

MAYOR AND CITY COUNCIL

CHRISTOPHER G. MILLER
MAYOR

JAMES L. McCARRON
MAYOR PRO TEM

JAMES A. WIEPRECHT
CITY MANAGER

BARRI R. AVALLONE
TREASURER

CLARA KALMAN
CLERK



COUNCIL MEMBERS

JUDITH K. FULLER

DIANE A. FOSTER

ELIZABETH W. CHANEY

CHRISTOPHER R. TILLMAN

AGENDA MAYOR AND CITY COUNCIL WORKSHOP WEDNESDAY, SEPTEMBER 6, 2023 7:30 PM

Opening – Pledge of Allegiance and roll call

Review of Minutes – Review of the minutes of the August 9, 2023 and August 14, 2023 regular meetings.

Public Hearing - Ordinance 06 – 2023 – Clarification of Dwelling Types

Certificate of Recognition - Taneytown Eagle Scouts - Connor Summers and Sebastian Hawes

Council member statement regarding conflicts of interest on agenda items

Public comment pertaining to non-agenda items

Resolution, Ordinances and Agreements

Adoption:

Ordinance 06 – 2023 – Clarification of Dwelling Types

Ordinance 07 – 2023 – Fiscal Year 2022 – 2023 - Budget Amendment #3

Ordinance 08 – 2023 – Fiscal Year 2023 – 2024 – Budget Amendment #1

Resolution 2023 – 14 – Water allocation for September

City Manager Report

Department Reports

Legal Report

Old Business

New Business

1. Monthly Financial Report
2. Accounts Payables
3. [Proposed County Nuisance Ordinance](#)
4. Ratification of waste water treatment plant floodplain easement
5. Ratification of Bollinger Park Floodplain easement
6. Ratification of Bollinger Park forest conservation easement
7. Ratification of Bollinger Park forest conservation agreement
8. Ratification of Duffy Box and Recycling Surety Reduction Ratification
9. Approval of Special Event Permit Application – FSK FFA Alumni Car Show
10. Acceptance of Meade's Crossing Drainage and Utility Easement

Public comment pertaining to Agenda items

Adjournment

1
2 **CITY OF TANEYTOWN**
3 **ORDINANCE 06-2023**

4
5 **AMENDMENT TO CLARIFY DWELLING TYPES**
6

7
8
9 WHEREAS, Section 5-213 of the Local Government Article of the Maryland Annotated Code and
10 Section C-401(B)(62) of the Charter of the City of Taneytown grants the Mayor and City Council
11 with the authority to adopt zoning regulations.
12

13 WHEREAS, the Mayor and City Council of Taneytown have adopted Article I – General
14 Provisions which include definition of various dwelling types and recognizes that revision of single
15 family and multifamily dwelling types would better clarify regulation regarding various dwelling
16 types within the chapter; and
17

18 WHEREAS, the Taneytown Planning and Zoning Commission have reviewed the proposed
19 Ordinance at their August 28, 2023 meeting and voted to recommend that the Mayor and City
20 Council for the City of Taneytown approve and adopt the proposed ordinance; and
21

22 WHEREAS, pursuant to the requirements of Section 4-203 of the Land Use Article of the
23 Maryland Annotated Code, the Mayor and City Council of the City of Taneytown have advertised
24 and held a public hearing on this matter on September 6, 2023 to receive public comment; and
25

26 WHEREAS, after considering the matter, and the Planning and Zoning and public comment related
27 there to have decided it is in the best interests of the citizens of Taneytown to implement said
28 Ordinance.
29

30 NOW THEREFORE, BE IT ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY
31 OF TANEYTOWN THAT:
32

33 That Section 205-1 B be amended as follows:
34

35 **SINGLE FAMILY DWELLING TYPES**

36 **(1)**

37 **SINGLE-FAMILY DETACHED**A dwelling designed to accommodate one dwelling unit and
38 not joined to any other dwelling units.

39 **(2)**

40 **SEMIDETACHED**A dwelling containing two dwelling units which are joined side by side by the
41 use of a party wall along a lot line.

42 **(3)**

43 **ATTACHED**A dwelling containing at least three dwelling units, but not more than six dwelling
44 units, joined side by side by a party wall along a lot line, also referred to as a townhouse.

45 **MULTI FAMILY DWELLING TYPES**

46 **(4)**
47 **APARTMENT** A dwelling containing two or more dwelling units which are joined together but
48 do not have lot lines between the dwelling units.

49 **(a)**
50 **DUPLEX** An apartment dwelling containing two dwelling units one of which is located above the
51 other.

52 **(b)**
53 **GARDEN APARTMENT** An apartment structure containing at least three dwelling units but not
54 more than 12 dwelling units and which is not less than two nor more than three stories in height.

55 **(c)**
56 **RETIREMENT HOME** An apartment structure containing at least three dwelling units but not
57 more than eight dwelling units. Retirement homes may be two stories in height, provided that at-
58 grade access can be accomplished for both levels. Occupancy shall be restricted to those meeting
59 the federal definition of "elderly."

60 **(5)**
61 **QUADRUPLE** A dwelling containing four dwelling units which are joined to one another by at
62 least two common party walls and/or attached permanent structures, such as a garage.

63 [Added 9-13-1999 by Ord. No. 7-99]

64 **DWELLING UNIT**
65 One or more living and/or sleeping rooms arranged for the use of one or more individuals living
66 as a family, with cooking, living and sanitary facilities, and which is physically separated from
67 any other dwelling units.

68
69
70
71 INTRODUCED THIS _____ DAY OF _____, 2023

72
73
74 _____
75 CLARA KALMAN, CITY CLERK

76 PASSED THIS _____ DAY OF _____ 2023 BY A VOTE OF
77 _____ COUNCILMEMBERS IN FAVOR AND _____
78 COUNCILMEMBERS OPPOSED.

79
80
81 _____
82 CLARA KALMAN, CITY CLERK
83 APPROVED THIS _____ DAY OF _____ 2023.

84
85 _____
86 CHRISTOPHER G MILLER, MAYOR

87
88 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

89 THIS ____ DAY OF _____, 2023.

90

91 BY: _____

92 JACK A. GULLO, JR., CITY ATTORNEY

ORDINANCE NO. 07 - 2023
FISCAL YEAR 2022 - 2023 - BUDGET AMENDMENT – 3

PURSUANT to Article VII, §C-702 and C-703 of the Charter of the City of Taneytown, the Mayor and City Council shall adopt an annual budget that provides a complete financial plan for the budget year and contains estimates of anticipated revenues and proposed expenditures.

WHEREAS, a budget fulfilling the requirements of the Charter was prepared and adopted by the Mayor and City Council; and

WHEREAS, the Mayor and City Council deem it in the best interest of the operation of the City to adopt a Budget Amendment reflecting these financial changes in the Operating Budget for the remainder of the fiscal year.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TANEYTOWN:

Section One: That the Budget Amendment attached hereto and incorporated herein is hereby adopted.

INTRODUCED THIS ___ DAY OF _____ 2023

CLARA KALMAN, CITY CLERK

PASSED THIS ___ DAY OF _____, 2023

CLARA KALMAN, CITY CLERK

APPROVED THIS ___ DAY OF _____, 2023

CHRISTOPHER MILLER, MAYOR

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
THIS ___ DAY OF _____, 2023.

BY: _____
JACK A. GULLO, JR., CITY ATTORNEY

City of Taneytown
Fiscal Year 2023
August 2023 Budget Amendment - General Fund - Ordinance 07-2023

GENERAL FUND

Revenues

	Decrease	Increase	Notes
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Tax Revenue

State Income Tax

		395,000	GL4110 Tax revenue underestimated
		\$ 395,000	

Local Revenue

Interest Income - Checking

		80,000	GL4600 Bank Interest Rates Increased
		\$ 80,000	

Grant Revenue

Grant Revenue Parks

376,740			GL4711 Bollinger Park Grant rolled to FY24
\$ 376,740		\$ -	

Fund Balance

498,260			GL4999 Fund Balance
\$ -			
\$ 498,260		\$ -	

Decrease / Increase of Revenues	\$ 875,000	\$ 475,000	
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GENERAL FUND

Expenditures

	Decrease	Increase	Notes
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City Hall

		56,000	GL5999 Sirian Land purchase deeded to County Reclassified from previous bud amdm
		\$ 56,000	

Police

Capital Projects

100,000			GL5999 Police Cars not received Until FY24
\$ 100,000		\$ -	

Streets

Capital Projects

56,000			GL5999 Sirian Land/Antrim Blvd budgeted under Streets, moved to City Hall
\$ 56,000		\$ -	

Parks

Capital Projects

300,000			GL5999 Bollinger Park not completed, budget adj for other projects
\$ 300,000		\$ -	

Decrease / Increase of Expenditures	\$ 456,000	\$ 56,000	
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Introduced this _____ Day of _____, 20: 2023

Clara Kalman, City Clerk

Passed this _____ Day of _____, 201 2023

Clara Kalman, City Clerk

Approved this _____ Day of _____, ; 2023

Christopher Miller, Mayor

Approved as to Legal Sufficiency this _____ Day of _____, 2023

Jack A. Gullo, City Attorney

City of Taneytown
Fiscal Year 2023
August 2023 Budget Amendment - Utility Fund - Ordinance 07-2023

UTILITY FUND

Revenues

	Decrease	Increase	
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Operating Revenue

		125,000	GL4500
		240,000	Volume Increase Water Billing
\$ -		170,000	GL4605
			Volume Increase Sewer Billing
\$ -		\$ 535,000	Bank Interest Rate Change

Fund Balance

\$ 385,000			GL4999
			Utility Fund Balance adjustment
\$ -		0	
\$ 385,000		\$ -	

Decrease / Increase of Revenues	\$ 385,000	\$ -	
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UTILITY FUND

Expenditures

	Decrease	Increase	
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Sewer

Materials & Supplies

		80,000	GL5220
		70,000	GL5510
			Chemical cost increase
			Increase costs for Empty Digesters

Capital Projects

\$ -		\$ 150,000	

Decrease / Increase of Expenditures	\$ -	\$ 150,000	
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Introduced this _____ Day of _____, 20 2023

Clara Kalman, City Clerk

Passed this _____ Day of _____, 20: 2023

Clara Kalman, City Clerk

Approved this _____ Day of _____, 2023

Christopher Miller, Mayor

Approved as to Legal Sufficiency this _____ Day of _____, 2023

Jack A. Gullo, City Attorney

ORDINANCE NO. 08 - 2023
FISCAL YEAR 2023 - 2024 - BUDGET AMENDMENT – 1

PURSUANT to Article VII, §C-702 and C-703 of the Charter of the City of Taneytown, the Mayor and City Council shall adopt an annual budget that provides a complete financial plan for the budget year and contains estimates of anticipated revenues and proposed expenditures.

WHEREAS, a budget fulfilling the requirements of the Charter was prepared and adopted by the Mayor and City Council; and

WHEREAS, the Mayor and City Council deem it in the best interest of the operation of the City to adopt a Budget Amendment reflecting these financial changes in the Operating Budget for the remainder of the fiscal year.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TANEYTOWN:

Section One: That the Budget Amendment attached hereto and incorporated herein is hereby adopted.

INTRODUCED THIS ____ DAY OF _____ 2023

CLARA KALMAN, CITY CLERK

PASSED THIS ____ DAY OF _____, 2023

CLARA KALMAN, CITY CLERK

APPROVED THIS ____ DAY OF _____, 2023

CHRISTOPHER MILLER, MAYOR

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
THIS ____ DAY OF _____, 2023.

BY: _____
JACK A. GULLO, JR., CITY ATTORNEY

City of Taneytown
Fiscal Year 2024
August 2023 Budget Amendment - General Fund - Ordinance 08-2023

GENERAL FUND

Revenues

	Decrease	Increase	Notes
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Grant Revenue

Grant Revenue Parks

		376,740	GL4711	Bollinger Park Grant rolled to FY24 Project Open Space Increase
		65,918		
\$ -		\$ 442,658		

Fund Balance

	0		GL4999	Fund Balance
		93,767		
\$ -				
\$ -		\$ 93,767		

Decrease / Increase of Revenues \$ - \$ 536,425

GENERAL FUND

Expenditures

	Decrease	Increase	Notes
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Police

Capital Projects

	0		GL5999	Police Cars not received Until FY24
		100,000		
\$ -		\$ 100,000		

Parks

Capital Projects

		335,000	GL5999	Bollinger Park not completed in FY23 Tot lot increase, Field House, Lighting
		101,425		
\$ -		\$ 436,425		

Decrease / Increase of Expenditures \$ - \$ 536,425

Introduced this _____ Day of _____, 2023

Clara Kalman, City Clerk

Passed this _____ Day of _____, 2023

Clara Kalman, City Clerk

Approved this _____ Day of _____, 2023

Christopher Miller, Mayor

Approved as to Legal Sufficiency this _____ Day of _____, 2023

Jack A. Gullo, City Attorney

City of Taneytown
Fiscal Year 2024
August 2023 Budget Amendment - Utility Fund - Ordinance 08-2023

UTILITY FUND

Revenues

	Decrease	Increase	
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Fund Balance

		200,000	
\$	-	0	
\$	-	\$ 200,000	

GL4999 Utility Fund Balance
capital project adjustment

Decrease / Increase of Revenues \$ - \$ 200,000

UTILITY FUND

Expenditures

	Decrease	Increase	
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Sewer
Capital Projects

		200,000	
\$	-	\$ 200,000	

GL5999 Sewer project 637 continued

Decrease / Increase of Expenditures \$ - \$ 200,000

Introduced this _____ Day of _____, 20 2023

Clara Kalman, City Clerk

Passed this _____ Day of _____, 20: 2023

Clara Kalman, City Clerk

Approved this _____ Day of _____, 2023

Christopher Miller, Mayor

Approved as to Legal Sufficiency this _____ Day of _____, 2023

Jack A. Gullo, City Attorney

CITY OF TANEYTOWN
RESOLUTION NO. 2023-14

WHEREAS, the Charter of the City of Taneytown gives the City Council power to operate and maintain a water system and take all necessary steps for the efficient operation thereof; and

WHEREAS, the Charter of the City of Taneytown gives the City Council the powers to exercise planning and zoning authority, under which the City has established a process for granting zoning certificates and building permits which serves to regulate construction and development within the City; and

WHEREAS, from time to time the City, based on water usage demand, improvements made to the water system, and other related factors, shall reassess the formula and calculations used to calculate available water capacity; and

WHEREAS, such a re-evaluation was conducted in August 2017 by the City and its Engineer and have used such findings in the creation of Exhibit A attached hereto; and

WHEREAS, the City Council of the City of Taneytown makes the following findings:

- A. The City of Taneytown has a limited water supply. The amount of water available for allocation to new or expanded uses is provided on Exhibit A, attached hereto and made a part hereof.
- B. It is necessary for the City of Taneytown to protect its limited water supply to allocate water capacity to existing, pending and future development within its jurisdictional boundaries to ensure the continuing economic development and stability of the City, and to ensure that development will not generate water demands which exceed available capacity.
- C. Substantial harm to the public health, safety and general welfare of the City in the form of premature exhaustion of its water supply and economic hardships will result from the issuance of unlimited development approvals.
- D. Under the mandate of State law the City has adopted a Water Capacity Management Plan to guide the development, use and allocation of drinking water appropriate for use by the City and its residents. The terms of the Water Capacity Management Plan require that the City give specific attention to water allocation.
- E. This Resolution is a fair and reasonable means of achieving, and substantially advances a public purpose and has been adopted to provide the controls necessary to accomplish this purpose.
- F. In making these findings the City Council has reviewed the background documentation and presentations by City staff and concludes that it reasonably supports these findings.

WHEREAS, the Mayor and City Council deem it in the best interest of the citizens of the City of Taneytown to use an allocation process for water currently available for new and expanded uses.

NOW THEREFORE, BE IT ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF TANEYTOWN that:

1. An allocation shall be made of the existing water supply for any existing lot of record where the owner has made application for a zoning certificate for improvements to said lot and the lot conforms in all ways to the Code of the City of Taneytown, or has already received the necessary waivers, variances, or special exceptions.
2. An allocation shall be made of the existing water supply for any development project that has received approval from the Taneytown Planning and Zoning Commission and has recorded plats.
3. An allocation shall be made of the existing water supply for any development to which water capacity was addressed under the terms of a Development Rights and Responsibilities Agreement.
4. The calculations used in forming this allocation plan are provided on Exhibit A.
5. This Resolution shall become effective upon passage of this Resolution.
6. This Resolution for the allocation of water supply shall expire as provided on Exhibit A.
7. Upon the expiration of this Resolution all allocations made under this Resolution, but not utilized shall be null and void. A reallocation of any existing water supply shall be made after that date by action of the Council.
8. This Resolution and the water allocation made thereunder does not in any way create a contract, agreement or other promise by the City to any party, to provide the water allocated beyond the effective dates of this Resolution. Any plans, decisions or determinations made in reliance of the allocations made in this Resolution or on the available water shown in Exhibit A are made at the parties own risk.
9. The City Staff is hereby empowered to enact policies necessary for the effective administration and enactment of the goals contained in the Resolution.

INTRODUCED THIS ____ DAY OF _____, 2023

CLARA J. KALMAN, CITY CLERK

PASSED THIS _____ DAY OF _____ 2023 BY A VOTE OF
_____ COUNCILMEMBERS IN FAVOR AND _____
COUNCILMEMBERS OPPOSED.

CLARA J. KALMAN, CITY CLERK

APPROVED THIS _____ DAY OF _____ 2023.

CHRISTOPHER G MILLER, MAYOR

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
THIS _____ DAY OF _____, 2023.

BY: _____
JACK A. GULLO, JR., CITY ATTORNEY

Exhibit A.

Resolution 2023-14
September 11, 2023
Water Allocation Plan

	<u>EDU</u>	<u>GPD</u>
Available Gallons per Day (GPD)		42,585
Allocated		
Infill	1 @ 250 gpd	250
Total Allocated		250
Available GPD Less Allocated		42,335
Projects with Preliminary Plan Approval		<u>0</u>
Remaining GPD		42,335

This allocation plan shall expire on October 9, 2023

ORDINANCE NO. 2023-

WHEREAS, Section 13-401 of the Local Government Article of the Annotated Code of Maryland authorizes the County Commissioners to prevent and remove nuisances; and

WHEREAS, the County Commissioners find that a small number of businesses and residences located within the County require a disproportionate amount of police services, resulting in the devotion of police personnel to such calls and in less police service being available for other locations, and to emergencies and other routine police duties; and

WHEREAS, the County Commissioners find that some business and property owners in the County fail to adopt adequate security measures which has resulted in repeated police service calls and constitutes a nuisance compromising the health, safety and welfare of the public; and

WHEREAS, such calls rarely result in the filing of formal criminal proceedings by the property owner, thereby overburdening The Carroll County Law Enforcement Agency while having little or no deterrent effects; and

WHEREAS, the purpose of this Ordinance is to prevent excessive calls for police service to residences and to businesses which fail to adopt adequate security measures or support criminal proceedings after making a call for police service.

DEFINITIONS:

- (1) *In general.* In this section the following words have the meanings indicated unless a different meaning is clearly intended from the context.
- (2) *Call.* "Call" means a call for Law Enforcement Agency services.
- (3) *Criminal Law Article.* "Criminal Law Article" means the Criminal Law Article of the Annotated Code of Maryland.

- (4) *Disturbance*. "Disturbance" means any of the following conduct, when engaged in by a property owner, operator, manager, resident, occupant, tenant, guest, visitor, or invitee, or an agent or employee of any of the foregoing persons.
- (i) alcoholic beverage violation, including but not limited to public consumption, as defined in Title 10, Subtitle I of the Criminal Law Article;
 - (ii) disorderly conduct, as defined in Title 10, Subtitle II of the Criminal Law Article;
 - (iii) disturbing the peace, as defined in Title 10, Subtitle II of the Criminal Law Article;
 - (iv) excessive noise, as prohibited by Chapter 93 of this Code;
 - (v) littering, as defined in Title 10 of the Criminal Law Article;
 - (vi) improperly parking a vehicle in violation of Chapter 70 of this Code;
 - (vii) a violation of Chapter 90 this Code relating to an animal;
 - (viii) possession, distribution, or manufacturing of a controlled dangerous substance, or attempt to possess, distribute, or manufacture a controlled substance, as defined in Title 5 of the Criminal Law Article;
 - (ix) a violation of Chapter 130 of this Code, relating to synthetic drugs;
 - (x) prostitution, as defined in Title 11 of the Criminal Law Article;
 - (xi) indecent exposure, as prohibited by Title 11 of the Criminal Law Article;
 - (xii) a felony violation of Title 4 or Title 7 of the Criminal Law Article; or
 - (xiii) a felony violation of Title 10, Subtitle 6 of the Criminal Law Article.
- (6) *Interested party*. "Interested party" means any known lessee or tenant of a building or affected portion of a building; any known agent of a Property owner, lessee, or tenant; any known person holding unrecorded contract for deed, being a mortgage or vendee in physical possession of the building; or any other person who maintains or permits a Disturbance as defined in this chapter and is known to the county.
- (7) *Law Enforcement Agency* means the Carroll County Sheriff's Office.
- (8) *Mixed Use Property*. "Mixed Use Property" means a lot used for nonresidential and residential purposes.
- (9) *Multifamily Residential Property*. "Multifamily Residential Property" means a lot used for residential purposes and consisting of ten (10) or more dwelling units.
- (10) *Nonresidential Property*. "Nonresidential Property" means a lot that is not used for residential purposes, including, but not limited to, lodging, boarding and/or rooming houses, inns, motels, hotels, and any business.
- (11) *Officer*. "Officer" means a sworn officer of a Law Enforcement Agency.
- (12) *Private Property*. "Private Property" includes any residential, mixed use, multifamily residential or nonresidential lot within the County, but does not include any lot owned by a local, state, or federal government agency.

- (13) *Property owner.* "Property Owner" or "Owner" means a person holding legal title to a private property within the County.
- (14) *Qualifying Calls.* "Qualifying Calls" mean a Call where an Officer responds to a Disturbance.
- (15) *Residential Property.* "Residential Property" means a lot used for residential purposes and including fewer than ten (10) dwelling units.

Responsibility for Qualifying Calls.

- (1) *Generally.* A Property owner or an Interested party is responsible for the generation of Qualifying Calls relating to Disturbances on the owner's or Interested party's property as further described in this subsection.
- (2) *Determination of Qualifying Call.* A Call is deemed to be a Qualifying Call for which a property owner is responsible if the call:
 - (i) is in response to a disturbance that originated on the owner's or Interested party's property;
 - (ii) results in the dispatch of an officer; and
 - (iii) results in a determination by the officer, based on the officer's personal knowledge or on an affidavit by a witness, that a disturbance occurred or is occurring on the owner's or Interested party's property.

Probationary nuisance status.

- (1) *Warning.* Subject to paragraph (6) of this subsection, after the number of qualifying calls specified in this paragraph has been made regarding a property within any twelve-month period, the Law Enforcement Agency is authorized to issue the property owner or Interested party a written notice warning that the property is approaching probationary nuisance status.

Type of Property	Number of Qualifying Calls
Nonresidential or Mixed Use	5
Residential	3
Multifamily Residential	6

- (2) *Placement on probationary nuisance status.* Subject to paragraph (6) of this subsection, after the number of qualifying calls specified in this paragraph has been made regarding a property within a calendar year, the Law Enforcement Agency is authorized to place the property on probationary nuisance status.

Type of Property	Number of Qualifying Calls
Nonresidential or Mixed Use	10
Residential	5

- (3) *Multiple Calls on same day.* In calculating the number of Qualifying Calls, the Law Enforcement Agency may count separate Qualifying Calls occurring at different times on the same day.
- (4) *Multifamily Residential Properties.* In calculating the number of Qualifying Calls for a Multifamily Residential property, the Law Enforcement Agency may count any qualifying call made to any dwelling unit or other area on the property.
- (5) *Probationary status period.* Subject to paragraph (6) of this subsection, a property that is placed on probationary nuisance status will be removed from such status once the property has had no qualifying calls for *a calendar year*.
- (6) *Transfer of ownership.* When legal title to a property is transferred, any Qualifying Calls counted for the previous property owner prior to the property being placed on probationary nuisance status will be voided, and the Qualifying Call count will begin again for the new property owner. A property that has been placed on probationary nuisance status will be removed from probationary nuisance status when legal title to the property is transferred. Any charge assessed against a property pursuant to subsection (f) of this section is the responsibility of the person who owned the property at the time of the Qualifying Call giving rise to the charge.

Procedure.

- (1) *Notice.* After the Law Enforcement Agency determines that a property is on probationary nuisance status, the Law Enforcement Agency shall issue the property owner or Interested party a written notice including the following:
 - (i) a street address or legal description sufficient to identify the property, including apartment or unit number if any;
 - (ii) the date and a brief description of every Qualifying Call giving rise to the probationary nuisance status;
 - (iii) a statement that the property has been placed on probationary nuisance status due to the excessive Calls;
 - (iv) a statement describing the charges that may be imposed against the property for Qualifying Calls occurring while the property is on probationary nuisance status.

Civil Citations.

- (1) *Amount of fines.* Once a property is placed on probationary nuisance status, the Law Enforcement Agency shall assess a civil citation against the property in accordance with the following:
 - (i) First Qualifying Call (after placement on probationary nuisance status)—\$500
 - (ii) Second Qualifying Call (after placement on probationary nuisance status)—\$750
 - (iii) Third or Subsequent Qualifying Call (after placement on probationary nuisance status)—\$1,000

- (2) *Notice.* For each fine assessed under this subsection, the Law Enforcement Agency shall issue a written notice to the property owner.
- (3) *Appeal.* In accordance with subsection (i) of this section, a property owner *or an Interested party as defined in this chapter*, may appeal the assessment of a charge within thirty (30) days after the date of the civil citation to the Maryland District Court.

(g) *Notice—Method of issuance.*

- (1) *Scope.* This subsection applies to any notice required by this section.
- (2) *Methods.* A copy of the notice must be:
 - (A) delivered personally to the property owner *or Interested party*; or
 - (B) posted in a conspicuous place on or about the property affected by the notice and sent by first class mail to the mailing address of the property owner on file with the Maryland Department of Assessments and Taxation.

(h) *Exemptions Under the Nuisance Usage of Law Enforcement Services Ordinance.*

The following response examples but not limited to, are exempt under this article and cannot be considered or used when looking at a property for compliance under this article:

- (1) A crime in progress in which the safety of person(s) is at risk.
- (2) Any state or federal mandated reporting situations, which is out of the reporting person's control.
- (3) Motor vehicle accidents.
- (4) Domestic violence, family disputes or a person being on or near the premises in violation of a protective order.
- (5) A medical emergency.
- (6) Mental health incidents that require professional intervention such as:
 - (i) 988 services or an emergency examination request.
 - (ii) Working with or under the care of a mental health professional.
- (7) An incident or arrest for violation of trespass or an arrest by warrant.
- (8) *A Property owner taking action pursuant to § 8-402.1 of the Real Property Article of the Annotated Code of Maryland.*
- (9) Follow-up investigations for an existing response call shall not count towards determining excessive responses for the given calendar year.
- (10) The response had nothing to do with the property in questions other than being on the street in the area of the property.

NOW, THEREFORE, BE IT ENACTED _____

ARTICLE II. SEVERABILITY.

Should any provision, section, paragraph, or subparagraph of this ordinance, including any code, or text adopted herby, be declared null and void, illegal, unconstitutional, or otherwise determined to be unenforceable by a court having jurisdiction; the same shall not affect the validity, legality, or enforceability of any other provision, section, paragraph or subparagraph hereof, including any code or text adopted hereby. Each such provision, section, paragraph, or subparagraph is expressly declared to be and is deemed severable.

ARTICLE II. EFFECTIVE DATE.

This Ordinance shall become effective _____, 2023.

ADOPTED _____

ATTEST:

THE COUNTY COMMISSIONERS OF
CARROLL COUNTY, MARYLAND,
a body corporate and politic
of the State of Maryland

Vivian Daly, County Clerk

_____(SEAL)
Edward C. Rothstein, President

_____(SEAL)
Kenneth Kiler, Vice President

_____(SEAL)
Thomas S. Gordon, III, Commissioner

_____(SEAL)
Michael Guerin, Commissioner

_____(SEAL)
Joseph Vigliotti, Commissioner

Approved for legal sufficiency:

Timothy C. Burke, County Attorney

Notice of Public Hearing published: _____

Public Hearing held: _____

Public Meeting to adopt Ordinance: _____

Notice of Adoption of Ordinance published: _____

Ordinance filed with Clerk of Court: _____

I hereby certify that the actions described above took place on the dates referred to above and that this Ordinance is effective as of the _____ day of _____, 2023.

Timothy C. Burke, County Attorney

DRAFT