

CODE OF THE TOWN OF MILLINGTON
KENT AND QUEEN ANNE'S COUNTIES, MARYLAND

Created 2007
Revised 2009
Revised 2012
Revised 2023 - 2024

CODE OF THE TOWN OF MILLINGTON

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CODE OF THE TOWN OF MILLINGTON

PART I

ADMINISTRATIVE LEGISLATION

Chapter 1

GENERAL PROVISIONS

ARTICLE I

Adoption of Code

[An ordinance adopting Parts I and II of the Code of the Town of Millington and making certain substantive changes to existing legislation of the Town is on file in the Town Office.]

ARTICLE II

Charter Amendments

[A resolution to provide for certain substantive amendments to the Charter of the Town of Millington is on file in the Town Office.]

ARTICLE III

Ratification of Non-substantive Changes to the Charter

[A resolution to provide for the ratification of the non-substantive changes made to the Charter of the Town of Millington in conjunction with the codification of said Charter, the ordinances and certain resolutions of the Town of Millington is on file in the Town Office.]

Chapter 2

ORDINANCE FINES

§ 2-1. Creation.

§ 2-2. Purpose.

§ 2-3. Text.

[HISTORY: Adopted by the Mayor and Council of the Town of Millington 08-15-2001; amended 10-10-2023 by Resolution 2023-13.]

§ 2-1. Creation.

Adopted by the Mayor and Council of the Town of Millington by Ordinance 2 on August 15, 2001 to become effective on September 30, 2001. To be in conjunction with §C 12-4 B of the Charter of the Town of Millington in order to promote good order within the Town of Millington

§ 2-2. Purpose.

The purpose of this Chapter is to streamline future revision processes so to be a cost savings to the Town of Millington and its residents.

§ 2-3. Text.

Unless otherwise specifically stated in the individual ordinance as adopted by the Mayor and Council all fines for Municipal Infractions will be in the amount of \$500.00. Each day of violation is considered a new violation with a citation to be issued daily.

Chapter 3

PUBLIC INFORMATION ACT

- § 3-1. Policy.
- § 3-2. Definitions.
- § 3-3. Custodian of Public Records.
- § 3-4. Who May Request Public Records.
- § 3-5. Necessity for Written Request.
- § 3-6. Contents of Written Request.
- § 3-7. Response to Request.
- § 3-8. Notice to and Consideration of Views of Person Potentially Affected by Disclosure.
- § 3-9. Public Record Temporarily Unavailable.
- § 3-10. Public Record Destroyed or Lost.
- § 3-11. Review of Denial.
- § 3-12. Fees.
- § 3-13. Time & Place of Inspection.

[HISTORY: Adopted by the Mayor and Council of the Town of Millington 12-5-2007; amended November 14, 2023 by Resolution 2023-15]

§ 3-1. Policy.

It is the policy of the Town of Millington to facilitate access to the public records of the Town, when access is allowed by law, by minimizing costs and time delays to applicants. Adopted by the Mayor and Council of the Town of Millington by Resolution 2007-12 on December 5, 2007.

§ 3-2. Definitions.

In this chapter, the following items have the following meanings:

- “Act” – means the Public Information Act, Annotated Code of Maryland.
- “Applicant” – as stated in §10-611(b) of the Act.
- “Custodian” – as stated in §10-611(c) of the Act and §3-3 of this Ordinance.
- “Official Custodian” – as stated in §10-611(d) of the Act.
- “Public Record” – as stated in §10-611(g) of the Act.
- “Working Day” – a day other than Saturday, Sunday, or a State holiday.

§ 3-3. Custodian of Millington Public Records.

Unless otherwise provided by law, the Town Administrator is the primary custodian of the public records of the Town of Millington with the Town Clerk as the secondary custodian.

§ 3-4. Who May Request Public Records.

Any person may request to inspect or request a copy of public records of the Town of Millington.

§ 3-5. Necessity for Written Request.

- A. Inspection
 - (1) Except as otherwise provided in this chapter, the Town shall make public records available for inspection by an applicant without demanding a written request.
 - (2) The Town requires a written request if the custodian reasonably believes that:
 - (a) The Act or any other law may prevent the disclosure of the public record to the applicant; or
 - (b) A written request will materially assist the Town of Millington in responding.
- B. Copies

At time of request, the applicant must designate whether this is to be a paper copy or a digital copy. If the applicant requests one or more copies of any public record of the Town of Millington, the custodian may require a written request.

§ 3-6. Contents of Written Request.

- A written request shall:
- A. Contain the applicant’s name and address.
 - B. Be signed by the applicant.
 - C. Reasonably identify, by brief description, the public record sought.
 - D. Shall be addressed to the Town of Millington.

§ 3-7. Response to Request.

- A. If the custodian decides to grant a request for inspection, he/she shall produce the public record for inspection:
 - (1) Immediately; or

- (2) Within a reasonable time period, not to exceed 30 days after the date of the request, if that period is needed to retrieve the public record and conduct any necessary review.
- B. If the custodian decides to deny a request for inspection:
 - (1) The custodian shall do so within 30 days after the request; and
 - (2) Immediately notify the applicant of the denial.
 - (3) If a request is denied, the custodian shall provide the applicant, at the time of the denial or within 10 working days, a written statement that gives:
 - (a) The reasons for denial;
 - (b) The legal authority for the denial; and
 - (c) Notice of the remedies available for review of the denial.
- C. If a requested public record is not in the custody or control of the person to whom application is made, that person shall, within 10 working days after receipt of the request, notify the applicant:
 - (1) That the person does not have custody or control of the requested public record; and
 - (2) If the person knows:
 - (a) The name of the custodian of the public record; and
 - (b) The location or possible location of the public record.

§ 3-8. Notice to and Consideration of Views of Person Potentially Affected by Disclosure.

Unless prohibited by law, the custodian may provide notice of a request for inspection or copying of any public record of the Town of Millington to any person who, in the judgement of the custodian, could be adversely affected by disclosure of that public record. The custodian may consider the views of the potentially affected person before deciding whether to disclose the public record to an applicant.

§ 3-9. Public Record Temporarily Unavailable.

If a requested public record of the Town of Millington is in the custody and control of the person to whom application is made but is not immediately available for inspection or copying, the custodian shall promptly:

- A. Notify the applicant that the public record is not immediately available; and
- B. Schedule a date within a reasonable time for inspection or copying.

§ 3-10. Public Record Destroyed or Lost.

If the custodian, to whom application is made knows that a requested public record of the Town of Millington has been destroyed or lost, that person shall promptly:

- A. Notify the application that the public record is not available.; and
- B. Explain the reasons why the public record cannot be produced.

§ 3-11. Review of Denial

- A. If the custodian denies a request to inspect or copy a public record of the Town of Millington, the applicant may, within 30 days after receipt of the notice of denial request an administrative hearing before the Mayor and Council.
- B. If the applicant requests a hearing:
 - (1) The hearing shall be conducted by the Mayor and Council within 30 days of receiving the request for hearing.
 - (2) The Mayor and Council shall issue the final decision of the Town of Millington.
- C. If the hearing results in a total or partial denial of the request, the applicant may file an appropriate action in the Circuit Court as provided by the Act.

§ 3-12. Fees.

The fee schedule for searching, assembling, copying, and certifying copies of public records of the Town of Millington are as follows:

- A. Copy – a reasonable fee for each page copied will be charged.
- B. Certification of Copies – if a person requests that a copy of a public record be certified as a true copy, an additional fee shall be charged.
- C. Searching for and assembling or preparing records if a person requests copies of records not readily available or requiring assembly and review of copies of records not readily available or requiring assembly and review to prevent disclosure of protected information, the fee for such services shall be equal to the per hour pay rate of the employee so required for such service. The custodian may require an advance deposit for the cost of one day’s services, with any unexpended balance to be refunded to the applicant.

If the fee for copies or certified copies of any public record of the Town of Millington is specifically set by a law other than the Act or as set by the established fee adopted by the Mayor and Council of Millington as part of the Fee Schedule, the custodian shall charge the prescribed fee.

If the custodian cannot copy a public record within the Town of Millington, the custodian shall make arrangements for the prompt reproduction of the record at public or private facilities outside the Town of Millington. The custodian shall:

- A. Collect from the applicant a fee to cover the actual cost of reproduction; or
- B. Direct the applicant to pay the cost of reproduction directly to the facility making the copy.

Before copying a public record of the Town of Millington, the custodian shall estimate the cost of reproduction and either:

- A. Obtain the agreement of the applicant to pay the cost; or
- B. Demand prepayment of the cost.

The custodian may charge a reasonable fee for time that an official or employee of the Town of Millington spends:

- A. To search for requested public records; or
- B. To prepare public records for inspection and copying.

Waiver or reduction of fee:

The custodian may waive or reduce any fee set under this regulation if:

- A. The applicant requests a waiver;
- B. The custodian determines that the waiver or reduction is in the public interest.
- C. The custodian may consider the ability of the applicant to pay the fee, among other relevant factors.

If the applicant requests that copies of a public record be mailed or delivered to the applicant or a third party, the custodian may charge the applicant for the cost of postage or delivery.

§ 3-13. Time and Place of Inspection.

An applicant may inspect any public record of the Town of Millington that the applicant is entitled to inspect during the normal working hours of the Town of Millington.

The inspection shall occur where the public record is located, unless the custodian, after taking into account the applicant’s expressed wish, determines that another place is more suitable and convenient.

Town of Millington
Incorporated 1890
P. O. Box 330 - Millington, Maryland 21651
Phone: (410) 928-3880
Website: millingtonmd.us

AFFIDAVIT OF INDIGNECY

I, _____, have submitted a request for public records under the Public Information Act (MD. Code Ann. Gen. Prov. §§ 4-101 – 4-601) and wish to request a waiver of any fee that would otherwise be required in order to process my request. I am unable to pay the necessary fee because I am indigent.

I respectfully submit that:

1. There are _____ family members living in my household, including myself (Do not include renters or temporary guests).
2. The total gross household income (before taxes) is \$ _____ (total income earned by all persons in the household) per Week/ Month/ Year (check appropriate reporting period).
3. The gross household income (before taxes) is from the following sources (list amounts before taxes) per Week/ Month/ Year:
 - Wages.....\$ _____
 - Commissions/Bonuses.....\$ _____
 - Social Security/SSI.....\$ _____
 - Retirement Income.....\$ _____
 - Unemployment Insurance.....\$ _____
 - Temporary Cash Assistance.....\$ _____
 - Alimony/Spousal Support.....\$ _____
 - Rent received from tenants.....\$ _____
 - Any Other Income (do not include food stamps/SNAP)...\$ _____

I affirm under the penalties of perjury that what I have said above is true to the best of my knowledge, information, and belief.

Signature

Date

Kevin Hemstock, Mayor
Michelle Holland, Council Mark Linton, Council
Zita Seals, Council Wayne Starkey, Council

Town of Millington

Incorporated 1890

P. O. Box 330 - Millington, Maryland 21651

Phone: (410) 928-3880

Website: millingtonmd.us

Date Received	_____
Date Completed	_____
Date of Delivery	_____
Completed By	_____

Public Information Act (PIA) Records Request Form

All request for records maintained by the Town of Millington pursuant to the Maryland Public Information Act should be submitted via mail, email, or in person:

Town of Millington
Attn: Town Clerk
P O Box 330
Millington, MD 21651
millington@millingtonmd.us

For your convenience, we have included an optional form to provide general information that is typically required when submitting a request. We will still accept requests in the format of your choosing.

Part I: Applicant Identification

Please provide your information below. If you are making this request on behalf of another individual, please provide their information and the nature of your relationship.

Individual Name: _____ Date: _____
Business /Organization Name: _____
Taxpayer Identification, Social Security, or Central Registration #: _____
Mailing Address: _____
Relationship: _____
Phone Number: _____ Email: _____

**If requesting confidential tax payer information, you will be required to prove authorization. If this is the case, you will need to provide Taxpayer Identification, Social Security, or Central Registration Number for the individual of interest below:

Name: _____ ID #: _____

Part II: Description of Records

Either in the space below or in a separate attachment, describe or identify the records that you want to inspect or copied in as much detail as possible:

Select at least one of the following action requests:

In Person Review of Record _____ Copies of Record _____
Electronic Delivery of Record _____ Other _____

Kevin Hemstock, Mayor

Michelle Holland, Council
Zita Seals, Council

Mark Linton, Council
Wayne Starkey, Council

Town of Millington

Incorporated 1890

P. O. Box 330 - Millington, Maryland 21651

Phone: (410) 928-3880

Website: millingtonmd.us

Part III: Acknowledgements

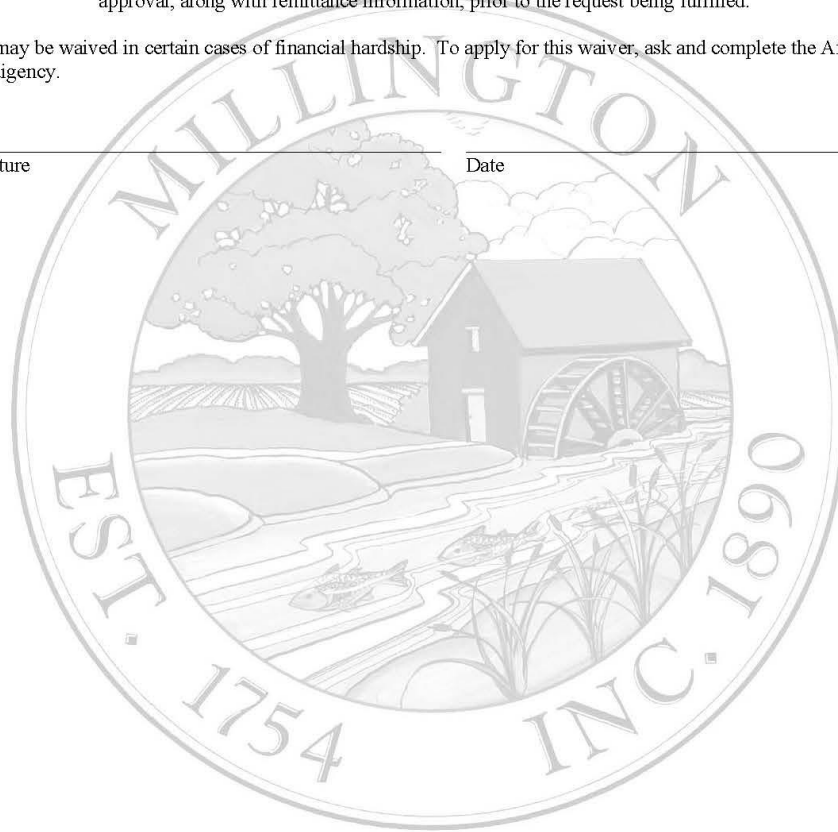
This is a request under the Maryland Public Information Act, Title 4 of the General Provisions of the Maryland Code. With this submission, I understand that:

- if all or any part of this request is denied, I will be provided with a written statement of the grounds for the denial;
- there may be fees associated with this request. I will receive a written cost estimate for my approval, along with remittance information, prior to the request being fulfilled.

Fees may be waived in certain cases of financial hardship. To apply for this waiver, ask and complete the Affidavit of Indigency.

Signature _____

Date _____



Kevin Hemstock, Mayor

Michelle Holland, Council

Zita Seals, Council

Mark Linton, Council

Wayne Starkey, Council

Chapter 9

PLANNING COMMISSION

- § 9-1. Creation.
- § 9-2. Composition; appointment; terms; vacancies; compensation.
- § 9-3. Chairman.
- § 9-4. Rules for transaction of business.
- § 9-5. Powers and duties.
- § 9-6. Public hearings; method of adoption.
- § 9-7. Duties of Town Clerk and Attorney; filing of materials.
- § 9-8. Duties of Commission.

[HISTORY: Adopted by the Mayor and Council of the Town of Millington 11-04-1974; amended in its entirety 07-05-1989 by Ordinance No. 7-89. Subsequent amendments noted where applicable.; amended 10-10-2023 by Resolution 2023-14]

GENERAL REFERENCES

Subdivision of Land - See Chapter 66.

Zoning - See Chapter 80.

§ 9-1. Creation

Pursuant to the authority and provisions of HB 1045 of 2021 of the Annotated Code of Maryland (1957 Edition as amended), there is hereby created a Municipal Planning Commission for the Town of Millington. Such Commission shall be known as the “Millington Planning Commission” and is hereafter referred to as the “Planning Commission”

§ 9-2. Composition; appointment; terms; vacancies; compensation.

- A. The Planning Commission shall consist of five (5) members; three (3) members are required for a quorum.
- B. The members shall be appointed by the Mayor and Council from among the business and property owners of Millington. The terms of such members shall be five (5) years or until their successors take office. All Planning Commission members will be sworn into office by the Mayor of the Town of Millington.
- C. A vacancy occurring prior to the expiration of the term for which a member of the Planning Commission is appointed shall be filled in the manner of original appointment.
- D. Members may be removed from this appointment by being declared mentally incompetent by the Circuit Court, or by extended absenteeism (defined as missing 50% of the regular scheduled meetings within a six (6) month time period). Planning Commission will make a written recommendation to the Town Council with the effective date of removal.
- E. Members of the Planning Commission shall serve without compensation.

§ 9-3. Chairman.

The Planning Commission shall elect a Chairman from among its members. The term of the Chairman shall be one (1) year with eligibility for reelection.

§ 9-4. Rules for transaction of business.

The Planning Commission shall adopt rules for the transaction of its business.

§ 9-5. Powers and duties.

The Planning Commission shall have the powers and duties as now or hereafter provided for in HB 1045 of 2021 of the Annotated Code of Maryland (1957 Edition, as amended).

§ 9-6. Public hearings; method of adoption.

- A. Public hearings.
 - (1) The Planning Commission shall hold public hearings on all plans, regulations, and other proposals for which such hearings are required under HB 1045 of 2021 of the Annotated Code of Maryland (1957 Edition, as amended). The Planning Commission shall give at least fifteen (15) days’ notice of such hearings by an advertisement published in a newspaper of general circulation , through the Town’s Facebook page, and the Town’s website. Such notice shall include the time and place of the hearing, a description of the summary of the proposals to be considered at the hearing, and a place where a copy of such proposals can be obtained. At any such hearings interested persons shall be afforded an opportunity to comment or present additional information. Unless otherwise stated at the start of the public hearing, each person is allowed three (3) minutes to comment or present information.

- (2) A written and/or audit record will be available of any public hearing held by the Planning Commission.
- B. Any regulations or other proposals in connection with planning and zoning that are adopted by the Planning Commission shall be adopted by a ye or nay vote in open session.

§ 9-7. Duties of Town Clerk and Attorney filing of materials.

- A. The Town Clerk or Town Administrator shall serve as the Secretary of the Planning Commission, and the Appointed Attorney shall serve as attorney for the Planning Commission.
- B. All applications, plate, maps, and other matters required to be filed with the Planning Commission by HB 1045 of 2021 of the Annotated Code of Maryland (1957 Edition, as amended) or regulations adopted pursuant thereof shall be deemed filed when filed with the Town Clerk, and he/she shall be responsible for presenting all such applications, plate, maps, and other matters to the Planning Commission for its consideration for action.

§ 9-8. Duties of Commission.

The Planning Commission shall draft and recommend a plan, known as the Comprehensive Plan, to the Mayor and Council of Millington for adoption and which shall serve as a guide to decisions to ensure the development of public and private property both inside of the Town of Millington and surrounding areas which, in the judgment of the Planning Commission, bear relation to the planning responsibilities of the Commission. The plan shall contain as a minimum the elements set forth in HB 1045 of 2021 of the Annotated Code of Maryland (1957 Edition, as amended). Also, as provided in said HB 1045 of 2021, it shall be the duty of the Planning Commission to recommend the boundaries of the various zoning districts and appropriate regulations to be enforced therein, in order that the Mayor and Council may avail themselves of the zoning powers conferred by the Maryland Code. The Planning Commission shall make a preliminary report and hold at least one (1) public hearing thereon before submitting its final report, and the Mayor and Council shall not hold public hearings or take action until the final report of the Planning Commission has been received.

The Planning Commission shall review and amend as needed the Subdivision Ordinance and the Zoning Ordinance to correspond with the Comprehensive Plan. The Planning Commission shall prepare official maps establishing local jurisdiction authority to protect future rights-of-way from development, future annexations, and zoning classifications that are linked to the Comprehensive Plan.

REPEALED – 11-14-2023
RESOLUTION 2023-16

Chapter 11

RECREATION COMMISSION

- § 11-1. Establishment; membership; terms; vacancies.
- § 11-2. Chairman; organization; rules and regulations.
- § 11-3. Powers and duties.
- § 11-4. Budget; gifts and bequests.
- § 11-5. Superintendent and other personnel.
- § 11-6. Monthly and annual reports.

[HISTORY: Adopted by the Mayor and Council of the Town of Millington 04-10-78. § 11-1 An amended at time of adoption of Code; see Chapter 1, General Provisions, Article I. Other amendments noted where applicable.] [Chapter 11 – Recreation Commission repealed by Resolution 2023-16, November 14, 2023.]

§ 11-1. Establishment; membership; terms vacancies.

- A. Pursuant to § C4-1B.44 of the Municipal Charter for the Town of Millington, there may be established a Recreation Commission.
- B. This Commission shall consist of five (5) persons serving without pay that shall be appointed by the Mayor and confirmed by at least one (1) Council member.

The term of office shall be for three (3) years or until their successors are appointed and qualified, except that the members of such Commission first appointed shall be appointed for such terms that the term of no more than two (2) members shall expire annually thereafter.

Vacancies in such Commission occurring for whatever reason shall be filled by the Mayor within forty-five (45) days and confirmed by at least one (1) Council member.

Editor's Note: Amended at time of adoption of Code, see Ch. 1. General Provisions. Art. I.

§ 11-2. Chairman; organization; rules and regulations.

- A. The Chairman of this Commission shall be appointed by the Mayor and confirmed by at least one (1) Council member.
- B. Immediately after the appointment of the members and the Chairman, they shall meet and organize by electing such other officers as may be necessary.
- C. The Commission shall have the power to adopt bylaws, rules and regulations for the proper conduct of public recreation for the town.

§ 11-3. Powers and duties.

The Recreation Commission may provide, conduct and supervise public playgrounds, athletic fields, recreation centers and other recreation facilities and activities on any of the properties owned or controlled by the town or on other properties with the consent of the owners and authorities thereof. It shall have the power to conduct or to cooperate with other agencies in conducting any form of recreation that will employ the leisure time of the people in a constructive and wholesome manner.

§ 11-4. Budget; gifts and bequests.

Annually, the Recreation Commission shall submit a budget to the town's governing body for its approval. The Commission may also solicit or receive any gifts or bequests of money or other personal property or any donation to be applied, principal or income, for either temporary or permanent use for playgrounds or other recreation purposes. However, no money received by the Commission may be spent without including that money as part of the budget submitted to the Mayor and Council for approval.

§ 11-5. Superintendent and other personnel.

The Recreation Commission shall have the power to appoint or designate someone to act as Superintendent who is trained and properly qualified for the work and such other personnel as the Commission deems proper when this position is or these positions are properly budgeted.

§ 11-6. Monthly and annual reports.

The Recreation Commission shall make full and complete monthly and annual reports to the governing body of the town and other reports from time to time as requested.

Chapter 18
ALCOHOLIC BEVERAGES
ARTICLE I
Public Consumption

§ 18-1. Definitions.

§ 18-2. Provisions.

§ 18-3. Exemptions.

§ 18-4. Penalties.

[HISTORY: Adopted by the Mayor and Council of the Town of Millington: Article I, 01-30-01. Amendments noted where applicable.]

§ 18-1. Definitions.

“Public Property” shall be defined as including any building, ground, park, street, highway, alley, sidewalk, station, terminal, or other structure, road, parking area located on land owned, leased or operated by the Federal Government, the State, the County, or the Town.

§ 18-2. Provisions.

It shall be unlawful for any person to consume or possess in any open container any alcoholic beverage while:

On public property, unless authorized by a governmental entity that has jurisdiction over the property;

On any mall, adjacent parking area, or other outside area of any combination of privately owned retail establishments, like shopping center, where the general public is invited for business purposes;

On any adjacent parking area or other outside area of any other retail establishment;

In any parked vehicle located on any of the places enumerated in this Section.

§ 18-3. Exemptions.

The Mayor and Council of this Town reserve the right at their discretion and in the best interests of the citizens of the Town to grant on special occasions and other events an exception to the provisions of this Article.

§ 18-4. Penalties.

Any person violating the provisions of this Chapter/Article shall be deemed guilty of a Municipal Infraction and shall upon conviction thereof be punished by a fine as outlined in the Code of the Town of Millington Chapter 2. Each day, or each separate occasion during each such day, that a violation of this Article/Chapter occurs or reoccurs shall constitute a separate offense.

Chapter 21
BRUSH, GRASS, AND WEEDS

- § 21-1. Definitions.
- § 21-2. Removal on regular schedule required.
- § 21-3. Notice to remove.
- § 21-4. Removal by Town; payment of costs.
- § 21-5. Violations and penalties

[HISTORY: Adopted by the Mayor and Council of the Town of Millington: 04-01-91. Amended December 12, 2023 by Resolution 2023-18]

GENERAL REFERENCES

Trees - See Chapter 69.

The owner of a property is responsible for the maintenance of the structures and exterior of their property. Vacant structures and premises shall be maintained in a clean, safe, secure, and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

§ 21-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

PERSON – The owner of public record of any lot or part of a lot within the Town.

TOWN – The Town of Millington.

WEEDS – all grasses, annual plants, and vegetation, other than trees or shrubs provided; however, this does not include flowers and gardens.

§ 21-2. Sanitation.

Exterior property and premises shall be maintained in a clean, safe, and sanitary condition. Premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water. The exception is approved retention areas and reservoirs. Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions. Premises and exterior property shall be maintained free from weeds or plant growth in excess of 8” (eight inches). Noxious weeds shall be prohibited.

§ 21-3. Notice to remove.

The Mayor and Council is hereby authorized and empowered to notify, in writing, the owner of any such lot, place or area to cut, destroy, and/or remove the weeds found growing, lying, or located on such owner’s property or upon the sidewalk abutting the same. Such notice shall be served by mail and addressed to said owner or agent of said owner at his/her last known address.

§ 21-4. Removal by Town; payment of costs.

Noncompliance; removal by Town. Upon the failure, neglect or refusal of any person so notified to cut, destroy, and/or remove weeds growing, lying, or located upon such person’s property or upon the sidewalk abutting the same within ten (10) days after receipt of the written notice provided for in Section 21-3 of this Chapter or within five (5) days after the date of such notice in the event that the same is returned to the Town Post Office because of its inability to make delivery thereof, provided that the same was properly addressed to the last known address of such person, the Town is hereby authorized and empowered to pay for the cutting, destroying, and/or removal of such weeds or to order the removal by the Town with the cost of removal to be billed to the property owner and if not paid then the amount will be added to the owner’s Municipal Taxes.

§ 21-5. Violations and penalties.

- A. Any person, firm or corporation violating any provisions of this Chapter shall be deemed to be guilty of a Municipal Infraction and, upon conviction thereof, shall be fined as specified in the Chapter 2 of the Town of Millington.
- B. Each day that such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

Chapter 22
BUILDING CONSTRUCTION

ARTICLE I

Standards

[A resolution adopted by the Mayor and Council of the Town of Millington 12-05-1984 provided that the Queen Anne's section of the town will follow the county ICC International Building Code, the ICC International Residential Code, ICC International Property Maintenance Code, and the International Mechanical Code. Said resolution further provided that the town follows the county policy with respect to putting in wells and sediment control. In addition, the resolution provided that the Zoning Administrator will inform the property owners in the Queen Anne's section of the town that there must be a building permit before Planning and Zoning Commission approval is issued.] [A resolution adopted by the Mayor and Council of the Town of Millington 02-14-2017 adopted the International Property Maintenance Code as Chapter 65 of the Town's Code in effect for those properties located in Kent and Queen Anne's Counties.]

ARTICLE II

Livability Code

[Ordinance No. 8-89, adopted 08-02-1989, adopted the Kent County Livability Code. A cooperative agreement with Queen Anne's County, signed 11-01-1989, provided that the Queen Anne's County Livability Code will be applicable within the Town of Millington and enforced.]

- § 22-III-1 Applicability
- § 22-III-2 Inspection of Rental Units
- § 22-III-3 Permit Required
- § 22-III-4 Inspection Fee
- § 22-III-5 Violations & Penalties

{History: Reviewed, amended, and adopted by Mayor and Council of the Town of Millington, November 27, 2023}

GENERAL REFERENCES

- Floodplains - See Chapter 34.
- Sediment Control - See Chapter 53.
- Stormwater Management - See Chapter 60.
- International Property Maintenance Code – See Chapter 65.
- Subdivision of Land - See Chapter 66.
- Short Term Rentals – See Chapter 78.
- Zoning - See Chapter 80.

ARTICLE III
OCCUPANCY PERMITS

[Ordinance No. 2006-02, adopted 06-21/2006, adopted an Occupancy Permit Requirement for Rental Housing]

22-III-1 Applicability.

The requirements of this article shall apply to:

Owners of real estate following the occurrence of an activity for which the issuance of a building permit under this chapter is required.

Lessors of residential real estate in accordance with the schedule set forth in 22-III-5 hereof.

22-III-2 Inspection of Rental Units.

Unless the Mayor and Council shall designate a different grouping of rental units for inspection purposes, the following shall constitute the inspection schedule for rental housing.

Biannual inspection. All rental housing units within the Town of Millington shall be inspected on a biannual basis for compliance with Building, and Property Maintenance Code standards.

Inspection process. Every residential housing unit owner, whether such unit is an apartment or a single-family residence, shall make application to the Town of Millington for inspection on or before the 31st day of December of the year in which inspection is required.

22-III-3 Permit required.

It shall be unlawful to occupy or to permit the use or occupancy of any building or premises or portion thereof as described in 22-III-1 until the building or premises have been inspected and an occupancy permit issued stating that the proposed use of the building or premises conforms to the requirements of the Town Building Code and Town Property Maintenance Code.

22-III-4 Inspection Fee.

The applicant for an occupancy permit shall pay a fee for such inspection in that amount established from time to time by resolution of the Mayor and Council of Millington.

22-III-5 Violations and Penalties.

Any person who shall occupy property without an occupancy permit where the same is required by this chapter shall be guilty of a municipal infraction. Each day that occupancy without a required permit occurs shall constitute a separate offense.

Any rental property owner who shall fail to make application to the Town of Millington for the biannual inspection required by this chapter shall be deemed guilty of a municipal infraction.

Once inspection shall have been made by the Town Code Enforcement Inspector, such property owner shall have 30 days to correct all violations found by the Inspector that are not subject to the emergency provisions of Section 109 of the ICC International Building Code, the ICC International Residential Code, ICC International Property Maintenance Code, and the ICC International Mechanical Code or its successor code. Each day more than 30 days

after the inspection the Town Code Enforcement Inspector shall have made that no emergency violations continue shall constitute a separate offense. Emergency violations shall be governed by Section 109 of the ICC International Building Code, the ICC International Residential Code, ICC International Property Maintenance Code, and the ICC International Mechanical Code or its successor code.

Chapter 26

CURFEW

§ 26-1. Curfew

§ 26-2. Responsibility of parents or legal guardians/custodians.

§ 26-3. Penalties.

§ 26-4. Report to Kent or Queen Anne's County Department of Social Services.

§ 26-5. Enforcement Authority.

[History: Adopted by the Mayor and Council of the Town of Millington 02-01-1971 as Ordinance No. 115; Amended March 12, 2024].

§ 26-1. Curfew

Minors under the age of sixteen (16) years, unaccompanied by a parent, legal guardian, or sibling over the age of twenty-one (21) years, shall not loiter, wander, walk, or play in or upon the public streets, highways, roads, alleys, parks, playgrounds, or other public grounds or buildings, or vacant lots open to the public between the hours of:

- (a) 10:00 p.m. on Fridays to 5:30 a.m. on Saturdays.
- (b) 10:00 p.m. on Saturdays to 5:30 a.m. on Sundays.
- (c) 9:00 p.m. through 5:30 a.m. on Sundays through Fridays.

The provisions of this Section do not apply to a minor found in or upon a public place set forth above during prohibited hours if the minor demonstrates that he or she is responding to an emergency that cannot be addressed by a parent, legal guardian, or adult sibling.

§ 26-2. Responsibility of Parents or Legal Guardians/Custodians.

It shall be unlawful and constitute a municipal infraction for a parent, legal guardian or custodian or other adult with care, custody, or control of a minor under the age of sixteen (16) years to knowingly permit the minor to act in violation of Section 1 of this Chapter 26.

§ 26-3. Penalties.

Any parent, legal guardian or custodian, or other adult with care, custody, or control of a minor under the age of sixteen (16) years determined to have violated Section 2 of this Chapter 26 shall be subject to the following sanctions:

- (a) 1st Offense – Written warning.
- (b) 2nd Offense – Issuance of a civil citation with a fine of \$100.00.
- (c) 3rd Offense – Issuance of a civil citation with a fine of \$250.00.
- (d) – 4th Offense – Issuance of a civil citation with a fine of \$500.00.
- (e) - Subsequent Offenses – Issuance of a civil citation with a fine of \$1,000.00.

§ 26-4. Report to Kent or Queen Anne’s County Department of Social Services.

Following the issuance of a civil citation for a third offense as provided in Section 3 of this Chapter 26, the Town may contact the Kent or Queen Anne’s County Department of Social Services and request that the Department conduct an investigation regarding the well-being and supervision of the minor.

§ 26-5. Enforcement Authority.

The Town Administrator, or his/her designee, shall have authority to enforce the provisions of this Chapter 26, including the authority to issue civil citations.

Chapter 27

NUISANCE

§ 27-1. Purpose.

§ 27-2. Scope and application.

§ 27-3. Intent.

§ 27-4. Definitions.

§ 27-5. Public nuisance.

§ 27-6. Owner responsibility.

§ 27-7. Enforcement.

§ 27-8. Warning notices.

§ 27-9. Notices to vacate and to repair or remove.

§ 27-10. Posting of public notice.

§ 27-11. Service.

§ 27-12. Abatement by Town at owner's expense.

§ 27-13. Collection of expenses.

§ 27-14. Penalty for violations.

§ 27-15. Prosecution.

§ 27-16. Filing of judicial appeals.

[History: Adopted by the Mayor and Council of the Town of Millington 02-05-1987 as Ordinance No.1-87,
Amended March 12, 2024.]

§ Article I. Unsafe Premises

§ 27-1 Purpose:

It is the purpose of this article and regulations passed pursuant thereto to secure and protect the general public from premise conditions found to be dangerous or detrimental to human life, limb, health, property, or safety.

§ 27-2 Scope and application:

The provisions of this article are remedial and shall apply to the condition of all premises and to use, occupancy, structural condition, removal and demolition of all structures and appurtenances connected or attached thereto irrespective of their date of construction, alteration, repair, or installation.

§ 27-3 Intent:

Except as to emergency circumstances, this article shall be enforced only after violations have first been brought to the attention of the owner by the issuance of a warning notice and a reasonable time and full opportunity for voluntary compliance has been afforded to the owner.

§ 27-4 Definitions:

For the purpose of this article and unless otherwise expressly stated, the following words, phrases and their derivatives shall have the meaning set forth in this Section; where terms are not defined under the provisions of this article or under the provisions of any building, fire, safety, health, plumbing, or electrical code or ordinance enforceable in Kent & Queen Anne's County, such terms shall have ascribed to them their ordinarily accepted meanings in the context utilized.

TOWN – means the incorporated Town of Millington, Maryland.

DWELLING – when used in this article without other qualifications means a structure used whether occupied or not for residential purpose.

EGRESS – means an exit or a place or a means to leave a dwelling unit by continuous, unobstructed travel.

ENFORCEMENT OFFICER – means any person appointed or authorized by the Town of Millington, to exercise any or all of the responsibilities charged to the Enforcement Officer by the provisions of this article.

GARBAGE – all organic waste, consisting of the residue of animal, fruit, or vegetable matter, resulting from the preparation, cooking, handling, or storage of food, exclusive of human or animal feces.

JUNK – old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, iron, steel, and any other old or scrap material, including wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts or household appliances.

NUISANCE – The following specific acts, deeds, or conditions:

- A. The deposit or accumulation of any foul, decaying, or putrescent substance or garbage or refuse or rubbish or other offensive matter in or upon any land, street, or highway unless in a manner approved by the Enforcement Officer or a properly designated agent of the Town.
- B. The discharge of any foul liquids or sewage from any type of mobile vehicle holding tank except into an approved sewer or treatment works, accepting normal agricultural practices.

- C. The disposal of human excreta, dead animals or fowl upon any land, street, or highway or in or upon any public or private place without it being buried to a suitable depth or otherwise disposed of in a manner approved by the Enforcement Officer.
- D. The conveying of garbage, swill, refuse, dead animals, dead fowl, or other filthy matter through any street or any highway, public or private, in a manner not approved by the Enforcement Officer.
- E. The use of garbage, offal, or any other decaying or putrescible matter either by itself or in connection with ashes or other harmless matter, for the purpose of filling in any land or other space, exempting licensed sanitary landfills.
- F. The existence of weeds more than 12 inches in height upon any property in any residential area within 200 feet of a habitable dwelling. Areas noted as official wetlands or isolated by official wetlands, agricultural lands, and forest are exempt.
- G. The permitting or existing of an unfit structure as defined by this chapter.
- H. Permitting the presence of rats and allowing property to become a rat harborage.
- I. The unsightly presence of junk on any property in excess of 30 days and stored and maintained in an unsafe or unsanitary manner and stored or maintained within 200 feet of a public or private road or dwelling.
- J. Except for material originating in or delivered from lands within the territorial boundaries of the Town of Millington, no materials containing designated hazardous substances as defined and identified in the Environment Article, §7-201, of the Annotated Code of Maryland, shall be deposited upon any lands within the territorial boundaries of the Town of Millington.

OWNER – means a natural person, his heirs, executors, administrators, or assigns and also includes a firm, partnership, or corporation, it's or their successors or assigns, or the agent of any of the aforesaid.

PREMISES – means a lot, plot, or parcel of land including the structures, dwellings, and dwelling units thereon.

REFUSE – Ashes, garbage, rubbish, junk, industrial waste, motor drain oil, dead animals, and all other solid waste materials, including salvageable waste.

REMOVE – means taking away and off the premises, as well as the removal of backfill of all excavations and openings in the earth as the result of demolition.

REPAIR – means the replacement of existing work for the purpose of its maintenance.

REQUIRED – means “mandatory” in the imperative sense.

RESIDENTIAL AREA – an area having an average of 40,000 square feet or less per dwelling unit.

RUBBISH – All refuse other than garbage, whether combustible or noncombustible, and such forms shall include but not be limited to the following: rubbish from building construction or reconstruction, dead trees, uprooted tree stumps, slash, rubble, street refuse, abandoned automobiles, household appliances, machinery, bottles, cans, wastepaper, cardboard, sawdust piles, and slash remaining from abandoned sawmill operations, and all other waste materials and unsightly debris from an industry.

STRUCTURE – means anything which is built or constructed, and which is fastened, anchored, or rests upon the ground.

UNFIT STRUCTURE – Any vacant dwelling, building, or part thereof located within 200 feet from any adjacent property boundary or any public or private road which constitutes a hazard to the safety, health, or welfare of the public because it is in disrepair, unsanitary, vermin-infested, or rodent-infested.

§ 27-5 Public nuisance.

A premise or structure may be found and declared by the Enforcement Officer to be a public nuisance if it:

- (1) constitutes a fire hazard,
- (2) has inadequate egress,
- (3) is structurally unsafe and unstable and is likely to collapse partially or completely,
- (4) constitutes a hazard to safety or health by reason of unsafe equipment, disrepair, dilapidation, obsolescence, or abandonment,
- (5) contributes to including but not limited to water contamination, vermin, or rodent infestation, the accumulation of garbage, rubbish, and human or animal feces, or undue exposure of persons to the elements.

It shall be unlawful to refuse or neglect or otherwise to fail to abate, by repair improvement or removals, any condition declared as a public nuisance.

§ 27-6 Owner responsibility.

The owner or the occupant of any premises within the Town of Millington shall be responsible for sanitary conditions of the premises occupied by him/her, and it will be unlawful for any person to place, deposit, or voluntarily allow to be placed or deposited on his/her premises any matter which constitutes a nuisance under the terms of this chapter.

§ 27-7 Enforcement

- A. The Enforcement Officer, his designee, or other properly designated law enforcement agent shall be the enforcement officer. Upon receiving a complaint, he/she shall institute an investigation, and if the place or thing complained of is in such a condition as to constitute a nuisance under the terms of this chapter, he/she shall serve a notice in writing on the person, firm, or corporation responsible for the condition requiring his/her/them to abate the same within a time specified in the notice.
- B. It shall be the duty of all law enforcement officers who have jurisdiction in the Town of Millington to enforce this chapter, and it shall further be the duty of the State's Attorney to prosecute violators under this chapter.

§ 27-8 Warning notices.

- (a) Except as to the emergency circumstances, the Enforcement Officer upon first determining that a violation of this article exists, shall issue a written warning notice advising the owner of the property in violation of the following:
 - (1) The nature of the violation;
 - (2) Repair and improvement necessary to abate the public nuisance;
 - (3) A reasonable time not to exceed 120 days to achieve voluntary compliance;
 - (4) The date after which a Notice to Vacate and to Repair or Remove will be issued if voluntary compliance is not achieved.
 - (5) An explanation of the owner's rights of appeal under the provisions of this article.
- (b) A warning notice need not be issued when conditions constitute an emergency and present an imminent or immediate threat of danger to human life or limb, health, property, or the public safety.

§ 27-9 Notices to vacate and to repair or remove.

The Enforcement Officer shall issue a written Notice to Vacate and to Repair or Remove whenever:

- (a) An emergency circumstance exists and presents an imminent or immediate threat of danger to human life or limb, health, property, or the public safety.
- (b) Voluntary compliance with a warning notice is not achieved with the time indicated.

This notice shall require the owner to vacate the premises within a stated time and, within sixty (60) days, either to complete specific repairs, or improvements or to remove the public nuisance of any portion thereof, including to remove all debris and to backfill all excavations and openings in the earth, or otherwise to comply with other applicable provisions of this article. Upon evidence of a good faith effort to commence compliance with such notice, the Enforcement Officer may, in his sole discretion, grant a reasonable extension of time to complete compliance.

§ 27-10 Posting of Public Notice.

Upon issuance of a Notice to Vacate and to Repair or Remove, the Enforcement Officer shall cause to be posted, at an entrance of the premises declared to be a public nuisance, the following notice: "THESE PREMISES ARE UNSAFE AND HAVE BEEN DECLARED TO BE PUBLIC NUISANCE; USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE "MAYOR AND TOWN COUNCIL."

Such notice shall remain posted until the required repairs are made, or removal is completed. It shall be unlawful for any person, firm, or corporation or their agents, or other servants to remove such notice without written permission of the Enforcement Office, or for any person to trespass upon the premises except for the purpose of making the required repairs or of removing the public nuisance.

§ 27 -11 Service.

Whenever the Enforcement Officer shall issue a Warning Notice or a Notice to Vacate and to Repair or Remove, he shall give such notice to the owner of record or agent, and to the person in control of the premises, by return receipt registered or certified mail, or by personal service through the Sheriff of Kent County or Queen Anne's or through other legally accepted means. Service on nonresidents and persons who cannot be found in the County shall be made:

- (1) by sending a copy of such notice to the owner of record by register or certified mail to such owner's last known address;
- (2) by publishing such notice twice in a newspaper of general circulation in the County and
- (3) by posting such notice on the property concerning in a conspicuous manner.

Effective service shall be deemed to have been made on the last day to occur of such mailing, publication, and posting.

§ 27-12 Abatement by Town at owner's expense.

In the event that the owner of record fails to comply with a Notice to Vacate and to Repair or Remove within sixty (60) days of the effective service of the notice, or in the event that the premises has been posted as unsafe and there exists an emergency circumstance which presents an imminent or immediate threat of danger to human life or limb, health, property, or public safety, the Enforcement Officer may enter the premises concerned with proper notification to the property owner and cause the same to be repaired or removed and any dangerous conditions to be remedied, as to case may be at the expense of the owner of record.

§ 27-13 Collection of expenses:

If the owner of record fails to repay the Town for expenses incurred under Section 1-11 within thirty (30) days after written demand has been mailed to such owner's last known address the Enforcement Officer shall notify the Town Clerk and such expenses shall be charged to the property, shall constitute a lien thereon, shall be entered on the tax records kept by the Town Clerk and shall be collectible as are taxes in arrears under the provision of Section 9-12 of the code of Kent County and Queen Anne's County.

§ 27-14 Penalty for violations.

Any person who shall violate any provision of this article shall, upon conviction thereof, be subject to a civil penalty of not more than One Thousand (\$1,000) Dollars at the discretion of the Court. Each day that a violation continues after due notice of the penalty has been effectively served shall be deemed a separate offense.

§ 27-15 Prosecution.

In case any notice as provided in Section 1-9 or 1-10 is not promptly complied with, the Enforcement Officer may institute an appropriate action in a court of competent jurisdiction:

- (1) to restrain, correct, or remove the violation;
- (2) to prevent the trespass, occupation, or use of the structure in violation of, or not in compliance with, the provisions of this article.
- (3) to order the payment of the civil penalty authorized by this article, or
- (4) to order such other relief as shall be just or equitable to secure and protect the general public from premises conditions found to be dangerous or detrimental to human life, limb, health, property, or safety.
- (5) ascertain costs, including attorney's fees may be charged to the owner including the record owner as well as any other person prosecuted under this section. As such costs, fees, and penalties may be charged to the property and constitute a lien as provided in 1-13 on this Ordinance.

§ 27-16 Filing of judicial appeals.

Upon effective service of a Notice to Vacate and to Repair or Remove, any person may appeal such notice within thirty (30) days of the date thereof to any court of competent jurisdiction. Such appeal shall stay neither abatement by the Town nor the requirement to vacate the premises and to refrain from trespassing thereupon except for the purpose of making the required repairs or of removing the public nuisance unless a stay shall be granted by the Court to which such appeal has been made or by the Enforcement Officer.

Chapter 29

Animals

- § 29 – 1 Definitions
- § 29 – 2 Enforcement Authority
- § 29 – 3 Proper Confinement
- § 29 – 4 Property Size Requirements & Setbacks from Property Lines
- § 29 – 5 Keeping of Small Animals
- § 29 – 6 Keeping of Large Animals
- § 29 – 7 Violation & Penalties

{NOTE: Originally adopted July 1, 1962; October 5, 1994 – adopted thru Resolution #94-10 Queen Anne’s County Animal Control Ordinance; September 9, 2014 – amended thru Resolution #2014-08 Animal Ordinance; December 8, 2020 – adopted thru Resolutions #2020-15 and #2020-16 revised Kent and Queen Anne’s Counties Animal Control Ordinances; February 8, 2022 – amended thru Resolution #2021-11 Animal Ordinance.}

§ 29 – 1. Definitions.

At Large – off premises of the owner of the animal and not under the immediate control of a human being either by leash, cord, chain, or otherwise.

Commercial Kennel – an establishment wherein any person, group of persons, or corporation engages in the business of boarding, breeding, buying, grooming, or selling animals, or wherein at any one time there are kept or harbored five or more animals over six months old for a business or commercial purpose.

Domesticated Animal – animals which by long and continued association with humans have become thoroughly tamed and domesticated. These animals are only intended to be pets and shall not be kept for commercial purposes.

Emotional Support Animal – a companion animal or pet that a medical professional has determined provides therapy or benefit for a person with a disability. These animals have not been trained to do work or perform tasks for the benefit of a person with a disability. An emotional support animal is not a service animal.

Large Animals – all animals considered livestock; those animals typically kept or raised on a farm; all animals typically weighing more than 100 pounds.

Owner – any person, partnership, or corporation owning, keeping, or harboring domesticated animals.

Pet Shop – an establishment which offers to sell two or more species of live animals with intent they be kept as pets.

Public Nuisance Animal – any animal which unreasonably annoys humans; endangers the life or health of other animals or persons; or gives offense to human senses; or which substantively interferes with the rights of citizens to the enjoyment of life or property. The term public nuisance animal shall mean and include, but is not limited to, any animal which:

- damages property of anyone other than its owner;
- molests pedestrians;
- chases vehicles;
- excessively makes disturbing noises, including but not limited to, continued and repeated howling, barking, whining, or other disturbances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
- attacks other domesticated animals;
- is repeatedly found at large;
- has bit two or more people;

➤ has been designated by the Animal Control Officer to be a public nuisance animal by virtue of being a menace to the public health, welfare, or safety.
 Small Animals – all animals and birds except for livestock, typically weighing less than 100 pounds.

Service Animals – an animal that is required by a person with a disability for assistance and is certified, in writing, as having been trained by a professional service animal institution to assist a person with a disability and which is properly harnessed in accordance with standards established by a professional service animal institution.

§ 29 – 2. Enforcement Authority.

The Town adopted through Resolution 2020-15 the Kent County Animal Ordinance.

The Town adopted through Resolution 2020-16 the Queen Anne’s County Animal Ordinance.

§ 29 – 3. Proper Confinement.

The owner of any dog, cat, or other domesticated animal within the town limits shall keep the same securely upon his/her own premises or under the control of said owner by means of a leash, cord, chain, or otherwise.

§ 29 – 4. Property size requirement and setbacks from property line.

To allow for the keeping, raising, and maintaining of small animals within the town limits of Millington, the Town allows for 10% of allowable usage of total available Open Space below chart is the recommended minimum requirement:

Animal	Open Space per Animal (sq. ft.)	Set Back (ft.) Rear line/side line
Chickens, Ducks, birds	200	10/5
Goats, sheep, small animals	10,000	10/5
Rabbits	100	10/5

Example of calculation:

Lot size 6,750 sq. ft. – house size 1,384 sq. ft. = 5,366 open space X 10% allowable usage = 536.6 sq. ft./200 (chickens, ducks, birds requirement) = 2.683 allowable number of small animals at this location.

§ 29 – 5. Keeping of small animals.

The keeping of small animals, excluding pets, service animals, and emotional support animals shall be allowed in any district in the Town only upon approval by the Zoning Officer through the issuance of a certificate of compliance, subject to the following requirements:

General Requirements:

- no person shall have, own, permit, or otherwise possess a rooster on their property;
- unless as part of a farm, as defined in this chapter, the use and consumption of small animals and their eggs is limited to the occupants of the premises and shall not be sold;
- keeping small animals shall be considered an accessory use and permitted only as incidental to lots on which the principal use is residential.
- The provisions of this section shall not apply to raising small animals on farms or farmettes.

Location restrictions and planning. In reviewing an application for a certificate of compliance, the Zoning Officer must find the proposed use meets all of the following requirements:

- any premises used for keeping of small animals shall include a manure management plan so as to ensure animals are kept only in conditions that effectively limit odors and noises, while also avoiding attraction of insects and rodents, so as not to cause a nuisance to occupants of nearby buildings or properties and so as not to cause health hazards. The coop, pen, cage, or other shelter must be cleaned on a regular basis to prevent accumulation of waste.
- all small animals shall be provided with a covered, predator-proof coop, pen, cage, or other shelter that is thoroughly ventilated, designed to be easily accessed, and cleaned, and of sufficient size to permit free movement of the animals, exclusive of areas used for storage of materials or vehicles. Animals shall not be allowed to roam the premises outside of such shelters. Any mobile structure or shelter used for rotational use of a property for the keeping of animals shall be deemed a structure under this chapter.
- the total area for all coops, pens, cages, or other shelter shall not be greater than 10% of the parcel.
- any coop, pen, cage, or other shelter used for keeping small animals shall be located in such a manner as to observe the applicable required yard setbacks and shall be prohibited in a front yard.
- no small animal coops, pens, cages, fences, or other shelters are permitted on a lot within 100 feet of any lake, pond, river, or stream, unless such body of water is wholly contained on same lot.
- the coop, pen, cage, or other shelter must be placed on a location on the lot so as not to harm adjoining properties or environmentally sensitive areas.
- no small animals shall be allowed in multi-family complexes, including duplexes, without the written consent of the owner of the building and all tenants residing in the building other than the applicant.

- no small animals shall be allowed without the express written consent of all residents residing on property adjacent to that of the applicant.

Required documentation.

- the approval for a service animal or emotional support animals will require a letter from a doctor and/or therapist stating that the owner will benefit from the service animal or emotional support animal, that the requirement of such animal is indispensable or essential to the owner. The letter(s) must state why the requested approval is necessary and a more reasonable alternative is not available.

§ 29 -6. Keeping of large animals.

The keeping of large animals is strictly prohibited within the limits of the Town of Millington unless property is zoned agriculture and is a farm or farmette.

§ 29 -7. Violations and penalties.

Any person violating the provision of this Chapter shall be deemed guilty of a Municipal Infraction and shall be fined \$500 per day, each day will be considered a separate violation until violation has been brought into compliance.

Chapter 66
SUBDIVISION OF LAND

[HISTORY: Adopted by the Mayor and Council of the Town of Millington 10-06-75. Amendments noted where applicable, Amended by Resolution 2024-11, adopted June 11, 2024]

GENERAL REFERENCES

Planning Commission - See Chapter 9.

Sediment Control - See Chapter 53.

Sewers - See Chapter 56.

Zoning - See Chapter 80.

ARTICLE I

Title; Applicability; Purpose

§ 66-1. Title.

§ 66-2. Applicability.

§ 66-3. Purpose.

ARTICLE II

Definitions and Word Usage

§ 66-4. General rules of construction.

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ARTICLE III

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ARTICLE I

Title; Applicability; Purpose

§ 66-1. Title.

This chapter shall be known, referred to and cited as the “Land Subdivision Ordinance of Millington, Maryland.”

§ 66-2. Applicability.

This chapter shall apply to the incorporated territory of Millington, Maryland, within the area encompassed by the adopted Comprehensive Plan of the Town.¹ The regulations contained herein are adopted under the authority of Land Use Article Annotated Code of Public General Laws of Maryland, as amended, and shall be in addition to any regulations pertaining to land subdivision promulgated by the State Department of Health or other agency of the State of Maryland, and in the case of any conflict, the more exacting regulation shall prevail.

§ 66-3. Purpose.

This Chapter has been established for the purpose of guiding and accomplishing the coordinated and harmonious development of the Town of Millington, Maryland, and its environs in order to promote, in accordance with present and future needs, the health, safety, morals, order, convenience, prosperity and general welfare of the citizens of the Town. In the accomplishment of this purpose, the regulations as herein established provided for, among other things, efficiency and economy in the process of development; the proper arrangement of streets in relation to each other and to the existing and planned streets and other features of the Comprehensive Plan² of the town; adequate open spaces for recreation, light and air; convenient distribution of population and traffic; adequate provision for public utilities and other public facilities; and other requirements for land subdivision which will tend to create conditions favorable to the health, safety, convenience and prosperity of the citizens of Millington, Maryland, and its environs.

ARTICLE II

Definitions and Word Usage

§ 66-4. General rules of construction.

The following general rules of construction shall apply to the regulations of this Chapter:

- A. The singular number includes the plural, and the plural the singular, unless the context clearly indicates the contrary.
- B. Words used in the present tense include the past and future tenses, and the future the present.
- C. The word “shall” is always mandatory. The word “may” is permissive.
- D. The word “public” means “open to common use,” whether or not public ownership is involved.
- E. Words and terms not defined herein shall be interpreted in accordance with their normal dictionary meanings and customary usage.

¹ Editors Note: The Comprehensive Plan is on file in the office of the Town Clerk.

² Editors Note: The Comprehensive Plan is on file in the office of the Town Clerk.

§ 66-5. Definitions.

For the purpose of this chapter, certain terms and words are hereby defined:

ALLEY - A narrow public thoroughfare, not exceeding sixteen (16) feet in width, which provides a secondary means of vehicular access to abutting properties and which is not intended for general circulation.

BUILDING LINE - A line within a lot, so designated on a plat of subdivision, between which line and the street line of any abutting street no building or structure may be erected.

COLLECTOR STREET - A Street which is intended to collect traffic from the minor streets within a neighborhood or a portion thereof and to distribute such traffic to major thoroughfares in addition to providing access to properties abutting thereon.

CROSS WALKWAY - A public way intended for pedestrian use and excluding motor vehicles, which cuts across a block in order to furnish improved access to adjacent streets or properties.

CUL-DE-SAC - A minor street having but one (1) end open for vehicular traffic and with the other end permanently terminated by a turnaround or back around for vehicles.

EASEMENT - A strip of land for which the owner grants a right of use to someone else for one (1) or more designated purposes, which purposes are consistent with the general property rights of the owner.

ENGINEER - The Town Engineer of Millington, who shall be the Resident Engineer of the Maryland State Highway Administration or other, qualified civil engineer designated by the Mayor and Council.

HEALTH OFFICER - The Health Officer of the county.

LOT - A portion of a subdivision or other parcel of land intended for the purpose of building development, whether immediate or future.

LOT AREA - The total horizontal area within the lot lines of the lot.

LOT DEPTH - The average horizontal distance between the front and rear lot lines.

LOT LINE - The boundary line of the lot.

LOT WIDTH - The horizontal distance between the side lot lines, measured at the required building setback line.

MAJOR THOROUGHFARE - A Street or highway so designated in the Comprehensive Plan of Millington.³

MINOR STREET - A Street other than a major thoroughfare or Collector Street and intended primarily for providing access to abutting properties.

PLANNING COMMISSION - The Millington Planning Commission.

REGULATIONS - The whole body of regulations, text, charts, diagrams, notations and references contained or referred to in this chapter.

ROADWAY - That portion of a street or highway available for and intended for use by motor vehicle traffic.

SERVICE DRIVE - A minor street which is parallel to and adjacent to a major thoroughfare and which provides access to abutting properties and restricts access to the major thoroughfare.

STREET - A public or private thoroughfare which affords the principal means of access to abutting properties, whether designated as a freeway, expressway, highway, road, avenue, boulevard, lane, place, circle or however otherwise designated.

STREET LINE - A dividing line separating a lot, tract or parcel of land and a contiguous street, and also referred to as a "right-of-way line."

SUBDIVIDER - Any person, individual, firm, partnership, association, corporation, estate, trust or any other group or combination acting as a unit dividing or proposing to divide land so as to constitute a subdivision as defined herein and including any agent of the subdivider.

³ Editors Note: The Comprehensive Plan is on file in the office of the Town Clerk.

SUBDIVISION - The division of any tract or parcel of land into two (2) or more plots, parcels, lots or sites for the purpose, whether immediate or future, of transfer of ownership or of building development; provided, however, that the sale or exchange of parcels between adjoining lot owners where such sale or exchange does not create additional building sites shall be exempted from this definition. The term shall include re-subdivision and, where appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

ARTICLE III

General Provisions

§ 66-6. Print required for subdivision; recording.

From and after the effective date of this Chapter, any owner, agent or proprietor of any tract of land located within the territory to which these regulations shall apply who subdivides such land into lots, blocks, streets, alleys, public ways or public grounds shall cause a plat of such subdivision to be made in accordance with the regulations set forth herein and the laws of the State of Maryland and shall cause a copy of said plat to be recorded in the office of the Clerk of the Circuit Court.

§ 66-7. Approval of plat by Planning Commission.

No plat of a subdivision shall be recorded by the Clerk of the Circuit Court unless and until it shall have been submitted to and approved by the Planning Commission as provided herein. The Planning Commission shall not approve said plat unless and until the plat satisfactorily complies with the requirements of these regulations.

§ 66-8. Transfer of land; issuance of building permit.

No parcel of land in a subdivision created after the effective date of this Chapter shall be transferred, sold or offered for sale nor shall a building permit be issued for any structure thereon until a plat of subdivision shall have been recorded with the Clerk of the Circuit Court in accordance with these regulations and the laws of the State of Maryland. Any person who violates this provision shall be subject to the penalties contained herein.

§ 66-9. Requirements for plat preparation.

In the preparation of a plat of a subdivision, the subdivider shall comply with the general principles of design and minimum requirements for the layout of subdivisions as set forth in Article V and with the rules and regulations concerning required improvements as set forth in Article VII and in the standards and specifications for improvements as adopted by the Mayor and Council, and in every case the preparation of such plat shall be in accordance with the procedure of Article IV.

ARTICLE IV

Plat Submission and Approval Procedure

§ 66-10. Preparation of sketch; consultation with Planning Commission, Health Officer, and Engineer.

- A. Before undertaking the preparation of a subdivision plat, the subdivider shall have prepared a sketch of the property in question, drawn to approximate scale, showing the boundaries, general topography, important physical features, and other significant information, as well as the proposed scheme for development of the property, including the proposed street and lot locations, areas to be reserved for public use and proposed improvements.
- B. The subdivider shall then consult with the Planning Commission or its staff to ascertain the location of proposed major streets, highways, parks, playgrounds, school sites and other planned

public improvements and to determine the zoning regulations⁴ and other requirements relating to, affecting or applying to the proposed subdivision. The subdivider shall also consult with the Engineer and the Health Officer on the proposed street layout and the proposed facilities for sanitary sewage disposal, storm drainage and water supply to serve the proposed subdivision. The purpose of these consultations is to assist the subdivider by furnishing information and advice in order to expedite matters for the subdivider, save him unnecessary expense and promote the best coordination between the plans of the subdivider and those of the town.

§ 66-11. Submission of preliminary plat.

- A. The subdivider shall then prepare a preliminary plat of the proposed subdivision conforming to the requirements for the preparation of such plat as set forth in Article VI. At least two (2) weeks prior to a regularly scheduled meeting of the Planning Commission at which action on such plat is desired, the following items shall be filed with the Town Administrator
 - (1) Three (3) black-line or blue-line prints of the preliminary plat.
 - (2) Supporting statements on required improvements and proposed deed restrictions, as set forth in Article VI.
 - (3) A subdivision application.
- B. The preliminary plat shall be checked by the Planning Commission or its staff for its conformity to the Comprehensive Plan of the Town, the applicable zoning and other regulations and the design principles and standards and requirements for submission as set forth in this Chapter. Copies of the preliminary plat shall be referred for review and approval to the Engineer, Health Officer and other appropriate public officials concerned with public improvements or health requirements.

§ 66-12. Hearing on preliminary plat; approval; expiration of approval.

- A. A hearing on the preliminary plat shall be held at the next regular meeting of the Planning Commission. No hearing shall be held by the Planning Commission until notice thereof shall have been sent to the subdivider and to such other interested parties as may be determined by the Planning Commission. At the hearing, the Planning Commission shall submit its findings and recommendations, together with those of the other public officials to whom copies were referred. The Planning Commission shall either tentatively approve or disapprove the preliminary plat or it may approve the plat subject to specific changes or modifications. One (1) copy of the preliminary plat, with any comments, shall be returned to the subdivider, with other copies retained in the files of the Planning Commission.
- B. Tentative approval of a preliminary plat shall be valid for not more than six (6) months. Unless a final plat, substantially in accordance with the approved preliminary plat and including any required changes or modifications, shall be filed with the Planning Commission within six (6) months from the date of approval of the preliminary plat, the Planning Commission's approval thereof shall be deemed canceled; provided, however, that the final plat may include only a portion of the area in the preliminary plat and that final plats for remaining portions may be filed at a later date without a new preliminary plat, but subject to any changes in the regulations contained herein made after such six-month period.

⁴ Editors Note: See Chapter 80, Zoning

§ 66-13. Installation of improvements.

Following tentative approval of the preliminary plat, the subdivider shall prepare and submit plans for the installation of those improvements which he is required to make under the provisions of this Chapter. Copies of such improvement plans shall be submitted to appropriate public officials for approval. Upon being notified that such improvement plans have been approved, the subdivider shall proceed with the installation of such improvements prior to filing a final plat for the subdivision with the Planning Commission, except that, in lieu of completing the required improvements prior to such filing, the subdivider may furnish the Mayor and Council with a cash deposit or performance bond executed in accordance with the provisions of Article VII, § 66-28.

§ 66-14. Submission of final plat.

- A. Following completion of the required improvements to the satisfaction of the appropriate public officials or following the posting of a performance bond or cash deposit in lieu of such completion, the subdivider shall prepare a final plat of the subdivision. Such final plat may be for all the property included in the preliminary plat or it may be limited to any portion thereof which is intended to be developed as a unit. Additional final plats, covering additional units of the property, may be submitted later, provided that the preliminary plat is still valid. Every final plat shall be substantially in accordance with the tentatively approved preliminary plat, including any changes or additions required by the Planning Commission as a condition for its tentative approval, and it shall conform in every respect to the requirements for the preparation of such plat as set forth in Article VIII.
- B. At least two (2) weeks prior to a regularly scheduled meeting of the Planning Commission at which action on the final plat is desired, the subdivider shall file the following items with the Secretary of the Planning Commission:
 - (1) Two (2) copies of the plat on tracing linen or dimensionally stable plastic film.
 - (2) Six (6) black-line or blue-line prints of the plat.
 - (3) A properly executed statement of dedication of all streets in the subdivision to the appropriate jurisdiction, constituting an irrevocable offer to dedicate for a period of not less than five (5) years from the date of its filing with the Planning Commission.
 - (4) A subdivision application revised if needed.

§ 66-15. Final plat approval and recording.

- A. Upon receipt by the Planning Commission of evidence of the satisfactory completion of required improvements or the posting of a cash deposit or performance bond therefore; the Planning Commission shall consider approval of the final plat at its next regular meeting. If the final plat is found to comply with the requirements of this Chapter and with the preliminary plat, as approved, the Planning Commission shall approve said plat and shall endorse the fact of such approval on each of the several copies submitted by placing the signature of its Chairperson thereon.
- B. The Planning Commission shall approve or disapprove the final plat within thirty (30) days after the filing of such plat with the Secretary of the Planning Commission; otherwise, such plat shall be deemed to have been approved, and a certificate to that effect shall be issued by the Planning Commission on demand; provided, however, that the subdivider may waive this requirement and consent to an extension of such period. The grounds for the disapproval of any final plat shall be stated upon the record of the Planning Commission.
- C. Upon approval of the final plat by the Planning Commission, the two (2) signed copies of the plat on tracing linen or plastic film shall be filed by the subdivider with the Clerk of the Circuit Court. The signed black-line or blue-line prints shall be forwarded by the Planning Commission to the Supervisor of Assessments, the State Department of Health, the Health Officer and the Engineer,

with one (1) print retained by the Planning Commission and one (1) print returned to the subdivider.

§ 66-16. Fees to be set by Mayor and Council.

Fees shall be set by the Millington Mayor and Council.

ARTICLE V

Design Requirements and Standards

§ 66-17. General requirements.

- A. The subdivision layout shall conform in all essential respects to the Official Transportation Plan and other aspects of the adopted Comprehensive Plan for the Town.⁵
- B. The subdivision layout shall be in full compliance with the provisions of the zoning districts in which it is located.
- C. The subdivision layout shall be designed in accordance with the principles and standards contained in this Article, with the objective of achieving the most advantageous development of the subdivision and adjoining areas.

§ 66-18. Suitability of land.

- A. Land subject to periodic flooding shall not be subdivided for residential occupancy nor for any other use which might involve danger to health, life, or property or aggravate the flood hazard, and such land within any proposed subdivision shall be reserved for uses which will not be endangered by periodic or occasional inundation.
- B. A plat for the subdivision of land with poor drainage or other adverse physical conditions will be considered for approval only if the subdivider shall agree to make whatever improvements are necessary, in the judgment of the Planning Commission, to render the land safe and otherwise acceptable for development.

§ 66-19. Street layout

- A. The street layout shall be designed to create desirable building sites while respecting existing topography, minimizing street grades, avoiding excessive cuts and fills, and preserving trees to the maximum extent possible.
- B. Streets shall be spaced to allow for blocks meeting the dimensional requirements contained herein and to minimize the number of intersections with existing or proposed major thoroughfares.
- C. Where the subdivider adjoins or embraces any part of a major thoroughfare as designated on the Transportation Plan, the layout of such subdivision shall provide for the platting and dedication of such part of the major thoroughfare in the location and at the width indicated on such plan, except that the subdivider shall not be required to dedicate that part of such major thoroughfare which is in excess of eighty (80) feet in width.
- D. Wherever deemed desirable to the layout of the subdivision and adjoining areas, the Planning Commission may require the platting and dedication of one (1) or more collector streets or parts thereof to serve the subdivision.

⁵ The Comprehensive Plan is on file in the office of the Town Clerk.

- E. Minor residential streets, intended primarily for access to individual properties, shall be so arranged as to discourage their use by through traffic.
- F. Streets shall be laid out to intersect one another at as near to right angles as topography and the limiting factors of good design will permit, and no street shall intersect another street at an angle of less than sixty degrees (60°).
- G. Proposed streets in the subdivision shall provide for the continuation of existing, planned or platted streets on adjacent tracts unless such continuation shall be prevented by topography or other physical condition or unless such extension is found by the Planning Commission to be unnecessary for the coordination of development between the subdivision and such adjacent tract.
- H. Where the Planning Commission deems it desirable or necessary to providing access to adjacent tracts not presently subdivided, proposed streets in the subdivision shall be extended to the boundary lines with such adjacent tracts, and temporary turnarounds shall be provided at the ends of such streets, by means of temporary easements or otherwise.
- I. Reduction of impact of heavy traffic.
 - (1) Where the subdivision abuts or contains a primary highway as designated on the Transportation Plan, the Planning Commission may require that measures be taken to reduce the impact of heavy traffic on the residential lots abutting or fronting upon such highway and to afford separation of through and local traffic through one (1) of the following means:
 - (a) By providing vehicular access to such lots by means of a service drive separated from the major thoroughfare by a planting strip and connecting therewith at infrequent intervals.
 - (b) By designing reverse-frontage lots having access only from a parallel minor street or from cul-de-sac or loop streets and with vehicular access to such lots from the major thoroughfare prohibited by deed restrictions or other means.
 - (2) The choice of the most appropriate method of accomplishing the desired purpose in a specific instance shall be made by the Planning Commission, giving consideration to topography and other physical conditions, the character of existing and contemplated development in the subdivision and its surroundings and other pertinent factors.
- J. Where land in the proposed subdivision adjoins a railroad line, the street layout shall make allowance for future grade-separated railroad crossings at appropriate locations by providing extra street right-of-way widths for such crossings and by restricting intersecting streets at locations where they would cause interference with the necessary approaches to such crossings.
- K. Cul-de-sac streets, generally not exceeding six hundred (600) feet in length, shall be permitted where they are necessitated by topographic conditions or where, in the judgment of the Planning Commission, they are appropriate to the type of development contemplated.
- L. Alleys shall be provided in commercial and industrial areas unless adequate access to parking and loading areas is provided by other means. Alleys will not be permitted in residential areas, except for providing rear access to row dwellings or where required by topographic or other unusual conditions. In the absence of alleys, easements will be required for utility lines or drainage facilities.
- M. Half-streets will be prohibited, except where they are essential to the reasonable development of the proposed subdivision in conformity with the other requirements of these regulations and where the Planning Commission finds that it will be practicable to require dedication of the remaining half when the adjoining property is subdivided. Wherever a half-street adjoins the proposed subdivision, the remaining half of the street shall be platted within such subdivision.
- N. Private streets shall not be permitted in any proposed subdivision.

§ 66-20. Street design standards.

- A. Right-of-way widths.
 - (1) Right-of-way widths for primary and secondary highways shall be as designated in the Transportation Plan, and in any case not less than one hundred fifty (150) feet for primary highways and eighty (80) feet for secondary highways; provided, however, that widths above these minimums may be required by state officials to meet particular traffic conditions.
 - (2) Right-of-way widths for other street types shall be not less than sixty (60) feet for collector streets in commercial and industrial areas, fifty (50) feet for minor streets in residential areas, forty (40) feet for service drives and sixteen (16) feet for alleys.
- B. Roadway widths.
 - (1) Roadway widths for primary and secondary highways shall be not less than the minimum specified by state officials, but in any case not less than twenty-four (24) feet with ten-foot shoulders.
 - (2) Roadway widths for other street types shall be not less than the following:
 - (a) Collector streets and minor streets in multiple family residential, commercial and industrial areas: Forty (40) feet with curbs and gutters, except that streets serving lots of one (1) acre or more may, with the approval of the Planning Commission, have a minimum roadway width of twenty-two (22) feet with eight-foot shoulders.
 - (b) Minor streets in single-family residential areas and service drives: Thirty (30) feet with curbs and gutters, except that streets serving lots of one (1) acre or more may, with the approval of the Planning Commission, have a minimum roadway width of twenty (20) feet, with six-foot shoulders on each side for minor streets and on one (1) side for service drives.
 - (c) The Millington Planning Commission may reduce the above street and design standards of width in accordance with good planning techniques.
 - (d) Alleys: Twelve (12) feet.
- C. Cul-de-sac. Cul-de-sac streets shall have a circular turn-around of not less than one hundred (100) feet in diameter to the street line and with a roadway of not less than eighty (80) feet in diameter, unless the Planning Commission approves a T- or Y-background.
- D. Street grades.
 - (1) Street grades shall not exceed five percent (5%) for primary and secondary highways and collector streets and eight percent (8%) for minor streets, service drives and alleys, except that the Planning Commission may permit a variation of not greater than two percent (2%) from these maximums where topographic conditions warrant. Street grades shall be not less than one-half of one percent (1/2 of 1%) at the gutter.
 - (2) All changes in street grades of more than one percent (1%) shall be connected by vertical curves with a minimum length of fifty (50) feet or fifteen (15) times the algebraic difference in the change in grade, whichever is greater.
- E. Curvature. The radius of curvature on the center line shall be not less than four hundred (400) feet for primary and secondary highways, three hundred (300) feet for collector streets and one hundred (100) feet for minor streets, service drives and alleys. Between reverse curves, either of which has a radius of less than two hundred (200) feet, there shall be a tangent section at least one hundred (100) feet in length.
- F. Intersections. Each property corner at street intersections shall be rounded off by an arc, the radius of which shall be not less than twenty (20) feet, except that in a business area a chord may be substituted for such arc. Curbs at street intersections shall be rounded off concentrically with the

property lines. The design of the intersection should provide clear sight distance for oncoming vehicles, and there should be a suitable leveling of the street grade within and approaching the intersection.

§ 66-21. Blocks.

- A. Residential blocks shall normally not exceed one thousand three hundred (1,300) feet in length nor be less than five hundred (500) feet in length between street lines. In any residential block more than eight hundred (800) feet in length, a cross walkway of not less than ten (10) feet in width may be required where necessary to provide convenient access to schools, playgrounds, shopping centers and other community facilities.
- B. Residential blocks shall normally be of sufficient width to provide two (2) tiers of lots of appropriate depth.
- C. Blocks for business or industrial use shall be of such length and width as may be necessary to serve their prospective use, including making adequate provision for off-street parking and for the loading and unloading of delivery vehicles.
- D. Irregularly shaped blocks indented by cul-de-sac or looped streets and containing interior parks or playgrounds will be acceptable when they are properly designed, including making provision for adequate parking and for the maintenance of the public or joint-use recreation area.

§ 66-22. Lots.

- A. The lot arrangement, design and orientation shall be such that all lots will provide satisfactory building sites properly related to topography and the character of surrounding development.
- B. The dimensions and areas of all lots shall comply with the requirements of the zoning district in which they are located, except that in any case where public water supply and/or public sewerage is not available or is not to be provided, all residential lots shall comply with the minimum lot dimensions and areas established by the Health Officer or State Department of Health after appropriate water percolation tests, where these requirements are greater than required under the zoning regulations.
- C. Excessive lot depth in relation to lot width shall be avoided. A ratio of depth to width of two to one (2:1) shall be considered a desirable maximum.
- D. Corner lots shall desirably have extra width to permit appropriate building setback from both streets in accordance with the Zoning Regulations.⁶
- E. Every lot shall abut upon and have access to a public street.
- F. Double-frontage and reverse-frontage lots shall be avoided, except where their use is essential to overcoming special topographic problems or to separating residential development from heavy street traffic.
- G. Residential lots fronting or abutting on major thoroughfares shall desirably have extra lot depths and deeper building setbacks.
- H. Lots adjoining a railroad line shall have extra lot depth and shall provide for an appropriate means of buffering such lots from such railroad line.
- I. Insofar as possible, side lot lines shall be substantially at right angles or radial to the street line, except where a variation to this requirement will provide an improved street and lot layout.
- J. The size and shape of lots intended for single-family residential use shall be sufficient to permit the ultimate provision of a garage on each lot, except that the Planning Commission may permit the grouping of garages into a compound serving several such lots.

⁶ Editors Note: See Chapter 80, Zoning.

§ 66-23. Easements.

- A. Where alleys are not provided in appropriate locations, easements of not less than ten (10) feet in width shall be provided, where necessary, to meet public utility requirements. Easements of greater width may be required along lot lines or across lots where necessary for the extension of trunk sewers or other primary utility lines.
- B. Where a proposed subdivision is traversed by any stream, watercourse or drainage way, the subdivider shall make adequate provision for the proper drainage of surface water, including the provision of easements along such streams, watercourses and drainage ways.
- C. Utility easements in private rights-of-way or in joint-use recreation areas may be permitted at the discretion of the Planning Commission if the design considerations of the proposed subdivision warrant such easements.
- D. No building or structure shall be constructed on any easement without the written authorization of the Commission.

§ 66-24. Public sites and open spaces.

- A. Where deemed essential by the Planning Commission, upon consideration of the type and size of development proposed in the subdivision, the subdivider shall be required to dedicate public facility sites and recreational facilities, of a character, extent, and location suitable to meeting the needs of such development. In lieu of dedicating such additional areas, they may be reserved for the common use of all property owners in the proposed subdivision through deed restrictions.
- B. Where the proposed subdivision includes lands required for use for public facilities, parks, playgrounds, or play fields, the subdivider shall indicate the location of such lands on the subdivision plat and shall dedicate such lands to the appropriate jurisdiction at the time of recordation of all or any portion of the subdivision.

§ 66-24.1. Critical Area District [Added 06-09-1988 by Ordinance No. 88-2]

In addition to the other provisions of the Millington Zoning Ordinance⁷ and Subdivision Regulations, the following design requirements will be adhered to in the subdivision of land located within the Town of Millington Critical Area Overlay District:

- A. Where a tract of land bordering tidal water, tidal wetlands or tributary streams in the critical area is to be subdivided and a buffer exemption has not been granted by the Critical Area Commission, a buffer of at least one hundred (100) feet shall be established in natural vegetation, except areas of the buffer which are planted in vegetation where necessary to protect, stabilize and enhance the shoreline. No development, including septic systems, impervious surfaces, parking areas, roads or structures, is permitted in the buffer. However, approved development or expansion of a water-dependent facility, as defined in the Town of Millington Zoning Ordinance, is accepted from these buffer provisions.
- B. If the lot ownership extends to the water, wetlands or streambed, then the buffer shall be included in the required setback distance for building on that lot, except in the case of water-dependent facilities. Where the buffer is to be owned and maintained by a homeowners' or similar appropriate organization, the required setbacks distance shall be measured from the property line separating that lot from the designated buffer. The buffer, when not included in the lots, may be included in the calculating gross density.
- C. The buffer shall be expanded to include contiguous sensitive areas on parcels whose development or disturbance may impact streams, wetlands or other aquatic environments. This expansion will occur whenever new land development or other land disturbing activities, such as clearing natural vegetation for agriculture or mining, are proposed. The expanded buffer must be shown on plans

⁷ Editors Note: See Chapter 80, Zoning.

required for such development or activities. "Sensitive areas" are defined as follows: hydric soils and soils with hydric properties as designated by the Soil Conservation Service; highly erodible soils with a K value greater than zero and thirty-five hundredths (0.35); and steep slopes greater than fifteen percent (15%). The buffer shall be expanded according to the following rules:

- (1) When the site of the proposed land disturbance drains to a slope greater than fifteen percent (15%) contiguous to the buffer, the buffer shall be expanded four (4) feet for every percent of slope or to the top of slope, whichever is greater, but in no case more than ten (10) feet beyond the top of the slope greater than fifteen percent (15%).
 - (2) The buffer shall be expanded to the upland limit of adjacent hydric soils, soils with hydric properties and erodible soils, whichever is less.
 - (3) All subdivision in the Millington critical area shall be subject to the habitat protection criteria and guidelines prescribed in the Town of Millington Critical Area Program.⁸
- D. The subdivider shall be required to identify storm water management policies appropriate to site development which achieve the following standards:
- (1) In areas designated "intensely developed area" on the Town of Millington Official Critical Area Map, the subdivider shall demonstrate that the best management practices for storm water assure a ten-percent reduction of pre-development pollutant and loadings.
 - (2) The subdivider shall delineate those site areas not covered by impervious surfaces to be maintained or established in vegetation. Where vegetation is not proposed, the developer shall demonstrate why plantings for such portions of the site are impracticable. The types of plantings and vegetation proposed shall be in accordance with guidelines established as part of the Town of Millington Critical Area Program.
- E. The subdivision shall be designed to assure those features or resources identified as habitat protection areas are offered protection as prescribed in the habitat protection element of the Town of Millington Critical Area Program.
- F. In LDA and RCA, roads, bridges, and utilities serving lots shall be located to avoid disturbances to habitat protection areas. When no alternative exists and such infrastructure must cross or be located in habitat protection areas, the developer shall demonstrate how impacts to habitats have been minimized and that no feasible location of such infrastructure exists.
- G. In LDA and RCA, all roads, bridges, lots or other development which cross or are located adjacent to tributary streams in the critical area shall:
- (1) Not be located in the buffer and designed in a manner to reduce increases in flood frequency and severity.
 - (2) Provide for the retention of natural streambed substrate.
 - (3) Minimize adverse impacts to water quality and storm water runoff.
 - (4) Retain existing tree canopy.
- H. In LDA and RCA, lots and open space acres shall be located and designed to provide for maintenance of existing site wildlife and plant habitats and continuity with those on adjacent sites. Existing wildlife corridors shall be identified on proposed development plats. When wildlife corridors exist or are proposed, they shall include any existing habitat protection areas and connect large forested areas on or adjacent to the site.
- I. Impervious surfaces in subdivision located in the limited development areas (LDA) and resource conservation areas (RCA) of the Town of Millington critical area shall be limited to fifteen percent (15%) of the gross site area proposed for development, except that impervious surfaces on any lot not exceeding one (1) acre in size in a subdivision approved after June 1, 1986, may be up to twenty-five percent (25%) of the lot.

⁸ Editors Note: The Town of Millington Critical Area Program is on file in the office of the Town Clerk.

- J. In LDA and RCA, development on slopes greater than fifteen percent (15%) shall be prohibited unless such development is demonstrated to be the only effective way to maintain or improve slope stability.
- K. No clearing or grading is permitted neither in the buffer nor on steep slopes and hydric or highly erodible soils for other than agricultural practices, not involving the clearing of natural vegetation in the buffer or commercial forestry practices in the buffer between March 1 and June 15.
- L. Land to be subdivided shall be designed and improved in reasonable conformity with existing topography, in order to minimize grading, cuts and fill, and to retain, insofar as possible, the natural contours, minimize storm water run-off and conserve the natural cover and soil. No soil, sand, or gravel shall be removed from any lots shown on any subdivision plat, except in accordance with the provisions of the Sediment Control Plan approved by the Soil Conservation District Board.
- M. Subdivision and development in the Town of Millington critical area are encouraged to increase natural vegetation on the development site.
- N. Subdivision located in limited development areas (LDA) and resource conservation areas (RCA) are required to meet the following minimum standards for forest and developed woodlands. Forest and developed woodlands as defined by the Town of Millington Critical Area Program shall be created or protected in accordance with the following:
- (1) When no forest exists on the site, at least fifteen percent (15%) of the gross site area shall be afforested. The location of the afforested area should be designed to reinforce protection to site habitats or provide connections between forested areas when they are present on adjacent sites.
 - (2) When forests or developed woodland exists on the site and proposed development requires the cutting or clearing of trees, areas proposed for clearing shall be identified on the proposed development plan. The developer shall submit plans for development and areas to be cleared to the Maryland Forest, Park and Wildlife Service for comments and recommendations, and shall transmit comments to the Town of Millington Planning Office. A grading permit shall be obtained prior to any clearing or cutting associated with proposed development. In addition, cutting or clearing which is associated with development shall be subject to the following limits and replacement conditions:
 - (a) All forests cleared or developed shall be replaced on not less than an equal area basis, either on the site or on another site approved by the Planning Commission, except that if clearing on a fully forested lot is limited to a development pad of ten thousand (10,000) square feet or less and cleared areas are reforested to the extent possible, the forest shall be considered a developed woodland and no replacement required.
 - (b) No more than twenty percent (20%) of the forested or developed woodland within the site proposed for development may be removed [except as provided for in Subsection N(2)(c) below] and the remaining eighty percent (80%) shall be maintained as forest cover through the use of appropriate instruments (e.g., recorded restrictive covenants). Removal of forest of developed woodlands cover in the buffer is prohibited.
 - (c) Clearing of forest or developed woodland up to twenty percent (20%) shall be replaced on an area basis of one to one (1:1). A developer may propose clearing up to thirty percent (30%) of the forest or developed woodland on a site, but the trees removed in excess of twenty percent (20%) must be replaced at the rate of one and five-tenths (1.5) times the amount removed either on the site or on another site approved by the Planning Commission.
 - (d) If more than thirty percent (30%) of the forest on a site is cleared, the forest is required to be replanted at three (3) times the total area extent of the cleared forest.

- (e) If the cutting of forests occurs before a grading permit is obtained, the forest is required to be replanted according to the requirement in Subsection N (2) (d) above.
- (f) All reforestation and/or forestation shall be included in a Planting Plan.

ARTICLE VI
Preliminary Plat

§ 66-25. General requirements.

The preliminary plat of the proposed subdivision shall comply with the following general requirements with regard to style and content.

- A. It shall be prepared by a registered land surveyor, preferably at a scale of one (1) inch to one hundred (100) feet, but in any case at a scale not smaller than one (1) inch to two hundred (200) feet.
- B. It shall provide all the pertinent information on existing site conditions, property ownership and the like which may be necessary for the Planning Commission to properly consider the proposed subdivision, and such information shall be accurate and reliable.
- C. It shall show the general plan for the ultimate development of the property, including so much of the surrounding area as may be necessary for an adequate consideration of the land to be subdivided. Such plan shall be accurately drawn to scale, but surveyed dimensions are not required.

§ 66-26. Information to be shown.

The preliminary plat shall be drawn in a clear and legible manner and shall show the following information:

- A. The proposed subdivision name, which shall not duplicate nor closely approximate the name of any other subdivision in the county.
- B. A description of the proposed subdivision's location.
- C. The names and addresses of the owner of record, the subdivider and the surveyor preparing the plat.
- D. The scale, date, North point and small-scale key map showing the location of the proposed subdivision.
- E. The boundaries of the land being subdivided in heavy outline, with the approximate dimensions of the property and the approximate acreage contained therein.
- F. The names and locations of adjacent subdivisions and the location of adjoining parcels of unplatted land, with the names of owners of record.
- G. Topographic contours at five-foot intervals and referenced to United States Geological Survey data, except that, where the average slope is less than three percent (3%), a contour interval of two (2) feet shall be used.
- H. The location of existing property lines, streets and alleys, easements, buildings, utilities, wooded areas, watercourses and any other significant natural or man-made physical features affecting the proposed subdivision.
- I. The present zoning classifications of the proposed subdivision and adjoining properties and proposed uses of property within the area being platted.
- J. The layout, numbering and approximate dimensions and areas of all proposed lots or parcels.
- K. Proposed building lines along all streets, with the minimum amount of setback required.

- L. Designation of parcels of land to be conveyed or reserved for public use or for the common use of property owners within the subdivision.
- M. Tentative locations for all utilities and drainage facilities, with easements indicated where necessary.

§ 66-27. Supporting statements

Accompanying the preliminary plat shall be the following written and signed statements in support of the subdivider's application for tentative approval:

- A. Statements explaining how and when the subdivider proposes to provide and install required water supply, sewers or other means of sewage disposal, street pavements, curbs and gutters and drainage structures.
- B. Statements concerning any proposed deed restrictions to be imposed by the owner.

§ 66-27.1. Critical Area District [Added 06-09-1988 by Ordinance No. 88-2]

- A. In addition to information required in § 66-26 of this Article, a preliminary plat for subdivision in the Millington Critical Area District shall show the following information:
 - (1) A boundary survey plat of the entire site at a scale that provides legibility without undue size and which shows the following:
 - (a) Flood plain boundaries (one-hundred-year).
 - (b) Location and area extent of all soils exhibiting the following characteristics as determined from the Kent/Queen Anne's County Soil Survey:
 - Septic limitations.
 - Wet soils.
 - Hydric soils and soils with hydric properties.
 - Highly erodible soils [soils on slope greater than fifteen percent (15%) or soils on slope greater than five percent (5%) with K values greater than zero and thirty-five hundredths (0.35)].
 - (2) A detailed drawing showing:
 - (a) The location of all existing or proposed site improvements, including storm drains, culverts, retaining walls, fences, storm water management facilities, as well as any sediment and erosion control structures and shore erosion structures.
 - (b) The location of the Critical Area Overlay District Boundary, the buffer and other buffer areas, open space areas, forested areas and landscaping. (The plan shall show all areas to be maintained as landscaping and the type of plants to be provided, and the means by which such landscaping will be permanently maintained shall be specified.
 - (c) The location of all contiguous forested areas adjacent to the site.
 - (d) The location of nontidal wetlands on the site and the drainage area thereof.
 - (e) The location of existing water-dependent facilities on and adjacent to the site, including the number of existing slips and moorings on the site.
 - (f) The location and extent of existing and/or proposed shore erosion protection works.

- (g) The location of plant and wildlife habitats as defined in the Town of Millington Critical Area Program.⁹
 - (h) The known location of the habitat of any threatened or endangered species or species in need of conservation on or adjacent to the site or within one-fourth (1/4) mile of the site in the case of bald eagle habitats.
 - (i) The location of anadromous fish spawning stream(s) on or adjacent to the site and a delineation of the watershed area of the stream on the site.
- (3) Computations of:
- (a) Total lot area.
 - (b) Total area in the Critical Area Overlay District.
 - (c) Total man-caused impervious surface areas and percentage of site in the critical area.
 - (d) Separate computations in the total acres of existing forest cover in the buffer and in the critical area.
 - (e) Total area of the site that will be temporally disturbed during development and area that will be permanently disturbed. “Disturbed” is defined as any activity occurring on an area which may result in the loss of or damage to existing natural vegetation.
- (4) An environmental assessment report which provides a coherent statement of how the proposed development addresses the goals and objectives of the Town of Millington Chesapeake Bay Critical Area Program. At a minimum the environment assessment shall include:
- (a) A statement of existing conditions (e.g. amount and types of forest cover, amount and type of wetlands, discussion of existing agriculture activities on the site, soil types, topography, etc.).
 - (b) Discussion of proposed development project, including number and type of residential units, amount of impervious surfaces, proposed sewer treatment and water supply, acreage devoted to the development, proposed open space and habitat protection areas.
 - (c) A discussion of the proposed development’s impacts on water quality.
 - (d) Documentation of all correspondence and findings.
- B. In addition to the information above, the preliminary site plan shall be accompanied by the following when the subdivision or development is proposed in the critical area, as required:
- (1) A planting plan for reforested and afforested areas of Forest Management Plan with the comments of the Bay Forester.
 - (2) A Habitat Protection Plan, including the comments of the Maryland Forest, Park and Wildlife Service and the Maryland Heritage Program.
 - (3) A preliminary Stormwater Management Plan.
 - (4) A preliminary Sediment and Erosion Control Plan.
 - (5) A Shore Erosion Protection Plan: Complete specification for proposed shore erosion work and statement of how the proposed shore erosion protection work complies with the policies of the Town of Millington Critical Area Program, Section C, and Shore Erosion Protection.

⁹ Editors Note: The Town of Millington Critical Area Program is on file in the office of the Town Clerk.

ARTICLE VII

Improvements

§ 66-28. Installation by subdivider deposit or bond.

- A. The subdivider shall be required to provide and install or to enter into agreements to provide and install certain minimum improvements in the subdivision as a condition for approval of the final plat by the Planning Commission. All such required improvements shall be constructed in accordance with the minimum requirements of these regulations and the construction standards and specifications adopted by the Mayor and Council or such other governmental agency as may have jurisdiction over a particular improvement. Nothing contained herein, however, shall be construed as prohibiting the subdivider from installing improvements meeting higher standards than the minimum requirements.
- B. Prior to filling the Final Plan with the Planning Commission, the required improvements shall be completed, inspected, and approved by the proper authorities, except that in lieu of completing all improvements prior to submission of the Final Plat, the subdivider may furnish the Mayor and Council with a cash deposit, or a secured line of credit, or a performance bond in an amount sufficient to cover 125% of the cost of the improvements required to be installed by the subdivider, thereby insuring the actual construction and installation of such improvements prior to, or in no case later than, the time that such improvements are needed to serve buildings placed on abutting lots. The cost of required improvements shall be estimated by the Engineer or other authority having jurisdiction. In the event of any dispute concerning the amount of cash deposit or bond required, the Mayor and Council shall make the final decision based upon at least two additional cost estimates.

§ 66-29. Minimum requirements.

The minimum requirements for the installation of improvements in subdivisions shall be as follows:

- A. Roads and streets.
 - (1) All new roads and streets shall be constructed in accordance with the minimum requirements of these regulations and the minimum construction standards adopted by the Mayor and Council. Existing roads and streets which do not meet these specifications with regard to width or type of construction shall be widened and brought into conformity on that portion of the road or street within or adjoining the subdivision.
 - (2) The roadbed and roadway wearing surface shall be constructed in accordance with applicable Town standards. Curbs and gutters shall be provided in all subdivisions where the average lot area is less than one (1) acre. Where curbs and gutters are not required, stabilized shoulders and stabilized drainage ways outside the shoulders shall be provided. Street name signs of an approved design shall be erected at each new street or road intersection.
- B. Surface drainage facilities. The subdivision shall be provided with such storm drains, culverts, drainage ways or other works as are necessary to collect and dispose of surface and storm water originating on or flowing across the subdivision in order to prevent inundation and damage to streets, lots and buildings.
- C. Water supply facilities. Every subdivision shall require a public water supply under the regulations of the State Department of Health. Where a public source of water supply will not be available, private on-site sources of water supply, approved by the Health Officer, shall be provided.
- D. Sanitary sewerage facilities. Every subdivision shall require a public sewer system under the regulations of the State Department of Health.

- E. Plantings.
- (1) It will be the responsibility of the subdivider to provide street trees and other landscaping in all of the public rights-of-way in the proposed development. The proposed location and species of plant material to be used shall be subject to approval of the Planning Commission.
 - (2) The trees shall be preferably of a hardwood variety, shall be planted in fertile or fertilized ground, and shall be watered and nurtured after planting until growth is ensured. The subdivider shall be responsible for the trees for two growing seasons after planting. Each tree shall have a minimum trunk diameter of at least one and one-half inches as measured at breast height. The trees shall be at least six feet high above ground level, and shall be planted at intervals of no less than 35 feet in accordance with a planting plan approved by the Planning Commission. The preservation of existing trees along the right-of-way may compensate for a portion of the required new plantings.
 - (3) All parking areas shall be landscaped with trees planted at a rate of not less than one (1) tree per two thousand five hundred (2,500) square feet of gross parking area.
- F. Sidewalks.
- (1) For the safety of pedestrians and of children at play and to ensure the continuation of the system of pedestrian circulation in Millington, installation by the subdivider of sidewalks on both sides of all subdivision roads shall normally be required. Each sidewalk shall be four feet wide, built to the construction standards adopted by the Mayor and Council, and separated from road paving by a planting strip.
 - (2) Where for a considerable distance, one side of a road abuts on farmland or other type of use that does not require a sidewalk and where the continuity of the overall sidewalk system is not interrupted, the Planning Commission may waive the requirements for a sidewalk on one side of the road. On cul-de-sac roads serving six lots or less and if conditions are such as to eliminate or discourage non-local traffic and street parking, the Planning Commission may waive the requirement of sidewalks on one or both sides.
- G. Street lighting. The subdivider shall make application to the Planning Commission and Town Engineer for necessary streetlights. Purchase and installation of the required lighting shall be the responsibility of the subdivider.
- H. Community facilities. All residential plans submitted to the Planning Commission, preliminary or final, will be referred to the Kent/Queen Anne's County Department of Education for an advisory report and recommendation. The Department of Education will determine the projected school population anticipated from the subject development and compare the future school-age population to existing and proposed school capacities in determining whether that agency can endorse the development.
- I. Public utilities. The subdivider shall place or cause to be placed underground, extensions of electric and telephone distribution lines necessary to furnish permanent residential electric and telephone service to new detached, semidetached, group or Townhouse single-family residences within a new residential subdivision or to new apartment buildings in accordance with the rules and regulations of the Public Service Commission of Maryland, effective July 1, 1968 and subject to the further order of that Commission.
- J. Off-street parking.
- (1) Applicability. Every subdivision plan which shall be submitted to the Planning Commission for approval shall provide off-street parking space and facilities in accordance with the requirements of the Millington Zoning Ordinance.¹⁰
 - (2) Design.

¹⁰ Editors Note: See Chapter 80, Zoning.

- (a) Parking spaces and all access and maneuvering space for off-street parking shall be surfaced and maintained with a dustless, all-weather material, except for single-family and two-family dwellings.
- (b) Every parking facility shall have a safe and efficient means of vehicular access to a recorded street.
- (c) No driveway serving a parking facility shall be closer than five (5) feet to a side property line.
- (d) No motor vehicle shall be parked in any yard or court closer than ten (10) feet to any door, window or other opening of a dwelling, institution or other property.
- (e) In the design of off-street facilities for multiple dwellings, the public right-of-way shall not be obstructed by the use of the same as aisle space or maneuvering space. Each off-street parking facility shall provide sufficient maneuvering space within the boundaries of the lot or lots on which it is located and shall be so designed that no unreasonable difficulty or inconvenience will be entailed in making necessary maneuvers for parking and removing a vehicle. Maneuvers shall not entail driving over any other required parking space. The layout of parking areas shall conform to the minimum dimensions for spaces and access ways.
- (f) Each parking facility shall be so designed that ingress or egress to a parking space entails no backing maneuver across a sidewalk or established footway or a backing maneuver into or from the public right-of-way.
- (g) Neither the turnaround diameter of a cul-de-sac or a rotary nor the turn slot of a T-type or L-type cul-de-sac shall be used for the parking of vehicles.
- (h) In a multifamily residential subdivision, no parking area shall exceed one hundred eight (108) feet in length, and no portion of a motor vehicle shall be closer than twenty (20) feet to the right-of-way line of a public street.
- (i) Any fixture used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjacent residential sites, institutional sites and public roads.
- (j) Off-street parking facilities shall be screened by a wall, fence or compact planting when adjoining the side or rear lot line. Screening shall be at least three and (3 feet high). Screening shall not be so placed or maintained as to constitute a traffic hazard by obstruction of visibility.
- (k) Entrances from public or private streets shall conform to the following dimensions:
 - One-way traffic entrances shall not be less than seventeen (17) feet in width.
 - Two-way traffic entrances shall not be less than twenty-four (24) feet nor more than thirty-five (35) feet in width; such entrances shall be not less than fifteen (15) feet apart.
 - Monumental entrances shall be provided with a six-foot-wide median, and the traffic lanes shall not be less than seventeen (17) feet in width.
 - All entrances shall be not less than seven and one-half (7 1/2) feet from a side lot line.

K. Refuse collection.

- (1) In a residential subdivision, if refuse is to be collected at points exterior to a structure, such points shall be shielded from view on three (3) sides by screening and landscaping and placed on a pad of concrete where necessary.

- (2) In a residential subdivision, if refuse is to be collected at points within a structure, the marginal notes to the subdivision plan shall so indicate.
- (3) In a commercial or industrial subdivision, refuse storage and collection points shall be housed in containers and shielded from view by screening and/or landscaping.
- (4) The developer shall submit a resume of refuse.

L. Street signs.

- (1) Improvements required. The subdivider shall erect at every intersection a street sign or street signs having thereon the names of the intersecting streets. At intersections where streets cross, there shall be at least two (2) such street signs, and at the intersections where one (1) street ends or joins with another street, there shall be at least one (1) such street sign.
- (2) Construction standards.
 - (a) Street nameplates shall be of metal construction; all corners shall be rounded; and the lettering shall be of standard proportions and spacing in accordance with one (1) of the alphabets used by the United States Bureau of Public Roads. The plates shall be horizontal. The lower edge of the nameplate shall be seven (7) feet above the ground level or curb. The nameplate shall be attached by rustproof metal fasteners.
 - (b) The standard shall be rustproof metal and shall be of sufficient length to permit the same to be embedded in the ground a distance of not less than three (3) feet. The standard shall be embedded in a concrete base for a depth of not less than three (3) feet below the surface of the ground and not less than twelve (12) inches in diameter.
 - (c) The standard shall be heavy wall pipe not less than two and one-half (2 1/2) inches in diameter. The pipe shall be capped.

M. Reference monuments.

- (1) Permanent reference monuments of stone or concrete and at least thirty (30) inches in length and four (4) inches square with suitable center point shall be set flush with the finished grade at such locations as may be required by the Planning Commission and the laws of the State of Maryland.
- (2) Monuments of metal pipe, three-fourths (3/4) inch in diameter and at least eighteen (18) inches in length, shall be set in place flush with the finished grade at all intersections of streets and alleys with subdivision boundary lines, at all points on streets, alleys and boundary lines where there is a change in direction or curvature and at all lot corners.

§ 66-30. Plans, profiles, and specifications.

- A. Plans, profiles, and specifications for the required improvements shall be prepared by the subdivider and submitted for approval by the appropriate public authorities prior to construction.
- B. Plans and profiles shall be drawn to a horizontal scale of one (1) inch to one hundred (100) feet or less and a vertical scale of one (1) inch to twenty (20) feet or less, unless the Planning Commission shall specify otherwise, and such plans and profiles shall be sufficiently detailed to show the proposed location, size, type, grade and general design features of each proposed improvement.
- C. The plans, profiles, and specifications to be submitted shall include the following:
 - (1) Plans and profiles of each street, showing proposed grades and street intersection elevations.

- (2) Cross-sections of proposed streets, showing the width of roadways, present and proposed grade lines and the location and size of utility mains, taken at intervals of not more than fifty (50) feet along each street center line, unless otherwise required by the Engineer. Such cross-sections shall extend laterally to the point where the proposed grade intersects the existing grade, except that in no case shall less than the full width of the street right-of-way be shown.
- (3) Plans and profiles of proposed sanitary sewers and storm drains, with proposed grades and pipe sizes indicated.
- (4) Plans of the proposed water distribution system, showing pipe sizes and the locations of all valves and fire hydrants.
- (5) A site plan of proposed street trees and other landscaping improvements.
- (6) Written specifications for all proposed improvement

§ 66-3 1. Inspection and acceptance.

- A. All construction work on improvements required herein shall be subject to inspection and approval by the Engineer, Health Officer, and other authorized public officials during and upon completion of such construction work as required. Upon the completion of each improvement, the subdivider shall furnish the appropriate official with accurate and detailed engineering drawings of the improvement as it was actually constructed.
- B. The final plat of the subdivision shall not be approved by the Planning Commission until all required improvements shall have been satisfactorily completed and approved as being in compliance herewith or satisfactory bond posted in lieu of such completion. No such bond shall be released until all improvements secured by such bond shall have been completed and approved as being in compliance herewith; provided, however, that a partial release may be approved for such improvements as may have been completed and approved by appropriate officials.
- C. Approval of the final plat by the Planning Commission shall not be deemed to constitute or affect an acceptance by the public of the dedication of any street or other proposed public way or public grounds shown on said plat. The jurisdiction involved shall have no obligation to accept and to make public any street in a subdivision unless all required improvements shown on the approved final plat have been constructed in conformity with the required standards and specifications or a petition signed by the owners of at least fifty percent (50%) of the frontage of the street in question, requesting that the street be taken over and made public, is filed with the governing body of the jurisdiction involved, and it is established by such governing body that there is a need for the street to be taken over and made public. The jurisdiction involved shall have no responsibility with respect to any street within a subdivision, notwithstanding the use of such street by the public, unless the street is accepted by ordinance or resolution of the governing body of such jurisdiction.

§ 66-32. Sediment control.¹¹

- A. Nothing in this Chapter shall be deemed as relieving any person or corporation of the Millington Sediment Control Ordinance.
- B. All subdivision applications must incorporate a sediment control plan prior to final approval of the plat.

¹¹ Editors Note: See Chapter 53, Sediment Control.

ARTICLE VIII

Final Plat

§ 66-33. General requirements.

The final plat of the subdivision shall comply with the following general requirements with regard to style and content:

- A. It shall be drawn in black India ink on tracing linen or dimensionally stable plastic film and shall comply with the applicable provisions of the laws of the State of Maryland relative to the making of plats.
- B. It shall be prepared by a registered land surveyor, preferably at a scale of one (1) inch to one hundred (100) feet, but in any case at a scale not less than one (1) inch to two hundred (200) feet, and it shall be drawn on sheets not less than eight by twelve (8 x 12) inches and not more than twenty-four by thirty (24 x 30) inches in size, including a margin of one-half (1/2) inch outside ruled border lines.
- C. All dimensions and bearings of lines and all areas shall be based upon a field survey of sufficient accuracy and detail that the data shown thereon may be reproduced on the ground. All distances and the length of all lines shall be given to the nearest hundredth of a foot. Bearing of all lines shall be magnetic bearings referenced to the date of the plat, and all bearings shall be given to the nearest minute. All areas shall be given to the nearest square foot.

§ 66-34. Information to be shown.

The final plat shall be legibly and accurately drawn and shall show the following information:

- A. The name under which the subdivision is to be recorded and the subdivision's location.
- B. The legal description of the area being platted.
- C. The scale, date, North point, and small-scale key map showing the general location of the subdivision in relation to its surroundings.
- D. The distances and bearings for all the boundary lines of the subdivision.
- E. The locations and descriptions of all permanent survey monuments, with coordinates of all monuments.
- F. The names and locations of adjacent subdivisions and the location of adjoining parcels of unplatted land, with the names of the owners of record.
- G. The locations, dimensions and names of all streets and alleys within and adjoining the subdivision, with the lengths and bearings of tangents, the lengths of arcs and radii, internal angles, points of curvature and any other necessary engineering data.
- H. The locations, dimensions and bearings of all lot lines and the area of every lot or parcel.
- I. Building lines along all streets, dimensioned to street lines.
- J. Blocks lettered in alphabetical order, with the lots within each block numbered in numerical order.
- K. The locations, dimensions and purposes of all cross walkways, easements and other public ways.
- L. The locations, dimensions, and purposes of any other property offered for dedication or to be reserved for acquisition for public use or to be reserved by deed convenient for the common use of property owners in the subdivision.

§ 66-35. Certificates and statements.

Accompanying the final plat and made a part thereof shall be the following certificates and statements:

- A. Notarized owner's certificate, acknowledging ownership of the property and agreeing to the subdivision thereof as shown on the plat and signed by the owner or owners and any lien holders.
- B. Notarized owner's statement of dedication, offering all streets, alleys and other public ways and public grounds for dedication and constituting an irrevocable offer to dedicate for a period of not less than five (5) years from the date of filing the final plat with the Planning Commission.
- C. A certificate of the surveyor that the final plat, as shown, is a correct representation of the survey as made, that all monuments indicated thereon exist and are correctly shown and that the plat complies with all requirements of this Chapter and other applicable laws and regulations.
- D. A brief summary of deed restrictions applicable within the subdivision, including any trust agreements for the operation and maintenance by the property owners in the subdivision of any sewage disposal system, water supply system, park area or other physical facility which is of common use or benefit but which is not to be held in public ownership.
- E. A certificate of approval by the Health Officer of the means of providing water supply and sewage disposal services for the subdivision.
- F. A certificate of approval by the Town Engineer that all specifications established by the developer are in accordance with Town specifications and desires.
- G. A certificate of approval by the Sediment Control Officer that the proposed subdivision is in conformance with the Sediment Control Ordinance.¹²
- H. A certificate of approval by the Planning Commission, ready for signature and in a form acceptable to the Planning Commission.

§ 66-35.1. Critical Area District [Added 06-09-1988 by Ordinance No. 88-2]

The following information shall be shown on the final plat for subdivisions in the Millington Critical Area District

- A. Final tabulation of:
 - (1) Total area of the subdivision or parcels to be recorded in the Critical Area District.
 - (2) Total number of lots in the Critical Area District
 - (3) Residential density in the Critical Area District.
- B. Accurate outlines (metes and bounds, where required) of any common or reserved areas or portions of lots to be maintained by covenant, easement or similar approved instrument, in permanent forest cover, including existing forested areas, reforested areas and afforested areas.
- C. Accurate outlines (metes and bounds, where required) of any areas to be maintained as permanent wildlife and plant habitat protection areas.
- D. Comments of the Bay Watershed Forester required when a proposed development site contains or will contain forest or developed woodland areas.
- E. A Habitat Protection Plan, including the comments to the Maryland Forest, Park and Wildlife Service, required when a habitat protection area (not including the buffer) is on or adjacent to the site.
- F. A final Stormwater Management Plan.
- G. A Sediment and Erosion Control Plan.

¹² Editors Note: See Chapter 53, Sediment Control.

- H. A Planting Plan or Forest Management Plan, as applicable.

ARTICLE IX

Modifications and Exceptions

§ 66-36. Variance, modification and requirements.

Where, in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of this Chapter would result in extraordinary hardship to the subdivider because of unusual topography or other conditions which are not self-inflicted or that these conditions would result in inhibiting the achievement of the objectives of these regulations, the Planning Commission may vary, modify or waive the requirements so that substantial justice may be done and the public interest secured; provided, however, that such variance, modification or waiver will not have the effect of nullifying the intent and purpose of this Chapter or being contrary to the goals and objectives of the Master Plan for the Town. In no case shall any variation, modification or waiver be more than a minimum easing of the requirements, and in no instance shall it result in any conflict with the proposals of the adopted Major Thoroughfare Plan for the Town or the applicable zoning regulations.

§ 66-37. Exceptions for residential planned community districts.

Where land within the Town of Millington is proposed for development in accordance with the provisions of the Millington's Zoning Ordinance pertaining to the establishment of residential planned community districts, the requirements and conditions for approval as set forth in that ordinance shall prevail in the case of any conflict with these regulations; provided, however, that nothing in this section shall be construed as permitting any exception from the requirements of these regulations with regard to the design, arrangement or improvement of streets and highways within any proposed residential planned community district.

§ 66-38. Approval of modifications and exceptions.

Variations, modifications and waivers from the requirements of this Chapter shall be granted only by the affirmative vote of three-fourths (3/4) of the members of the Planning Commission. In granting variations, modifications and waivers, the Planning Commission may require such conditions as will, in its judgment, substantially secure the objectives of the requirements so varied, modified or waived.

ARTICLE X

Changes and Amendments

§ 66-39. Initiation; Planning Board report.

The Mayor and Council may from time to time amend, supplement or change, by ordinance, the regulations herein established. Any such amendment or change may be initiated by resolution of the Mayor and Council or by motion of the Planning Commission. Before taking action on any proposed amendment or change, the Mayor and Council shall submit the same to the Planning Commission. Failure of the Planning Commission to report within sixty (60) days after its first meeting subsequent to the proposal being referred shall be deemed approval by the Planning Commission.

§ 66-40. Public hearing by Planning Commission.

The Planning Commission may hold a public hearing on any proposed amendment or change before submitting its report to the Mayor and Council. Notice of such public hearing before the Planning Commission shall be given at least fifteen (15) days prior to the hearing by publishing the time, place and the nature of the hearing in a newspaper

having general circulation in the Town. The published notice shall contain reference to the place or places within the Town where the full text of the proposed amendment or change may be examined.

§ 66-4 1. Public hearing by Mayor and Council.

Before approving any proposed amendment or change, the Mayor and Council shall hold a public hearing thereon, notice of said hearing to be accomplished by publication in a newspaper as prescribed above.

Chapter 68

Volunteer Fire Department Property Tax Credit

[History: Adopted by the Mayor and Council of the Town of Millington April 9, 2024 by Resolution 2024-04]

Chapter 68

Volunteer Fire Department Property Tax Credit

An Ordinance to establish the Volunteer Fire Department Property Tax Credit on certain real property owned by Millington Volunteer Fire Department members, establishing eligibility requirements for such tax credits and the amount, terms, and conditions of the credit; and generally dealing with real property tax credits in the Town of Millington, Maryland.

§ 68.1. Property Tax Credit for Real Property owned by certain Millington Volunteer Fire Department members.

Definitions: “Dwelling” – the primary residence of the Millington Volunteer Fire Department member.

Creation: In accordance with Section 9-260 of the Tax Property Article of the Annotated Code of Maryland, (2022 version) there is a Town of Millington property tax credit against the tax on real property that qualifies under this Section.

Eligibility A Millington Volunteer Fire Company member is eligible for a tax credit under this Section if the Volunteer Fire Department member:

- (1) Is a member of the Millington Volunteer Fire Company;
- (2) Has maintained active service status as determined by the Millington Volunteer Fire Company for at least three (3) consecutive calendar years accounting from January 1, 2021.
- (3) Amount of credit:
 - subject to the conditions in this Section, the tax credit may be granted in an amount up to \$400, per dwelling, but not to exceed the amount of the Town tax on the property.
- (4) Termination of Credit. The tax credit created by this Section shall terminate and the Volunteer Fire Department member will not be eligible if any of the following occurs:
 - The Volunteer Fire Department member has failed to maintain active service status in the preceding calendar year. In the event the Volunteer Fire Department member shall fail to maintain active service status for two consecutive years, the Volunteer Fire Department member shall be ineligible to receive the tax credit until such time as the Volunteer Fire Department member re-qualifies under this Section, or

- The Volunteer Fire Department member no longer resides or owns the dwelling for which the credit was granted.

(5) Application and Annual Verification. On or before May 1st of each year, an individual seeking a credit under this Ordinance must submit to the Town of Millington:

- An application in the form that the Town of Millington requires;
- A copy of the Maryland State Point System Verification form as issued by the Millington Volunteer Fire Company to show that the individual and the property remain qualified for the credit, and
- A copy of the property tax bill for their residence.

The Town of Millington shall annually submit to the Kent/Queen Anne's Department of Finance a list of the individuals and properties eligible to receive tax credit under this Section for the following tax year by June 1 of the preceding tax year to allow the Department of Finance to provide such tax credit on the tax bills rendered to the eligible individuals.

Chapter 77

DEVELOPER'S RIGHTS AND RESPONSIBILITIES AGREEMENT

- § 77-1. Purpose and authority.
- § 77-2. Applicability.
- § 77-3. Contents of agreement.
- § 77-4. Referral to Planning Commission.
- § 77-5. Public hearing by Mayor and Council.
- § 77-6. Amendments of agreements.
- § 77-7. Applicable laws, regulations, and policies.
- § 77-8. Recordation
- § 77-9. Enforcement.
- §77-10. Fees.
- §77-11. Legislative Authority.

[HISTORY: Adopted by the Mayor and Council of the Town of Millington 9-13-2022

GENERAL REFERENCES

Subdivision of Land - See Chapter 66.

Zoning - See Chapter 80.

§ 77-1. Purpose and authority.

- A. The purpose of this article is to provide an additional technique for land development consistent with the Comprehensive Plan as authorized by the Annotated Code of Maryland. Further, this article aims to enhance development flexibility, innovation, and quality while protecting the public interest, health, safety, and welfare.
- B. The right to enter into development rights and responsibilities agreements is hereby vested in the Mayor and Council of Millington under the authority conferred in Land Use Article, Title 7, Subtitle 3 (Development Rights and Responsibilities Agreements) of the Annotated Code of Maryland.

§ 77-2. Applicability.

- A. Any person with a legal or equitable interest in real property or a representative of a person with a legal or equitable interest in real property in the Town of Millington may petition the Mayor and Council to enter into an agreement.
- B. A petition shall be entirely voluntary on the part of the petitioner. It shall not be required by the Town or any of its agencies as a condition of any land-use classification, designation, permit, or approval.

§ 77-3. Contents of agreement.

- A. At a minimum, a development rights and responsibilities agreement shall contain the following:
 - (1) A legal description of the real property subject to the agreement. The agreement shall be accompanied by a title report from an attorney or title company which includes copies of all plats, covenants, restrictions, easements, and title encumbrances that affect the use, occupation, or location of improvements of the real property.
 - (2) A certification that the petitioner has either a legal or equitable interest in the property, together with a copy of the instrument establishing such interest.
 - (3) The names of all parties having an equitable or legal interest in the property, including lien holders.
 - (4) The duration of the agreement.
 - (5) The permissible uses of the real property.
 - (6) The density or intensity of use of the real property.
 - (7) The maximum height and size of structures to be located on the real property.
 - (8) Architectural elevation sketches, if required by the Mayor and Council.

- (9) A description of the plan approvals and permits required or already approved for the development of the property.
 - (10) A statement that the proposed development is consistent with applicable development regulations and the Comprehensive Plan, with references to specific provisions of the applicable law or plan.
 - (11) A description of the conditions, terms, restrictions, or other requirements determined by the Mayor and Council, or their designees, to be necessary to ensure the public health, safety, or welfare.
 - (12) To the extent applicable, provisions for:
 - (a) Dedication or reservation of a portion of the real property for public or private uses.
 - (b) Protection of sensitive areas.
 - (c) Preservation and restoration of historic structures.
 - (d) Construction or financing of public facilities.
 - (e) Provisions that the petitioner shall be responsible for attorney's fees, costs, and expenses incurred by the Town if an agreement is abandoned or breached by the petitioner or challenged by others.
- B. An agreement may fix the period in and terms by which development and construction may commence and be completed, as well as provide for other matters consistent with this title, including, but not limited to, the phasing of development in such a manner that public facilities and services may be provided in an orderly and sequential fashion in the discretion of the Town.
- C. An agreement shall be void five (5) years after the day on which the parties execute the agreement unless:
- (1) A different duration is expressed within the agreement; or
 - (2) The duration of the agreement is extended by amendment of the agreement following the formalities required for such amendments.

§ 77-4. Referral to Planning Commission.

Upon receipt of a petition to enter into an agreement, the Mayor and Council shall refer the petition to the Planning Commission to determine whether the proposed agreement is consistent with the Comprehensive Plan. The Planning Commission shall make specific findings within sixty (60) days of referral of the petition. The Mayor and Council may not enter into an agreement unless the Planning Commission determines whether the proposed agreement is consistent with the Comprehensive Plan.

§ 77-5. Public hearing by Mayor and Council.

Before a developer's rights and responsibilities agreement may be executed, the Mayor and Council shall conduct a public hearing on the proposed agreement. Notice of the hearing shall be published in a newspaper of general circulation in the Town once each week for two consecutive weeks, with the first publication at least fourteen (14) days before the hearing. The notice shall contain the name of the petitioner, a brief description sufficient to identify the property involved, a fair summary of the contents of the petition, and the date, time, and place of the public hearing.

§ 77-6. Amendments of agreements.

- A. Subject to Subsection B of this section and after a public hearing, the parties to an agreement may amend the agreement by mutual consent.
- B. The parties may not amend an agreement unless the Planning Commission determines whether the proposed amendment is consistent with the Comprehensive Plan. The Planning Commission shall make specific findings within sixty (60) days of the referral of the proposed amendment.

§ 77-7. Applicable laws, regulations, and policies.

- A. Except as provided in Subsection B of this section, the laws, rules, regulations, and policies governing the use, density, or intensity of the real property subject to the agreement shall be the laws, rules, regulations, and policies in force at the time the parties execute the agreement.
- B. An agreement may not prevent compliance with laws, rules, regulations, and policies enacted or adopted after the effective date of the agreement if the Mayor and Council determine that imposition and compliance with these laws, rules, regulations, and policies are essential to ensure the public health, safety, or welfare of residents of all or part of the Town.

§ 77-8. Recordation.

- A. An agreement shall be void if not recorded among the land records of Kent County within twenty (20) days after the day on which the Mayor and Council and the petitioner execute the agreement.
- B. When an agreement is recorded, the Mayor and Council, the petitioner(s), and their successors in interest are bound to the agreement.

§ 77-9. Enforcement.

Unless terminated according to this article, the Mayor and Council or the petitioner(s), and their successors in interest, may enforce the agreement.

§ 77-10. Fees.

The petition shall be accompanied by fees that may be established or modified by resolution of the Mayor and Council, from time to time adopted. The petitioner shall be responsible for payment in advance of all advertising and recording expenses incurred in connection with an agreement.

§ 77-11. NOTE: Legislative Authority

2020 Maryland Statutes, Land Use, Division I - Single-Jurisdiction Planning and Zoning

Title 7 - Other Development Management Tools, Subtitle 3 - Development Rights and Responsibilities Agreements

Section 7-302 - Powers

Universal Citation: MD. Land Use Code Ann. § 7-302 (2020)

- (a) Subject to §§ 7–303 through 7–305 of this subtitle, the local governing body of a local jurisdiction may:
 - (1) by local law, establish procedures and requirements for the consideration and execution of agreements; and
 - (2) delegate all or part of the authority established under the local law to a public principal within the jurisdiction of the local governing body.
- (b) The public principal may:
 - (1) execute agreements for real property located within the jurisdiction of the local governing body with a person having a legal or equitable interest in the real property, including property that is the subject of annexation of land to a municipal corporation; and
 - (2) include a federal, State, or local government or unit as an additional party to the agreement.