the Maryland Department of Transportation.

STATE – The State of Maryland.

STORM RUNOFF, STORMWATER RUNOFF, OR RUNOFF – Surface water generated by precipitation that moves on grade to a point of discharge, or an outfall, or a body of water.

TOWN – “The Town of Queenstown”, a Maryland municipal corporation.

TOWN BRIDGE – A bridge that is owned, controlled, or maintained by the Town, funded by public revenues, and accessible for use by and for the benefit of the general public.

TOWN ROAD OR TOWN ROADWAY – A road or roadway that is owned, controlled, or maintained by the Town and accessible for use by and for the benefit of the general public. All public roads or roadways located within the Town, except those owned or controlled by the SHA, shall be Town roads or Town roadways.

TRAFFIC – Any class or volume of vehicles for which a roadway is accessible.

UPGRADE – A physical roadway or bridge improvement within existing or expanded rights-of-way, as approved according to the requirements of this Chapter.

Section 22.4 Authority to adopt ordinances and regulations.

The Commissioners of Queenstown are authorized to adopt and amend ordinances or regulations to govern all aspects of Town roadways and bridges, including any right or franchise therein. The Commissioners of Queenstown are authorized to establish fines and penalties for violation thereof, and to enact laws providing appropriate administrative and judicial proceedings, remedies, civil penalties, and other sanctions for enforcement.

A. Conflicting laws. Subject to Section 22.04.B, whenever any provision of this Chapter conflicts with any other provision of law covering the same subject matter, whether set

forth in this Chapter or elsewhere, that provision which is more restrictive or imposes the higher standard or requirement, as determined by the Planning Commission, shall govern.

B. Equitable remedies. The Town may enforce this Chapter by injunctive and other appropriate equitable relief in addition to other available remedies. All such remedies are cumulative and the Town may elect to pursue any or all of them, from time to time, as permitted by law.

Section 22.5 Design Manual.

A. Design Manual. The Commissioners hereby adopt the Queen Anne's County Department of Public Works Roads Design and Construction Manual as amended from time to time as the design manual of the Town of Queenstown. The Design Manual shall establish the technical design, performance, construction, material, and other standards for Town roadways and bridges.

B. Non-Technical Standards. The provisions in the Design Manual unrelated to technical specifications including, but not limited to, fees and security, inspections, fees, and performance sureties, are not adopted by the Commissioners of Queenstown and this Chapter shall apply.

Section 22.6 Control.

A. General. A designee of Queenstown shall administer and enforce this Chapter and any regulations now or hereafter adopted. The Town's designee shall have incidental authority to perform, authorize, and delegate such acts as are necessary or proper for these purposes.

B. Acceptance of Alternatives. The Planning Commission may consider and accept a design that deviates from the prescribed standards of the Design Manual.

C. Title. Town roadways and bridges shall be held by and in the name of Town of Queenstown, Maryland.

D. Location. To establish the proper location or width of a Town roadway or bridge, the Town may cause the same to be surveyed and a description and plat made and recorded among the land records of Queen Anne's County, Maryland. The description and plat shall be made by reference to the original description of the roadway or bridge when it was acquired. If the original description cannot be found, the description and plat shall be made of the roadway or bridge as existing. Upon recordation, the description and plat shall be the official legal description of the roadway or bridge and the Town and Courts shall consider it prima facie correct unless the contrary is proven.

Section 22.7 Property acquisition.

The Town may acquire property for public use in connection with Town roadways and bridges by purchase, dedication, implied or express, eminent domain or any other power or method permitted by State law. Specifically, the Town, by resolution adopted by the Commissioners of Queenstown, may (i) accept any offer of dedication of property from the United States, the State, the County, or any person, or (ii) authorize acquisition of property for public use through condemnation under the power of eminent domain.

Section 22.8 Fees.

Payment of all scheduled fees established by the Commissioners of Queenstown shall be a condition of any review, approval, or permit issued under this Chapter. In addition to scheduled fees, a developer or applicant shall pay all other costs incurred in connection with development reviews, including any professional, legal, or other services for studies, analyses, reviews, design, construction, or inspections. The Town may assess fees for specialized use of the Town roadways in accordance with the provisions of this Chapter except that normal agricultural operations shall be exempt from such special use fees.

Section 22.9 Permit required.

A. General requirements. Except in accordance with a permit obtained from an authorized town official or agency, a person may not:

1. Make an opening in any Town roadway or bridge;
2. Place any structure, utility line, or equipment within any Town roadway or on any bridge;
3. Change or renew any structure, utility line, or equipment placed within any Town roadway or on any bridge;
4. Disturb any Town roadway or bridge for any purpose, including the placement of an access or entrance, pipes, sewers, poles, wires, or rails;
5. Place any obstruction or improvement on any Town roadway or bridge; or,
6. Plant or remove any tree or shrub on any Town roadway.

B. Issuance of permit. The Town's designee may issue a permit for work otherwise prohibited by subsection (A) of this section. Application for a permit shall be made on forms provided by the Town and shall include plans and specifications for the proposed work and payment of all application and review fees. All plan sheets and specifications submitted for approval shall be prepared and stamped by a Registered Professional Engineer licensed to practice in Maryland and shall include such design, survey, grade, profile, cross-section, drainage and construction information as necessary to accurately depict the proposed work. The Town's designee may require necessary additional data, designs, details or specifications pertinent to the

scope of work covered by the requested permit, and may waive the above requirements for simple applications (e.g., the planting of a street tree, etc.).

1. All work under the permit shall be performed subject to the inspection, approval, and satisfaction of the Town's designee.
2. Every permit shall require, as a minimum, that the Town roadway or bridge be restored to a condition that is equal to its pre-existing condition, and if the permit calls for a higher standard, the higher standard shall govern.
3. All work performed on any Town roadway or bridge shall be performed at the risk of the permittee, who shall indemnify and hold the Town harmless from and against any liability of any kind whatsoever arising out of or relating to the work.

C. Suspension, revocation, or withholding. The Town's designee may suspend, revoke, or withhold any permits or approvals issued or granted (1) in error, or (2) based on incorrect, inaccurate, or incomplete information, or (3) in violation of any law, statute, ordinance, or regulation. No such permit or approval shall be considered to have been legally issued or effective for any purpose whatsoever. Suspension and withholding shall continue until all information and violations have been corrected, and all civil penalties and fees, if any, have been paid.

Section 22.10 Access Permits.

The Town's designee shall have authority to issue access permits for driveways, agricultural access and all other access permits, including public or private road access. No person shall construct, install, or use a new access without an access permit issued by the Town's designee. No person shall upgrade or intensify the use of any existing access without an access permit issued by the Town's designee. The Town's designee may impose restrictions, limitations, or conditions upon the issuance of access permits in accordance with the provisions of this Chapter.

Section 22.11 Use of roads and bridges.

A. General. Town roadways and bridges shall be available for use by any person and for any lawful purpose, except as restricted under the Town Code, this Chapter or otherwise by law.

B. Access.

1. Residential - Any Town roadway shall be available for access for residential lots from an approved driveway, provided that an access permit is issued approving the location, construction, and orientation of the requested access.

2. Agricultural - Any Town roadway shall be available for agricultural access in accordance with a permit issued by the Town's designee.
3. All others - All other applications for access permits shall include such information as the Town's designee may require for evaluation of impacts, mitigation, construction, drainage, traffic, and public safety.

C. Prohibition on use. A person may not drive or move any vehicle or other equipment on or across any Town roadway or bridge if the vehicle or equipment is likely to cause damage to the roadway or bridge.

Section 22.12 Liability for damage.

A. Driver. Any person who drives or moves any vehicle or other equipment on any Town roadway is liable for all damage that the roadway sustains as a result of:

1. Driving or moving the vehicle or equipment; or
2. Driving or moving a vehicle or equipment that weighs more than the maximum statutory weight specified in State law or Town regulation, even if the overweight is authorized by a special permit issued under State law or this Chapter.

B. Owner. If the driver is not the owner of the vehicle or equipment, but is driving or moving it with the express or implied permission of the owner, the owner and driver are jointly and severally liable for the damage to the roadway.

Section 22.13 Special use permits.

The Town's designee, in accordance with regulations adopted by the Commissioners of Queenstown, may control the use of Town roadways and bridges through issuance of permits for specific commercial activities, including without limitation, weight and use restrictions, designated haul routes for hazardous materials, or designated times when certain commercial transport activities may occur, as may be necessary to protect the safety and welfare of the public or to maintain or protect the condition of roadways. Normal agricultural operations shall be exempt from such special use permit restrictions. It shall be unlawful for any person or entity to conduct a regulated activity without, or in violation of, a required permit. Notwithstanding the issuance of any such permit, the permittee shall be liable to the Town for any costs, expenses, or damages caused by operation of the vehicle or equipment.

Section 22.14 Unlawful acts.

A. Damage. It is unlawful to damage, deface, or alter any Town roadway or bridge except as authorized by the Town in accordance with a permit or contract.

B. Unauthorized work. It is unlawful to perform any work on a Town roadway without prior written authorization and issuance of all required permits from the Town's designee. All work performed on any Town roadway or bridge shall be performed at the risk of the persons performing the work, who shall indemnify and hold the Town harmless from and against any liability of any kind whatsoever arising out of or relating to the work.

C. Dislodged materials. It is unlawful to throw, abandon, deposit, or dump solid or liquid waste or other material of any kind from any vehicle or other equipment on any Town roadway, including unintentional or incidental dislodgment.

D. Illegal use or operation. It is unlawful to drive or move any vehicle or other equipment on or across any Town roadway or bridge if the vehicle or equipment is overweight or not properly equipped as required by law.

E. Civil liability. Violation of any provision of this Chapter, whether by the owner of the vehicle, the person having control over the vehicle, or an employee or agent of either, shall result in civil liability of all such persons, jointly and severally, for all damages, costs, and expenses resulting from the violation, including all costs of repair or restoration, and all such amounts shall be assessed in addition to any other fines or civil penalties.

Section 22.15 Maintenance and services.

A. Town roadways. The Town, under the direction of the Commissioners of Queenstown, shall be responsible for maintenance and upkeep and for clearing debris, hazards and other obstructions for all Town roadways, bridges, and all associated drainage and other easements and structures. Services by the Town are restricted to Town roadways and bridges, outfalls, or other areas affecting a Town roadway, as determined by and subject to approval by the Commissioners of Queenstown.

B. Tree and brush removal. The Queenstown Department of Public Works shall have authority to order or perform any tree, brush, or vegetation clearance, control, or removal as necessary to preserve the safe and adequate passage of traffic, maintain drainage, or to maintain proper visibility and sight lines for any Town roadway. The criteria utilized for establishing sight lines shall not exceed those designated in the FHWA Manual on Uniform Traffic Control Devices for signage clearance.

Section 22.16 Drainage.

The following drainage provisions apply to management and control of stormwater runoff for Town roadways and bridges:

A. Generally.

1. Drainage ditches. The Town is authorized to maintain adequate drainage for all Town roadways and bridges, and to manage and direct runoff as necessary.
2. Outfalls. The Town is authorized to maintain all drainage outfalls that receive runoff from a Town roadway or bridge in adequate condition to accommodate a ten-year frequency storm event as defined by the Design Manual or otherwise as necessary to mitigate flooding or improve drainage for the roadway or bridge. The Town shall not be required to perform maintenance or improve or correct deficient drainage in any drainageway, outfall, or drainage structure that does not receive runoff from a Town roadway or bridge.

B. Unlawful acts.

1. Alteration. It is unlawful to fill in, cultivate, plow, or alter any drainage ditch, structure, outfall, or any other structure affecting drainage for a Town roadway, or that is on Town property, without approval of the Town's designee. Any person violating this provision shall remove the unauthorized material or alteration and restore the disturbed structures or areas to their former condition, at the person's expense, in addition to any fines, fees, or civil penalties.
2. Directing runoff. It is unlawful to direct temporary or seasonal runoff drainage leaders to Town roadways from agricultural properties or construction sites: (1) without suitable management of runoff or control of sediment and soil erosion from the drainage area, or, (2) if it creates a condition requiring special maintenance, or, (3) it impairs the safety of the Town roadway.
 - a. If the Commissioners determine that (1) unmanaged runoff is being directed into a Town roadway; or, (2) sediment deposits from unmanaged runoff are impeding or altering the drainage flows in a roadway ditch; or, (3) unmanaged runoff is flooding the roadway, they may order the property owner, at the owner's expense, to implement controls, modifications or to alter existing practices to suitably manage the runoff.
 - b. At a minimum, such runoff management and sediment and erosion control measures shall be in accordance with the recommendations of the Natural Resources Conservation Service and the best management criteria of the Maryland Department of Agriculture. If the property owner fails to comply with any such order, the drainage leaders may be closed by the Town. The property owner shall be

liable for the costs incurred by the Town in performing the corrective action authorized under this section.

Section 22.17 Subdivisions.

A. Private road maintenance agreements. No subdivision creating lots or parcels served by a private roadway or bridge shall be approved unless a maintenance agreement and deed covenants addressing, to the reasonable satisfaction of the Commissioners, the ownership and maintenance of the private road shall be recorded among the land records of Queen Anne’s County, Maryland. The Commissioners may require additional terms, conditions, covenants, or restrictions consistent with the public interest. The subdivision plat and deed covenants shall state that the roadway or bridge is privately owned and that the Town is not responsible for maintenance, upgrade, or safety.

B. Drainage. No subdivision plat shall be recorded for any subdivision that creates lots or parcels served by a privately owned roadway or bridge, and no required permit shall be issued unless suitable drainage easements, maintenance agreements, and deed covenants shall first be approved by the Commissioners and recorded among the land records of Queen Anne’s County.

C. Upgrades. Existing public or private roads proposed for use by new lots or parcels in any subdivision shall be upgraded to meet then current roadway classification standards unless waived by the Town’s designee.

D. Roadway width. All roads shall be designed and constructed in accordance with this Chapter and the Design Manual. All property proposed for subdivision that is adjacent to an existing Town roadway that is less than the required right-of-way width shall, by acceptable means, provide 1/2 the width necessary to bring the Town roadway up to the Town right-of-way standard. This does not apply to alleys.

Section 22.18 Traffic Impacts.

The Town shall evaluate impacts to existing roadways and bridges caused by proposed development and determine appropriate mitigation for those impacts. Issuance of any permit or approval for proposed development may be subject to evaluation and mitigation of traffic impacts. The Town’s designee and/or the Commissioners of Queenstown may contract professional services at the developer's expense to review, evaluate, or supplement the study and may request review and recommendations from the State Highway Administration.

Section 22.19 Public works agreements.

A. General. The design, construction, inspection, testing, acceptance, warranty, transfer, and maintenance of all new and upgraded Town roadways and bridges shall proceed in accordance with the provisions of this section. A public works agreement shall be required for all

work on Town roadways, bridges, and rights-of-way, regardless of the classification of the proposed roadway except as authorized by a permit issued by the Town's designee.

B. Exceptions. Notwithstanding the requirements of Paragraph A, the installation of a driveway, agricultural access, or private roadway shall not require a public works agreement, but shall require access permits, and compliance with all requirements for construction in a Town right-of-way.

C. Terms. All new Town roadway construction or upgrade of existing roadways or bridges, except those that are performed or funded by the Town, shall proceed in accordance with the terms and provisions of a public works agreement executed between the owner, contractor, or developer and the Town. Such agreement shall contain provisions for planning, administration, design, materials, construction, testing, inspection, approval, acceptance, transfer, warranty, and maintenance of the roadway, and such other terms and provisions as the Commissioners may consider necessary or appropriate. All public works agreements shall include provisions for insurance, funding, performance bonds, and maintenance bonds to assure that the work is completed and protected in accordance with the specifications. The public works agreement shall also include specific provisions for the settlement of disagreements and disputes during the course of the construction such that suitable and timely remedies are available without undue hardship to the owner, contractor, developer, or the Town.

D. Additional requirements. Construction and development authorized by a public works agreement shall be performed in accordance with all applicable federal, state, and local requirements. The Town shall not enter into any agreement for work or road construction on any property for which all owners have not approved the scope and terms of the agreement, and the agreement is in such form as may be required by the Town.

Section 22.20 Enforcement; violations and penalties.

A. Enforcement. A designee of the Commissioners of Queenstown shall enforce this Chapter.

B. Violations. Any person, firm or corporation who shall violate any of the provisions of this Chapter or fail to comply with any of the restrictions or requirements thereof, or who shall disturb or improve any road in violation of any plan submitted or permit issued hereunder, shall be subject to liability for a municipal infraction and shall be liable to a fine of not more than \$100 per offense. Each violation that occurs and each calendar day that a violation continues shall be a separate offense. Any person who violates any provision of this Chapter shall be subject to separate fines, orders, sanctions, and civil penalties for each offense.

C. Responsible persons. The following persons may each be held jointly or severally responsible for a violation: (1) persons who apply for or obtain any permit or approval, (2) contractors, (3) subcontractors, (4) property owners, (5) managing agents, or, (5) any other person who has committed, assisted, or participated in a violation.

- D. Administrative abatement orders.
1. A designee of Queenstown may issue an administrative abatement order to any person to perform any act or thing required by this Chapter. The administrative abatement may order such person:
 - a. To correct, discontinue or abate any violation.
 - b. To cease any activity being performed in violation of this Chapter.
 - c. To apply for any permit, approval, or variance required by this Chapter.
 - d. To remove any construction materials, equipment, and any structures or other construction work built or erected in violation of this Chapter.
 - e. To restore any Town property to its condition as it existed before any violation of this Chapter.
 - f. To perform any condition, covenant, undertaking, or obligation required by this Chapter or by any contract, deed, or other instrument executed or recorded pursuant to the requirements of this Chapter.
 2. Administrative abatement orders shall be served upon the responsible parties by personal delivery or by certified mail, return receipt requested, and simultaneously by first-class mail, postage prepaid, bearing a return address. In addition, any other method of service reasonably calculated to provide actual notice, and any method that does provide actual notice, shall be sufficient.
 3. An administrative abatement order shall include:
 - a. A description of each violation, including the applicable Town ordinance, regulation, or other requirement allegedly violated;
 - b. The time within which any required action is to occur, taking into account the specific action required to comply with the order and any existing or intervening harm or threat to the public health, safety, and welfare.
 - c. Notice of the right to appeal the order to the Board of Appeals and the period within which any such appeal must be filed.

Section 22.21 Administrative appeals.

Any person aggrieved by any written order or decision by the Town's designee under this Chapter, other than a municipal infraction citation, may file an appeal to the Board of Appeals by filing an application for administrative review in accordance with the Rules of Procedure of the Board of Appeals. An appeal must be filed within 30 days after the date of the written order, decision, or determination being appealed. An appellant may request the Town's designee to stay any order or decision pending appeal, including suspension of any additional daily civil penalties imposed for continuing violations. The Town's designee shall promptly issue a written decision on the request.

Section 22.22 Appeals to courts.

Any person aggrieved by the decision of the Board of Appeals under this Chapter may appeal the decision to the Circuit Court in accordance with the Maryland Rules of Procedure.

CHAPTER 23. ZONING

Editor's Note. The Queenstown Zoning Ordinance, and all amendments thereto, are incorporated into this volume by reference as if fully set forth herein. Copies are on file in the Town Office, where they may be examined during regular business hours.

CHAPTER 24. SUBDIVISION OF LAND

Editor's Note. The Queenstown Subdivision Ordinance, and all amendments thereto, are incorporated into this volume by reference as if fully set forth herein. Copies are on file in the Town Office, where they may be examined during regular business hours.

CHAPTER 25. STORMWATER MANAGEMENT

Editor's Note. The Queenstown Stormwater Management Ordinance, and all amendments thereto, are incorporated into this volume by reference as if fully set forth herein. Copies are on file in the Town Office, where they may be examined during regular business hours.

CHAPTER 26. FOREST CONSERVATION

Editor's Note. The Queenstown Forest Conservation Ordinance and all amendments thereto, are incorporated into this volume by reference as if fully set forth herein. Copies are on file in the Town Office, where they may be examined during regular business hours.

CHAPTER 27. SHORT TERM RENTALS

- Section 27.1 Definition and word usage
- Section 27.2 Requirements for Short Term Rentals
- Section 27.3 Violations and penalties

Section 27.1 Definition and word usage.

As used in this Chapter, the following terms have the meanings indicated.

Short Term Rental – Shall mean any rental tenancy permitting occupancy of a residential dwelling unit by persons unrelated by blood or marriage to the owner of the property (or the tenant of the property) for less than 30 consecutive days.

Section 27.2 Requirements for Short Term Rentals.

In the R-1, R-2 and TC zoning districts, the use of a dwelling unit for short-term rental will only be permitted subject to the following registration, licensing, and other requirements set forth in this Chapter.

A. All owners of a dwelling unit proposed for use as a short-term rental shall apply for an annual short-term rental license from the Town Office. If a property is transferred or if an annual license is not renewed, a new application is required. A short-term rental license shall be nontransferable. It may be renewed annually upon proof of current compliance with the requirements of this Chapter.

B. The owner of the property intended for short-term rental occupancy shall be responsible for payment of the Queen Anne’s County Accommodations Tax.

C. Issuance of a short-term rental license is subject to the following terms, conditions, and restrictions:

1. Short-term rental licenses may be issued only to all holders of record of title, or a tenant pursuant to a written lease. A copy of any such lease shall accompany the application. The record owners of the property must file a written consent to the use of the property for short-term rental purposes. The property owner or tenant shall provide proof of appropriate liability insurance coverage for rental use in the minimum amount of \$500,000 as a requirement of the license.
2. The property owners or tenant proposed to make short-term rental use of their property shall complete an application form provided by the Town of Queenstown, together with all information required on said form; and shall pay an application/license fee of \$250.00 or a renewal fee of \$100.00.

Applicant shall provide the following additional information to the Town of Queenstown:

- a. Certification that they can and will satisfactorily monitor the use of the short-term rental property by having either a principal residence in the Town of Queenstown or by having made arrangements with an agent with either a principal residence in the Town of Queenstown or whose home or office is within 50 miles of the short-term rental unit (resident agent). The name, address, and 24-hour phone contact information of the property owner and resident agent shall be provided with the application.
 - b. Subsequent license renewals will require proof that all prior Queen Anne's County accommodation taxes for the subject property have been paid.
3. Maximum occupancy shall be the lesser of 12 persons or two persons per bedroom excluding infants under 18 months of age. The maximum number of occupants shall be stated on the short-term rental registration, on the license, and in any short-term rental agreement.
 4. Subleasing of short-term rentals by the short-term rental occupant shall be prohibited.
 5. During any short-term rental, no dwelling, grounds, or associated appurtenances shall be used for any reception, banquet, corporate retreat, fundraiser, or similar activity which shall exceed the maximum occupancy of the dwelling unit.
 6. No more than two vehicles associated with a short-term rental may be parked overnight upon a public street. Parking over night for more than two vehicles associated with any particular short-term rental shall be off-street only.
 7. All short-term rental properties shall comply with the Town's Property Maintenance Code, as amended, with respect to those sections addressing Emergency Escape and Rescue Openings, Exits, and Smoke Alarms, and shall be equipped with fire extinguishers.
 8. All record title holders of any property for which a short-term rental license is requested must jointly submit and execute the registration and license forms.
 9. No activity during any short-term rental occupancy shall be permitted which constitutes a public or private nuisance.

10. A copy of the provisions of this Chapter shall be affixed to any short-term rental agreement to assure that the short-term occupants are aware of the conditions of their occupancy.

D. The Town Office may decline to issue, or may suspend or revoke, a short-term rental license based on the following:

1. Any false, inaccurate, incomplete or incorrect statement in any registration or application renewal.
2. Any serious or repeated infraction, disturbance, nuisance, failure to monitor, or other problem or violation occurring during a short-term rental.
3. Violation of any law or ordinance with respect to the short-term rental, or any term, condition, or restriction of the short-term rental license.
4. Failure to pay the Queen Anne's County Accommodations Tax.

E. The Town Office may deny a short-term rental license, or limit the number of short-term rental licenses granted, in any particular neighborhood, if, in the opinion of the Town, there is insufficient parking to reasonably accommodate the vehicles of existing residents, together with the number of vehicles associated with the proposed short-term rental.

Section 27.3 Violations and Penalties.

Any violation of this Chapter 27 shall be considered a municipal infraction and any person violating any provisions of this section shall be assessed a fine of \$100 for the first infraction, and up to \$200 for each subsequent infraction. Each separate violation shall constitute a separate offense.

[History: Ord. 17-07, 12/20/17]