

Title 12

STREETS, SIDEWALKS AND PUBLIC PLACES

Chapters:

- 12.04 Public Works Projects Generally**
- 12.06 Curb, Gutter and Sidewalk Construction**
- 12.08 Street and Sidewalk Use Regulations**
- 12.09 Streets and Sidewalks; Prohibited Acts**
- 12.12 Excavations**
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Chapter 12.04

PUBLIC WORKS PROJECTS GENERALLY

Sections:

- 12.04.010 Definitions; Infrastructure Standards and Specifications.
 12.04.020 Agreement; Review and inspection fees for public improvements.
 12.04.030 Violation - Penalty.

12.04.010 Standards and Specifications.

A. Definitions:

1. *Engineering plans & specifications* shall mean all that information, including design drawings, types of materials and equipment, dimensions, construction techniques, conditions, quality assurance requirements, and any other related information specifically regarding the construction, reconstruction, maintenance, restoration and/or modification to land, improvements, equipment, processes or any other thing, prepared and certified by a Maryland licensed professional engineer, directly or indirectly, for the Town.

2. *Public infrastructure* shall mean all those improvements to the land that are dedicated to the public use, safety, welfare and convenience, including, but not exclusively, all streets, curbs, gutters, sidewalks; water and sewer and pipe, valves, vaults, manholes, structures, pumps, controls and other related appurtenances; stormwater pipe, swales, collection basins, ponds, outfalls and other related appurtenances; rights-of-way, easements and other preservation and use of land; recreation land, improvements, equipment and facilities. The term *public infrastructure* used herein shall include lands and/or improvements owned by, controlled by, or regulated by the Town, and shall also include improvements constructed, reconstructed, maintained, restored and/or modified by any person with the intent of conveying said improvements to the Town.

3. *Standards & Specifications* shall mean all that information, including drawings, types of material(s), dimensions, construction techniques and other details by which the Town shall prescribe for construction, reconstruction, maintenance, restoration and/or modification of public infrastructure. The Town, by its Department of Public Works, shall develop, prepare, maintain, amend and oversee compliance with the Town's standards and specifications.

B. The Town of Elkton shall *develop, implement maintain and enforce* standards and specifications relating to the construction, reconstruction, maintenance, restoration, and modification to any PUBLIC

INFRASTRUCTURE.

C. The Town of Elkton may adopt and implement standards and specifications of the State of Maryland and/or the United States of America relating to the construction, reconstruction, maintenance, restoration, and modification to public infrastructure as set forth under Paragraph A of this Section.

D. No person shall construct, reconstruct, maintain, restore and/or modify any public infrastructure unless constructed, reconstructed, maintained, restored and/or modified in compliance with the Town's standards and specifications and/or in compliance with engineering plans and specifications approved by the Town.

E. Notwithstanding the provisions of this Chapter, the Town will require compliance with the Code of the Town of Elkton, Title 15, Buildings & Construction; the Elkton Zoning Regulations; the Elkton Subdivisions Regulations, and such other Town, State and Federal regulations applicable to the construction, reconstruction, maintenance, restoration and/or modification of public infrastructure, buildings and structures. (Amended by Ord. 12-2001, eff: 2/5/02)

12.04.020 Agreement; Review and inspection fees for public improvements.

A. Every person who shall construct any public infrastructure shall enter into an agreement, as prescribed by the Town, in which all terms, conditions, standards and specifications shall be set forth with respect to the construction of public infrastructure.

B. The Town shall require that any person who shall enter into an agreement with the Town to construct public improvements, as set forth under Paragraph A of this Section, shall pay to the Town an inspection fee equivalent to four percent (4%) of the total estimated cost of constructing the public improvements, as determined by the Town. Said inspection fee shall be paid to the Town by the person in advance of any construction and inspection of public infrastructure.

C. A person developing and/or constructing any commercial or residential property and/or subdivision shall pay to the Town plan review fees established by a resolution of the Mayor and Commissioners. Said fees shall be paid by the person in advance of the plan review. (Amended by Ord. 12-2001, eff: 2/5/02)

12.04.030 Violation - Penalty.

A person violating this chapter shall upon conviction be guilty of a misdemeanor and shall be subject to a fine not to exceed one thousand dollars (\$1,000.00) and/or imprisonment not to exceed six (6) months. Each day a violation continues shall constitute a separate offense. (Amended by Ord. 12-2001, eff: 2/5/02)

Chapter 12.06

**CURB, GUTTER AND SIDEWALK
CONSTRUCTION**

Sections:

- 12.06.010 Definitions.**
- 12.06.020 New Sidewalk Construction.**
- 12.06.030 Maintenance and/or Replacement of Existing Curb, Gutter and Sidewalk.**
- 12.06.040 Procedure for Ordering the Construction of New Curb, Gutter and/or Sidewalk.**
- 12.06.050 Procedure for Ordering the Maintenance and/or Replacement of Existing Curb, Gutter and/or Sidewalk Abutting Commercial Use Property.**
- 12.06.060 Permit required.**
- 12.06.070 Damages to Curb, Gutter and/or Sidewalk.**
- 12.06.080 Violations and Penalties.**

12.06.010 Definitions.

A. Commercial Use Property. As defined in the Elkton Zoning Ordinance, Article IX, §§ 110. and 111., Commercial/Business Districts and Industrial District, respectively, R-O, C-1, C-2 & BI, as amended.

B. Owner. The word owner as used in this chapter shall denote the person appearing as the owner in the official records of the town and/or in the tax assessment records of Cecil County.

C. Residential Use Property. As defined in the Elkton Zoning Ordinance, Article IX, § 109., Residential Districts., R-1, R-2, R-3 & MH, as amended.

D. Standards & Specifications. The terms standards & specifications of the town shall refer to those standards and specifications compiled and set forth as the Town of Elkton's standards and specifications.

12.06.020 New Sidewalk Construction.

A. The owner of residential use and/or commercial use property shall be responsible for the construction of new curb, gutter and/or sidewalk abutting the owner's property.

B. The construction of curb, gutter and/or sidewalk shall conform to the Town of Elkton's standards and specifications for the construction of curb, gutter & sidewalk.

C. Where no curb, gutter and/or sidewalk exists, the town may direct the owner of the abutting property to construct new curb, gutter and/or sidewalk.

12.06.030 Maintenance and/or Replacement of Existing Curb, Gutter and Sidewalk.

A. Residential Use Property. Unless otherwise provided in this chapter, the maintenance and/or replacement of existing curb, gutter and/or sidewalk abutting residential use property shall be the responsibility of the town.

B. Commercial Use Property Abutting a Public Street. Unless otherwise provided in this chapter, the maintenance and/or replacement of existing curb, gutter and/or sidewalk abutting commercial use property shall be shared equally between the property owner and the town.

C. Commercial Use Property Not Abutting a Public Street. The maintenance and/or replacement of existing curb, gutter and/or sidewalk abutting commercial use property and not abutting a public street shall be performed by the property owner.

12.06.040 Procedure for Ordering the Construction of New Curb, Gutter and/or Sidewalk.

A. Notwithstanding the provisions set forth in the Elkton Subdivision Regulations, when the Town of Elkton determines the need for the construction of new curb, gutter and/or sidewalk, notice shall be given to the owner of the applicable property that a curb, gutter and/or sidewalk is to be constructed. This notice shall set forth the terms and specifications for the construction of the sidewalk.

B. Notice, as required herein, shall be deemed sufficient if delivered by certified mail, return receipt requested, or delivered in person, to the property owner.

C. The failure of the property owner to construct curb, gutter and/or sidewalk in accordance with this chapter may result in the town constructing the curb, gutter and/or sidewalk and recovering the cost from the property owner in accordance with the provisions of law.

12.06.050 Procedure for Ordering the Maintenance and/or Replacement of Existing Curb, Gutter and/or Sidewalk Abutting Commercial Use Property.

A. When the Town of Elkton determines the need for the maintenance and/or replacement of curb, gutter and/or sidewalk abutting commercial use property, the town shall send notice, specifying the cost, to the abutting property owner compelling the owner to share a portion of that cost not exceeding fifty percent (50%) of the town's total construction cost for the maintenance and/or replacement of the curb, gutter, and/or sidewalk.

B. The town, in the event that the property owner fails to provide payment as specified in the notice within thirty (30) calendar days, may proceed in the maintenance and/or replacement of the curb, gutter and/or sidewalk and recover the cost from the property owner in accordance with the provisions of law.

12.06.060 Permit required.

A. No person shall construct, reconstruct, repair, alter or grade any curb, gutter and/or sidewalk abutting a public street without first obtaining a permit from the town.

B. The building official shall be empowered under this chapter to issue and revoke permits. Applications for a permit shall be obtained from and filed with the office of the building official. Permit applicants shall complete all information required and affirm compliance with the standards and specifications set forth therein.

C. The permittee shall construct, reconstruct, repair, alter or grade curb, gutter and/or sidewalk in accordance with the provisions of the permit and the standards and specifications of the town. Failure to comply with any provision of the permit shall result in the revocation of the permit by the town.

D. In the event that the town revokes a permit to construct, reconstruct, repair, alter or grade any curb, gutter and/or sidewalk under this section, the town may complete the work and recover the entire cost, or any portion thereof, from the property owner in accordance with the provisions of law.

E. The permittee shall, upon completion of any construction, reconstruction, repair, alteration or grading of any curb, gutter and/or sidewalk under this section, warrant and be responsible for the work for a period of one (1) year from the date of completion.

F. The permit fee shall be established by the resolution of the Mayor and Commissioners.

12.06.070 Damages to Curb, Gutter and/or Sidewalk.

A. Notwithstanding the provisions of this chapter, the owner of any property abutting a public street shall be responsible for the construction, reconstruction, repair, alteration and/or grading of any curb, gutter and/or sidewalk damaged, directly or indirectly, by the property owner through the intended and/or actual use of the property, through construction repair or the installation of improvements to the property, or through other conditions under the control of the property owner which would likely cause the failure, deterioration or disruption of the curb, gutter and/or sidewalk.

B. Upon notice from the town, the property owner abutting curb, gutter and/or sidewalk damaged under this section shall repair the curb, gutter and/or sidewalk within thirty (30) calendar days of the date of notice. The failure of the property owner to effect repairs under this section may result in the town performing the repair work and recovering the cost of this work from the property owner in accordance with the provisions of law.

12.06.080 Violations and Penalties.

A violation of this chapter is declared to be a municipal infraction, punishable by the penalties set forth in § C14-1., B., Charter of the Town of Elkton.

Chapter 12.08**STREET AND SIDEWALK
USE REGULATIONS****Sections:**

- 12.08.010 Encroachments by awning supports, poles or structures prohibited.**
- 12.08.020 Doors or gates swinging over sidewalks prohibited.**
- 12.08.030 Permit required to obstruct streets or sidewalks - Exceptions.**
- 12.08.040 Parades - Permit required - Application procedures.**
- 12.08.050 Vehicles tracking mud on streets.**
- 12.08.060 Snow and ice removal.**
- 12.08.070 Planting outside established property line.**

12.08.010 Encroachments by awning supports, poles or structures prohibited.

It is unlawful for any person to place any railing or awning support, signpost or other post or structure outside the curb. Where there is no curbing, it is unlawful to place such posts, railings or supports outside the pavements or sidewalks in the town. (Prior code § 99-1)

12.08.020 Doors or gates swinging over sidewalks prohibited.

No person shall erect or permit any gate, door or shutter to swing out upon the sidewalk within the town. (Prior code § 99-2)

12.08.030 Permit required to obstruct streets or sidewalks - Exceptions.

A. No person shall block or obstruct any street or sidewalk or part thereof within the town and no owner or tenant of any property within the town shall permit the blocking or obstructing of any street or sidewalk or portion thereof adjacent to his property unless such owner or tenant has obtained a permit to do so from the town, which shall recite the location and description of such obstruction, the time during which the obstruction will be lawful and the purpose for which the permit was requested.

B. It is unlawful for any person, except with permission from the town administrator, to temporarily obstruct any of the footways or sidewalks of the town by placing thereon any boxes, barrels, goods, wares, merchandise or any other thing in the way of their trade or business or for the use of their families unless they are

in the immediate act of moving or removing merchandise. (Amended during 1996 codification; prior code § 99-3)

12.08.040 Parades - Permit required - Application procedures.

A. No person shall organize or lead or participate in organizing or leading any parade or procession on the sidewalk or through any street or other public place within the town without a permit from the town.

B. Applications for permit shall state the date upon which the parade is to take place and the hour of commencement thereof; the proposed route of march; the expected length of the column of paraders; the number and type of vehicles, if any, expected to be within the column; the purpose of the parade; and such other information as the chief of police may require for purpose of traffic-control planning.

C. Each application shall be in writing under the signature of the applicant and submitted to the chief of police. The chief of police shall then conduct such investigation as may be necessary to determine the feasibility of such parade from the point of view of traffic control and shall, without delay, forward the application to the town administrator with his recommendations. (Amended during 1996 codification; prior code § 99-4)

12.08.050 Vehicles tracking mud on streets.

No person shall drive or move any vehicle within the town, the wheels or tires of which carry onto or deposit in any street, alley, roadway or other public place mud, dirt, sticky substances, litter or foreign matter of any kind. (Prior code § 99-5)

12.08.060 Snow and ice removal.

A. The owner and/or lessee of real property located in the town which fronts or abuts a public sidewalk shall remove, or cause to be removed, snow and/or ice from all that portion of the sidewalk that fronts or abuts said property not later than **FORTY-EIGHT (48)** hours after any snow, sleet or ice has accumulated on said sidewalk. The police department shall enforce this section.

B. The owner and/or lessee of real property located in the town which fronts or abuts a public sidewalk shall not refuse, neglect or otherwise fail to remove, or cause to be removed, snow and/or ice from the sidewalk that fronts or abuts said property when notified by the Town to do so. Notice shall be made in person or by United States Postal Service certified mail, return receipt requested. In the event that the owner and/or the lessee of the property shall refuse, fail or neglect to clean and remove, or cause to be removed, the

snow and ice from the sidewalk as provided in this section when notified to do so, the owner and/or the lessee of the property shall be punished as set forth in this section. In addition thereto, the Town may remove snow and ice, or cause the same to be removed, from the owner's and/or lessee's sidewalk and charge the cost thereof against the property.

C. No person shall deposit or cause to be deposited any snow or ice on or against any fire hydrant, or any stormwater inlet and/or drainage basin.

D. The Town of Elkton shall invoice the cost incurred by the Town for snow and ice removal to the owner of the property, subject to the provisions of this section in the event that said owner and or the lessee of the property fails to comply with the requirements set forth in this section. The Town shall enter a lien against the subject property in the event that the costs are not satisfied within thirty (30) days and the owner of the subject property shall be notified in person or by United States Postal Service certified mail, return receipt requested.

E. A person who violates this section shall be guilty of an infraction and shall be subject to a fine of twenty-five dollars (\$ 25.00). (Amended by Ordinance 2-2004, eff: 4/6/04)

12.08.070 Planting outside established property line.

No tree or shrubbery of any kind shall be planted on any street in the town outside of the established property line of the street or within the right-of-way without the written permission of the town. (Amended during 1996 codification; prior code § 99-8)

Chapter 12.09

**STREETS AND SIDEWALKS;
PROHIBITED ACTS**

Sections:

- 12.09.010 Depositing dangerous substances prohibited.**
- 12.09.020 Vehicles injurious to streets, sidewalks and public places prohibited.**
- 12.09.030 Violation - Penalty.**

12.09.010 Depositing dangerous substances prohibited.

It is unlawful for any person to throw or

deposit, or cause to be thrown or deposited, on any public street, alley, sidewalk or other public place within the town, any broken glass, broken crockery, nails or other fasteners, oil, grease, transmission fluid and/or other liquid organic compounds, hazardous materials and/or any other dangerous substance(s).

12.09.020 Vehicles injurious to streets and sidewalks prohibited.

A. It is unlawful to operate and/or park any vehicle on the public street and/or sidewalk within the town which causes injury or damage to the pavement, sidewalk, pavement symbols, manholes, valve boxes, or any other public property located within the street right-of-way.

B. This prohibition includes, but is not limited to, construction equipment with metal tracks and construction equipment equipped with outriggers, unless the street is adequately protected with timber planks, metal plates or some other type of load distribution system that is acceptable to the town.

C. This prohibition includes, but is not limited to, a vehicle whose weight and/or weight distribution, including loads associated with the vehicle, damages or may likely damage the street pavement, sidewalk, pavement symbols, manholes, valve boxes, or other public property located within the street right-of-way.

D. Any person(s) who owns, operates or otherwise has control over a vehicle, may not willingly and/or knowingly operate and/or park a vehicle on a public street, sidewalk or upon other public property, that is leaking, or otherwise is releasing from the vehicle, fuel, oil, grease, transmission fluid, and/or other engine, transmission or operating system gas(es) or fluid(s), and/or load, cargo or transported material of any kind carried by the vehicle, which damages, injures or causes a hazardous condition, or may likely damage, injure or cause a hazardous condition to any street, sidewalk or other public property within the Town.

E. A vehicle found in violation of this chapter may be removed from the public street, sidewalk and/or other public place by the police department and all costs associated with the vehicle's removal, storage and administration shall be the responsibility of the vehicle owner.

12.09.030 Violation – Penalty.

Any person who violates any of the provisions of this chapter shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished as provided in the Charter, Section C14-1., A.. Each day a violation of this chapter occurs shall constitute a separate offense.

Chapter 12.12**EXCAVATIONS****Sections:**

- 12.12.010 Permit required.**
- 12.12.020 Performance of work – Safety precautions.**
- 12.12.030 Restoration of surface – Duties of permit holders – Expenses.**
- 12.12.040 Performance bond and maintenance bond.**
- 12.12.050 Violation – Penalty.**

12.12.010 Permit required.

A. Except as otherwise provided in this code, it is unlawful for any person to dig or make any opening, ditch, trench, or boring in, on, or under any of the streets of the Town, or to perform any work on or about a municipal street, sidewalk or right-of-way, or block, hinder, detour or otherwise impede access to a municipal street, or to demolish, remove, damage, injure, repair, erect on and/or under any municipal sidewalks, or perform any work within the right(s)-of-way of the Town for any purposes, including, but not limited to, the placement of pipes, sewers, waterlines, poles, wires and rails, or other structures, devices and/or equipment, boring and trenching, without first obtaining a permit through the Town of Elkton.

B. A permittee must provide a Miss Utility ticket number to the Town of Elkton prior to commencing any work under a permit issued by the Town under this chapter.

C. **Emergency Road Opening.** In the event that any person shall have to perform any work described under this chapter due to circumstances requiring immediate attention to protect the public safety, to prevent damage to property or to restore vital communication, electric, gas, water, sewer or stormwater management service(s), the person shall notify the Town of Elkton of the emergency and request permission from the Town to access any public street, sidewalk or right-of-way to effect repair work. Subsequently, the person shall complete and submit an application for permit. (Amended by Ord. 07-2000)

12.12.020 Performance of work – Safety precautions.

The holder of a permit issued under this chapter shall proceed expeditiously with the work and shall erect signs in conformance with the Manual on Uniform Traffic Control Devices (MUTCD, 1988 Edition, as amended), the Maryland supplement to the Manual on Uniform Traffic Control Devices (March 1997, as amended), and as additionally directed by the Town, suitable protective barriers and devices approved by the Town and place at or near the designated work site, equipment and/or materials, a light or lights during the night and a flag(s) or other proper danger signal(s) and devices approved by the Town during the day and shall, if directed by the Town, employ a watchman or watchmen to properly protect life and property that may be endangered by reason of the work, and/or comply with any other safety standards and specifications, as directed by the Town. (Amended by Ord. 07-2000)

12.12.030 Restoration of surface – Duties of permit holders – Expenses.

A. Any person performing work permitted under this chapter shall be responsible for the restoration of the street, sidewalk, pavement and/or right-of-way in compliance with Town standards and specifications.

B. Inspections. It shall be the Department of Public Works' responsibility to inspect all excavations and other work performed under permit by the Town of Elkton. The person must obtain final inspection by the Department of Public Works. Upon receiving final approval, the permit will be placed in file and maintained through the warranty period of restoration of one year.

C. Plans for future construction and rehabilitation work.

1. All person(s) shall submit plans to the Town of Elkton that may affect or have impact on the existing streets or proposed streets, sidewalks or the Town's right-of-way. The plan shall be submitted at least ninety (90) days or earlier of planned start of work. The plans shall be reviewed and compared to the Town's scheduled restorations and resurfacing programs.

2. Any person(s) owning or controlling any pipe, valve, grate, manhole, access cover and assembly, cable, wire, conduit, meter or any other device whatsoever within the street, sidewalk, pavement or right-of-way of the Town, shall, upon sixty (60) days notice by the Town, unless otherwise provided by agreement or provision of law, remove and/or adjust the items set forth under this section

in accordance with standards, specifications or directives of the Town. (Amended by Ord. 07-2000)

12.12.040 Performance bond; Maintenance bond.

A. Prior to the issuance of a permit under this chapter, the applicant shall submit a performance bond and/or maintenance bond to warrant all construction work pertaining to the street, sidewalk, pavement and/or right-of-way for one hundred percent (100%) of the estimated cost of all construction work described in the application and pertinent to engineering design, traffic control, excavation, removal and restoration of street, sidewalk, pavement and right-of-way to Town standards and specifications.

B. The Town may waive the requirements under this section for:

- 1. Federal, state or local government(s);
- 2. Road closures not involving construction.

12.12.050 Application for permit; Fee; Permit.

A. The applicant for a permit under this chapter shall make application upon the form prescribed by the Town.

B. The application shall contain, but not limited to, the name, address, telephone number, authorized representative, purpose and description of all work, and any other information requested by the Town with respect to the performance of work.

C. A non-refundable fee of twenty-five dollars (\$25.00) shall be paid by the applicant for a permit under this chapter.

D. The permit shall contain, but not limited to, the name, address, telephone number, authorized representative, of the permit holder, a detailed description of the work to be performed.

E. The Town shall charge reasonable fees for inspection of construction work performed under the permit issued under this chapter by the Town. (Amended by Ord. 07-2000)

12.12.060 Violation – Penalty.

Any person who violates any of the provisions of this chapter shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished as provided in the Charter, Section C14-1., A.. Each day a violation of this chapter occurs shall constitute a separate offense. (Amended by Ord. 07-2000)



Chapter 12.16

SOIL EROSION AND SEDIMENTATION

Sections:

- 12.16.010 Purpose and authority.
- 12.16.020 Town grading permits.
- 12.16.030 Compliance with chapter prerequisite to building permit.
- 12.16.040 Conditions of approval or denial of grading permits.
- 12.16.050 Permit applications.
- 12.16.060 Issuance of permit.
- 12.16.070 Suspension of permit.
- 12.16.080 Cancellation of permit.
- 12.16.090 Permit fees.
- 12.16.100 Guarantee of completion of work.
- 12.16.110 Time limitations.
- 12.16.120 Inspections.
- 12.16.130 Violation—Penalty.

12.16.010 Purpose and authority.

The purpose of this chapter is to safeguard the natural resources of the town by establishing minimum requirements for the control of grading and earth moving; to provide measures to control soil erosion and sedimentation; and to establish procedures by which these requirements and measures are to be administered and enforced. The provisions of this chapter are adopted under authority of and in compliance with Sections 105 through 110 of Article 96A of the Annotated Code of Maryland. (Prior code § 96-1)

12.16.020 Town grading permits.

A. When Required. A town grading permit shall be obtained prior to the start of any grading, clearing, filling or other earth change which may:

1. Introduce sediment into any watercourse of the county; or
2. Move more than one hundred (100) cubic yards of earth; or

3. Create undue erosion and sediment damage to landowners downstream or adjacent or in immediate vicinity of the subject site.

B. Exceptions. Exceptions to this requirement are:

1. Agricultural land management practices approved by and installed under the supervision of the Cecil soil conservation district;
2. Construction of agricultural structures or the construction of single-family residences and/or more;
3. Construction or maintenance of state, county and town roads or streets for which an erosion and sediment control plan has been approved by the Cecil soil conservation district. (Prior code § 96-2)

12.16.030 Compliance with chapter prerequisite to building permit.

All provisions of this chapter must be satisfied prior to issuance of a building permit. (Prior code § 96-3)

12.16.040 Conditions of approval or denial of grading permits.

The town reserves the right to impose such conditions on the grading permit as may be reasonable to prevent creation of a nuisance or dangerous conditions, and to deny the issuance of a grading permit where the proposed work would cause hazards adverse to the public safety and welfare. (Amended during 1996 codification; prior code § 96-6)

12.16.050 Permit applications.

Application forms for a grading permit shall be available in the building official's office. The form, when completed, shall provide sufficient information to identify the applicant, the place and nature of the grading or work to be done.

A. In cases of single-lot permits involving less than two acres, a complete sediment control plan prepared by a professional engineer registered in the state of Maryland, Delaware or Pennsylvania and approved by the Cecil soil conservation district may not be required. In such cases, the building official's office shall be responsible for making the sediment

control recommendations, with counsel, if needed, available from the Cecil soil conservation district.

B. Where commercial, industrial or two or more residential unit developments are involved, the developer shall be required to prepare an erosion and sediment control plan designed by a professional engineer registered in the state of Maryland, Delaware or Pennsylvania and approved by the Cecil soil conservation district. The plan must include the developer's certification that all land clearing, grading, construction and development will be done pursuant to such plan.

C. The Maryland Department of the Environment handbook, Standards and Specifications for Soil Erosion and Sediment Control shall be used as a basic technical guide reference for sediment control plans. Copies of this handbook are available in the building official's office and the Cecil soil conservation district office. (Amended during 1996 codification; prior code § 96-7)

12.16.060 Issuance of permit.

Proposed steps and procedures to control erosion and sedimentation must be approved prior to issuance of a grading permit. Erosion and sediment control plans, when required, must be approved by the Cecil soil conservation district. Single-lot permits involving less than two acres may be approved by the building official's office. Issuance of a town grading permit does not eliminate the requirement for obtaining a Department of Natural Resources permit if required under conditions specified by state law. (Amended during 1996 codification; prior code § 96-8)

12.16.070 Suspension of permit.

In the event that work performed does not conform to the provisions of the permit or to the approved plans and specifications or to any written instructions of the building official's office or the Cecil soil conservation district, a written notice to comply shall be given to the permittee, with copies to the Cecil soil conservation district. Such notice shall set forth the nature of the corrections required. The time within which corrections shall be made

shall not exceed thirty (30) days after receipt of notification, which shall be by certified mail, unless otherwise extended by action of the Cecil soil conservation district. Failure to comply with such written notice shall be deemed justification for suspension of the permit, which will require that all work stop except that necessary for correction of the violation. Upon correction of the violation, the permittee may reapply for renewal of the grading permit. (Amended during 1996 codification; prior code § 96-9)

12.16.080 Cancellation of permit.

After suspension of a grading permit, if corrections required are not completed within the time period specified as provided in Section 12.16.070, the permit shall be canceled. In the event of cancellation, any bonds or cash deposits posted with the town shall be used for work on the site to prevent erosion and to otherwise protect the site as approved by the Cecil soil conservation district. (Amended during 1996 codification; prior code § 96-10)

12.16.090 Permit fees.

All fees provided in this chapter shall be established by the resolution of the Mayor and Commissioners. (Amended during 1996 codification: Ord. 1-92 § 2: prior code § 96-11)

12.16.100 Guarantee of completion of work.

When deemed necessary by the building official's office as recommended by the Cecil soil conservation district, the permittee shall be required, prior to the issuance of a grading permit, to post with the town a cash deposit, performance bond from an approved corporate surety or other collateral acceptable to the town. The amount posted shall be sufficient to guarantee that in the event provisions of the permit are not completed satisfactorily or the permit is canceled, the site can be restored to a condition meeting the minimum requirements of the standards for erosion control. Such work and conditions shall be approved as satisfactory by the Cecil soil conservation district. (Amended during 1996 codification; prior code § 96-12)

12.16.110 Time limitations.

A grading permit shall be valid for a period of one year from the date of issuance. Upon request and adequate justification of a permittee, the building official's office may grant a six-month extension of validity. (Amended during 1996 codification; prior code § 96-13)

12.16.120 Inspections.

A. The building official, assisted by the Maryland Department of the Environment Sediment and Stormwater Inspector, shall be responsible for detecting violations of this chapter, requiring compliance with provisions of approved grading permits and initiating appropriate action against offenders. The building official and Maryland Department of the Environment Sediment and Stormwater Inspector shall make a final on-site inspection when the work covered by an application is reported completed and shall forward his report to the Cecil soil conservation district.

B. The building official will make inspections at the following stages of work or as otherwise deemed appropriate:

1. Prior to initiating any grading operations, to inspect the natural site and to approve a written description of the supervision and construction of the sediment control program;

2. Upon completion of preparation of ground to receive fill, but prior to beginning any placement;

3. Upon completion of final grading, installation of the permanent storm drainage and erosion control facilities, but prior to any seeding, sodding or planting;

4. Upon completion of installation of all vegetative measures and all work in accordance with the grading permit and the approved erosion and sediment control plan.

C. The building official may make any additional inspections deemed necessary and may waive any of the inspections listed above except the final onsite inspection. (Amended during 1996 codification; prior code § 96-14)

12.16.130 Violation - Penalty.

Any violation of this chapter shall be deemed a misdemeanor, and the person who is found guilty of such violation shall be subject to a fine not exceeding one thousand dollars (\$1,000.00) or one year's imprisonment for each

and every violation. Any agency whose approval is required under this chapter or any person in interest may seek an injunction against any person, whether public or private, violating or threatening violation of any provisions of this chapter. Notice of violation of the provisions of this chapter shall be filed with the Maryland Department of the Environment as well as with appropriate county agencies, including the Cecil soil conservation district. (Amended during 1996 codification; prior code § 96-15)

Chapter 12.20

PUBLIC PARK REGULATIONS

Sections:

12.20.010 Definitions.

12.20.020 Hours of operation; Person(s) prohibited after hours.

12.20.030 Swimming and Ice Skating prohibited.

12.20.040 Open fire - Exception - Use of grill or other device.

12.20.050 Wild Animals; Domesticated animals; Control of animal; Fecal waste prohibited.

12.20.060 Motor Vehicles; Exception - Motor Vehicles Travel & Parking.

12.20.070 Waste material prohibited.

12.20.010 Definitions.

1. "Park" shall mean a parcel of land owned by the town, and dedicated to the public recreational use, including, but not limited to, improved and unimproved outdoor recreational areas, playgrounds, neighborhood parks, public open space, and named parks such as John P. Stanley Memorial Park - Meadow Park, J. Evans McKinney Commemorative Park, Marina Park, Howard's Pond, and Elkton Skate Park.

2. "Motor Vehicle" as defined under the Maryland Vehicle Law, Title 11, Section 11-135, as amended.

3. "Waste" shall mean garbage, refuse, trash, debris, and other discarded material originating from a person, residential unit, commercial and/or other business enterprise.

12.20.020 Hours of Operation; Person(s) prohibited after hours

1. Hours of Operation. The Mayor and Commissioners shall set the hours of operation of a park by resolution.

2. Persons(s) prohibited after hours. Person(s) are prohibited from entering or remaining upon parks at any time other than during hours of operation.

12.20.030 Swimming and Ice Skating Prohibited.

1. Swimming. Person(s) are prohibited from swimming in parks, unless facilities specifically intended for such use are made available to the public.

2. Ice Skating. Person(s) are prohibited from ice skating in parks, unless facilities specifically intended for such use are made available to the public.

12.20.040 Open Fire. Exception – Use of Grill or Other Device.

1. Open Fire. Person(s) are prohibited from creating or otherwise causing an open fire in a park.

2. Exception – Use of a Grill or Other Device. Person(s) are permitted to create and maintain a fire inside a permanently mounted grill designed and intended for that purpose, and provided by the Town within a park. Person(s) using a grill or other device, as herein provided, shall extinguish a fire after use.

12.20.050 Wild Animals; Domesticated Animals, Control of Animal; Fecal Waste Prohibited.

1. Wild Animals. Person(s) are prohibited from pursuing, catching, injuring or killing wildlife in a park; nor shall person(s) disturb any nest, den, burrow, or habitat of any reptile, amphibian, mammal or fowl in a park.

2. Domesticated Animals. Person(s) are prohibited from allowing or otherwise causing a domesticated animal, including, but not limited to, a dog, to run at large in a park.

3. Control of Animal. Person(s) having possession and/or control over a domesticated animal in a park shall control said animal in such a manner to prevent the animal from disturbing, injuring, or otherwise acting in a harmful way toward any person or other animal within the park.

4. Fecal Matter prohibited. Person(s) having possession and/or control over a domesticated animal in a park shall remove any fecal waste produced by said animal within a park, and deposit the same in a waste container provided by the Town.

12.20.060 Motor Vehicles; Exception – Motor Vehicle Travel & Parking.

1. Motor Vehicles. Motor Vehicles shall not be permitted on any grass or other unimproved surface not designed or intended for motor vehicle traffic within a park.

2. Exception – Motor Vehicle Travel & Parking. The Mayor and Commissioners reserve the right to permit the travel and parking of motor vehicles on the grass and/or other unimproved areas within a park for special recreational events and other activities hosted and/or sponsored by the town.

12.20.070 Waste material prohibited.

Person(s) are prohibited from introducing, dumping or otherwise depositing waste in a park, except waste resulting from lawful activities occurring within a park, and deposited in waste containers designed and intended for such purpose and provided by the Town within a park.

12.20.080 Violation – Penalty.

A violation of this chapter shall be a civil infraction, and a person violating any provision thereof shall be subject to the penalties provided under the Article XIV., §C14-1., B., Charter of the Town of Elkton. (Ord. 2-2009, effective 3/24/09)