

Title 15

BUILDINGS AND CONSTRUCTION

Chapters:

15.04 Construction Regulations Generally

15.08 Building and Energy Codes

15.12 Plumbing Code

15.16 Housing Standards

15.20 Floodplain Management



Chapter 15.04

CONSTRUCTION REGULATION GENERALLY

Sections:

- 15.04.010 Compliance with regulations.
 15.04.020 Building permit required.
 15.04.030 Adoption of standards and codes by reference.
 15.04.040 Persons subject to prosecution for violation.
 15.04.050 Abatement of violations.
 15.04.060 Building permit charges.
 15.04.070 Violation - Penalty.

15.04.010 Compliance with regulations.
 No building or structure shall be constructed, altered, repaired or removed, nor shall the equipment of a building, structure or premises be constructed, installed, altered, repaired or removed, except in conformity with the provisions of this chapter.

15.04.020 Building permit required.
 No building or structure shall be built, enlarged, altered or moved without a permit from the building official, who may require a plan of the proposed work, together with a statement of the materials to be used.

15.04.030 Adoption of standards and codes by reference.
 The Town shall adopt standards and codes applicable to building and construction accepted and/or approved by the State of Maryland and said standards and codes shall be set forth by reference in a resolution by the Mayor and Commissioners. (Amended by Ord. 05-2004, eff. 11/09/04)

15.04.040 Persons subject to prosecution for violations.

The owner of a building, structure or premises where anything in violation of this chapter shall be placed or shall exist, and any architect, builder, contractor, agent, person or legally authorized business entity employed in connection therewith and who may have assisted in the commission of such violation, shall each be guilty of a separate offense and subject to prosecution for such violation. (Amended by Ord. 08-2001, eff. 10/23/01)

15.04.050 Abatement of violations.

The imposition of a penalty for a violation of this chapter shall not preclude the Town from instituting an appropriate action or proceeding to prevent an unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, or to restrain, correct or abate a violation, or to prevent the occupancy of a building, structure or premises, or to prevent an illegal act, conduct business or use in or about any premises. (Amended by Ord. 08-2001, eff. 10/23/01)

15.04.060 Building permit and inspection charges.

Building permit, inspection and other construction related charges under this chapter shall be established by a resolution of the Mayor and Commissioners. (Amended by Ord. 08-2001, eff. 10/23/01)

15.04.070 Violation - Penalty.

Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and shall, upon conviction thereof, be subject to a fine not to exceed one thousand dollars (\$1,000) or imprisonment not to exceed six (6) months, or both

15.04.070

15.04.070 Violation - Penalty.

Any person violation any of the provisions of this chapter shall be guilty of a misdemeanor and shall, upon conviction thereof, be subject to a fine not to exceed one thousand dollars (\$1,000) or imprisonment not to exceed six (6) months, or both such fine and imprisonment. Each day a violation of this chapter occurs shall constitute a separate offense.

Chapter 15.08

BUILDING AND ENERGY CODES

Repealed by Ord 09-2001, effective: 10/23/01

Chapter 15.12

PLUMBING CODE

Sections:

- 15.12.010 **Compliance required.**
- 15.12.020 **Permit required.**
- 15.12.030 **Application for permit—
Issuance—Fees.**
- 15.12.040 **Inspections.**
- 15.12.050 **Plumbers license.**
- 15.12.060 **Enactment of rules and
regulations.**
- 15.12.070 **Violation—Penalty.**

15.12.010 **Compliance required.**

All plumbing work done in the town in and about or in connection with any building must conform to the Plumbing Code approved by the Maryland State Board of Commissioners of Practical Plumbing and/or applicable state of Maryland regulations. All indoor plumbing fixtures hereinafter installed shall be inspected and approved by the building official. (Amended during 1996 codification; prior code § 86-1)

15.12.020 **Permit required.**

No person shall begin the erection or construction of a new building in the town or undertake the construction of any major additions or alterations to an existing building which will in any way affect the water supply, sewage disposal or plumbing system in such existing building without first having obtained a permit from the building official of the town as provided in this chapter. (Amended during 1996 codification; prior code § 86-2)

15.12.030 **Application for permit— Issuance—Fees.**

A. Applicants for a permit as provided in Section 15.12.020 shall be required to give the location of the property, size of lot, nature and size of building and the method of water supply and sewage disposal and number and kind of plumbing fixtures to be installed, on an application form obtainable at

the office of the building official. Such application must be accompanied by a drawing showing the size, shape and general location of the owner's lot and the location of the existing or proposed building thereon and the water supply and sewage disposal systems in existence or proposed. After such application has been duly processed by the building official and after approval, a permit shall be issued to the applicant.

B. All plumbing fees provided in this chapter shall be established by the resolution of the Mayor and Commissioners. (Amended during 1996 codification; prior code § 86-3)

15.12.040 **Inspections.**

Inspection of the property before and during the construction authorized by the plumbing permit shall be made by the town, whose representative shall be authorized and empowered to go upon the property whenever he deems it necessary or expedient to do so to inspect the work as it progresses to see that it conforms to the Plumbing Code and state of Maryland regulations. He shall be empowered to order work stopped that is not in conformity with the Plumbing Code and said health regulations and require the plumber doing the work to correct the same. (Amended during 1996 codification; prior code § 86-5)

15.12.050 **Plumbers license.**

All plumbers doing work in the town must be licensed in accordance with the applicable COMAR regulations. (Amended during 1996 codification; prior code § 86-6)

15.12.060 **Enactment of rules and regulations.**

The Mayor and Commissioners are authorized and empowered to pass such rules and regulations from time to time as shall be required and deemed necessary to carry into effect the intention and provisions of this chapter. (Amended during 1996 codification; prior code § 86-7)

15.12.070 Violation—Penalty.

Any person violating 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 C14-1A. Each day a violation of this chapter occurs shall constitute a separate offense. (Amended during 1996 codification; prior code § 86-8)

Chapter 15.16**HOUSING STANDARDS****Sections:****Article I. General Provisions**

- 15.16.010** Definitions.
- 15.16.020** Scope and applicability.
- 15.16.030** Housing inspector designated—Assistance.
- 15.16.040** Powers and duties of housing inspector.
- 15.16.050** Responsibilities of owners.
- 15.16.060** Responsibilities of occupants.

Article II. Minimum Standards

- 15.16.070** Conflicts.
- 15.16.080** Lighting.
- 15.16.090** Ventilation.
- 15.16.100** Heating.
- 15.16.110** Basic equipment and facilities.
- 15.16.120** Space and occupancy.
- 15.16.130** Property maintenance—Conditions of structure.
- 15.16.140** Infestation.
- 15.16.150** Garbage and refuse disposal.
- 15.16.160** Open space areas and incidental structures.
- 15.16.170** Rooming houses.
- 15.16.180** Fire safety requirements.

Article III. Inspection and Enforcement

- 15.16.190** Notice of violation.
- 15.16.200** Emergency orders.
- 15.16.210** Condemnations.
- 15.16.220** Hearings.
- 15.16.230** Appeal.
- 15.16.240** Failure to comply with emergency or condemnation orders.
- 15.16.250** Violation—Penalty.

Article I. General Provisions

15.16.010 Definitions.

A. For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

“Basement” means a portion of a structure which is partly or completely below grade.

“Central heating” means a heating system which is permanently installed and adjusted so as to provide the distribution of heat to all habitable areas from a source outside of these areas.

“Condemn” means to declare a structure or part of it, premises, or equipment, unsafe or unfit for use or occupation.

“Dwelling” means any building which is wholly or partly used or intended to be used for living or sleeping by human occupants, provided that temporary housing as hereinafter defined shall not be regarded as a “dwelling.”

“Dwelling unit” means any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

“Extermination” means the control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating or trapping; or by any other recognized and legal pest elimination methods approved by the Cecil County health department.

“Garbage” means the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

“Habitable room” means a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers or communicating corridors, closets and storage spaces.

“Housing unit” means a single unit of a structure providing or intended to provide complete living and sleeping facilities for one or more persons.

“Infestation” means the presence, within or contiguous to, a structure or premises of insects, rodents, vermin, or other pests.

“Kitchen” means a room containing any of the following equipment or area of a room within three feet of the following equipment: sink or other device for dishwashing, stove or other device for cooking, refrigerator or other device for cool storage of food, cabinets or shelves for storage of equipment and utensils, counter or table for food preparation.

“Multiple dwelling” means any dwelling containing more than two dwelling units.

“Occupant” means any person over one year of age living, sleeping, cooking or eating in, or having actual possession of, a dwelling unit or rooming unit.

“Operator” means any person who has charge, care or control of a building or part thereof in which dwelling units or rooming units are let.

“Owner” means any person who, alone or jointly or severally with others:

1. Shall have legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or

2. Shall have charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. Any such person thus representing the actual “owner” shall be bound to comply with the provisions of this chapter and of rules and regulations adopted pursuant thereto, to the same extent as if he were the “owner.”

“Plumbing” means and includes all of the following supplied facilities and equipment: bathtubs, catch basins, installed clothes washing machines, installed dishwashers, drains, flush water closets, garbage disposal units, gas burning equipment, gas pipes, lavatories, shower baths, sinks, vents, waste pipes, water pipes, other similar supplied fixtures, and each connection to a water, sewer or gas line.

“Premises” means a platted lot or part thereof or unplatted lot or parcel or plot of land, either occupied or unoccupied by any dwelling or nondwelling structure.

“Public hall” means any hall, corridor or passageway not within the exclusive control of one family.

“Refuse” means any putrescible and nonputrescible solids, includes garbage, rubbish, ashes and dead animals, does not include body wastes.

“Rooming house” means any dwelling or that part of any dwelling containing one or more rooming units in which space is let by the owner or operator to three or more persons who are not husband or wife, son or daughter, mother or father or sister or brother of the owner or operator.

“Rubbish” means any paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust, and other similar materials as well as the residue from the burning of wood, coal, coke, and other combustible materials.

“Supplied” means paid for, furnished or provided by or under the control of the owner or operator.

“Temporary housing” means any tent, trailer or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure or to any utilities system on the same premises for more than thirty (30) consecutive days.

“Ventilation” means the process of supplying and removing air by natural or mechanical means to or from a space. “Mechanical ventilation” is the ventilation by power-driven devices. “Natural ventilation” is the ventilation by an opening to the outer air through windows, skylights, doors, louvers or stacks without power-drive devices.

“Water closet” means a toilet, with a bowl and trap made in one piece, which is connected to the town water and sewer system or other approved water supply and sewer system.

“Workmanlike state of repair” means in such a state as to comply with all provisions of law, this code and other ordinances pertaining to construction of buildings and installation of facilities and utilities.

B. Word Usage. Whenever the words “dwelling,” “dwelling unit,” “rooming house,” “rooming unit” and “premises” are used in this chapter, they shall be construed as though they were followed by

the words “or any part thereof.” (Amended during 1996 codification; prior code § 64-1)

15.16.020 Scope and applicability.

A. Every building used in whole or in part as a dwelling unit or as two or more dwelling units shall conform to the requirements of this chapter irrespective of the date that such building may have been constructed, altered or repaired.

B. No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit for the purpose of living, sleeping, cooking or eating therein which does not comply with the requirements of this chapter. (Prior code § 64-2)

15.16.030 Housing inspector designated— Assistance.

The Mayor and Commissioners shall designate a housing inspector, who shall be provided by the town with such facilities and personnel as may be necessary. (Prior code § 64-3)

15.16.040 Powers and duties of housing inspector.

A. The housing inspector is charged with the duty of safeguarding the health and safety of the occupants of buildings and of the general public, in accordance with the requirements and purposes of this chapter.

B. The housing inspector or his duly authorized representative is directed to perform the following duties:

1. Make inspections to determine the condition of dwellings, dwelling units, rooming houses and premises within the town, and for this purpose he may enter, examine and survey such housing premises at any reasonable time and upon showing proper identification;

2. Secure the cooperation of any other inspector of building construction and facilities in determining the conditions of dwellings, dwelling units, rooming houses and premises;

3. Make and adopt such written interpretations of standards and procedures as may be necessary for the proper enforcement of the provisions of this

chapter, provided that such interpretations shall not conflict with the provisions of this code. The housing inspector shall file a certified copy of all such interpretations in the Town Hall. If a public hearing has been held in accordance with the laws governing the conduct of public hearings in the state, such interpretations may be adopted by the Mayor and Commissioners of the town and, when so adopted, shall have the same force and effect as the provisions of this chapter;

4. Issue notices of violation of the provisions of this chapter and take appropriate actions to ensure compliance with or to prevent violation of such provisions;

5. Issue emergency orders setting forth appropriate and immediate actions necessary to meet conditions that endanger the health or safety of the public or of the occupants of a dwelling or dwelling unit;

6. Issue orders of condemnation upon finding any dwelling or dwelling unit unfit for human habitation;

7. The code official has the authority to require and approve any alterations or repairs necessary to bring a structure or premises into compliance with this code. The determination of what may be necessary to bring the premises into compliance shall take into consideration the use of alternatives and equivalent approaches as provided for in this code. (Amended during 1996 codification; prior code § 64-4)

15.16.050 Responsibilities of owners.

The responsibilities of an owner in meeting the requirements of this chapter are as follows:

A. To occupy or to let no dwelling or room to anyone for occupancy unless it is in a clean, sanitary and habitable condition, free from infestation, in good repair and otherwise complies with all requirements of this chapter;

B. To maintain in a clean and sanitary condition the shared or public areas of a dwelling containing two or more dwelling units;

C. To provide screens to be hung;

D. To exterminate infestation in a dwelling containing two or more dwelling units when infestation

exists in two or more units or in shared or public areas, or when infestation is due to failure of the owner to maintain the dwelling in a rodentproof and reasonably insectproof condition;

E. To provide facilities for garbage and refuse disposal in a dwelling containing three or more dwelling units;

F. To be responsible for installing and maintaining in good working order any smoke detector installed pursuant to this code. Installation and maintenance shall be in accordance with the state fire laws, Article 38A, Section 12A, Annotated Code of Maryland, Smoke Detection Systems. (Amended during 1996 codification; prior code § 64-5)

15.16.060 Responsibilities of occupants.

The responsibilities of an occupant in meeting the requirements of this chapter are as follows:

A. To keep the dwelling and premises he controls and occupies in a clean and sanitary condition;

B. To dispose of garbage and refuse in a clean and sanitary manner;

C. To hang and remove screens provided by the owner;

D. To keep plumbing fixtures in a clean and sanitary condition and to exercise reasonable care in the proper use and operation thereof;

E. To exterminate infestation in a single dwelling or, if his unit is the only unit infested, in a dwelling containing two or more dwelling units;

F. To give the housing inspector or his authorized representative free access to the dwelling or dwelling unit at all reasonable times for the purpose of inspection;

G. To give the owner of the dwelling or dwelling unit, or his agent or employee, access to any part of such dwelling or dwelling unit and premises at all reasonable times for the purposes of making such repairs or alterations as are necessary to comply with the provisions of this chapter. (Prior code § 64-6)

Article II. Minimum Standards

15.16.070 Conflicts.

It is the intent of this chapter that all dwellings and dwelling units shall comply with the standards of this code and other ordinances, laws and lawfully adopted regulations pertaining to construction of buildings and installation of facilities and utilities, in addition to the standards of this article, and where a conflict exists, the provision which establishes the higher standard shall prevail. (Prior code § 64-7)

15.16.080 Lighting.

A. Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window area for every habitable room shall be ten percent of the total floor area of such room, except that if the only window in a room is the skylight type, the minimum total window area shall be fifteen (15) percent of the total floor area of such room.

B. A window shall be deemed to face directly to the outdoors whenever walls or other light-obstructing structures are located more than three feet from the outside of a window and extend no higher than the ceiling of the room.

C. Every habitable room shall contain at least two separate wall-type electric outlets, and every bathroom, laundry room, furnace room and public hall shall contain at least one ceiling or wall-type electric light fixture; provided that such rooms are in a dwelling which is not more than three hundred (300) feet from power lines having available electric service.

D. Every public hall and stairway in a multiple dwelling containing five or more dwelling units shall be adequately lighted at all times.

E. All electric wiring, outlets and fixtures shall be installed and maintained in accordance with the requirements of the National Electrical Code. (Amended during 1996 codification; prior code § 64-8)

15.16.090 Ventilation.

A. Every habitable room shall have at least one

window or skylight opening directly to the outdoors, at least half of which can easily be opened, or shall have some other device which affords adequate ventilation and receives the approval of the housing inspector.

B. Every bathroom shall have an operable window of at least four square feet or mechanical device which affords adequate ventilation and receives the approval of the housing inspector. (Amended during 1996 codification; prior code § 64-9)

15.16.100 Heating.

A. Residential Structures. Each housing unit shall be supplied with sufficient heat or heating equipment capable of supplying sufficient heat during the period from October 1st to May 15th to maintain a room temperature of not less than sixty-five (65) degrees Fahrenheit in all habitable areas during the hours between six-thirty a.m. and ten-thirty p.m. of each day and maintain a temperature of not less than sixty (60) degrees Fahrenheit during other hours. The temperature shall be measured at a point three feet above the floor and three feet from the exterior walls. Exception: when the exterior temperature falls below zero (0) degree Fahrenheit and the heating system is operating at its full capacity, a minimum room temperature of sixty (60) degrees Fahrenheit shall be maintained at all times.

B. All heating facilities, vents, ducts and other equipment associated with heating shall be installed and maintained in accordance with the requirements of the building code.

C. All fuel-burning equipment shall be connected to a chimney, flue or vent in accordance with applicable local or state codes or according to manufacturer's instructions in cases where no local or state codes apply.

D. All necessary and legally required clearances to combustible materials shall be maintained.

E. All safety controls for fuel-burning equipment shall be maintained in effective operation in accordance with applicable local or state codes, or according to manufacturer's instructions in cases where no local or state codes apply.

F. A supply of air for complete combustion of the fuel and for ventilation of the space shall be provided the fuel-burning equipment.

G. Devices purporting to reduce gas consumption by attachment to a gas appliance, the gas supply line, or the vent outlet or vent piping may not be used unless labeled for that use and the installation has specifically received all necessary and legally required approvals.

H. Fireplaces, and other construction and devices intended for use similar to a fireplace, shall be stable and structurally safe and connected to chimneys which have received all necessary and legally required approvals.

I. When facilities for interior climate control (heating, cooling and humidity) are integral functions of housing units, these facilities shall be maintained and operated in accordance with the designed capacity. (Amended during 1996 codification; prior code § 64-10)

15.16.110 Basic equipment and facilities.

A. Every dwelling unit shall be supplied with piped hot and cold running water to provide an adequate, safe and sanitary water supply to every fixture connected with the water supply and drainage system. Hot water shall be supplied at all times at a temperature of at least one hundred twenty (120) degrees Fahrenheit at the tap.

B. Every dwelling unit shall contain a kitchen sink, a bathtub or shower, a lavatory basin and a flush water closet, each properly connected to a water system and sewage disposal system in accordance with the requirements of the Plumbing Code. (Prior code § 64-11)

15.16.120 Space and occupancy.

A. Every dwelling unit shall contain at least one hundred fifty (150) square feet of floor space for the first occupant thereof and at least one hundred (100) additional square feet of floor space for each additional occupant thereof. The floor space shall be calculated on the basis of total habitable room area.

B. Every sleeping room for one occupant shall have at least seventy (70) square feet of floor space,

and every sleeping room for more than one occupant shall have at least fifty (50) square feet of floor space for each additional occupant.

C. At least one-half of the floor area of every habitable room shall have a ceiling height of at least seven feet. Any part of the room having a ceiling height of less than five feet shall not be considered in computing the total floor area of such room.

D. No habitable room shall contain less than seventy (70) square feet of floor area, nor shall any horizontal room dimension be less than seven feet.

E. No basement space shall be used as a habitable room or dwelling unit unless:

1. Adequate lighting is provided according to the requirements of this chapter;

2. The floors and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness.

F. Every water closet, bathtub or shower required by this chapter shall be installed in a room which will afford privacy to the occupant.

G. Every dwelling unit shall have a safe, unobstructed means of egress to a safe and open space at ground level, in accordance with the requirements of the Fire Prevention Code. All structures of three or more stories shall have two separate, usable, unobstructed means of egress for every dwelling unit located above the second story. (Prior code § 64-12)

15.16.130 Property maintenance— Conditions of structure.

A. All dwelling structures shall be watertight, weatherproof, rodentproof, insectproof and in good repair.

B. Every foundation, exterior wall and roof shall be reasonably watertight, weathertight and rodentproof, shall adequately support the building at all times and shall be in a workmanlike state of repair.

C. Every interior partition, wall, floor and ceiling shall be reasonably tight, capable of affording privacy and maintained in a workmanlike state of repair and in a clean and sanitary condition.

D. All rainwater shall be so drained and conveyed from every roof and the lot shall be so graded

and drained as not to cause dampness in the walls, ceilings, floors or basement of the dwelling.

E. Every window, exterior door and basement hatchway shall be reasonably weathertight, watertight and rodentproof and shall be maintained in a workmanlike state of repair.

F. Each window, used for ventilation or emergency escape, shall be capable of being easily opened from the inside and shall be held in position by window hardware.

G. Every inside and outside stairway, every porch and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and it shall be maintained in a workmanlike state of repair.

H. Every plumbing fixture and water and waste pipe shall be properly installed and maintained in a workmanlike state of repair, free from defect, leaks and obstruction.

I. Every toilet, bathroom and kitchen floor shall be constructed and maintained so as to be reasonably impervious to water, and such floor shall be kept in a clean and sanitary condition.

J. Every supplied facility, piece of equipment or utility which is required under this chapter shall be so constructed and installed that it will function safely and effectively and shall be maintained in a workmanlike state of repair.

K. All chimneys and similar appurtenances shall be maintained structurally sound, safe, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials such as paint or similar surface treatment.

L. Each exterior door and its hardware shall be maintained in good condition. Door locks on all interior and exterior doors entering housing units shall be in good repair and capable of tightly securing the door.

M. The supporting structural members of a structure shall be maintained structurally sound, free of deterioration and maintained capable of safely carrying the imposed loads.

N. The interior of a structure shall be maintained in a clean and sanitary condition free from any accumulation of rubbish or garbage.

O. Each door available as an exit shall be capable of being opened easily from the inside.

P. All interior stairs and railings and other exit facilities of a structure shall be maintained in sound condition and good repair. Each interior stair used for exit shall be maintained so as to be safe to use and capable of supporting the anticipated loads.

Q. The exterior of a structure shall be maintained in good repair, and shall be structurally sound and maintained in a sanitary condition so as not to pose a threat to the health, safety or welfare of occupants.

R. Each foundation, exterior wall, roof, and all other exterior surfaces shall be maintained in good repair and shall be kept in such condition as to exclude rodents and other pests.

S. Foundation walls shall be structurally sound and shall be maintained free from open cracks and breaks.

T. Each exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit rain or dampness to the interior portions of the walls or to the occupied areas of the structure. All exterior surface materials, including wood, composition or metal siding, shall be maintained weatherproof and shall be properly surface-coated when required to prevent deterioration.

U. The roof shall be structurally sound, and may not have defects which might admit rain. Roof drainage shall be adequate to prevent rainwater from causing dampness or deterioration in the walls or interior portion of the structure. (Amended during 1996 codification; prior code § 64-13)

15.16.140 Infestation.

A. During that portion of each year extending from May 1st through September 30th and as protection against mosquitoes, flies and other insects, every door opening directly from a dwelling unit to outdoor space shall be equipped with screens and a self-closing device, and every window or other device with openings to outdoor space used or in-

tended to be used for ventilation shall likewise be equipped with screens or other insect deterrents.

B. Every basement window used or intended to be used for ventilation, and every other opening to a basement which might provide an entry for rodents, shall be permanently equipped with screens or such other device as will effectively prevent their entrance.

C. During the summer months there shall be no standing pools of water that might provide a breeding place for mosquitoes. (Amended during 1996 codification; prior code § 64-14)

15.16.150 Garbage and refuse disposal.

A. Every dwelling unit shall be supplied with refuse storage or disposal facilities, which shall be metal or an equivalent material approved by the housing inspector, watertight and provided with tight covers, which shall be kept securely closed at all times.

B. Garbage and refuse shall not be allowed to accumulate except in such facilities and shall be discarded within a reasonable time. (Prior code § 64-15)

15.16.160 Open space areas and incidental structures.

A. Heavy undergrowth and accumulations of plant growth which are noxious or detrimental to health shall be eliminated.

B. Junk, trash or rubbish shall not be allowed to accumulate to the detriment of health or so as to cause unsightly conditions.

C. Fences and other minor constructions shall be maintained in safe and substantial condition.

D. Steps, walks, driveways, yards and courts shall be maintained free of physical hazards.

E. It is unlawful to maintain any unlicensed, abandoned or dismantled vehicles or vehicles with expired registrations within the corporate limits of the Town of Elkton. (Prior code § 64-16)

15.16.170 Rooming houses.

A. Every rooming house and room shall be in

compliance with the minimum standards set forth in the light, ventilation, heating, space and property maintenance requirements of this article.

B. Every rooming house shall be equipped with at least one flush water closet, one lavatory and one bathtub or shower for each eight persons or fraction thereof within the rooming house, including members of the family if they are to share the use of the facilities. In rooming houses in which rooms are let only to males, flush urinals may be substituted for not more than one-half of the required number of water closets. All such facilities shall be properly connected to the water supply and sewage disposal system.

C. Every flush water closet, flush urinal, lavatory, bathtub or shower required above shall be located within the rooming house in a room which:

1. Affords privacy;
2. Is accessible by a common hall without going outside the rooming house or through sleeping quarters of others;
3. Is not more than one story removed from the room of an occupant intended to share the facilities. (Prior code § 64-17)

15.16.180 Fire safety requirements.

A. The provisions of this regulation shall govern the minimum standards for fire safety facilities and equipment. All structures shall be constructed and maintained to prevent and avoid fire hazards, and in a manner conducive to fire safety.

B. Means of Egress.

1. General. A safe, continuous and unobstructed means of egress shall be provided from the interior of a structure to the exterior at a street, yard, court or passageway leading to a public open area at grade.

2. Direct Exit. Each housing unit shall have access directly to the outside or to a common area that leads directly to the outside.

3. Doors. All doors in the required means of egress shall be easily opened from the inner side.

4. Fire Escape. All fire escapes shall be maintained in working condition and structurally sound.

5. Exit Signs. All exit signs shall be illuminated and visible.

6. Emergency Escape. Each sleeping room located in a basement shall have at least one openable window or exterior door for emergency egress or rescue which has received all necessary and legally required approvals or shall have access to two separate exits which have received all necessary and legally required approvals.

C. Accumulation and Storage.

1. General. Garbage or rubbish may not be allowed to accumulate in stairways, passageways, doors, windows, fire escapes, or other means of egress.

2. Flammable Matter. Highly flammable or explosive matter, such as paints, volatile oils and cleaning fluids, or combustible rubbish such as wastepaper, boxes and rags, may not be accumulated or stored on premises except in reasonable quantities consistent with normal usage.

3. Residential Unit. A housing unit may not be located within a structure containing an establishment handling, dispensing or storing flammable liquids with a flash point of one hundred (100) degrees Fahrenheit or lower, except as provided for in the applicable local building code.

D. Fire Resistance Ratings. Floors, walls, ceilings, and other elements and components which are required by the applicable fire code to comply with a fire resistance rating shall be maintained so that the respective fire resistance rating of the enclosure, separation or construction is preserved.

E. Fire Protection Systems.

1. General. All fire protection systems and equipment shall be maintained in proper operating condition at all times.

2. Smoke Detectors.

a. All housing units shall be provided with a minimum of one single station smoke detector in the vicinity of each sleeping area.

b. The smoke detectors shall be installed and maintained in accordance with the state fire laws, Article 38A, Section 12A, Annotated Code of Maryland, Smoke Detection Systems.

c. When actuated, the smoke detector shall provide an alarm suitable to warn the occupants within the unit.

3. Fire Suppression System. Fire suppression systems in housing units so equipped shall be maintained in good condition, free from mechanical defect. Sprinkler heads shall be kept clean and free of corrosion and paint, and may not be bent or damaged.

4. Fire Extinguishers. All portable fire extinguishers in housing units so equipped shall be visible and accessible, and maintained in an efficient and safe operating condition.

F. Fire Doors.

1. All necessary and legally required fire-resistance-rated doors or smoke barriers shall be maintained in good working order, including all hardware necessary for their proper operation.

2. The use of door stops, wedges, and other hold-open devices which have not received all necessary and legal approvals or which have been denied approval is prohibited. (Added during 1996 codification)

Article III. Inspection and Enforcement

15.16.190 Notice of violation.

A. Whenever the housing inspector determines that there has been a violation or that there are reasonable grounds to believe that there has been a violation of any provision of this chapter, he shall give notice to the person responsible therefor. Such notice shall be put in writing and shall:

1. Include a description of the property involved, a statement of the reason why the notice is being issued and a statement of the time permitted to reach compliance with the notice;

2. Inform the violator of his right to petition for a hearing before the board of housing appeals and specify the necessary procedure for making such a petition.

B. Such notice shall be served upon the owner or occupant, as the case may require; provided that

such notice shall be deemed to be properly served upon such violator if a copy thereof is delivered to him personally or by registered mail, or if the notice is published in a newspaper of general circulation in the town once each week for two consecutive weeks, but such publication shall be made only if the address of the violator is unknown and cannot be ascertained with reasonable diligence.

C. Such notice may include an outline of remedial actions to effect compliance with the provisions of this chapter.

D. A copy of such notice shall be filed in the office of the housing inspector. (Prior code § 64-18)

15.16.200 Emergency orders.

A. Whenever the housing inspector finds that an emergency exists which requires immediate action to protect the health or safety of the public or of the occupants of a dwelling or dwelling unit, he may, without notice or hearing, issue an emergency order, which shall be in writing and shall recite the existence and nature of the emergency and require that such action be taken as necessary.

B. Such emergency order shall be served upon the owner or the occupant, as the case may require; provided that such emergency order shall be deemed to be properly served if a copy thereof is delivered to him personally or by registered mail, or if a copy is posted upon the premises.

C. Such emergency order shall be effective immediately and shall be complied therewith immediately.

D. A copy of such emergency order shall be filed in the office of the housing inspector. (Prior code § 64-19)

15.16.210 Condemnations.

A. Whenever the housing inspector determines that a dwelling unit or structure is unsafe or unfit for human habitation, he shall issue an order of condemnation and shall give notice thereof to the person responsible therefor, according to the provisions for issuing notices of violation, and shall post a copy of such order upon the premises. A dwelling unit or structure shall be considered to be unsafe or

unfit for human habitation when it is found to have any of the following defects:

1. Damage, decay or dilapidation, or insanitary, unsafe or vermin-infested conditions, to the extent that a serious hazard to the health or safety of the occupants or of the public is created;

2. Any boiler, heating equipment, cooking equipment, electrical wiring or device, flammable liquid containers, or other equipment on the premises or within the structure which is in such disrepair or condition that it is found by the code official to be a hazard to life, health, property or safety of the tenants of the premises or structure;

3. Structurally unsafe or of such faulty construction or unstable foundation that it is likely to partially or completely collapse;

4. Unsanitary or dangerous conditions arising from the general condition or location of the building to the extent that a serious hazard to the health and safety of the occupants or of the public is created;

5. A structure is unfit for human occupancy or use whenever the code official finds that it is insanitary, vermin or rodent infested, contains filth or contamination, or lacks ventilation, illumination, sanitary or heating facilities, or other essential equipment required by this code.

B. Upon failure of a property owner to close a premises within the time specified in an order, the code official may cause the premises to be closed and the cost shall be charged against the real estate upon which the structure is located and shall be a lien upon the real estate.

C. Any dwelling or dwelling unit condemned as unsafe or unfit for human habitation shall be vacated within thirty (30) days after the order is posted on the premises. If the property owner fails to notify the housing inspector of plans within this time frame to make the dwelling unit meet the housing code, the housing inspector shall have the authority to secure two estimates for demolishing the dwelling unit found unfit for human habitation. The Mayor and Commissioners, after review, shall authorize the housing inspector to have such dwelling unit removed. The cost of such removal shall become a

lien on the real property. Any dwelling or dwelling unit ordered vacated shall not again be inhabited until written approval is secured from the housing inspector and until the posted order is removed. After approval of the plans by the housing inspector of the town in conformance with the housing code, work shall commence within ten days after approval of the plans and such work shall be completed within ninety (90) days from the approval date.

D. The posted order shall not be removed from any dwelling or dwelling unit which has been condemned until the defect or defects which caused the condemnation have been eliminated. (Amended during 1996 codification; prior code § 64-20)

15.16.220 Hearings.

Any person affected by any notice, emergency order or condemnation which has been issued in connection with the enforcement of any provision of this chapter may request and shall be granted a hearing on the matter before the board of housing appeals.

A. Such person shall file in the office of the housing inspector a written petition requesting such hearing and setting forth a statement of the grounds therefor. Such petition shall be filed within twenty (20) days after the date of the serving of the notice, emergency order or condemnation.

B. The housing inspector shall notify the petitioner in writing of the time and place for the hearing within ten days of the filing of the petition.

C. The hearing before the board of housing appeals shall take place not later than thirty (30) days after the date on which the petition was filed, unless the petitioner requests postponement for cause.

D. After such hearing, the board of housing appeals shall sustain, modify or withdraw the notice, emergency order or condemnation, depending upon its findings of compliance with the provisions of this chapter. If the board sustains or modifies such notice, emergency order or condemnation, it shall be deemed to be an order and the violator shall comply with all the provisions of such order within the specified length of time. Such order shall be made

within thirty (30) days after the hearing. (Prior code § 64-21)

15.16.230 Appeal.

Any person or persons jointly or severally aggrieved by the decision of the board of housing appeals, or any taxpayer or any officer, department, board or bureau of the town, may petition the circuit court of the county for review of such decision, in the manner provided by the laws of the state. (Prior code § 64-22)

15.16.240 Failure to comply with emergency or condemnation orders.

It is unlawful for any person upon whom a notice of violation, emergency order or order of condemnation has been served to fail to begin compliance with the directives thereof within the specified length of time without having timely petitioned the board of housing appeals for a hearing, or to fail to comply with the decision of the board of housing appeals after a hearing. (Prior code § 64-23)

15.16.250 Violation—Penalty.

Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and shall, upon conviction thereof, be subject to a fine of not more than one thousand dollars (\$1,000.00), and/or imprisonment for not more than six months. (Added during 1996 codification)

Chapter 15.20

FLOODPLAIN MANAGEMENT**Sections:**

- 15.20.010 Purpose and authority.**
- 15.20.020 Abrogation and greater restrictions.**
- 15.20.030 Applicability.**
- 15.20.040 Disclaimer of liability.**
- 15.20.050 Definitions.**
- 15.20.060 Establishment of floodplain zones.**
- 15.20.070 Development regulations generally.**
- 15.20.080 Development regulations—Nontidal and tidal floodplain zones.**
- 15.20.090 Development regulations—Floodways.**
- 15.20.100 Specific requirements.**
- 15.20.110 Permit required.**
- 15.20.120 Permit—Application—Contents.**
- 15.20.130 Permit—Subdivision proposal—Plan submittal and review.**
- 15.20.140 Permit issuance considerations.**
- 15.20.150 Permit—Modifications—Display.**
- 15.20.160 Permit—Time limits.**
- 15.20.170 Permit—Inspections.**
- 15.20.180 Permit records.**
- 15.20.190 Conditioned permits for accessory structures and garages.**
- 15.20.200 Permit fees.**
- 15.20.210 Variances.**
- 15.20.220 Violation—Penalty.**

15.20.010 Purpose and authority.

A. The purposes of this chapter are to protect human life and health, minimize property damage, encourage appropriate construction practices to minimize future damage, protect individuals from

unwittingly buying land subject to flood hazards, and to protect water supply, sanitary sewage disposal, and natural drainage. The prevention of unwise development in areas subject to flooding will reduce financial burdens to the community and the state, and will prevent future displacement and suffering of its residents. This protection is achieved through the review of all activities proposed within identified floodplains and by the issuance of permits for those activities that comply with the objectives of this chapter.

B. Floodplains are an important asset to the community. They perform vital natural functions such as a temporary storage of floodwaters, moderation of peak flood flows, maintenance of water quality, groundwater recharge, prevention of erosion, habitat for diverse natural wildlife populations, recreational opportunities and aesthetic quality. These functions are best served if floodplains are kept in their natural state. Wherever possible, the natural characteristics of floodplains and their associated wetlands and water bodies should be preserved and enhanced.

C. This chapter provides a unified, comprehensive approach to floodplain management which addresses these natural floodplain functions and the federal and state programs concerned with floodplain management. These programs are: the Natural Flood Insurance Program (44 CFR 59-79); the state's Waterway Construction Permit Program for nontidal floodplains; the state's Tidal and Nontidal Wetlands Permit Programs; the U.S. Army Corps of Engineers' Section 10 and 404 Permit Programs; and the state's Coastal Zone Management Program. Decisions to alter floodplains, especially floodways and stream channels, should be the result of careful planning processes which evaluate resource conditions and human needs. (Amended during 1996 codification; prior code § 57-1)

15.20.020 Abrogation and greater restrictions.

This chapter supersedes any ordinance in effect in flood-prone areas. However, any other ordinance shall remain in full force to the extent that its provi-

sions are more restrictive. (Amended during 1996 codification; prior code § 5702)

15.20.030 Applicability.

Any person or entity proposing to do any development within the floodplain zone regulated by this chapter must first obtain a building permit for that development from the Town of Elkton and must comply with all provisions of this chapter. (Amended during 1996 codification; prior code §57-3)

15.20.040 Disclaimer of liability.

The degree of flood protection provided by this chapter is considered reasonable for regulatory purposes and is based on engineering experience and scientific methods of study. Floods of greater magnitude may occur or flood heights may be increased by man-made or natural causes. This chapter does not imply that flooding will not occur outside of the delineated floodplain zone, nor that permitted development and land uses within the floodplain will be free of flooding and associated flood damage. This chapter does not create liability on the part of the Town of Elkton, its officers, employees and/or agents which may result from reliance on this chapter. (Amended during 1996 codification; prior code § 57-4)

15.20.050 Definitions.

As used in this chapter:

“Accessory structure” means a detached structure on the same parcel of property as the principal structure, the use of which is incidental to the principal structure, e.g. a shed or detached garage.

“Base flood” means the one hundred (100) year frequency flood event as indicated in the Flood Insurance Study, as amended, the elevation of which is used for regulatory purposes in this chapter.

“Basement” means an enclosed area which is below grade on all sides.

“Certificate of occupancy or use” means a permit to legally occupy or use a building for the intended purpose.

“Development” means any man-made change to improved or unimproved real estate, including, but not limited to buildings and other structures, dredging, fill, grading, paving, clearing, excavation, dumping, extraction or storage of equipment or materials. Development includes subdivision of land.

“Elevation certificate” means a form supplied by the Federal Emergency Management Agency (FEMA) to certify as-built elevations of structures above mean sea level (NGVD).

“Flood” means a general and temporary condition of partial or complete inundation of normally dry land areas from overflow of inland or tidal waters, or rapid unusual accumulation of runoff from any source.

“Flood Insurance Rate Map (FIRM)” means a map which depicts the minimum special flood hazard area to be regulated by this chapter (unless a Floodway Map is available).

“Floodplain” means that land typically adjacent to a body of water with ground surface elevations that are inundated by the base flood.

“Floodproofing” means any combination of structural or nonstructural changes which reduce or eliminate flood damage to improved property.

“Floodproofing certificate” means a form supplied by FEMA to certify that a building has been designed and constructed to be structurally dry-floodproofed to the flood protection elevation.

“Flood protection elevation (FPE)” means the elevation of the base flood plus one foot freeboard.

“Floodway” means the channel and adjacent land area required to discharge the waters of the one hundred (100) year flood of a watercourse without increasing the water surface elevations more than a specified height.

“Floodway fringe” means that portion of the floodplain outside the floodway.

“Freeboard” means an increment of elevation added to the base flood elevation to provide a factor of safety for uncertainties in calculations, wave actions, subsidence, or other unpredictable effects.

“Historic structure” means a structure listed

individually on the National Register of Historic Places, the Maryland Inventory of Historic Properties, a local inventory of historic places certified by the Maryland Historic Trust or the Secretary of the Interior, or preliminarily determined as meeting the requirements for such listing by the Maryland Historic Trust or the Secretary of the Interior, or determined as contributing to the historic significance of a historic district registered with Secretary of the Interior.

“Lowest floor” means the lowest floor of the lowest enclosed area, including basement. An unfinished enclosure constructed of flood-resistant materials used solely for parking of vehicles, storage or building access in an area other than a basement is not the lowest floor, as long as it is supplied with water-equalizing vents.

“Manufactured home” means a transportable structure which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities.

“NGVD” means the National Geodetic Vertical Datum of 1929 elevation reference points set by the National Geodetic Survey based on mean sea level.

“New construction” means a structure for which the start of construction commenced on or after February 26, 1980 and includes any subsequent improvements.

“One hundred (100) year frequency flood” means the base flood, having a one chance in a hundred (one percent chance) of being equaled or exceeded in any year.

“Permanent construction” means any structure occupying a site for more than one hundred eighty (180) days per year.

“Recreational vehicle” means a vehicle built on a single chassis which is four hundred (400) square feet or less at the longest horizontal projection, self-propelled or towable, and designed primarily for temporary living while traveling or camping.

“Start of construction” means the date of issue of the building permit for any development, including new construction and substantial improvements, provided that the actual start of the construction or improvement was within one hundred eighty (180) days of permit issuance. The actual start of

construction is the placement of slab or footings, piles, columns or actual placement of a manufactured home. For substantial improvement, the start of construction is the first alteration of any structural part of the building.

“Structure” means a walled and roofed building, including, but not limited to, manufactured homes, gas and liquid storage tanks, garages, barns and sheds.

“Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

“Substantial improvement” means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure (less land value) either: (1) before the improvement or repair is started; or (2) if the structure has incurred substantial damage and been restored, before the damage occurred. Substantial improvement occurs when the first alteration of any wall, ceiling, floor, or other structural part of the building commences. The minimum repairs needed to correct previously identified violations of local health, safety or sanitary codes, and alterations to historic structures which do not preclude their continued designation as historic structures are not considered substantial improvements.

“Temporary structure” means any structure completely removed within one hundred eighty (180) days from issuance of the permit.

“Variance” means the grant of relief from a term or terms of this chapter.

“Wetland” means any land which is: (1) considered private wetland or state wetland pursuant to Title 9, Wetland and Riparian Rights, Natural Resources Article, Annotated Code of Maryland; or (2) defined as wetland under the procedures described in the “Federal Manual for Identifying and Delineating Jurisdictional Wetlands” by the Federal Interagency Committee for Wetland Delineation, 1989, as amended. (Amended during 1996 codification; prior code § 57-5; amended August 22, 2000)

15.20.060 Establishment of floodplain zones.

A. Identification of Flood Zones. The regulatory floodplain shall be those areas of the Town of Elkton which are subject to the one hundred (100) year flood, delineated on the most recent revision of the community's Flood Insurance Rate Maps (FIRM) and described in the Flood Insurance Study (FIS) prepared by the Federal Emergency Management Agency (FEMA). The FIS, if available for the community, must be used. Areas along nontidal streams that do not have FEMA delineations as described above are subject to regulation by this chapter and the state.

B. Floodplain Zones. A community may have one or more of the following floodplain zones:

1. Nontidal floodplains consist of the floodway and the floodway fringe. Nontidal floodplains may have detailed engineering study data, profiles and water surface elevations, or may have approximate delineations only.

2. Tidal floodplains consist of areas subject to tidal flooding by the one hundred (100) year flood. These areas are flooded due to high tides, hurricanes, tropical storms and steady on-shore winds.

C. Floodplain Boundaries.

1. Floodplain Zone Determination. The Town of Elkton will determine the floodplain zone in which the development activity is proposed using the FIRM. Without prior approval from FEMA, the Town of Elkton shall use no other data to enforce floodplain management regulations. Where map boundaries and elevations disagree, elevations prevail, with no approval from FEMA required.

2. Approximate Floodplain Determination. For development proposed in the approximate floodplain (no water surface elevations or floodway data provide), the applicant must use the best available information to determine the elevation of the one hundred (100) year flood and the extent of the floodway, and must delineate these on the site plan submitted for approval. For new subdivisions, the applicant must have the one hundred (100) year flood elevations certified by a

registered professional engineer based on hydrologic and hydraulic analyses which include a floodway analysis. For individual lot development, if no data are available, the point-on-the-boundary method may be used. In this method, the distance is scaled from a reference point at the site to the edge of the one hundred (100) year floodplain boundary indicated on the FIRM. An elevation of the one hundred (100) year flood is determined at that point by survey.

3. Unmapped Streams. In cases which development is proposed in the vicinity of unmapped streams, which have not delineated one hundred (100) year floodplain, the fifty (50) foot flood protection setback from the banks of the stream described in Section 15.20.070D may be used. State permits may be required and applicants are advised to seek a determination from the state. (Amended during 1996 codification; prior code § 57-14; amended August 22, 2000)

15.20.070 Development regulations generally.

In order to prevent excessive flood damage and to allow for the protection of the natural and beneficial floodplain functions, the following provisions shall apply to all development, new construction and substantial improvements to existing structures in all floodplain zones. If a structure is in more than one zone, the more stringent provisions shall apply to the entire structure. The specific requirements contained in Section 15.20.100 also apply to development in Sections 15.20.080, 15.20.090 and this section. Any approved development shall comply with all other zoning, environmental, water quality and sanitary regulations, as well as applicable state and federal requirements.

A. Watercourse. In all floodplain zones, any development which proposes to alter a watercourse must obtain a variance. All conditions for encroachment in the floodway must be met and adverse impacts to aquatic resources must be minimized. Adjacent communities and property owners, FEMA

and the Maryland Water Resources Administration must be notified by the applicant before any modification may occur to watercourses. Any activity falling within the one hundred (100) year nontidal floodplain may require a waterway construction permit from the Water Resources Administration.

B. Wetlands. Encroachment by development into wetlands is not allowed without state and federal permits. It is state and federal policy that disturbance of wetlands shall be avoided. The applicant must demonstrate that no alternatives exist and the encroachment is the minimum necessary. Mitigation may be required by the appropriate regulatory authorities.

C. Sediment and Stormwater Management. Any land disturbance permitted in the floodplain must have a stormwater management and sediment and erosion control plan as required by state and local regulations. The plan must include design of land contours that will not increase surface water runoff onto neighboring properties. Groundcover must be established immediately after disturbance, and a plan for permanent plantings, including trees, should provide for adequate vegetative cover within the flood protection setback from watercourses to prevent erosion. (Amended during 1996 codification; prior code § 57-15)

**15.20.080 Development regulations—
Nontidal and tidal floodplain
zones.**

A. Generally. Development may not occur in the floodplain where alternative locations exist due to the inherent hazards and risks involved. Before a permit is issued, the applicant shall demonstrate that new structures cannot be located out of the floodplain and that encroachments onto the floodplain are minimized.

B. Elevation Requirements — New and Substantially Improved Structures.

1. Residential Structures. All new or substantially improved residential structures, including manufactured homes, shall have the lowest floor elevated to or above the flood protection elevation. Basements are not permitted. In nontidal floodplains,

horizontal expansions which increase the footprint and that are less than substantial shall also have the lowest floor elevated to or above the flood protection elevation. The elevation of the lowest floor shall be certified by a registered surveyor or professional engineer on the elevation certificate, after the lowest floor is in place. Enclosures below the flood protection elevation must be constructed with water-equalizing vents to meet the specifications of Section 15.20.100B. Improvements in tidal floodplains which are less than substantial shall be constructed to minimize damage during flooding or shall be elevated to the greatest extent possible.

2. Nonresidential Structures.

a. All new or substantially improved nonresidential structures shall either be elevated as set forth above for residential structures or shall be floodproofed. Horizontal expansions in the nontidal floodplain which increase the footprint and that are less than substantial shall also have the lowest floor elevated to or above the flood protection elevation. State regulations do not allow basements or the floodproofing option for new nonresidential structures in nontidal floodplains.

b. Floodproofing designs must insure that areas below the flood protection elevation are watertight with walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If the floodproofing option is chosen, a floodproofing certificate must be completed by a registered professional engineer or architect who shall review the design and specifications and certify that the nonresidential structure will meet this standard.

C. Fill.

1. The placement of more than six hundred (600) cubic yards of fill per parcel/lot in the floodplain is prohibited except by variance. Elevating buildings by other methods must be considered unless six hundred (600) cubic yards or less of fill are required. An applicant shall demonstrate that fill is the only alternative to raising the building to at least the flood protection elevation, and that the amount of fill used will not affect the flood storage

capacity or increase flooding onto neighboring properties.

2. In the event buildings on adjacent properties are known or determined to be subject to flooding under current conditions, the Town of Elkton may require submission of hydrologic and hydraulic analyses to adequately demonstrate the effects of the proposed fill. The conditions described in Section 15.20.100H must be met whenever fill is used.

D. Flood Protection Setback Requirement.

1. A minimum one hundred (100) foot protection setback shall be maintained from the edge of the banks of any watercourse delineated as having a floodplain on the Floodway Map or FIRM, except where the setback may extend beyond the floodplain. To prevent erosion, natural vegetation shall be maintained in this area. Where natural vegetation does not exist along the watercourse, and conditions for replanting are suitable, high priority shall be given to planting trees in the setback area to stabilize banks and to enhance aquatic resources.

2. A minimum fifty (50) foot flood protection setback shall be maintained from the top of the bank of any stream which has not designated floodplain. Natural vegetation shall be maintained and, if needed, trees planted.

3. For activities within the Chesapeake Bay Critical Area, the applicant must obtain a critical area buffer exemption in order to exempt proposed development from the flood protection setback requirement. However, new construction is prohibited within the reach of mean high tide.

4. The Town of Elkton may consider a variance if the applicant demonstrates that it is impossible to allow any development without encroachment into the flood protection setback area. The variance shall be the minimum necessary and shall be made only after due consideration is given to varying other siting standards, such as side, front and back lot line setbacks. Necessary public works and temporary construction may be exempted from this section.

E. Subdivision Requirements.

1. To achieve long-term flood damage avoidance and protection of the natural and beneficial

floodplain functions, creation of any new flood-prone building sites shall not be permitted in any new subdivisions regardless of size, number of lots and location, except in tidal floodplains.

2. Within new subdivisions, the floodplain areas and their natural vegetation shall be preserved and dedicated to natural buffer areas, open space, recreation, and similar compatible uses by deed restriction, restrictive covenants or donation to a land trust. At a minimum, the area preserved shall include the flood protection setback area, and, to the greatest extent possible, other floodplain areas. Steep slopes and forested areas adjacent to watercourses shall also be given high priority for preservation.

3. All other provisions of this section and Sections 15.20.090 and 15.20.100 apply to subdivisions. The Town of Elkton may specify additional provisions in the plan review.

4. **Nontidal Floodplains.** In new nontidal floodplains, each lot platted must have a suitable building site outside the floodplain. The flood protection setback requirement of subsection D of this section shall be met. An access road at or above the elevation of the one hundred (100) year flood shall be provided.

5. **Tidal Floodplains.** New subdivisions in tidal floodplains shall be designed to develop the highest natural land available before floodplain lots are platted. The flood protection setback requirement of subsection D of this section shall be met. High priority should be given to clustering development out of the floodplain while preserving the low-lying land and forested areas in natural vegetation. (Amended during 1996 codification; prior code §57-16)

15.20.090 Development regulations-Floodways.

A. Generally.

1. Floodways shall be preserved to carry the discharge of the one hundred (100) year flood. Floodways present increase risks to human life and property because of their relatively faster and deeper flowing waters. Fill shall not be permitted. New development shall not be permitted in the floodway where alter-

natives exist elsewhere or if any increase in water surface elevations will result from the one hundred (100) year flood.

2. Any development in the floodway which may result in any increase in water surface elevations or change to the floodway must be submitted to FEMA for a conditional letter of map revision. Hydrologic and hydraulic analyses based on existing floodway models and performed in accordance with standard engineering practices and certified by a registered professional engineer must be submitted. Failure to receive this letter shall be grounds for denial of the permit.

3. An alternative analysis must be prepared for any development in the floodway before a permit may be issued. The provisions of Section 15.20.080, as well as this section, apply to floodways.

B. Alternative Analysis Requirement. Before a permit may be issued, an applicant shall submit an alternative analysis which demonstrates that:

1. No reasonable alternatives exist outside the floodway;

2. Encroachment in the floodway is the minimum necessary;

3. The development will withstand the one hundred (100) year flood without significant damage; and

4. The development will not increase downstream or upstream flooding or erosion.

C. Existing Structures. Existing structures in the floodway shall be substantially improved only by variance and if they can be brought into conformance with this chapter without increasing the footprint. Minor additions (less than substantial) must be elevated to the flood protection elevation on pilings or columns. In the event of substantial damage or replacement, the applicant shall submit an alternative analysis to determine if the structure can be relocated to a less hazardous site. Where replacement structures cannot be relocated, they shall be limited to the footprint of the previous structure and must comply with the elevation requirements of Section 15.20.080B of this chapter. Permits for incremental improvements and additions shall be tracked by the Town of Elkton, and if cumulative

improvements constitute substantial improvement, no further permits may be issued unless the structure conforms to the provisions of this chapter.

D. Maintenance of Natural Channel. The natural watercourse shall be maintained for protection of aquatic resources. A variance is required for alternation of watercourses. Any variance issued must assure that the conditions for encroachment in the floodway are met, adverse impacts to aquatic resources are minimized, and the public good outweighs the adverse impacts. The provisions of Section 15.20.070 pertaining to altering a watercourse must be met.

E. Obstructions. Structures or fill which may impede, retard or change the direction of the flow of floodwaters, or any materials that may be carried downstream to cause damage shall not be placed in the floodway. Fences, except two wire fences, shall not be placed in the floodway. (Amended during 1996 codification; prior code § 57-17)

15.20.100 Specific requirements.

In addition to the requirements outlined in Sections 15.20.070 — 15.20.090, the following specific requirements must be applied:

A. Placement of Buildings and Materials. In general, buildings and accessory structures should be located entirely out of the floodplain, out of the flood protection setback, or on land that is least susceptible to flooding. All structures permitted in the floodplain shall be oriented so as to offer the least resistance to the flow of floodwaters. Materials which are buoyant, flammable, explosive, hazardous to health, or which at times of flooding may be injurious to human, animal or plant life, shall not be stored below the flood protection elevation.

B. Enclosures Below Lowest Floor.

1. Buildings which have been elevated and have fully enclosed areas below the flood protection elevation, as well as garages and accessory structures which are not elevated (Section 15.20.100F), shall be constructed with water-equalizing vents which meet or exceed the following standards:

a. A minimum of two openings on different walls having a total net area of not less than one

square inch for every square foot of enclosed area subject to flooding;

b. The bottom of all openings shall be no higher than one foot above grade; and

c. Openings may be equipped with screens, louvers, valves, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters to equalize hydrostatic forces on the walls.

2. Fully enclosed areas below the flood protection elevation shall be used solely for parking of vehicles, access to the building or storage. If such areas are enclosed, a nonconversion agreement as described in Section 15.20.190 must be signed by the applicant.

C. Manufactured Homes.

1. New manufactured homes are prohibited in the floodway. In other floodplain zones, all new, replacement, or substantially improved manufactured homes shall comply with Section 15.20.080B of this chapter.

2. Methods of anchoring shall include use of over-the-top and frame ties to ground anchors. Pilings or columns shall be used to maintain storage capacity of the floodplain. Concrete block support pilings must be reinforced by placing reinforcing bars inside and extending them into the footing, filling the hollows with cement, and using mortar to cement the blocks together. FEMA Publication 85, "Manufactured Home Installation in Flood Hazard Areas," should be consulted for specific recommendations.

3. Manufactured homes repaired or replaced because of substantial damage due to flooding or other causes are considered to be new structures and must fully comply with Section 15.20.080B.

D. Anchoring. All structures shall be firmly anchored in accordance with acceptable engineering practices to prevent flotation, collapse and lateral movement during flooding. All air ducts, large pipes and storage tanks located below the flood protection elevation shall be firmly anchored to resist flotation.

E. Utilities.

1. Electric. All electric utilities to the building side of the meter, both interior and exterior to the

building, are regulated by this chapter. Distribution panel boxes must be at least two feet above the flood protection elevation. All outlets and electrical installations, such as heat pumps, air conditioners, water heaters, furnaces, generators and distribution systems, must be installed at or above the flood protection elevation.

2. Plumbing. Toilets, sinks, showers, water heaters, pressure tanks, furnaces, and other permanent plumbing installations must be installed at or above the flood protection elevation.

3. Gas. Gas meters, distribution lines and gas appliances must be installed at or above the flood protection elevation.

4. Water Supply and Sanitary Facilities. Water supply distribution and sanitary disposal collection systems must be designed to minimize or eliminate the infiltration of floodwaters into the systems or discharges from the systems into floodwaters and shall be located and constructed so as to minimize or eliminate flood damage. On-site sewage disposal systems shall meet these same standards.

F. Accessory Structures and Garages.

1. Where feasible, accessory structures and garages should be located out the floodplain or elevated to or above the flood protection elevation. When these measures are not feasible the following apply:

a. The floor of the structure must be at or above grade;

b. The structure must be located, oriented and constructed so as to minimize flood damage; and

c. The structure must be firmly anchored to prevent flotation.

2. Attached Garages. A garage attached to the main structure shall be elevated to the greatest extent possible, but may be permitted as an exemption to the strict elevation requirements if it is used solely for parking of vehicles, storage or building access and is no more than six hundred (600) square feet in area. Attached garages must meet the venting requirements of subsection B of this section, have all interior walls, ceilings and floors below the flood protection elevation unfinished, and have no machinery or electric devices or appliances located

below the flood protection elevation. A non-conversion agreement as described in Section 15.20.190 must be signed by the property owner stating that the garage may never be used for human habitation without first becoming fully compliant with this chapter.

3. Detached Garages and Accessory Structures.

a. An accessory structure or detached garage may be permitted as an exemption to the elevation requirement if it is less than three hundred (300) square feet, used solely for parking of vehicles and limited storage, meets the venting requirements of subsection B of this section, has all interior wall, ceiling and floor elements below the flood protection elevation unfinished, and has no machinery electric devices or appliances located below the flood protection elevation. A nonconversion agreement must be signed by the property owner.

b. An accessory structure or a detached garage between three hundred (300) square feet and six hundred (600) square feet may be permitted below the flood protection elevation only by a conditioned permit described in Section 15.20.190.

c. An accessory structure or garage larger than six hundred (600) square feet in area must be elevated properly or be able to meet all applicable requirements under the variance procedure in Section 15.20.210A of this chapter.

G. Recreational Vehicles.

1. Recreational vehicles located within the floodplain may be exempted from the elevation and anchoring requirements provided they are:

a. Located on the site less than one hundred eighty (180) consecutive days per year;

b. Fully licensed and ready for highway use; and

c. Properly permitted.

2. A recreational vehicle is ready for highway use if it is on its wheels and jacking system, is attached to the site only by quick-disconnect type utilities and securing devices, and has no permanently attached additions. If it cannot meet all of these criteria, the recreational vehicle must be considered a manufactured home and is subject to the elevation and construction standards of this chapter.

H. Fill.

1. Fill is discouraged because storage capacity is removed from floodplains. Other methods of elevating structures should be considered first, and fill used only if other methods are not feasible. Fill may not be placed in the floodway. Fill may not be used for structural support in coastal high hazard areas. Fill may not be placed in tidal or nontidal wetlands without the required state and federal permits.

2. Fill must consist of soil and rock materials only. Dredged material may be used as fill only upon certification of suitability by a registered professional geotechnical engineer. Landfills, rubble fills, dumps and sanitary fills are not permitted in the floodplain.

3. Fill used to support structures must be compacted to ninety-five (95) percent of the maximum density obtainable by the Standard Proctor Test (ASTM Standard D-698), and its suitability to support structures certified by a registered professional engineer. Fill slopes shall be no greater than two horizontal to one vertical. Flatter slopes may be required where velocities may result in erosion.

4. The use of fill shall not increase flooding or cause drainage problems on neighboring properties. (Amended during 1996 codification; prior code § 57-18)

15.20.110 Permit required.

A permit is required for all development in any floodplain zone. A permit issued by the Town of Elkton under this chapter is not valid until all necessary permits for development are obtained from applicable federal and state agencies. Receipt of federal or state permits does not exempt development from the provisions of this chapter. (Amended during 1996 codification; prior code § 57-6)

15.20.120 Permit—Application—Contents.

A. Applications for a building permit shall contain, at a minimum, the following information:

1. Name, address and phone number of applicant (owner or agent of owner);

2. Name, address and phone number of owner, if different;
3. Name, address and phone number of contractor;
4. Legal description of site location;
5. Proposed uses for the site;
6. Type, dimensions and estimated cost of development proposed;
7. Site characteristics and improvements; and
8. Other information deemed appropriate by the Town of Elkton.

B. All permit applications must have a site plan drawn to scale which shows:

1. Dimensions of site;
2. Size and location of existing and proposed structures or alterations;
3. Setbacks;
4. Elevation contours in mean sea level (NGVD);
5. Delineation of the one hundred (100) year flood elevation and boundary; and
6. Proposed elevation of the lowest floor and method of elevation, if applicable.

C. The Town of Elkton may require plans for tree maintenance, stormwater management, revegetation, establishment of vegetated buffers and final grading as part of the permit application process.

D. All applicants shall agree in writing to provide an elevation certificate completed by a registered professional engineer or surveyor to certify the as-built lowest floor of a structure which must be elevated to or above the flood protection elevation. An elevation certificate must be submitted before a certificate of occupancy or use may be issued. Work undertaken prior to submission of the certification is at the applicant's risk. For enclosed areas below the flood protection elevation, a nonconversion agreement may be required, which includes an agreement to install water-equalizing vents as specified in Section 15.20.100B of this chapter.

E. If an improvement to an existing structure is proposed, adequate information on the cost of the improvement and the market value of the structure before the improvement must be supplied to the Town of Elkton to allow a determination of substan-

tial improvement. The Town of Elkton may use tax assessment records to determine substantial improvement. In the floodway, permits shall be tracked by property location to determine if the cumulative value of improvements constitutes substantial improvement of a structure. (Amended during 1996 codification; prior code § 57-7)

15.20.130 Permit—Subdivision proposal— Plan submittal and review.

A. In addition to the information require in Section 15.20.120, an applicant for subdivision in the nontidal floodplain zone shall submit a plan to demonstrate that a building site for each lot is outside of the one hundred (100) year floodplain. The Town of Elkton shall assure that a plan for the perpetual protection of the floodplain areas in their natural state as required under Section 15.20.080E is included.

B. Subdivision plans for the tidal floodplain zone shall be reviewed to assure that the provisions of Section 15.20.080E are met, especially with regard to avoiding wetlands, low areas and existing forest cover.

C. In all floodplain subdivisions, plans for maintenance of forest cover, flood protection setbacks, revegetation, accommodation of stormwater runoff, prevention of erosion, and other plans required by the Town of Elkton must be submitted with subdivision proposals. The plans shall be evaluated as a whole to achieve maximum preservation of the natural and beneficial floodplain functions, desirable resources and characteristics of each site. The plan for utility ingress, stormwater drainage structures, road access, and other rights-of-way shall be evaluated in light of the site characteristics. (Amended during 1996 codification; prior code § 57-8)

15.20.140 Permit issuance considerations.

A. Prior to issuance of a permit, the Town of Elkton shall determine the location of the project relative to floodways or floodplains and shall note on the permit the proper elevation to which the lowest floor of proposed structures must be elevated. In approximate floodplains where an elevation is not

available, the applicant shall be required to obtain such elevation.

B. The applicant must agree to secure all other required permits, an elevation certificate, flood-proofing certificate, engineering analysis, or other required verifications deemed appropriate by the Town of Elkton.

C. Permits shall be granted by the Town of Elkton only after determining that the proposed development will be in complete conformance with the requirements of this chapter and all other applicable local codes and ordinances. All other necessary permits or approvals must be applied for or granted. Permits are valid only after all other necessary permits are granted. (Amended during 1996 codification; prior code § 57-9(A))

15.20.150 Permit—Modifications—Display.

After issuance of a permit, no changes of any kind shall be made to the application, permit, or any of the plans, specifications, or other documents submitted with the application without the written approval of the Town of Elkton. A copy of the permit or other verification must be displayed at the construction site during the construction activity. (Amended during 1996 codification; prior code § 57-9(B)(1))

15.20.160 Permit—Time limits.

Work on the permitted activity shall begin within one hundred eighty (180) days of the issuance of the permit, or the permit shall expire, unless a written extension is granted by the Town of Elkton. Work shall be completed within one year of the date of the permit unless a greater time is specified in the permit or a written extension is granted. (Amended during 1996 codification; prior code § 57-9(B)(2))

15.20.170 Permit—Inspections.

During construction, the Town of Elkton or an authorized representative shall inspect the site to determine that the work is in compliance with the permit. Any work found to be noncompliant must be corrected before any additional work is undertaken.

en. (Amended during 1996 codification; prior code § 57-9(B)(3))

15.20.180 Permit records.

A record of all floodplain permits shall be maintained and be available upon request by the Federal Emergency Management Agency or its authorized agent (Water Resources Administration) during periodic assessments of this community's participation in the National Flood Insurance Program. All documents needed to support any permit action, such as elevation certificates, map amendments or revisions, variance actions, shall be available for review during these assessments. (Amended during 1996 codification; prior code § 57-10)

15.20.190 Conditioned permits for accessory structures and garages.

A. A conditioned permit may be issued at the discretion of the Town of Elkton when the three hundred (300) square foot exemption is exceeded for accessory structures up to a total size of six hundred (600) square feet. In order to qualify, the structure's use must be incidental to the primary structure, and it can be used only for limited storage and parking of vehicles. The provisions of Section 15.20.100F must be met.

B. A conditioned permit is subject to the applicant's completion of a nonconversion agreement stating that the use of the accessory structure may not change from that permitted and that it must be equipped with the proper water-equalizing vents. A statement of the greater flood risk and possibly higher flood insurance premiums must be included. In addition, a recordation on the deed or memorandum of land restriction must be made as described in Section 15.20.210B, stating that the permitted structure may not be used for human habitation without first complying with the construction requirements of this chapter. (Amended during 1996 codification; prior code § 57-11)

15.20.200 Permit fees.

The Town of Elkton may impose additional appli-

cation fees commensurate with those costs incurred in the processing, review and evaluation of permit applications for development in the floodplain. Such costs may include, but are not limited to, consultant and engineering fees, staff assignments and any other related costs. (Amended during 1996 codification; prior code § 57-12)

15.20.210 Variances.

A. Reasons for Granting.

1. The Mayor and Commissioner shall hear and decide appeals and requests for variances from the requirements of this chapter. Conditions may be attached to the variance action, and variance actions must be consistent with sound floodplain management. Variances may not be issued except as specified below, nor shall variances be issued for any encroachment in floodways if any increase in the one hundred (100) year flood levels will result.

2. Variances shall only be issued upon:

- a. A showing of good and sufficient cause;
- b. A determination that failure to grant a variance would result in exceptional hardship (other than economic) to the applicant; and
- c. A determination that the granting of a variance will not result in increased flood heights, additional threats to the public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing local and state laws or ordinances.

3. The variance action shall be the minimum necessary, considering the flood hazard, to afford relief. In considering a variance action, comments from the State Coordinating Office of the Water Resources Administration must be taken into account and maintained with the permit file.

B. Conditions.

1. Variances may not be granted for the following:
 - a. Placement of fill or any development in the floodway if any increase in flood levels would result.
 2. For any variance issued, a letter shall be sent to the applicant indicating the terms and conditions of the variance, the increased risk to life

and property in granting the variance, and the increased premium rates for National Flood Insurance coverage. The applicant shall be notified in writing of the requirement for recordation of these conditions on the deed or memorandum of land restriction prior to obtaining a permit, and of the need to secure all necessary permits as conditions for granting a variance. The memorandum is described in Articles 3-102 and 3-103 of the Real Property Article of the Annotated Code of Maryland.

3. The Town of Elkton shall maintain a record of all variance actions and the justifications for their issuance, as well as all correspondence. This record must be submitted as part of the biennial report to FEMA, and be available for periodic review. The number of variance actions should be kept to a minimum.

C. Functionally Dependent Uses. Variances may be issued for new construction and substantial improvements for the conduct of a functionally dependent use. A functionally dependent use cannot perform its intended purpose unless it is located or carried out in close proximity to water. It includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. The variance may be issued only upon sufficient proof of the functional dependence. The provisions of subsections A and B of this section must be met and the structure must be protected by methods that minimize flood damage up to the flood protection elevation and must create no additional threats to public safety. This may require methods of "wet floodproofing" which allow the structure to flood without significant damage. Methods of floodproofing must not require human intervention. (Amended during 1996 codification; prior code § 57-19)

15.20.220 Violation - Penalty.

A. Any new person who fails to comply with any or all of the requirements or provisions of this chapter or the conditions of a permit issued by the Town of

Elkton shall be guilty of a misdemeanor and shall be punished as provided in the Charter, Section C14-1A.

B. Each day during which any violation of this chapter continues shall constitute a separate offense.

C. The imposition of a fine or penalty for any violation of or noncompliance with this chapter shall not excuse the violation or noncompliance, or permit it to continue, and all such persons shall be required to correct or remedy such violations and noncompliance within a time specified by the Town of Elkton.

D. Any structure constructed, reconstructed, enlarged, altered or relocated in noncompliance with this chapter shall be declared by the Mayor and Commissioners to be a public nuisance and abatable as such.

E. The Federal Insurance Administration and the Water Resources Administration must be notified by the Town of Elkton within thirty (30) days following action by the town for court appearance by any person, which may result in a fine or other penalty, pertaining to violation(s) of this chapter. New or renewal of federal flood insurance may be denied any structure violating the provisions of this chapter. Any violation of this chapter may be subject to separate action and penalty by the state of Maryland. (Prior code § 57-13)

