

Code for the Town of Preston, Caroline County, Maryland

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CHAPTER 1

GENERAL PROVISIONS

ARTICLE I

ADOPTING ORDINANCE

Section 1.1.1. Adoption of Town Code

There is hereby adopted by the Commissioners of the Town of Preston the Code, entitled Code of Ordinances of the Town of Preston, otherwise known as the Preston Town Code, (hereinafter Code), containing certain ordinances of a general and permanent nature as compiled, consolidated and codified inclusively.

Section 1.1.2. Repeal of previous provisions

The provisions of this Code shall be in force on and after the enactment date and shall supersede all ordinances of a general and permanent nature enacted before that date except such as by reference thereto are expressly saved from repeal or continued in force and effect for any purpose.

Section 1.1.3. Repeal not to affect certain provisions

The repeal provided for in Section 1.1.2 of this article shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the enactment date; nor shall it affect any prosecution, suit, or proceeding pending or any judgement rendered prior to the enactment date nor shall such repeal affect any ordinance or resolution promising or guaranteeing the payment of money for the Town of Preston or authorizing the issue of any bonds of the town or any evidence of the town's indebtedness or any contract or obligation assumed by the town nor shall it affect the following:

1. Annual tax levy;
2. Any right or franchise conferred by ordinance or resolution of the town or any person or corporation;
3. Any ordinance adopted for purposes which have been consummated;
4. Any ordinance which is temporary, although general in effect or special although permanent in effect;
5. Any ordinance relating to the salaries of the town officers or employees;
6. Any ordinance annexing territory to the town;

7. Any ordinance naming, renaming, opening, accepting or vacating streets or alleys in the town;
8. Any ordinance adopted after the enactment date;
- ix. The zoning ordinance of the town.

Section 1.1.4. Additions to code

Any and all additions or amendments to such Code, when passed in such form as to indicate the intention of the town to make the same a part thereof, shall be deemed to be incorporated in such Code so that reference to the Code of Ordinances of the Town of Preston shall be understood and intended to include such additions and amendments.

Section 1.1.5. File copy

A copy of such Code shall be kept on file in the Town Hall and will include all additions and amendments thereto. This copy, or an identical copy, shall be available for all persons desiring to examine the same during ordinary business hours of the Town Office. Copies may be requested and purchased from the town for a reasonable fee.

Section 1.1.6. Application of general penalty

In case of the amendment to any section of such Code for which a penalty is not provided, the general penalty as provided in this Code shall apply to the section as amended.

Section 1.1.7. Tampering with code

It shall be unlawful for any person, firm or corporation to change or amend, by addition or deletions, any part or portion of such Code or to insert or to delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the Town of Preston to be misrepresented thereby. Any person, firm or corporation violating this section shall be guilty of a misdemeanor and will be punished according to the general penalty as set forth in this Code.

Section 1.1.8. Repeal of conflicts

All ordinances or parts of ordinances in conflict herewith, to the extent of such conflict, are hereby repealed.

CHAPTER 1

ARTICLE II

CONSTRUCTION

Section 1.2.1. How Code designated and cited

The ordinances embraced in the following chapters and sections shall constitute and be designated as The Code of Ordinances of the Town of Preston, and may be so cited. The Code may also be cited as Preston Town Code.

Section 1.2.2. Definitions and rules of construction

In the construction of this Code and all ordinances, the following definitions and rules shall be observed, unless such definitions and rules would be inconsistent with the manifest intent of the Town of Preston.

CHARTER - shall mean the Charter of the Town of Preston.

CITY - may be used interchangeably with the words town or municipality.

COMMISSIONERS - when used as the Commissioners or this Commission shall mean the Commissioners of the Town of Preston.

COUNTY - when used as the County or this County shall refer to Caroline County, Maryland.

COMPUTATION OF TIME - when expressing the time within which an act is to be done shall be computed in accordance with Maryland Rule 8 (Time Computation Saturday, Sunday and Legal Holiday.....Gen 1., Section a. and b.).

GENDER - when used as the masculine gender shall include the feminine and neuter genders.

JOINT AUTHORITY - when prescribing the authority of any official group of three or more persons, shall, unless otherwise provided, be construed as giving this authority to a majority of the group.

MAY - when used shall be construed as permissive.

MAYOR - shall mean the Mayor of the Town of Preston.

MUNICIPALITY - may be used interchangeable with the words city and town.

NUMBERS - when used in the singular shall include the plural, as the plural use will include the singular.

OATH - shall be construed to include an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words swear and sworn shall be equivalent to the words affirm and affirmed.

OWNER - when applied to building or land, shall include any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or a part of such building or land.

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

PROPERTY - shall include real and personal property.

SHALL - when used shall be construed as mandatory.

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

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

STREET - shall include any public ways, roads, highways, and avenues within the town intended for use by vehicles.

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

TIME - when used in the past or present tense, includes the future as well as the past and present.

TOWN - when used as the town or this town shall mean the Town of Preston.

YEAR - shall mean a calendar year except when referring to the fiscal year.

Section 1.2.3. Catchlines of sections

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

Section 1.2.4. Effect of repeal

The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect. The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed under the ordinance repealed.

Section 1.2.5. Provisions deemed continuations of existing ordinances

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

Section 1.2.6. Severability of parts of Code

It is hereby declared to be the intention of the Commissioners that if any of the sections, paragraphs, sentences, clauses, or words of this code shall be declared unconstitutional or otherwise invalid by the valid judgement or decree of any court of competent jurisdiction, that unconstitutionality or invalidity shall not affect any of the remaining words, clauses, sentences, paragraphs and sections of this Code as though the same had been enacted by the Commissioners without the incorporation in this Code of any such unconstitutional or invalid word, clause, sentence, paragraph or section.

Section 1.2.7. Amendment to Code; effect of new ordinance; amendatory language

All ordinances passed subsequent to this Code of Ordinances which amend, repeal or in any way affect this Code of ordinances, may be numbered in accordance with the numbering system of this Code and printed for inclusion therein. When subsequent ordinances repeal any Chapter, section or subsection or any portion thereof, those repealed portions may be excluded from this Code by omission from reprinted pages.

All sections, articles, chapters, titles or provisions of this Code desired to be replaced shall be specifically repealed by section, chapter or title number, as the case may be.

Section 1.2.8. General penalty for misdemeanors; continuing violations

Whenever in this Code as in any ordinance or resolution of the legislative body or in any rule, regulation or order promulgated by any officer or agency of the city under authority duly vested in him or it, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in the Code, ordinance, resolution, rule, regulation or order, the doing of any act is required or the failure to do an act is declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided therefore, the violation of any such provisions of this Code or any ordinance, resolution, rule, regulation or order shall, upon conviction thereof, be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment not exceeding ninety (90) days in jail or by both fine and imprisonment in the discretion of the court. Each day any violation of any provision of this Code or of any such ordinance, resolution, rule, regulation or order shall constitute a separate offense.

CHAPTER 2

PUBLIC SAFETY

ARTICLE I

HUNTING AND FIREARMS

Section 2.1.1 Hunting of game; term defined

- A. Except as provided herein, it shall be unlawful for any person to hunt for, catch, take, wound, or kill game of any kind through the use of a pistol, revolver, bow and arrow, slingshot, shotgun, rifle, air rifle, air gun, pellet gun or firearm or weapon from which a shot or other object is discharged within the Town of Preston or on town-owned property.
- B. The term game, as used in this Article, shall mean and include all wild birds and wild animals, and all domesticated animals, whether protected or unprotected under the game laws of the United States, or the State of Maryland, found in a wild state.

Section 2.1.2 Discharge of weapons

It shall be unlawful to discharge a rifle, air rifle or air gun of any kind and description which impels with force a pellet of any kind or to discharge a bow and arrow, slingshot, shotgun, gun or any firearm or weapon from which a shot or other object is discharged within the Town of Preston or on town-owned property.

Section 2.1.3 Exemptions

The provisions of this Article shall not apply to:

- A. Properly-authorized law enforcement or animal control officers acting in their line of duty or in training.
- B. The members of duly-organized gun, rifle or archery clubs, or their bona-fide guests, or of military organizations, upon the ranges of such clubs or organizations.
- C. The patron of commercial ranges.

Section 2.1.4 Seizure of weapons used in violation

Authorized enforcing agents are hereby authorized to seize and retain any rifle, air rifle or air gun of any description or ammunition or pellets for the same or any bows and arrows, slingshots, shotguns, guns or any firearm or weapon from which a shot or other object is

discharged which shall be used, discharged or possessed within the Town of Preston, or on town-owned property, in violation of this Article.

Section 2.1.5 Intent and purpose

It is the intent and purpose of this Article that the killing of game or vermin of any kind through the use of a rifle, air rifle, air gun or bow and arrow, slingshot, shotgun, gun or any firearm or weapon from which a shot or other object is discharged within the Town of Preston or on town-owned property.

Section 2.1.6 Concealed weapons

- A. Any person who shall, within the town limits, have concealed about his person any deadly or dangerous weapon or who shall carry openly any such weapon with intent to unlawfully use the same shall, upon conviction, be subject to the penalties as hereinafter provided.
- B. The officers, non-commissioned officers and privates of the United States Army, Navy or Marine Corps or any regularly organized military company, police officers, officers guarding prisoners, officials of the United States or any state or the District of Columbia engaged in the execution of the laws for the protection of persons or property, when any of such persons are on duty, shall not be liable for prosecution hereunder for carrying necessary arms for use in performance of their duty; and nothing contained in this section shall be so construed as to prevent any person from keeping or carrying about his place of business, dwelling house or premises any such dangerous weapon or from carrying the same from the place of purchase to his dwelling house or place of business to any place where repairing is done to have the same repaired and back again.

Section 2.1.7 Violations and penalties

Any person violating any of the provisions of this Article shall, upon conviction thereof, be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment not exceeding ninety (90) days in jail or by both fine and imprisonment.

CHAPTER 2

ARTICLE II

BICYCLES

Section 2.2.1 Definitions

For the purpose of this Article, the terms used herein are defined as follows:

Bicycle - any conventional vehicle of one (1), two (2), or more wheels propelled by the rider, or said term as defined in the Transportation Article of the Annotated Code of Maryland.

Motor Vehicle - minibikes, motor bikes, motor scooters, go-carts or other mechanically propelled vehicles of a similar nature, except bicycles as defined herein or in the Transportation Article of the Annotated Code of Maryland.

Section 2.2.2 Control of bicycles; compliance with regulations

The rider or operator of a bicycle on any street of the Town of Preston shall have said vehicle under proper control at all times and not operate or propel the bicycle on any of the streets of the town recklessly or at a rate of speed greater than is reasonable and proper and shall not use the streets and highways so as to endanger the property of any person. All operators of bicycles shall at all times comply with all other traffic regulations in force in the Town of Preston and the traffic regulations of the State of Maryland.

Section 2.2.3 Riding on sidewalks prohibited

It shall be unlawful for any person to ride any bicycle or motor vehicle as defined in this Article on or over the public sidewalks of the town.

Section 2.2.4 Riding in parks and playgrounds

It shall be unlawful for any person, operator or group of persons to ride or operate a bicycle or motor vehicle as defined in this Article in any park or playground owned, operated and maintained by the Town of Preston, except in those areas designated as riding areas or except in such areas as are public ways or public highways or roads and commonly used as such in said park or playground areas.

Section 2.2.5 License required

No person who resides in the town shall ride a bicycle on any street unless such bicycle shall have been licensed, a registration card shall have been issued and a license plate shall have been attached thereto as provided herein.

Section 2.2.6 Application for license; duration

- A. Every resident of the town who is the owner of a bicycle shall, on or before the first day of September of each year, apply to the Chief of Police for a bicycle license, registration card and license plate. After September first of each year, it shall be the duty of any resident of the town or any person who rides or propels a bicycle ordinarily kept within the limits of the town, immediately upon purchasing or acquiring a bicycle, to apply for a bicycle license, registration card and license plate within ten (10) days after such purchase or acquisition. Such application shall be made on a form provided by the town.
- B. The registration card and metal tag or license plate issued pursuant to such application shall be valid until the first day of September of the following year, as long as ownership of the bicycle remains unchanged. The license to ride or propel a bicycle shall be valid until the first day of September of the first year following its issue.

Section 2.2.7 Issuance and attachment of license; registration card

- A. The Police Department shall provide, at the expense of the owner, permanent metallic license tags, together with registration cards, which tags and cards shall have numbers stamped thereon in numerical order, beginning with number one (1) and indicating the name of the town and the year of issue. Such tag shall be suitable for attachment to the rear mudguard or the frame of the bicycle of which issued, in such position as to be plainly visible. Such tag shall be attached to the bicycle by the Police Department or persons designated by the Police Department at the time of issuance and shall remain attached to the bicycle for which it is issued for so long as such license shall remain in effect. The Chief of Police or persons designated by him shall also keep two (2) records of such registration: by serial number assigned to the bicycle and by the owner's name in alphabetical order.
- B. Upon issuance of a license and its attachment to the bicycle, the Police Department or persons designated by the Police Department shall furnish to the owner of such bicycle the corresponding registration card. The operator of a bicycle shall display his registration card or produce satisfactory proof that the owner has such registration card upon demand of any officer of the Town of Preston Police Department.

Section 2.2.8 Annual issuance of tags and cards

The registration cards and metal tags and/or sticker for the metal tags shall be issued each year upon application to the Chief of Police.

Section 2.2.9 Renewal of license

Bicycle licenses shall be renewed every year, on or before the first of September of each year. They shall be renewed upon application to and inspection by the Chief of Police or persons designated by him.

Section 2.2.10. Transfer of ownership

It shall be the duty of every person who sells or transfers ownership of any bicycle within the Town of Preston to report such sale to the Chief of Police. If such bicycle had been licensed and registered, such person shall, at the time of sale or transfer of ownership, return to the Chief of Police, the registration card and license tag. Such person shall furnish the Chief of Police with the name and address of the person to whom such bicycle was sold or transferred. Such report and return of registration card and license tag shall be made by the person selling or transferring within three (3) days of the date of said sale or transfer.

Section 2.2.11 Dismantling of bicycles

It shall be the duty of every person who dismantles, reduces to junk or takes out of operation any bicycle, whether the same is registered, to report the same to the Chief of Police and to turn in the registration card and license tag if such bicycle was registered.

Section 2.2.12 Mutilation of frame number; tag or card

It shall be unlawful for any person, willfully or maliciously, to remove, destroy, mutilate or alter the number of any bicycle frame or to remove, destroy or alter any license tag or registration card during the time when such license tag or registration card is valid, except as provided in Section 10 and 11 thereof.

Section 2.2.13 Duplicate tags or cards

In case of loss or destruction of any license tag and/or card, a duplicate license tag and/or card shall be issued to the registered owner of such bicycle upon payment of a fee as set by the Mayor and Council, for each tag or card required, provided that such owner gives to the Chief of Police satisfactory proof of such ownership and loss or destruction of such card and/or tag, by affidavit or otherwise.

Section 2.2.14 Evidence of violation

If any bicycle shall be found on any road, street or alley of the town without a license tag, as above set forth or with a mutilated serial number or no serial number stamped on the frame of the bicycle, it shall be prima facie evidence that such bicycle is being operated without proper registration.

Section 2.2.15 Bicycles owned by non-residents

Any bicycle owned and operated by any resident of any other municipality shall not be required to be registered hereunder but shall be subject to all other provisions of this Article.

Section 2.2.16 Violation and penalties

Any person or persons violating any of the provisions of this Article shall, upon conviction thereof, be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment not exceeding ninety (90) days in jail, or by both fine and imprisonment.

Section 2.2.17 Skateboards and scooters prohibited on streets, alleys and public ways

The operation of skateboards and scooters is prohibited and is a municipal infraction of the Town of Preston. The operation of skateboards and scooters by persons on public ways, streets, alleys within the town constitutes a hazard to pedestrians and traffic, and a hazard to the operator.

It shall be unlawful for any person to ride, propel, push or otherwise operate a skateboard or scooter on any public way, street, alley, sidewalk parking lot or other public property (except for public skateboard or scooter facilities and publicly sponsored or authorized skateboard or scooter events) within the corporate boundaries of the town.

In the event that any law enforcement officer of the Town of Preston observes any minor child operating a skateboard or scooter in violations of the provisions of this Article, the law enforcement officer may confiscate the skateboard or scooter operated by said minor child and shall return the skateboard or scooter only to the said minor's parent or guardian. The law enforcement officer shall be authorized to confiscate a skateboard or scooter under the provisions of this subsection whether or not he or she issues a citation for the violation of this section.

Section 2.2.18 Violation and penalties

Any person violating the provisions of subsection hereof shall be guilty of a municipal infraction and, any provision of this code to the contrary notwithstanding, shall be subject to a fine of five dollars (\$5.00) for the first offense and ten dollars (\$10.00) for each subsequent offense.

CHAPTER 2

ARTICLE III

CLEANING PREMISES OF SNOW AND ICE

Section 2.3.1 Cleaning premises of snow and ice

It shall be unlawful for any person or persons or body corporate to allow snow, sleet and/or ice to remain on or upon the sidewalk of any street or alley adjoining property owned or occupied by him, her, them or it for a longer period than 24 hours from the cessation of the fall of said snow, ice or sleet. Said person, persons or body corporate will have the same cleared off and removed from the said sidewalk(s) immediately after the time set forth herein.

Section 2.3.2 Violation and Penalties

Any owner failing to comply with the provisions of this Article shall be subject to a municipal infraction fine of \$25.00 plus costs of snow removal, if any.

Section 2.3.3 Snow and ice removal undertaken by Town

The Commissioners of the Town of Preston are authorized but are not required to undertake snow, sleet and ice removal of said sidewalks on behalf of any such owner. Costs of such snow and ice removal undertaken by the Town will be billed at the next assessment of town real estate property taxes with such taxes as a part thereof.

CHAPTER 2

ARTICLE IV

CLEARING PUBLIC STREETS OF SNOW AND ICE

Section 2.4.1 Declaration of snow or ice emergency

The Mayor and/or Commissioners may, at their discretion, declare a snow or ice emergency evidenced by hazards existing on public streets in the Town of Preston. If more than three (3) inches of snow accumulates, a snow emergency will be implied and assumed, with or without declaration by the Mayor and/or Commissioners.

Section 2.4.2 Parking prohibited on all paved streets

In the event a snow or ice emergency is declared or if snow accumulation at any time reaches the depth of three (3) inches or more, it shall be unlawful, during the period of such emergency, for any person to park a motor vehicle or tractor, or to allow the same to remain parked, on any paved, public street in the Town of Preston.

Section 2.4.3 Sufficient traction equipment required

Under conditions of snow or ice emergency, whether declared or implied by depth of snow over three (3) inches, it shall be unlawful to operate any motorized vehicle or tractor on any public street in the Town of Preston unless such vehicle is equipped to have sufficient traction to keep such vehicle or tractor in motion so that other traffic on such streets will not be blocked or seriously impeded.

Section 2.4.4 Required notice

Where it is necessary for the Mayor and/or Commissioners to declare a snow or ice emergency, the Chief of Police of the Town of Preston shall inform radio stations, newspapers or other available media as to the existence of such emergency, for purposes of communicating such information to the public.

Section 2.4.5 Violations and penalties

- A. After notice has been given in any manner described in Section 2.4.4 or after three (3) inches of snow has fallen, any person who shall park a motorized vehicle or tractor upon, in or along any public street in the Town of Preston during such emergency, shall be guilty of a violation of this Article.
- B. After notice has been given in any manner described in Section 2.4.4 or after three (3) inches of snow has fallen, any person who shall operate a motorized vehicle or tractor upon any public street and become stalled or stranded on such street, shall be guilty of a violation of this Article; provided, that such stalling or stranding

shall have been by reason of the failure to have such vehicle or tractor equipped for traction as described in Section 2.4.3.

- B. Where violations are of a continuing nature, each day a violation continues shall constitute a separate offense.
- C. The violation of this Section 2.4.5, Paragraphs A, B, or C, shall be punishable by a fine of \$25.00, which shall be payable to the Town. If this fine is not paid within twenty (20) days of service of the citation, notice of the violation will be forwarded to an appropriate court of law for enforcement and collection. Any person who receives a citation for a municipal infraction may defend same pursuant to the procedures described in Article XI, Section 1104 in the Charter of the Town of Preston. The assessment of such fine shall not preclude resort by the Town to other, appropriate relief in a court of law or equity.
- D. A vehicle located on a public street and found to be in violation of this Article may be towed by the Chief of Police, or his agent, without further notice and at the expense of the registered owner(s) of such vehicle. Towing charges and any subsequent storage costs shall be payable directly to the towing and/or storage provider at the time the vehicle is requested to be released.

CHAPTER 3

NUISANCE

ARTICLE I

PEDDLING, SOLICITING AND VENDING

Section 3.1.1 License required

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

Section 3.1.2 Definitions

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

- A. Itinerant Merchants, Transient Vendors and Salesmen - shall be deemed to be in the category of peddler, hawker, vendor, solicitor or canvasser, as set forth.
- B. Peddler, Hawker and Vendor - includes any person, whether a resident of the Town of Preston or not, traveling either by foot, vehicle or any other type of conveyance, who goes from house to house, from place to place or from street to street, conveying or transporting goods, wares or merchandise and offering or exposing the same for sale or making sales and delivering articles to purchasers, or who engages in any of the foregoing activities from a stationary location on the street or other public place.
- B. Solicitor or Canvasser - includes any person, whether a resident of the Town of Preston or not, who goes from house to house, from place to place or from street to street soliciting or taking or attempting to take orders for the sale of services to be performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject for such order and whether or not he is collecting advance payments on such orders, or who engages in soliciting junk, or who engages in any of the foregoing activities from a stationary location on the street or other public place.

Section 3.1.3 Application for license; hours

- A. Applicants for a license under this Article shall file with the Town Clerk a sworn application, in writing on a form to be furnished by the Town Clerk, which shall give the following information:
 - 1. Name and description of the applicant.
 - 2. Permanent home address and local mailing address, if any, of applicant.

3. A brief description of the nature of the business and the goods to be sold and the name and address of the principal office of their manufacturer, as well as the name and address of the agent designated to receive service of process in the State of Maryland.
 4. If employed, the name and address of the employer.
 5. The length of time for which the right to do business is desired.
 6. The applicant's fingerprints, at the request of the Police Chief.
 7. A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, other than a traffic violation, and the nature of the offense and the punishment or penalty assessed therefore.
 8. Whether or not orders are to be solicited or taken for future delivery of goods or performance of services and whether or not soliciting is for funds.
- B. The time of solicitation, peddling, hawking, vending and canvassing shall be between the hours of 9:00 a.m. and 8:00 p.m.

Section 3.1.4. Investigation and issuance of license

- A. Upon receipt of such application, the original shall be referred to the Police Chief, who shall cause to be made such investigation of the applicant's business and moral character as he deems necessary for the protection of the public welfare.
- B. If, as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the Police Chief shall endorse on such application his disapproval and his reason for the same and return the application to the Town Clerk, who shall notify the applicant that his application is disapproved.
- C. If, as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the Police Chief shall endorse his approval on the application, returning the application to the Town Clerk, who shall, upon payment of the prescribed license fee, execute and deliver to the applicant his license. The Clerk shall keep a record of all licenses issued and of all complaints received, if any, concerning each license.

Section 3.1.5. Fees

A fee, as provided by ordinances of the town, shall be paid by each applicant upon the issuance of each license, except as otherwise provided by law.

Section 3.1.6. Exhibition of license

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

Section 3.1.7. Duration of license

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

Section 3.1.8. Revocation

- A. Licenses issued under this Article may be revoked by the Police Chief after a reasonable notice and hearing for any of the following causes:
 - 1. Misrepresentation or false statement contained in the application for the license.
 - 2. Misrepresentation or false statement made in the course of carrying on activities regulated herein.
 - 3. Conviction of any crime or misdemeanor involving moral turpitude.
 - 4. Conducting the business of soliciting and canvassing in an unlawful manner, in violation of this Article or in such manner as to constitute a menace to the health, safety or general welfare of the public.
- B. Notice of hearing for revocation of a license shall be given in writing, setting forth the grounds of complaint and the time and place of the hearing. Such notice shall be served, personally upon the licensee or mailed, postage prepaid, to the licensee at the address given by the licensee in making application under Section 3 herein, at least five (5) days prior to the date set for hearing.

Section 3.1.9. Appeals

Any person aggrieved by the action of the Police Chief or the Town Clerk in the denial of an application for a permit or license as provided in Section 3.1.4 of this Article or in the decision with reference to the revocation of a license as provided in Section 3.1.8 of this Article shall have the right of appeal to the Mayor and Council of the Town of Preston. Such appeal shall be taken by filing with the Mayor and Council, within fourteen (14) days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The Mayor and Council shall set a time and place for a hearing on such appeal, and notice of such hearing shall be given the appellant in the same manner as provided in Section 3.1.8 of this Article for notice of hearing on revocation. The decision and order of the Mayor and Council on such appeal shall be final and conclusive.

Section 3.1.10. Inspections

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

Section 3.1.11. Exceptions

- A. This Article shall not be construed to include the selling of any article at wholesale to dealers; such articles as the delivery of milk, eggs, bread, newspapers or other such necessary and perishable articles of food or merchandise of a type commonly delivered on a house-to-house basis at intervals of less than one (1) week.
- B. Any veteran who holds a special license issued under the laws of the State of Maryland shall be exempt from securing a license or paying a fee as provided herein but shall be required to comply with all other applicable sections of this Article and shall be required to register with the Town Clerk and obtain a permit, which will be issued by the Clerk upon proper identification and exhibition of such State license.
- C. Certain Organizations
 - 1. Any nonprofit religious, charitable, educational, civic or veterans organization, society, association, service club, volunteer first-aid or fire company, etc., desiring to solicit or have solicited in its name money, donations of money, property or financial assistance of any kind or desiring to sell or distribute any item of literature or merchandise for which a fee is charged or solicited from persons other than members of such organizations, at any place or places within the Town of Preston, for a charitable, religious, patriotic or philanthropic purpose, shall be exempt from the provisions of Section 3.1.3 and Section 3.1.5 of this Article, provided that there is filed a sworn application, in writing, with the Clerk or Police Chief which shall give the following information:
 - a. Name and purpose of the cause for which the permit is sought.
 - b. Name and address of the organization.
 - c. Period during which solicitation is to occur.
 - d. Name and address of each agent or representative who will conduct solicitation and the length of time that said agent or representative has been employed or affiliated with such organization, society, association or corporation.

2. Upon being satisfied that such person, organization, society, association, etc., is a bona-fide nonprofit religious, charitable, educational, patriotic or philanthropic organization, and that the agents or representatives who shall conduct the solicitation are of good moral character and reputation, the Town Clerk or Police Chief shall issue a permit, without charge to such organization, association, or corporation, to solicit in the town. Such organization, association, society, corporation, etc., shall furnish to all its members, agents or representatives conducting solicitation, credentials, in writing, stating the name of the agent and the duration and purpose of solicitation.

B. Any school, political or civic organization, benevolent society, service club or organization not operated for profit, which is located in or has substantial membership from the Town of Preston, is hereby exempt from the provisions of this Article.

Section 3.1.12. Violations and penalties

Any person violating any of the provisions of this Article shall, upon conviction thereof, be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment not exceeding ninety (90) days in jail or by both fine and imprisonment.

CHAPTER 3

ARTICLE II

CURFEW

Section 3.2.1. Loitering of minors prohibited

- A. It shall be unlawful for any minor under the age of sixteen (16) years to loiter, idle, wander, stroll, or play in or upon the public streets, highways, roads, alleys, parks, playgrounds or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots or other unsupervised places between the hours of 11:00 p.m. and 5:30 a.m. of the following weekdays (Monday through Friday) and between the hours of 12:00 a.m. and 5:30 a.m. of the following days on weekends (Saturdays and Sundays); provided, however, that the provisions of this section do not apply to a minor accompanied by his or her parent, guardian or other adult person having the care and custody of the minor, or where the minor is upon emergency errand or legitimate business directed by his or her parent, guardian, or other adult person having the care and custody of the minor.
- B Each violation of the provisions of this section shall constitute a separate offense.

Section 3.2.2. Responsibility of parents

- A. It shall be unlawful for the parent, guardian, or other adult person having the care and custody of a minor under the age of sixteen (16) years to knowingly permit such minor to loiter, idle, wander, stroll, or play in or upon the public streets, highways, roads, alleys, parks, playgrounds, or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots or other unsupervised places, between the hours of 11:00 p.m. and 5:30 a.m. of the following weekdays (Monday through Friday) and between the hours of 12:00 a.m. and 5:30 a.m. of the following days on weekends (Saturdays and Sundays); provided, however, that the provisions of this section do not apply when the minor is accompanied by his or her parent, guardian, or other adult person having the care and custody of the minor or where the minor is upon an emergency errand or legitimate business directed by his or her parent, guardian, or other adult person having the care and custody of the minor.
- B Each violation of the provisions of this section shall constitute a separate offense.

Section 3.2.3. Repeal of conflicting ordinances

All existing ordinances of the town are hereby repealed insofar as they may be inconsistent with the provisions of the Article.

Section 3.2.4. Separability of provisions

It is the intention of the Mayor and Council that each separate provision of this Article shall be deemed independent of all other provisions herein, and it is further the intention of the Mayor and Council that if any provisions of this Article be declared invalid, all other provisions thereof shall remain valid and enforceable.

Section 3.2.5. Penalties

Any minor violating the provisions of Section 3.2.1 shall be dealt with in accordance with Juvenile Court Law and Procedure. Any parent, guardian, or other adult person having the care and custody of a minor violating Section 3.2.2 shall, upon conviction thereof, be punished by a fine of not less than five dollars (\$5.00) nor more than five hundred dollars (\$500.00) or by imprisonment not exceeding ninety (90) days in jail or by both fine and imprisonment.

CHAPTER 3

ARTICLE III

LOITERING

Section 3.3.1. Purpose

It is the purpose of this Article to prevent loitering by groups, the use of vulgar language, vulgar behavior on the streets and sidewalks of the Town of Preston, both residential and business areas.

Section 3.3.2. Definition

Loitering shall be defined herein as groups of three (3) or more persons hanging around, loafing, spending time idly, using loud or vulgar language, being unruly and boisterous and/or obstructing the entrance ways of stores and business places on the public streets, sidewalks, alleys and curbs; also obstructing entrance ways to residential areas and town parks and recreation areas.

Section 3.3.3. Scope

It shall be unlawful for any person or persons to loiter on the public sidewalks, streets, alleys and curbs. It shall be unlawful for any person or persons to gather in groups of three (3) or more to hang around, loafing, spending time idly, using loud or vulgar language, being unruly and boisterous and/or obstructing the entrance ways to stores, homes, driveways, business places, and on the public streets, sidewalks and curbs in the Town of Preston.

Section 3.3.4. Penalty

Any person or persons violating any provisions of this Article shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than five dollars (\$5.00) nor more than five hundred dollars (\$500.00) for any one offense, or by imprisonment not exceeding ninety (90) days, or both fine and imprisonment.

CHAPTER 3

ARTICLE IV

ALCOHOLIC BEVERAGES

Section 3.4.1. Scope

It shall be unlawful for a person to drink any alcoholic beverage in any public place, building, street, alley, sidewalk or parking lots, unless said place is licensed by law to serve such beverage, or to have in his or her possession in a car or any other means of transportation in the Town of Preston, an open container of any alcoholic beverage (open to mean hole punched in container, seal broken or top removed).

Section 3.4.2. Penalty

Any person or persons violating any provision of this Article shall, upon conviction thereof, be punished by a fine of not less than five dollars (\$5.00) nor more than five hundred dollars (\$500.00) or by imprisonment not exceeding ninety (90) days in jail or by both fine and imprisonment.

CHAPTER 3

ARTICLE V

ANIMAL WELFARE AND CONTROL

Section 3.5.1. Adoption of County Ordinance

- B. The provisions of the Caroline County ordinance entitled Animal Welfare and Control, including any subsequent changes, deletions or amendments to the ordinance, is hereby adopted by the Town of Preston as the ordinance controlling such subject matter within the Town of Preston.
- C. The Caroline County ordinance entitled Animal Welfare and Control, including any subsequent changes, deletions or amendments to the ordinance, is hereby incorporated by reference into the Preston Code of Ordinances.
- D. A copy of The Caroline County ordinance entitled Animal Welfare and Control, including any subsequent changes, deletions or amendments to the ordinance, shall be kept in the Town offices and shall be made available to the public during normal business hours.

CHAPTER 3

ARTICLE VI

PUBLIC BURNING

Section 3.6.1. Public Burning

It shall be unlawful for any person to burn leaves, wood, trash, debris or any combustible materials outdoors within the corporate limits of the Town of Preston except in a furnace, stove or incinerator approved by the Fire Marshall.

Section 3.6.2. Penalties

Violation of this Article shall be treated as a Municipal infraction and upon conviction thereof shall be punished with a fine, for the first offense, of not more than \$25.00 and each successive conviction thereof with a fine of not more than \$100.00.

CHAPTER 3

ARTICLE VII

ANTI-NOISE ORDINANCE

Section 3.7.1. Prohibited noise

- A. No person shall play, use, operate or permit to be played, used or operated, any motor vehicle radio, tape recorder, cassette player or other machine or device for producing sound, if the sound generated is audible at a distance of 30 feet (15 feet between 9:00 p.m. and 7:00 a.m.) from the device producing the sound, and if it is located in or on any of the following:
1. Any public property, including any public street, highway, building, sidewalk, park or thoroughfare; or public space.
 2. Any motor vehicle on a public street, highway or public space.
- Police, fire, and authorized emergency vehicles operating in the normal course of their duties are excluded from this prohibition.
- B. Possession or ownership by a person or persons of any of the machines or devices enumerated in subsection A shall be prima facie evidence that such person operates, or those persons operate, the machine or device.

Section 3.7.2. Enforcement

- A. Powers of Arrest or Citation. Any authorized police officer may issue a citation for any violation under this article, except they may arrest for instances when:
1. The alleged violator fails to provide proof of identity and address.
 2. The alleged violator fails to cease prohibited noise after either being issued a citation, or being told to desist such illegal noise by a law enforcement officer.
- B. Citation.
3. The form of citation shall be as provided by the District Court of Maryland for municipal infractions.
 4. The citation shall be issued, processed, prosecuted, and otherwise follow the procedures for a municipal infraction as set forth in the town's ordinance on municipal infractions.

Section 3.7.3. Penalty

Penalties for violation of this Article shall be as set forth in the Town's ordinance on municipal infractions.

CHAPTER 3

ARTICLE VIII

IMPROPER AND UNNECESSARY NOISE

Section 3.8.1. Loud and unnecessary noise unlawful.

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

Section 3.8.2. Unlawful acts enumerated.

The following acts, among others, are declared to be loud, unnecessary, and disturbing and a danger to the health, safety and welfare of the community and its people in violation of paragraph 3.8.1, but the enumeration shall not be deemed to be inclusive:

1. No person shall play, use, operate or permit to be played, used or operated any radio receiving set, musical instrument, phonograph or other machine or device for the production or the reproduction of sound with louder volume than is necessary for convenient hearing of the person so playing, using or operating such instrument or device and such persons who are voluntary listeners thereto, or in such manner as to disturb the peace, quiet and comfort of neighboring inhabitants. The use or operation of any such instrument, radio, phonograph, machine or device, in such a manner as to be plainly audible at a distance of one hundred (100) feet from the building, structure, vehicle or place in which it is used or operated, shall be *prima facie* evidence of a violation of this Article.
2. Yelling, shouting, hooting, whistling or singing or the making of loud and disturbing noises by the use of clappers, bells, horns, musical instruments or similar devices at any time or place so as to unreasonably annoy or disturb the quiet, comfort or rest of any person in any residence, school, place of business, street or public place.
3. The keeping of any animal or bird which, by causing frequent or long-continued noise, shall disturb the comfort or repose of any persons in the vicinity.
4. The use of any automobile, motorcycle, truck or vehicle, so out of repair or loaded or operated in such a manner, as to create loud and unnecessary grating, grinding, rattling or other noise.
5. The creation of loud and excessive noises in connection with the loading or unloading of any vehicle for the operating and distribution of bales, crates and containers.
6. The operation or use of any power lawnmower, chainsaws, fencepost driller or the like between the hours of 9:00 P.M. and 8:00 A.M.

7. Any of the following activities when occurring in close proximity to residences between 11:00 P.M. and 7:00 A.M.: the warming up or idling of buses, trucks or tractors and the unnecessary or unreasonable or repeated idling, acceleration and deceleration or starting and stopping of automobiles and motorcycles.

8. Using, operating or permitting to be played, used or operated, any receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, tape recorder or other machine or device for the producing or reproducing of sound which is left upon the public streets for the purposes of commercial advertising or for any other purpose except as authorized by the government or in public emergencies, provided that such devices may be employed in connection with nonprofit charitable, education, civic, religious or recreational activities in accordance with permits first obtained therefor from the Town Office.

9. Outdoor concerts, except in accordance with permits first obtained therefor from the Town Office.

10. The excavation, grading, paving, erection, demolition, alteration or repair of any premises, street, building or structure at any time on Sundays or other than between the hours of 8:00 A.M. and 6:00 P.M. on Saturdays or between the hours of 7:00 A.M. and 6:00 P.M. on all other days, except in case of urgent necessity in the interest of public health and safety and, if the nature of the emergency will allow the prior procurement of a permit, then only in accordance with a permit first obtained from the Town as to public street work or from the Town Building Inspector as to other work, pursuant to Paragraph (b) hereof. Such a permit may be granted for a period not to exceed three (3) days or less while the emergency continues. Notwithstanding the foregoing, if the Commissioners or Building Inspector, as the case may be, shall determine that the public health and safety will not be impaired by such work within the prohibited hours and that loss or inconvenience would not result to any party in interest, he may grant permission for such work to be done within the prohibited hours upon application being made at the time the permit for the work is issued or during the progress of the work. The provisions of this subsection shall not apply to interior or exterior repairs or to interior alterations, the work for which is actually performed by a homeowner or occupant personally, between the hours of 7:00 A.M. and 11:00 P.M., upon residential premises that are owned by such occupant, provided that the work shall be done without undue noise or disturbance or peace and quiet of the neighborhood.

11. The creation of any excessive noise on any street or property adjacent to any school, institution of learning, church or court while the same is in use, *or adjacent to any hospital which unreasonably interferes with the working of such institution or which disturbs or unduly annoys patients in the hospital.*

Section 3.8.3. Exemptions.

Nothing in this chapter shall be construed to apply to church bells or chimes nor to the playing of bands or orchestras in a hall or building in a manner which will not annoy the peace, comfort and quiet of the neighboring inhabitants nor to municipal, county, state or federal governmental agencies in connection with any emergency nor to normal working activities of or activities sponsored by the Commissioners of Preston nor to warning devices on other vehicles used only for traffic safety purposes.

Section 3.8.4. Enforcement.

In addition to the public, law enforcement officers and others who are designated hereunder shall have the power to enforce and bring complaints under this chapter.

Section 3.8.5. Violations and penalties.

Any person in violation of any provision of this Article shall be deemed guilty of a municipal infraction and be subject to a fine not exceeding Fifty dollars for the first offense (\$50.00) and One Hundred dollars (\$100.00) for each offense thereafter. Each violation shall constitute a separate offense.

CHAPTER 4

WATER AND SEWER

ARTICLE I

WATER

Section 4.1.1. Services provided by Town

Water from the system of the Town of Preston may be used for all residential, business, agricultural and public purposes. The Commissioners reserve the right to impose at any time such restrictions on the use of water as in their judgement may appear necessary.

Section 4.1.2. Duties of Water Department Engineer

- A. The Office of Water Department Engineer is hereby created. Such officer shall be appointed by the President of the Commissioners with the approval of the Commissioners, and his compensation shall be determined from time to time by the Commissioners.
- B. The Water Department Engineer shall be responsible for the operation, maintenance and repair of all facilities of the pumping station, water works and water distribution system and perform such other duties and tasks as the Commissioners by ordinance and resolution may determine.

Section 4.1.3. Adequate plumbing required

- A. All buildings in which people live or congregate, and such other buildings as the Commissioners shall deem necessary, which are on properties located within the corporate limits of the Town of Preston shall be provided with adequate water supply and plumbing fixtures and piping. Where the same do not exist or are not of proper character or are in a state of disrepair, they shall be provided, altered and repaired, as the case may be, in such manner as shall be required and within the time named by notice served by the Commissioners upon the property owner or occupant. No such building shall be hereafter erected without being provided with adequate water supply and plumbing arrangements. The existence of or the need for adequate water supply and plumbing arrangements shall be determined by the minimum requirements established by the provisions of the Sub-section.
- B. The Commissioners may at any time inspect or cause to be inspected existing plumbing systems and require such modifications as may be necessary to put said plumbing in a sanitary condition in accordance with the ordinances, rules and regulations of the Town of Preston.
- C. When water from the public supply system shall hereafter become available to additional dwellings or other structures within the town used as places of human

habitation, the Commissioner shall notify in writing the owner, owners, or occupants thereof of the provisions of this Article.

Section 4.1.4. Adequate water connections required

- A. Whenever the town shall have extended its water mains so as to be accessible to any property, the property owner shall make connection therewith, in accordance with these regulations, within six (6) months of such extension. The water connections shall be of such size as to adequately serve the number and type of plumbing fixtures or equipment on the premises involved.
- B. The property owner or owners of any property served by the towns water service shall be responsible for the maintenance of all water connections from the property line to the main.
- C. If due to a change in the use or due to the installation of additional fixtures, the owner requests a larger water building connection, the existing connection shall be disconnected and abandoned at the expense of the owner. The size requested will be checked as to adequacy by the Water Department Engineer, and the owner will be required to install the size connection determined by the Engineer to be adequate for the changed conditions. Installation and construction of the larger connection shall be at the expense of the property owner and subject to the inspection and approval of the work by the Engineer or his authorized representative.
- D. If the Engineer finds that an existing water connection is too small to serve the number of fixtures connected to it, to such an extent that the existing water meter is being run constantly in excess of its safe rated capacity, the owner shall be notified of the situation and will be required to arrange for the installation of a larger water connection and larger meter adequate for the service needed. If the owner refuses to correct the situation after due notice, the Commissioners shall arrange for the disconnection and the installation of a water service and water meter of such suitable size as he shall determine is necessary. The cost of such disconnection, abandonment and installation shall be billed to the owner of the premises involved.

Section 4.1.5. Wells

- A. Whenever a water connection is provided for a property previously served by a well, the well shall be examined to determine whether it is polluted or will be a menace to health. Should such well be found to be polluted or a menace to health, it shall be abandoned and closed in a manner satisfactory to the Commissioners of the Town of Preston.
- B. No well for household use shall be constructed on property accessible to a public water main.

- C. Irrigation wells within corporate limits. Unless otherwise forbidden by the Health Environmental Article of the Annotated Code of Maryland Section 9-1304, an irrigation well may be constructed within the corporate limits of the Town of Preston pursuant to regulations established by the Commissioners of Preston.
- D. The rules and regulations established by the Commissioners of Preston will include a permit and fee procedure and will provide that the Town Commissioners may require a well owner to close down such irrigation well at any time the Commissioners deem it necessary.
- E. The well will be available for inspection by the Commissioners of Preston or their designated representative at any time adjudged critical to public health and welfare of the residents of the Town of Preston and otherwise at all reasonable hours and times.
- F. This Article and the regulations pursuant hereto are in addition to and not in substitution of all state and county laws, ordinances and regulations dealing with well dwelling.
- G. Plan and application for a permit on behalf of the property owner may only be made by a well driller licensed by the State of Maryland.
- H. Violations of this Article will be deemed to be a municipal infraction and, upon conviction in the District Court of Maryland the owner of the property may be fined not more than Five Hundred Dollars (\$500.00).

Section 4.1.6. Water building connections

- A. Separate water building connections for each separate lot or parcel of land abutting on a street, alley or right-of-way in which there is a water main belonging to the Town of Preston shall be constructed by the owner of said lot or parcel of land from such property line to the building.
- B. Whenever it shall be determined that a water building connection was constructed in violation of the terms and conditions upon which a permit therefor was issued, the water connection thereto may be cut off at the main until the connections have been made to comply with all of the conditions of said permit, or in the alternative, the town may, after notice to the property owner, cause the defect to be corrected and change te expense thereof to said property owner.
- C. Water connections for properties not abutting directly on a water main may be allowed under such conditions and at such charges as the Commissioners may require.

Section 4.1.7. Temporary water service

Temporary water service for building or other construction work may be furnished as follows: upon the filing of proper applications and the payment of a suitable deposit, a temporary water connection may be constructed by the consumer from the main to his service facilities with an outside meter setting installed at the property line. When the consumer has finished the connection, the commissioners will cause the meter to be read and remove the entire connection to the property line. The cost of the removal of the connection plus the meter service charge plus the charge for the water used, computed at the regular consumption rates, will be deducted from the deposit and the remainder, if any, returned to the consumer. If the total charges exceed the deposit, the consumer will be billed for the excess.

Section 4.1.8. Separate connections

- A. Each building on one (1) lot or parcel of land shall be served by a separate water connection, a building, for this purpose, being any structure or part thereof intended for single occupancy on the street floor.
- B. In case it is found that more than one (1) building is being served by the same water building connection in violation of the above regulation, the Commissioners shall take action to correct violation under the following procedure.
 - 1. The owner of the property involved shall be notified by certified or registered United States mail that the violation exists and that the situation must be corrected by a given date.
 - 2. If the owner does not comply with the above notice, the Engineer shall shut off the water and remove the water meter serving such property until the situation is corrected to his satisfaction, at which time water service will be resumed after payment of all costs to which the owner may be subjected in the above matter.
 - 3. If the property owner refuses to comply with the above order, the town shall take such further legal action as is provided by law.
- C. The water service pipes for any building, lot, premises or establishment shall not be laid over or through any other building, lot, premises or establishment, except in an approved right-of-way or easement, and no person shall connect or cause to be connected any building, lot, premises or establishment with the water service pipe belonging to or supplying any other building, lot, premises or establishment. However, this regulation shall not prevent a dwelling with a private garage upon the rear of the same lot or parcel of land from being supplied by the same service pipe; but if the garage be converted wholly or partially into a dwelling or place of business, a separate connection shall be installed under such conditions as the Commissioners may require.
- D. A single trailer located on a lot or parcel of land will not be permitted to be connected to the water mains unless the trailer installation is in compliance with

all local, state and federal laws or regulations governing the same. It will then be considered a single residence under these regulations.

Section 4.1.9. Special connections

- A. A structure under single ownership but so divided as to provide for more than single occupancy on the street floor may be permitted a single connection by special permit under such conditions as the Commissioners may require.
- B. A group of public, ecclesiastical, educational, charitable, club, farm or industrial buildings under one (1) ownership and on a single tract of ground, which may consist of a group of lots or a single parcel, may be served by one (1) connection under such conditions as the Commissioners shall determine. Shopping centers, apartment developments, tourist camps, motels, trailer coach parks and similar groups under one (1) ownership, located on a single tract of ground as above, may be served by a single connection.

Section 4.1.10. Meters and meter settings

- A. The town shall furnish with each permit for each permit of the fee hereinafter prescribed a water meter of a size and type deemed by the Engineer to be suitable for the installation contemplated. The water shall remain under the ownership of, and will be maintained by the Town of Preston. To defray the cost of such meter, the supervision of installation and the maintenance thereof, there shall be charged a fee in such amount as the Commissioners shall by resolution provide.
- B. The Engineer shall determine the size and type of any water meter and the type and location of the settings. Outside meter settings will be used, except where obstructions or other considerations require that they be placed inside the building, in which case they will be set as the Water Department Engineer shall require. When the water meter is set inside the cellar of the building, the property owner will be held responsible for the protection of the meter from injury due to freezing. Repairs and replacements of a meter so damaged shall be at the expense of the property owner.
- C. The outside meter housing or the curb box must be installed so that the top is on the ground surface of the permanent grade and within the public right-of-way whenever possible. In order to accomplish this, one (1) of the following methods will be followed.
 - 1. Where the curb and sidewalks do not exist, the property owner shall indicate the final grade of the ground surface at which an outside meter setting or a curb box is to be placed and the structure will be set at the grade given when it is installed. The water house connection shall not be installed until such grade is given. If the grade or location of the meter setting or the curb box is changed due to a change in elevation of the

ground from that originally indicated, the property owner shall bear the expense of such change in grade or location.

2. Where the curbs and sidewalks exist, the top of the meter housing shall be placed at the straight line grade between the back of the curb and the street edge of the sidewalk.
- D. It shall be unlawful for any person not specifically authorized by the Commissioners to interfere with, remove, replace or tamper with a meter or a meter seal.
 - E. No connection shall be made to any water service pipe between the water main and the meter, except such bypass as the town may install. If such unlawful connection is found, the water house connection will be cut off at the main until such unlawful connection is disconnected and abandoned. Any expense to which the town shall be subjected due to the above work shall be paid for before service is restored.
 - F. If it is found that such unlawful connection has been made to bypass a detector check in order to illegally obtain unmetered water, the detector check will be removed and replaced by a suitable meter. Such removal and replacement shall be paid for before service is restored.

Section 4.1.11. Water meters within corporate limits of Town

- A. All new services shall be connected through meter only.
- B. When repairs to or replacement of any existing service occurs, a meter shall be installed.
- C. The Preston Utilities Board reserves the right to meter any supply of water to any property when, in its opinion, conditions warrant installation of a meter.
- D. All water furnished by meter measurements and all water passing through any meter shall be paid for according to meter readings at the rate specified, whether use or wasted. However, if at any time the meter fails to register, the water consumption for such period may be charged for by using the reading of the same quarter of the previous year.
- E. On all meter water supply service, each and every quarter shall be a complete period in itself.
- F. The Commissioners reserve the right to limit the size of any water meter to be installed. No meter larger than three-fourths () inch shall be installed in any dwelling.

Section 4.1.12. Maintenance of water connections

- A. The property owner or owners are responsible for the maintenance of all water connections from the property line to the point of use. The town may do maintenance or repair work on such connection. However, the cost, including overhead expense, shall be paid for the property owner or owners.
- B. All pipes and appurtenances on private property shall be maintained by and the expense of the property owner. The town may do maintenance or repair work on private property, in which case, the cost, including overhead expense, shall be paid by the property owner or owners.
- C. In the event of a complaint regarding a leak, the town will at once determine if the leak is in the public way, in which case the leak will be repaired. If it is found that the leak is not the town's responsibility, the owner will be so notified and it shall be his responsibility to have the leak repaired at once by a master plumber at the owner's expense, or if necessary, the town may perform such repair work. However, the cost, including overhead expense, shall be paid by the property owner or owners.
- D. The owner or owners are responsible for all leaks, broken lines, broken fixtures, leaking fixtures and any other cause which would cause a loss of water. It is the owner or owners or applicants' responsibility to locate the leaks and have them repaired at his/her own expense, and owner or owners or applicants are responsible for all water and sewer charges resulting from leaks from the property line to the point of use, as well as normal water and sewer charges. The town may do maintenance or repair work on such connections if requested by the owner or owners or applicant in writing. However, the cost, including overhead expense, shall be paid by the property owner. However, before the town begins such repairs, the owner or owners or applicant must deposit with the clerk-treasurer an amount of 60% of the approximate cost of repairs, and the balance is due upon completion of repairs and the monies due become a lien upon the property, collectible in the same manner as delinquent taxes.

Section 4.1.13. Repair and renewal of water connections; addition of meters

Where necessary, the town will repair or renew from the main to the property line any water building connection, and at such time a water meter will be installed should such property not yet be served by a meter.

Section 4.1.14. Use of fire hydrants

- E. No person other than an authorized employee of the town or a member of a Fire Department acting under orders of his proper superior in the performance of his duties may operate a fire hydrant unless in possession of a permit from the Commissioner to do so.
- F. Fire hydrants may not be used for flushing or for any other purpose except by special written permission of the Commissioners for the time and at the location

specified. If such permission is granted, the water used shall be charged for at the prevailing water rates.

Section 4.1.15. Injury to or interference with Town property

It shall be unlawful for any person, firm or corporation to use, handle, tamper with, obstruct, interfere with, deface or destroy any of the property of the Town of Preston, including pipes, fittings, fire plugs, pumps, engineer appliances, wires or other fixtures or equipment owned or used by the town in the construction and operation of its water systems, except under such rules and regulations as the Commissioners may adopt.

Section 4.1.16. Entry upon private property

Any employee or agent of the town shall have the right of entry, at all reasonable hours, upon any private premises and into any building within the corporate limits of the Town of Preston while in the pursuit of his official duties, and any restraint or hindrance offered to such entry by any owner or tenant or agent of such owner or tenant shall be a misdemeanor punishable as hereinafter prescribed.

Section 4.1.17. Water charges

The town shall from time to time establish by resolution a water usage charge and impose such penalties for delinquent payment of charges as it deems proper.

- A. Each meter is the property of the Preston Utilities Board and at all times subject to its control and inspection, and where any meter is located on or within any private property, building or premises, the Preston Utilities Board shall have the right to enter the same at all reasonable hours for the purpose of examining, repairing, replacing or removing said meter or to take meter readings.
- B. Any meter injured from hot water backing or cold weather and freezing or from any other cause directly or indirectly attributable to the owner or occupant will be renewed or repaired at the expense of said owner or occupant.
- C. Unless a property owner gives instructions in writing to the Preston Utilities Board, the owner of the property will be billed for water services. Should, however, the property owner so notify the Utilities Board, the occupant of the property will be billed as follows: when there is more than one(1) family unit in a dwelling and the average water bill per family unit is no greater than the minimum charge, each occupant will be charged the minimum rate. If the average water bill per family unit exceeds the minimum rate, however, then that amount in excess of the minimum rate will be charged to the owner.
- D. If at any time the meter fails to register or shall be found defective in registering since the last previous reading, the water consumption for such period may be charged for by using the same quarter of the past year.

- E. All bills for the use of the water shall be a charge against the owner or owners of the property served with water, whether occupied by such owner or not, be the supply by meter or flat charge.
- F. No rebate or discount shall be allowed upon any bill by reason of the property becoming vacant.
- G. On all metered water supply services, each and every quarter shall be a complete period in itself, and no excess consumption of water during one (1) quarter shall be charged against the minimum charge or rate or be added to the consumption of any other quarter or quarters.
- H. Charges.
 - 1. The charge for water by measurement shall be as provided in fee schedules set by the Commissioner from time to time.
 - 2. All out-of-town users will pay 1 ½ times the in-town rates, subject to approval by the Commissioners.
- I. All property owners, if they tamper in any way with water hookups or meters, may be subject to a fine not exceeding five hundred dollars (\$500.00) or imprisonment for a term not exceeding ninety (90) days.
 - A. All bills are payable within thirty (30) days after the billing date and will bear a five percent penalty after that date. These bills may be paid in the town office on Monday through Friday during regular business hours.
 - B. The property owner or owners of any property served by the town water services shall be responsible for the maintenance of all water connections from the property line into the dwelling or business establishment.
 - C. If a water bill is not paid within thirty (30) days of the billing date, the Utilities Board, in its discretion, may discontinue water to the defaulting property owner.
 - D. All properties shall be subject to water usage bills, including tax-empt properties, with the exception of the Preston Volunteer Fire Company and property owned by the Town of Preston.
 - E. A family dwelling unit is deemed to be one (1) or more rooms with provisions for living, sanitary, sleeping, cooking and eating facilities arranged for the use of one (1) family or individual. A business owned and operated by a property owner who has his living quarters in the same building is deemed to be one (1) unit.

Section 4.1.18. Water lines and water meters

- A. Each improved property in the Town of Preston shall have a water line serving such property directly from the Town water main which direct line shall be monitored by a water meter of the Town's selection.
- B. The costs of construction and maintenance of the water line from the property line to the point(s) of use, as well as cost of water service itself, shall be borne by the property owner.
- C. Cost of installation and maintenance of the water meter shall be borne by the Town.
- D. Construction of the water line from the Town water main to the point of connection to the improvements shall be under direction of the Town Engineer. No property owner shall tamper with or attempt to maintain directly the water meter, except at the direction of the Town Engineer.
- E. The owner of any lot outside the corporate limits of Preston, receiving, or applying to receive, water service from the Town of Preston, upon such application for such service, or immediately upon passage of this ordinance, for lots already serviced for water by the Town of Preston, will execute a Nonresident User's Agreement with the Town, which shall provide substantially the same responsibilities as in Subsections A and B above, and for appropriate fees for use.

CHAPTER 4

ARTICLE II

WATER RESTRICTIONS

Section 4.2.1. Water restrictions

In case of water shortage or scarcity, the Mayor and Council may, by resolution and notice to public, place any restrictions upon the use of water for irrigation, car washing, sprinkling, filling of swimming pools, or for any other purposes which such body deems necessary.

In case of fire which requires a large use of water, the Mayor and Council may place a temporary emergency restriction on the use of water without the passing of a resolution, which shall terminate automatically in twenty-four (24) hours unless explicitly extended by the Commission.

Section 4.2.2. Penalty

Any person or persons in violation of this Article shall be guilty of a misdemeanor and shall be punished for the first offense by a fine of not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00), and the second offense by a fine of not less than five dollars (\$5.00) nor more than five hundred dollars (\$500.00) and their water service turned off. For water service to be restored, person or persons in violation will have to pay a turn-on fee of twenty-five dollars (\$25.00).

All charges must be paid in full before service is restored.

CHAPTER 4

ARTICLE III

WATER AND SEWER RATE OR CHARGE INCREASE

Section 4.3.1. Rate or charge increase

The town reserves the right to increase the rates and connection charges herein or hereinafter set out in the event that its operating experience indicates that the rate fails to yield, after reasonable deduction for depreciation, debt retirement and other necessary and proper expense and reserves, a reasonable rate upon the fair value of the town's property used and useful in rendering service to the town or to decrease its rate should its operating experience indicate, after reasonable deduction for depreciation, debt retirement and other necessary and proper expenses and reserves, that the rate yields a higher than necessary income.

Section 4.3.2. Rates outside Town limits

The following rates shall apply to consumers living outside the town limits: for water and sewer service, a sum not less than one and one half (1/2) times the minimum rate charged consumers within the town limits.

Section 4.3.3. Termination and discontinuance of service; charge

- A. At the request of the customer - Whenever the customer desires to have his water and sewer service terminated, he shall so notify the town in writing. Until such notice is received by the town, the customer shall be responsible for the payment of all services rendered by the town. A reasonable time after the receipt of such notice shall be allowed the town to discontinue water and sewer services, and thereafter a flat rate will be charged, known as a user's fee, which will be in the amount of 10% of the prevailing utility charges. If the property for which discontinuance of service is requested has no valves installed to turn off the service, the same will be installed and billed to the customer.
- B. By the town - The water and sewer service may be discontinued by the town for any one of the following reasons applicable to the water and sewer system:
 - 1. Misrepresentation in application.
 - 2. Molesting Town property or seals on appliances.
 - 3. Vacancy, in which case a flat rate charge will apply.
 - 4. Nonpayment of bill when due.
 - 5. Cross-connecting the Town's service pipe with any other supply source.

6. Refusal of reasonable access to property by appropriate officials.
 - A. Charge - When water and sewer service has been discontinued from any premises for any of the above reasons or for any other violation of the Town's rules, a charge will be made for restoring service in the amount of \$25.00 except in the case of nonpayment, and then there will be a \$25.00 turn-off charge as well as the \$25.00 charge for restoring services.

CHAPTER 4

ARTICLE IV

RATE CLASSIFICATION

Section 4.4.1. Residential classification

The following are classified as residential and as such will pay the residential water and sewer rate:

- A. All single family dwellings.
- B. All apartment houses.

Section 4.4.2. Residential, special

The following are classified as residential, special and as such pay the residential rate:

- A. Small businesses of two persons or less.
- B. Flower shops without greenhouses, with two or less employees.

Section 4.4.3. Commercial classification

The following types of businesses are classified commercial and as such, will pay the commercial rate:

- A. All food stores, full-time and convenience stores.
- B. Restaurants.
- C. Taverns and bars.
- D. Service stations.
- E. Car dealerships - new and used.
- F. Laundry mats.
- G. Repair shops.
- H. Plants - garment, canning, etc.
- I. All others that are not included in residential or residential, special.

CHAPTER 4

ARTICLE V

SEWERAGE COLLECTION

Section 4.5.1. Definitions

The following words and phrases when used in this Article shall have the meanings respectively ascribed to them in this section, except as may hereinafter be specifically provided:

- A. BOD (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees C. expressed in milligrams per liter.
- B. BUILDING DRAIN - shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning via (5) foot (1.5 meters) outside the inner face of the building wall.
- C. BUILDING SEWER - shall mean the extension from the building drain to the public sewer or other place of disposal.
- D. COMBINED SEWER - shall mean the extension from the building drain to the public sewer or other place of disposal.
- E. GARBAGE - shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.
- F. INDUSTRIAL WASTES - shall mean the liquid wastes from industrial manufacturing processing, trade, or business as distinct from sanitary sewage.
- G. NATURAL OUTLET - shall mean any outlet into a watercourse pond, ditch, lake, or other body of surface or groundwater.
- H. PERSON - shall mean any individual, firm, partnership, company, association, society, corporation, or other group or organization.
- I. PH - shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- J. PROPERLY SHREDDED GARBAGE - shall mean the wastes from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.

- K. PUBLIC SEWER - shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
- L. SANITARY SEWER - shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.
- M. SEWAGE - shall mean a combination of the watercarried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.
- N. SEWAGE TREATMENT PLANT - shall mean any arrangement of devices and structures used for treating sewage.
- O. SEWAGE WORKS - shall mean all facilities for collecting, pumping, treating and disposing of sewage.
- P. SEWER - shall mean a pipe or conduit for carrying sewage.
- Q. SLUG - shall mean any discharge of water, sewage, or industrial wastes which in concentration of any given constituent or in quantity of flow exceed for any given period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation.
- R. STORM DRAIN (sometimes termed storm sewer) - shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.
- S. SUPERINTENDENT - shall mean the individual responsible for superintending the public works of the Town of Preston, or his authorized deputy, agent or representative.
- T. SUSPENDED SOLIDS - shall mean solids that either flow on the surface of, or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering.
- U. WATERCOURSE - shall mean channel in which a flow of water occurs, either continuously or intermittently.

Section 4.5.2. Certain prohibitions

It shall be unlawful for any person:

- V. To place, deposit or permit to be deposited in any unsanitary manner on public or private property within the Town of Preston or in any area under the jurisdiction of the Town, any human or animal excrement, garbage, or other objectionable waste.

- W. To discharge to any natural outlet within the Town of Preston or in any area under the jurisdiction of the Town, any sewage, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Article.
- X. To construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage, except as hereinafter provided.

Section 4.5.3. Use of public sewers required

The owner of each house, building, or property used for human occupancy, employment, recreation or other purposes, situated within the Town and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the Town, is hereby required to install suitable toilet facilities therein, and to connect such facilities directly to the proper public sewer in accordance with the provisions of this Article, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet of the property line, in accordance with Section 4.5.5 below.

Section 4.5. 4. Private sewage disposal

- A. If a public sanitary sewer is not available under the provisions of Section 4.5.3, or of Section 4.5.14 in the case of building or structures to be erected, the building sewer shall be connected to a private sewage disposal system complying with the laws of the State of Maryland and the regulations of the Caroline County Health Department.
- B. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit issued by the Caroline County Health Department.
- C. At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in this Section, a direct connection shall be made to the public sewer in compliance with this Article within ninety (90) days after notice, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned, cleaned of sludge and filled with clean bank-run gravel or dirt.
- D. The owner shall operate and maintain the private sewage facilities in a sanitary manner at all times, at no expense to the Town.

Section 4.5.5. Building sewers and connections

- A. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.
- B. There shall be two classes of sewer permits:
 - 1. For residential and commercial service, and
 - 2. For service to establishments producing industrial wastes.

In either case, the owner or agent shall make application on a form to be furnished by the Town for the service required. The permit application shall be supplemented by any plans, specifications, or other information deemed pertinent in the judgement of the Superintendent.

- C. The costs of construction and maintaining of building drains and building sewers shall be borne as follows:
 - 1. The costs of construction and maintenance of the building drains and building sewers from the property line to the point(s) of use, as well as cost of service itself, shall be borne by the property owner.
 - 2. The costs of construction of the portion of the building drains and building sewers from the property line to the public sewer shall be borne by the Town.
 - 3. An construction from public sewer to improvements shall be under direction of the Town Engineer.
 - 4. The owner of any lot outside the corporate limits of Preston, receiving, or applying to receive, sewer service from the Town of Preston, upon such application for such service, or immediately upon passage of this amendment, for lots already serviced for by the Town of Preston, will execute a Nonresident User s Agreement with the Town, which will provide substantially the same responsibilities as in Subsections 1, 2, and 3 above, and for appropriate fees for use.
 - 5. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer and building drain.
- D. A separate and independent building sewer shall be provided for every building.
- E. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this Article.

- F. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavation, placing of pipe, jointing, testing, backfilling the trench, shall all conform to the requirements of any applicable Town ordinances. In the absence of code provisions, or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.
- G. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- H. No person shall make connection of roof downspouts, exterior foundation drains, basement drains, pumps, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- I. The connection of the building sewer into the public sewer shall conform to the requirements of any applicable ordinance of the Town. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.
- J. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent, or his representative.
- K. All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of any sewer connection either by a person contracting with an owner for the work done or one contracting with the Town shall be restored in a manner satisfactory to the Town.

Section 4.5.6. Use of public sewers

No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, sub-surface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer without written permission of the Superintendent. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet.

Section 4.5.7. Enumeration of prohibited waters and wastes

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

- A. Any gasoline, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
- B. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/1 as CN in the wastes discharged to the public sewer.
- C. Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
- D. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

Section 4.5.8. Enumeration of wastes the discharge of which may be prohibited by the Superintendent

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

- A. Any liquid or vapor having a temperature higher than one hundred and fifty (150) degrees F. (65 degrees C.).
- B. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/1 or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred and fifty (150) degrees F. (0 degrees and 65 degrees C.).

- C. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths () horsepower (0.76 hp metric) or greater shall be subject to review and approval by the Superintendent.
- D. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- E. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances, or wastes exerting an excessive chlorine requirement, to such a degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.
- F. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdictions, for such discharge to the receiving waters.
- G. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.
- H. Any waters or wastes having a pH in excess of 9.5.
- I. Materials which exert or cause:
 - 1. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulphate).
 - 2. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - 3. Unusual BOD, chemical oxygen demands, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - 4. Unusual volume of flow or concentration of wastes constituting sludge as defined herein.
- J. Waters or wastes containing substances which are not amenable to treatment only to such degree that the sewage treatment plan effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

Section 4.5.9. Authority of Superintendent

- A. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 4.5.8 and which in the judgement of the Superintendent may have deleterious effect upon the sewage works, processes, equipment, or receiving waters or which create a hazard to life or constitute a public nuisance, the Superintendent may:
1. Reject the wastes,
 2. Require pretreatment to an acceptable condition for discharge to the public sewers,
 3. Require control over the quantities and rates discharge, and/or
 4. Require payment to cover the additional cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 4.5.12 of this Article.

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

- B. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.
- C. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

Section 4.5.10. Sampling and measuring procedures

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this Article shall be determined in accordance with the latest edition of

Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property.

Section 4.5.11. Maintenance of preliminary treatment facilities

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

Section 4.5.12. Special agreements with industrial concerns not preclude

Nothing herein contained shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefor.

Section 4.5.13. Unlawful to damage, destroy, deface, etc., sewage mains or works

Any person who maliciously or willfully breaks, damages, destroys, uncovers, defaces or tampers with any main, lift station, structure, appurtenances, or equipment which is part of the sewage works shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) or imprisonment in the county jail for a period not to exceed sixty (60) days, or both.

Section 4.5.14. Extensions of the sewer to serve nearby properties

- A. Connection Zones - Zones shall be established by the Superintendent within which sewer lines may be extended from existing mains, and such zones shall be shown and delineated on a map of the Town kept and maintained in the Town office. No permits shall be issued for private septic systems within these zones except as follows:
1. For a single family residence to be erected on a lot more than two hundred (200) feet from an existing sewer;
 2. For a multi-family residence to be erected on a lot or lots more than three hundred (300) feet from an existing sewer line;
 3. For a commercial building or an industrial plant not disposing of industrial sewage to be erected more than four hundred (400) feet from an existing capacity;

4. Where in the opinion of the Superintendent the existing sewer main into which the extension would feed is at or near its existing capacity;
 5. Where a lift station would be required, and in the opinion of the Superintendent the cost of the extension would be disproportionate for the type of service to be required by the owner.
- B. **Cost of Extensions** - The full chargeable cost of all extensions made at the request of the land owner or developer, or required by Subsection A hereof shall be paid by the land owner or developer who shall deposit the estimated cost thereof with the Town Treasurer prior to the award of a contract for such extension. Chargeable cost shall be defined to be the full cost of such extension using six inch sewer pipe, and shall include contract cost, engineering and legal expenses, advertising and road repairs. In the event the Town requires the installation of a main larger than six inches in diameter, the Town shall pay such additional costs.
- C. **Cost Recovery** - In the event any extension paid for by an owner or developer passes land not belonging to said owner or developer, which other land shall thereafter become liable for the payment of a front footage assessment, the Town shall repay to the said owner or developer the proportionate part of the cost of the extension chargeable against such other land; such repayment shall be made in regular installments over a ten year period without interest.
- D. **Extensions on Private Property** - Sewer lines laid on private property by owners and developers shall be constructed in accordance with Town specifications; they shall be inspected during construction by the Superintendent, and may not be connected to the public sewer until after inspection and approval by the Superintendent, the cost of which inspection shall be paid by the owner or developer.
- E. **Street Connections** - All connections to the public sewer shall be made by registered plumbers and to the specifications of the Town Superintendent and such connection shall be made at the cost of persons procuring the construction of such connection; which cost shall include the cost of repairing and repaving the street bed and shall be computed in all cases as though the sewer main was located in the center of the street bed regardless of its actual location.
- F. **Street Dedication** - any street, road, or alley under which an extension of the public sewer shall be laid shall be deemed to have been dedicated for public use; and the person procuring such extension shall grade and stabilize the street bed for the full length of all properties served by such sewer extension.

Section 4.5.15. Powers and authority of inspectors

- A. The Superintendent and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all properties for

the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Article. The Superintendent or his representative shall have the authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind of source of the discharge to the sewers or waterways or facilities for waste treatment.

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

Section 4.5.16. Violations and penalties

- A. Any person found to be violating any provision of this Article other than Section 4.5.13 shall be served by the Town with a written notice stating the nature of the violation and providing a reasonable time omit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice permanently cease all violations.
- B. Any person who shall continue any violation beyond the time limit provided for in Subsection A shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in an amount not exceeding One Hundred Dollars (\$100.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
- C. Any person violating any of the provisions of this Article shall become liable to the Town for any expenses, loss, or damage occasioned by the Town by reason of such violation.

Section 4.5.17. Repeal of inconsistent ordinances and severability

- A. All ordinances or parts of ordinances in conflict herewith are hereby repealed.
- B. The invalidity of any section, clause, sentence, provision, or other portion of this Article shall not affect the validity of any other part of this Article which can be given effect without such invalid portion or portions.

CHAPTER 5

HOUSING

ARTICLE I

HOUSING

Section 5.1.1. Application

The provisions of this Article shall apply to any apartment house, rooming house, or any other dwelling, whether used for commercial purposes or other uses, within the corporate limits of the Town of Preston and irrespective of the date said building was or is constructed, altered, or repaired.

Section 5.1.2. Enforcement

The provisions of this Article shall be enforced by the Commissioners of the Town of Preston or by any person duly appointed by resolution of said Commissioners to act in the capacity of Building Inspector.

Section 5.1.3. Notice of inspection and entry

Members of the Commissioners or Building Inspector may enter any building, structure, dwelling, apartment, apartment house, or premises in the Town of Preston to perform any duties imposed by this Article, providing said Commissioner or Building Inspector shall give notice in writing to the owner of the premises as shown by the tax assessment records, operator, or occupant of the premises of the day of the inspection, which notice shall be mailed to the last known address of any of the above in sufficient time to be received by the said owner, operator or occupant, one day in advance of said inspection. If the owner, operator, or occupant refuses to allow such inspection, the inspection official shall obtain a warrant for such inspection. The warrant shall be obtained upon written application, signed and sworn by the inspecting official, setting forth the purpose of the inspection and the address and location of the premises to be inspected. Said application shall be made to any judge of the Circuit Court for Caroline County or the District Court of Maryland for Caroline County. Only upon the issuance of a judicial warrant shall forcible entry be made.

Section 5.1.4. Repairs

Each occupant of premises shall give the owner thereof, his agent or employee, access to any part of such premises at all reasonable times for the purpose of making such repairs or alterations or taking such other action as may be necessary to comply with the provisions of this Article.

Section 5.1.5. Plumbing requirements

Every dwelling unit shall contain not less than the following:

- A. A potable water supply and a connection to a public sewer or other approved sewage disposal system.
- B. A kitchen sink, lavatory, a tub or shower, and a water closet; all in good working condition.
- C. An adequate supply of both cold and hot water to the kitchen skin, lavatory, and tub or shower.

Section 5.1.6. Heating requirements

- A. Every dwelling unit shall have a system for providing heat.
- B. Every central or electric heating system shall be of sufficient capacity to heat each dwelling unit to a minimum temperature of 70 degrees Fahrenheit, measured to a point three (3) feet above the floor during ordinary winter conditions.
- C. Where a central or electric heating system is not provided, each dwelling unit shall be provided with sufficient fireplaces, chimneys, flues or gas vents, whereby heating appliances may be connected so as to furnish heat of a minimum temperature of 70 degrees Fahrenheit measured at a point three (3) feet above the floor and six (6) feet from the heat source during ordinary minimum winter conditions.

Section 5.1.7. Habitable space requirements

Every dwelling unit shall contain at least 150 square feet of habitable floor area for the first occupant, at least 100 square feet of additional habitable floor area for each of the next three (3) occupants, and at least 75 square feet of additional habitable floor area for each additional occupant over four (4) occupants. For the purpose of this section, a person under one (1) year of age shall not be counted as an occupant.

Section 5.1.8. Structural requirements

The interior foundation, walls, and roofs of any dwelling shall be weather-tight, water-tight, and rodent-proof. They shall be kept in good and sound condition and good repair, and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon. Interior floors, walls, and ceilings shall be rodent-proof, maintained in good repair, and safe. Windows, exterior doors, basement and cellar doors, and hatchways shall be weather-tight and rodent-proof.

Section 5.1.9. Storage of rubbish

Every dwelling unit shall be supplied with rubbish storage facilities. Every occupant of the dwelling unit shall dispose of all his rubbish in a clean and sanitary manner by placing it in

the rubbish storage facility or removing same from the premises to the disposal area. In all cases, the owner shall be responsible for the availability of rubbish storage facilities.

Section 5.1.10. Occupancy

No person shall occupy as owner or occupant or let to another for occupancy, any dwelling for the purpose of living, sleeping, cooking, or eating therein, which does not comply with this Article, and which has not been inspected and approved for occupancy and an occupancy permit issued by the Town of Preston.

CHAPTER 5

ARTICLE 2

FENCES

Section 5.2.1. Permits required

No person, firm, association or corporation shall hereafter erect and maintain any wall or fence for any purpose whatsoever without first having obtained permission in writing in the form of a permit from the town.

Section 5.2.2. Application for permit

The application made to the town shall be in writing on application form provided by the town, stating the purpose for which the wall or fence is to be erected, and such application shall be accompanied by a plot plan showing the proposed location thereof, a drawing showing a side elevation and a statement setting forth the length, height and thickness thereof, together with a description of the material to be used in its construction.

Section 5.2.3. Fee and bond

The application for a fence permit shall pay a fee as provided in the list of fees sent by the town, and may be required to deposit, with the Town Clerk, a bond of twenty-five dollars (\$25.00) to ensure that the fence is constructed in accordance with the approved plans. The bond shall be returned when the building inspector has certified that the fence complies with the approved plans.

Section 5.2.4. Fences required in certain cases

Excavation near public streets - Any person, firm, association, or corporation owning land within the corporate limits of the town, upon which land there is any excavation or natural depression contiguous to any public street, sidewalk, road or highway as a result of which the surface shall be lower than three (3) feet below the grade of the sidewalk, street, road or highway adjacent to said land, shall construct a fence along the boundaries of such land adjacent to said sidewalk, street, road or highway. Such fence shall be constructed so as to prevent children and other persons from gaining access to said premises in which the excavation or depression is located, and shall not be less nor more than four (4) feet in height and shall be of the chain link type or its equivalent.

Section 5.2.5. Repairs

All fences shall be kept in good repair. The owner or person having control over a premises where a fence is in need of repair shall repair said fence thirty (30) days after receipt of notice from the building inspector stating the need for such repairs.

Section 5.2.6. Violation and penalties

Any person, firm, or corporation violating or failing to comply with any provision of this Article shall, upon conviction thereof, be punished by a fine of not less than five dollars (\$5.00) nor more than five hundred dollars (\$500.00), or by imprisonment not exceeding ninety (90) days in jail or by both fine and imprisonment.

CHAPTER 5

ARTICLE III

CONTROL OF WEEDS, GRASS AND LITTERING

Section 5.3.1. Definitions

Weeds of any kind including brush or similar matter - grass used for lawns or grass in its wild state. Rubbish and household garbage. Littering to allow any material to be deposited upon the streets and sidewalks; cover, type used to cover loads of trash.

Section 5.3.2. Object and purpose

The object of this Article is to keep all improved and unimproved properties in the Town of Preston, whether residential, business, industrial or public, free of high grass, weeds, rubbish and debris, and to prevent littering of any kind. This Article provides the means to enforce upon the owners or users (renters) of property in Preston, whether improved or not, to keep same free of high weeds and grass and rubbish and household garbage. And to keep the roadways, alleys, streets, parking lots and playgrounds free of litter and to set the penalties for failure to comply with this Article.

Section 5.3.3. Weeds and grass, rubbish and garbage

Every dwelling lot, vacant lot or area, or business area within the Town of Preston and every part thereof shall be kept so clean and free from any accumulation of dirt, filth, rubbish, trash, garbage, brush, weeds, or similar matter as not to be a danger to the health of any occupant thereof or hazard to the adjoining property thereto or to the town itself, and shall be kept free from vermin and rodent infestation. All yards, lawns, lots improved and unimproved and vacant areas immediately adjacent to improved property shall be kept clean and free from weeds and brush exceeding six (6) inches in height. It shall be the duty of each occupant or owner of a dwelling unit, lot or vacant area to keep in a clean condition that portion of the property which he occupies or over which he has exclusive control. If the occupant or owner fails to comply with this section, the Town, after notice of not less than three (3) days, will correct the problem by hiring a contractor to perform the cutting or removal and shall charge the owner for same. The charge shall become a lien upon the property, collected in the same manner as taxes or by an action at law. Notice shall be by first class mail, postage prepaid, to the owner at the address given in the tax rolls, or to the property address, if different, or by personal delivery to the owner or occupant, or by posting the notice on the entrance facing the public way given in the address.

Section 5.3.4. Littering

- A. Dirt and trash on roadways and alleys:
 - 1. No person engaged in excavations, repairs to structures or grounds, or construction or having charge or control of excavation, repairs to structures or grounds or construction or who may be engaged in or have

charge or control of conveying material to or from excavations, repairs to structures or grounds, or construction shall deposit, or permit to be deposited, in any manner, upon the surface of any street, alley, avenue, highway, footway, sidewalk, parking or other public space within the corporate limits of the Town of Preston either by placing, spilling, dropping or tracking from wheels or vehicles, or otherwise, any earth, clay, mud, sand, gravel or other material. If any such deposit occurs every person whose duty it is under this Article to prevent such deposit shall promptly remove the same. All macadamized or broken stone roadways adjacent to excavations or traversed by vehicles either in the process of conveying material from an excavation or in returning from the place of deposit, the place of excavation shall be covered with planking so far as may be required to prevent any mud, earth, clay or other material from the excavation or from the place of deposit from reaching the surface of such roadway.

2. No one being the owner, driver, manager, or conductor of any cart or other vehicle shall carry or convey, or cause to be carried or conveyed in such vehicle any earth, sand, gravel, broken stone, dirt, paper, and other rubbish, or any loose fluid or offensive articles or matter, or any articles whatsoever within the corporate limits of said Town of Preston so that the same shall or may be scattered, dropped, let fall, blown, or spilled therefrom; and all vehicles conveying combustible refuse or foul, dusty, or offensive matter of any sort shall have tight bodies and be closely and securely covered. All vehicles conveying wastepaper products, bailed, sacked, or otherwise, shall be closely and securely covered.

B. Throwing glass, refuse, etc., upon the streets and alleys:

It shall be unlawful for any person to cast or throw into any street, alley, avenue, highway, or (Part missing)

Section 5.3.5. Cost of cutting or removal, payment by owner

Whenever the Town has effected the cutting or removal described in this Article, or has paid for its removal pursuant to the provisions of this Article, the property owner shall be charged for the work performed at a rate set by the Commissioners, said rate to include the cost of actual labor, use of equipment and administrative costs by the Town, with interest at the rate of eighteen (18) per centum per annum accruing beginning thirty days after first billing. If not paid by the owner or occupier of the property, said amounts shall be charged to the owner on the next regular tax bill by the Town, and shall be collectable therewith, unless paid earlier by the owner or occupier. The charges shall be a lien against the real estate upon which the work was performance and shall be a lien upon such real estate.

CHAPTER 5

ARTICLE IV

ADOPTION OF 1996 BOCA NATIONAL PROPERTY MAINTENANCE CODE

Section 5.4.1. Adoption of Property Maintenance Code

That a certain document, one (1) copies of which is on file in the town office of the Town of Preston, being marked and designated as "The BOCA National Property Maintenance Code, Fifth Edition, 1996" as published by the Building Officials and Code Administrators International, Inc., be and is hereby adopted as the Property Maintenance Code of the Town of Preston, in the State of Maryland; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said BOCA National Property Maintenance Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this Article, with the additions, insertions, deletions and changes, if any, prescribed in Section 5.4.3 and 5.4.4 of this Article.

Section 5.4.2. Inconsistent ordinances repealed

All other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5.4.3. Additions, insertions and changes

The BOCA National Property Maintenance Code is amended and revised in the following respects:

Section PM-101.1 is amended to add the words "Town of Preston" in the existing blank.

Section PM-106.2 is amended to insert the fee: \$100.00 to \$1,000.00.

Section PM-106.2 is amended to insert the number: 180 Days

Section PM-111.2 is amended "Board of appeals shall consist of three members appointed for 3 year terms.

Section PM-111.2.1 and PM-111.2.2 is deleted.

Section PM-111.5 is amended to 3 members.

Section PM-111.y is amended to majority vote.

Section PM-304.15 is amended to insert the dates: January 1 to December 31.

Section PM-602.2.1 is amended to insert the dates: October 1 to May 31.

Section PM-602.3 is amended to insert the dates: October 1 to May 31.

Section 5.4.4. Revision of Section PM-112.

The BOCA National Property Maintenance Code is amended and revised in the following respects.

Section PM-112.0. Assessment of Costs, Creation of Lien to Correct Conditions in Violation of BOCA National Property Maintenance Code/1996

Section PM-112.1: Definitions:

For the purposes of this Section, the following words have the meanings ascribed to them by this Section:

Rubbish: The waste materials commonly referred to as rubbish and garbage, including garbage from normal household living conditions, including waste, food stuffs of vegetable or animal origin, paper products, fabrics, plastic and metal containers, bottles, crockery and other similar materials, and combustible and non-combustible waste materials, including the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood excelsior, rubber, leather, tree branches, grass, hedge or shrub trimmings, tin cans, metals, mineral matter, glass crockery, abandoned, not currently registered or inoperable machinery, equipment, appliances or vehicles, tires, play and recreation equipment, furniture, bottles, wastepaper, cardboard, sawdust piles, rubbish from building construction or reconstruction, uprooted tree stumps, street refuse, and other waste materials.

Owner: Any person, firm, conservator, receiver or officer who owns, holds or controls the whole or any part of the freehold title (control of the freehold title is not intended to mean a tenant under any type of written or oral tenancy), to any real property including, but not limited to, vacant land buildings, dwelling units, residential or commercial real property, etc. with or without accompanying actual possession thereof, and shall include, in addition to the holder of legal title, any vendee in possession thereof, but shall not include a mortgagee or trustee under deed of trust, unless said mortgagee or trustee is in actual possession.

Section PM-112.2: Miscellaneous.

A. The provisions of this Article shall apply to any real property within the limits of the Town of Preston.

B. The decision of the Town's Code Enforcement Officer as to whether particular articles are rubbish, as herein defined, shall be final and if articles of rubbish have been mixed with other articles not constituting rubbish, as herein defined, the Code Enforcement Officer shall be entitled to treat all such mixed articles as rubbish.

C. The Town of Preston, Maryland, its officers, employees, agents or contractors, are hereby authorized to enter upon any real property within the Town of Preston to remove such

rubbish and to do any and all other matters upon such property as are reasonably necessary and proper to enforce this Article.

D. The correction of any condition by the Town of Preston, Maryland under authority of this Article shall not relieve the owner of the property on which such condition existed from criminal prosecution or punishment, whether misdemeanor or municipal infraction for having caused or allowed such unlawful condition to arise or for having failed or refused to correct the same.

E. If any Section or part of Section of this Article shall be held invalid by a Court of competent jurisdiction, such holding shall not affect the remainder of this Article or the context in which such Section or part of Section so held invalid appears, except to the extent that an entire Section or part of Section may be inseparably connected in meaning and effect with the Section or part of Section to which such holding shall apply.

Section PM-112.3: Accumulations of Rubbish Prohibited - Exceptions.

A. No person shall allow rubbish to remain, to be deposited or to accumulate, either temporarily or permanently, on his property. This Section shall not apply to those persons who store rubbish in a lawfully permitted manner for the purpose of regular municipal collection.

Section PM-112.4: Notice.

The Town of Preston's Code Enforcement Officer is hereby authorized to notify the owner of the property as determined by the official tax rolls of the Town of Preston to remove or properly dispose of the rubbish from the subject property. Said notice shall be made pursuant to Section PM 112.8 set forth in this Article.

Section PM-112.5: Authority of Town to Remove Rubbish When Owner Fails to Do So.

Upon the failure, neglect or refusal of any owner so notified to remove or properly dispose of such rubbish within ten (10) calendar days after service of notice as provided for in Section PM-112.4, the Town of Preston's Code Enforcement Officer is hereby authorized and empowered to cause such condition to be corrected by removing and disposing of such rubbish and is hereby authorized and empowered to pay for the disposal of such rubbish or to order its disposal by the Town of Preston's Department of Public Works.

Section PM-12.6: Charge for Removal to be Included in Tax Bill.

When the Town of Preston has effected the removal of such rubbish by its own employees or has paid for the removal of such rubbish by its agents or contractors, the actual costs thereof and any related expenses plus an administrative fee of Two Hundred Dollars (\$200.00) shall be charged to the owner of such property and, if not sooner paid, such charge shall be carried on the records of the Town of Preston and shall be collectible in the same manner as real estate taxes are collected.

When the Town of Preston has, for the second time or subsequent time(s) at such property, effected the removal of such rubbish by its own employees or has paid for the removal of such rubbish by its agents or contractors, the actual costs thereof and any related expenses plus an administrative fee of Five Hundred Dollars (\$500.00) shall be charged to the owner of such property and, if not sooner paid, such charge shall be carried on the records of the Town of Preston and shall be collectible in the same manner as real estate taxes are collected.

Section PM-112.7: Financial.

A. There is hereby established in the Town of Preston and accounted for within the General Account a separate restricted fund balance in the amount of not less than Twenty-Five Hundred (\$2,500.00) Dollars. The purpose of this account is for paying the costs of correction and all expenses incident thereto that the Town of Preston may order or cause pursuant to this Article. The Commissioners, upon approval by two-thirds (2/3) vote, may increase or decrease the amount of this account during any time of the year. This account is established and is to be used for said purpose for so long as the Commissioners deem it appropriate.

B. There shall be deposited to the credit of said account such amounts as may be appropriated for the account or for the purposes of the account, the charges assessed and collected pursuant to this Article and all other receipts of whatever nature derived from the operation of said account.

C. Not later than six (6) months after the end of each fiscal year, the Clerk-Treasurer of the Town shall submit to the Commissioners a report of the financial condition of the account and the results of the operations and collections for such fiscal year. Said report shall include, but not be limited to, the itemized accounts of unrecovered charges and administrative fees and the names of the delinquent property owners.

D. Any tax authorized to be collected under this Article may be paid without interest within thirty (30) days from the date the Town effected removal of such rubbish. Interest of one and one-half per centum (1 1/2 %) per month shall be charged on all unpaid amounts after the expiration of thirty (30) days from the date of such removal. If any such tax or part thereof shall remain unpaid after the expiration of one (1) year from the date of such removal, the subject property may be sold for such tax or unpaid portion thereof with interest and administrative fees thereon at the next ensuing annual tax sale in the same manner and under the same conditions as property sold for delinquent general real estate taxes, if said tax with interest and administrative fees thereon shall have not been paid in full prior to said sale.

Section PM-112.8: Notice Procedure.

A. Any notice required to be served pursuant to Section 112.0 et seq. shall be deemed to have been served by any of the following methods:

(1) When forwarded to the last known address of the owner as recorded in the official tax rolls of the Town of Preston, by registered or certified mail, return receipt requested, such receipt shall constitute prima facie evidence of service upon such owner if such receipt is signed by an owner. Valid service upon the owner shall be deemed effected if such notice shall be refused by the owner and not delivered for that reason;

(2) when personally delivered to the person to be notified;
(3) when left with a person of a suitable age and discretion at the usual residence or place of business of the owner or person to be notified; or

(4) if service cannot be effected in accordance with (1), (2) or (3), when published once a week for three (3) consecutive weeks in a newspaper of general circulation within the county and a copy of the same posted on the subject property.

Within ten (10) days from the service of notice as provided for in this Article, the owner or his agent may file a written notice of appeal with the Commissioners stating in detail the reasons as to why the action proposed by the Code Enforcement Officer should not be taken. Upon receipt of such notice of appeal, the Commissioners shall schedule a hearing within thirty (30) days, shall notify owner of the date and time of the hearing, and on the designated date and time, shall hear the merits of the appeal. The Commissioners may reverse the action of the Code Enforcement Officer for any error of fact or law, or upon a finding that the enforcement constitutes an undue hardship upon the property owner.

If the owner is dissatisfied with the decision of the Commissioners, he shall have the right to appeal to the Circuit Court of Caroline County, provided that such appeal is taken within thirty (30) days after the entry of the Commissioners' decision. The owner shall be notified of the Commissioners' decision either 1) orally at the hearing or 2) in writing within seven (7) days following said hearing.

Section 5.4.5. Saving clause

That nothing in this Article or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 5.4.2 of this Article; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Article.

CHAPTER 5

ARTICLE V

DETERIORATED STRUCTURES

Section 5.5.1. Deteriorated Structures

Whenever any dwelling or any building, structure, excavation, matter, condition or thing in or about a dwelling or the lot on which it is situated, or the plumbing, sewage, drainage, light or ventilation thereof, is found by the Mayor and Council to be dangerous or detrimental to life of health, the Mayor and Council may order that matter, condition or thing, be removed, abated, suspended, altered or otherwise improved, as the order shall specify, by delivering written notice to the owners, as shown on the tax records, by personal delivery or by certified mail, return receipt requested. If any such order of the Mayor and Council issued under the authority of the provisions of this Article, is not complied with within thirty (30) days after the service thereof, then such order may be executed by the Town of Preston through its officers, agents, employees or contractors, and the expense incurred incident to the execution of said order shall be paid by the owner of said property, and such expense may be recovered by the Town by appropriate legal action. Additionally, and where appropriate, the Mayor and Council may order such premises vacated until such premises shall be made to comply with the conditions of this Article. Before proceeding to execute such order, a copy of such notice shall be sent to the owner of the property, or his agents, if names and addresses on diligent search can be ascertained, and such notice shall be posted on said premises at least thirty (30) days before the Town proceeds to incur such expense unless the condition is of such character as to require immediate action, in which case the time of notice shall be such as, in the judgment of the Mayor and Council is reasonable and proper.

CHAPTER VI

INTERNAL CONTROLS

ARTICLE I

SALARIES OF COMMISSIONERS

Section 6.1.1. Salaries of Commissioners

- A The Commissioners of Preston shall receive the following enumerated amounts annually as salary:
 - 1. Mayor \$1,200.00; and
 - 2. Vice-Mayor \$1,000.00; and
 - 3. Member \$1,000.00

- B The aforesaid specified salaries shall not be changed during the period for which the Commissioner was elected.

CHAPTER 6

ARTICLE II

ADOPTION OF PERSONNEL POLICY MANUAL

Section 6.2.1. Personnel Policy Manual

- A. The document entitled "Town of Preston Employee Evaluation, Discipline, and Merit Policy" is adopted as the formal employee policy of the Town;
- B. The document specified in subsection A of this section shall apply to all Regular Employees of the Town as defined in Section 1 (Application and Scope) of the Employee Policy;
- A. The document specified in subsection A of this section, along with all other ordinances relating to employees of the Town, shall govern procedure for evaluations, promotions, demotions, grade classification and reclassification of positions, merit (step) pay increases, and discipline, such as suspension, discharge and related matters.
- A. If the document specified in subsection A of this section is inconsistent with any state or federal law or constitutional guarantees, such laws or constitutional guarantees shall control the interpretation of and decisions in this document.
- A. This Article may be amended, revised or revoked at any time by the proper action of the Commissioners pursuant to the Town Charter, without vesting any rights in any employee.

CHAPTER 6

ARTICLE III

PURCHASES AND CONTRACTS

Section 6.3.1 Purchases of goods and services valued at less than \$300.00

For goods and services valued at less than \$300.00 the Town Manager or other duly appointed Town employee or official is authorized to make necessary purchases of supplies, equipment, materials or services without approval in advance from the Commissioners of the Town of Preston. All purchases will be made from responsible, reliable entities with whom the Town of Preston may have a purchase contract.

Section 6.3.2. Purchases of goods and services valued over \$300.00 up to, but not exceeding \$5,000.00

For goods and services valued over \$300.00 up to, but not exceeding \$5,000.00 the Town Manager or other duly appointed Town employee or official is authorized to make necessary purchases of supplies, equipment, materials or services only after approval in advance by a majority of the Commissioners of the Town of Preston.

Section 6.3.3. Purchases of goods and services valued over \$5,000.00 up to, but not exceeding, \$20,000.00

- A. For goods and services valued over \$5,000.00 up to, but not exceeding, \$20,000.00 the Town Manager or other duly appointed Town employee or official shall obtain at least three (3) written quotes for goods or services being purchased. A reasonable time limit shall be established for submission of such quotes.
- B. The quotes shall be from responsible persons and entities (defined as having the capacity in all respects to perform fully the requirements of the contract and possessing the integrity and reliability that will ensure good faith performance).
- A. Request for quotes may be formally advertised at the discretion of the Commissioners.
- B. The Town Manager or other duly appointed Town employee or official is authorized to make necessary purchases of goods and/or services only after consideration of all timely submitted quotes and approval in advance from a majority of the Commissioners of the Town of Preston

Section 6.3.4. Purchases of goods and services valued over \$20,000.00

For goods and services valued over \$20,000.00 the Town Manager or other duly appointed Town employee or official shall be required to advertise for sealed bids, in such

manner as may be prescribed by ordinance for such contracts. All timely submitted bids shall be considered, with the following factors to be used by the commissioners in deciding which bid, if any, to accept.

- A. Lowest or best bid.
- A. Quality of goods and work, including warranties available.
- A. Time of delivery or completion of services.
- A. Responsibility and reputation of bidder.
- A. Continuing availability of service, if relevant.

Section 6.3.5. Written Contracts

For contracts accepted by the Commissioners and having a value equal to or exceeding \$5,000.00, written contracts shall be required from all service providers, and also from providers of goods, at the Commissioners' discretion. Warranties provided, if any, shall be made in writing.

CHAPTER 6

ARTICLE IV

ROAD NAMING AND ADDRESSING

Section 6.4.1. Purpose

The purpose of this subtitle is to establish a system for the assignment of street names and the number of properties in Preston, Maryland (the Town). The Town Commissioners deem it in the best interest of the health, safety and welfare of the Town that a procedure be adopted to designate the location of properties and buildings in the Town for the convenience of emergency vehicles, the delivery of mail, and other private and public purposes.

Section 6.4.2. Application and territorial limits

- A. This subtitle shall apply to all the lands, properties, buildings, and other structures within the corporate municipal limits of Preston, Maryland, both public and private. In no case, however, shall any provision of this Subtitle be deemed applicable outside the incorporated territory of the Town unless the Town Commissioners and the governing body of Caroline County have passed appropriate resolutions authorizing entering an agreement between the local governments.
- B. Any agreement to apply this Subtitle outside the incorporated municipality shall include provisions for coordinating the approval of new road or street names with Caroline County.

Section 6.4.3. Definitions

- A. As used in this Subtitle, the following terms have the meanings indicated.
- B. Terms Defined.
 - 1. Chairman of the Planning and Zoning Commission (Chairman) - The person referred to in the Town Charter and Ordinances and designated by the Town Commissioners to administer the provisions of this subtitle.
 - 2. Street or Road - A public or private way for vehicular traffic including without limitation rights-of-way, streets, avenues, roads, alleys, lanes, drives, circles, highways, and other similar terms.
 - 3. Tax Assessment Maps - Maps prepared by the Maryland Department of Assessments and Taxation which show properties and roads in Caroline County and the Town.

Section 6.4.4. Road naming and addressing manual and maps

- B. The Chairman shall prepare and the Town shall maintain a Street Naming and Addressing Manual which describes in detail the criteria, procedures, and methods used to name roads and to assign address numbers to properties in the Town of Preston. This manual shall include the development of a grid system from which the address numbers will be derived, if necessary, but may utilize existing numbers, if not conflicting with other numbers.
- C. The Town shall keep and maintain a set of maps of the Town of Preston which display the address grid system and the names of roads.

Section 6.4.5. Official street name list

- A. The Chairman shall submit to the Commissioners and the Commissioners shall approve by resolution, an Official Street Name List for the Town of Preston. For each street, the list shall include the following minimum information:
 - 1. The Street Type. Street types shall include, but are not limited to, county, Maryland, other public, private, municipal and U.S. Inclusion on the Official Street Name List does not indicate that the Town has accepted such road into the public roads system;
 - 2. Street name;
 - 3. Route number, if applicable;
 - 4. The designated prevailing direction of the road.
- A. Prior to adoption of the Official Street Name List, the Commissioners shall hold a public hearing and afford the public an opportunity to comment on any changes among the proposed street names.
- A. The Official Street Name List may be amended from time to time by the Commissioners to change the name of or to delete a listed road. The Commissioners shall hold a public hearing on the proposed changes prior to their adoption.
- A. Any new street opened, platted, or created shall be included in the Official Street Name List by the Town, if the road meets the criteria contained in the Street Naming and Addressing Manual. The Commissioners shall have the authority to approve the name of any new street.

Section 6.4.6. Address numbers

- A. All property in the Town of Preston containing a home, business, or other primary use or structure or comprising a buildable lot, shall have an address number

assigned in accordance with the criteria and procedures specified in the Street Naming and Addressing Manual. The Town shall prepare and maintain the list of properties and addresses.

- B. Any subdivision plat submitted for review and approval shall include the address number for each lot. Address numbers shall be assigned in accordance with the criteria and procedures specified in the Street Naming and Addressing Manual.
- C. The Chairman shall assign an address number to a property prior to the issuance of a building permit.

Section 6.4.7. Notification, use, and display of address numbers

- A. Following the initial assignment of addresses, in case of a change or the assignment of a number to a previously un-numbered address, the Town shall mail a notification of the new address to the owner of the property by U.S. mail, first class postage prepaid. For purposes of such notification, the name and address of the property owner shall be as obtained from the records of the Maryland Department of Assessments and Taxation.
- B. The owner of any property who receives notification of a new address number shall be responsible for informing all tenants or occupants of the new address.
- C. The owner or occupant shall have a period of one (1) year from the date the notification is mailed to make all address changes or adjustments. Thereafter, the address number assigned under this subtitle shall be the only street address used by the owner or occupant of the property.
- D. Within one (1) year from the date the notification of the new address is mailed, if there is a building on the property, the owner shall have placed on the property, in a location visible from the street upon which the address number is assigned, figures at least three (3) inches high, showing the number of the house or building. Numbers placed on mailboxes or signs shall satisfy this requirement only if the home or building is clearly identifiable in relation to the mailbox or sign. In case of new construction, the numbers shall be installed before issuance of an occupancy permit.

Section 6.4.8. Enforcement and penalties

- A. A violation of any provision of this subtitle or failure to comply with any requirement thereof, shall constitute a civil infraction. Each day on which a violation of this subtitle continues shall constitute a separate offense. Any person found by a court of competent jurisdiction to have violated any section or provision of this Article shall pay a fine of One Hundred Dollars (\$100.00) for the first violation. The fine for each subsequent violation shall be One Hundred Dollars (\$100.00).

- B. Once a person charged with a violation has received the infraction citation for the first violation, it shall not be necessary to deliver an infraction citation for any subsequent violation of the same provision or section of this subtitle. A subsequent violation shall mean a violation of the same section of provision of this subtitle, upon the same parcel or piece of real property which has occurred not more than 30 days, but not less than 24 hours after the first violation.
- C. The Town may enforce this subtitle by civil action for declaratory judgment and/or injunction, in addition to, or instead of citing the violator for a civil infraction. In the case of a civil action for declaratory judgment and/or injunction, the Town may recover its legal fees and costs from the violator.
- D. The owner and/or tenant of any building, structure, premise, or part thereof, and any architect, builder, contractor, agent, or any other person who causes, commits, participates in, assists in, or maintains a violation of this subtitle shall be guilty of a separate offense, and subject to all the penalties set forth herein.

CHAPTER VII

MISCELLANEOUS

ARTICLE I

PARK RULES AND REGULATIONS

Section 7.1.1. Alcoholic beverages

- A. No person shall consume, sell, distribute, use or possess controlled dangerous substances, as defined in Article 27 of the Annotated Code of Maryland, in the James T. Wright Park, or any other Town owned areas.
- B. No person shall consume, sell, distribute or use any alcoholic beverages in the James T. Wright Park or any other Town owned areas.

Section 7.1.2. Disorderly conduct

A person may not indulge in riotous, boisterous, threatening or indecent conduct, or abusive, threatening or obscene language.

Section 7.1.3. Litter

A person may not throw or leave paper, fruit skins or other rubbish anywhere except in the receptacles provided for such purpose, or place any refuse therein that has been brought from private property in the vicinity.

Section 7.1.4. Malicious mischief, damage, etc.

A person may not:

- A. Cut, break into, injure, deface or disturb any tree, shrub, plant, rock, building, wall, fence, bench, sign or other structure, apparatus, or property;
- B. Pluck, pull up, cut take or remove any shrub, bush, plant, flower or sign;
- C. Mark or write upon any building, fence, bench, sign or other structure;
- D. Cut or remove any wood, turf, grass, soil, rock, sand or gravel.

Section 7.1.5. Operating hours

A person may not be present in the James T. Wright Park from dusk to dawn unless hours are extended by issuance of a permit, which must be approved by the Mayor and Council. No person shall remain on park property upon receiving a lawful order to depart by any law enforcement officer.

Section 7.1.6. Picnics

A person may not picnic or lunch and leave a picnic area before all trash in the nature of boxes, paper, cans, bottles, garbage and other refuse is placed in any disposal receptacles provided.

Section 7.1.7. Repairing and washing vehicles

A person may not repair or wash a vehicle in James T. Wright Park.

Section 7.1.8. Permit required for private use by groups

Groups and organizations of 12 or more will be required to secure a permit for use of the James T. Wright Park. Application for a permit shall be made on a form provided by the Preston Mayor and Council. Any required fee shall accompany all applications. No permit shall be issued to anyone under the age of eighteen (18) years. The person or persons issued a permit shall be responsible financially for the destruction of park property by anyone covered by the permit. All permits shall be made available to law enforcement agencies and/or park and recreational personnel.

There will be a \$25.00 permit fee for reserving the park pavilion. Local (in town) churches will be exempt from this fee.

Section 7.1.9. Operation of vehicles

No person shall operate any type of motorized vehicle on park grounds.

Section 7.1.10. Violations and penalties

- A. Any person violating any provision of this Article shall be subject to the following civil penalties:
 - 1. First offense - fifty dollars (\$50.00).
 - 2. Second offense - two hundred dollars (\$200.00).
 - 3. Third offense - four hundred dollars (\$400.00).
- B. Each twenty-four hour period in which a violation exists shall constitute a separate offense.

CHAPTER 7

ARTICLE II

YARD-GARAGE SALES

Section 7.2.1. Purpose.

The Commissioners of the Town of Preston find and declare that:

- A. The intrusion of non-regulated yard or garage sales is causing annoyance to citizens in residential areas of the Town of Preston.
- B. The provisions and prohibitions hereinafter contained are enacted not to prevent but to regulate yard or garage sales for the safety and welfare of the citizens of the Town of Preston.

Section 7.2.2. Definitions

The words used in this Article shall have their normal accepted meaning to include those meanings set forth below:

Commissioners - The Commissioners of the Town of Preston duly elected under the current charter of the Town of Preston.

Garage Sale - shall mean and include all general sales, open to the public, conducted from or on a residential premise in any residential zone, as defined by the zoning ordinance, for the purpose of disposing of personal property including, but not limited to, all sales entitled garage, lawn, yard, attic, porch, room, backyard, patio, flee market, or rummage sale.

Personal Property - shall mean property which is owned, utilized and maintained by an individual or members of his or her residence and acquired in the normal course if living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment.

Yard Sale - shall be defined the same as garage sale set forth above.

Section 7.2.3. Property permitted to be sold

It shall be unlawful for any individual to sell or offer for sale, under authority granted by this Article, property other than personal property.

Section 7.2.4. Permit required

No yard or garage sale shall be conducted unless and until the individuals desiring to conduct such sale shall obtain a permit therefor from the Commissioners of the Town of Preston. Members of more than one residence may join in obtaining a permit for a yard or garage sale to be conducted at the residence of one of them.

Section 7.2.5. Written statement required

Prior to the issuance of any yard or garage sale permit, the individuals conducting such sale shall file a written statement with the Commissioners of the Town of Preston, at least five (5) days in advance of the proposed sale (mail applications must be postmarked at least seven (7) days in advance of the sale), setting forth the following information:

- A. Full name and address of applicant or applicants.
- B. The location at which the proposed yard or garage sale is to be held.
- C. The date, or dates upon which the sale shall be held.
- D. The date, or dates of any other yard or garage sales within the current calendar year.
- E. An affirmative statement that the property is to be sold has been owned by the application, or applicants, as his, or their own personal property and was neither acquired or consigned for the purposes of resale.

Section 7.2.6. Permit fee

There shall be no fee required for the issuance of a yard or garage sale permit.

Section 7.2.7. Permit conditions

The permit shall set forth and restrict the time and location of such yard or garage sale. No more than three (3) such permits may be issued to one residence and/or family household during any calendar year. If members of more than one residence join in requesting a permit then such permit shall be considered as having been issued for each and all of such residences.

Section 7.2.8. Hours of operation

Such yard or garage sales shall be limited in time to no more than the daylight hours of three (3) consecutive days or two (2) consecutive weekends (Saturday and Sunday).

Section 7.2.9. Exceptions

- A. If Sale Not Held Because of Inclement Weather. If a yard or garage sale is not held on the dates for which the permit is issued or is terminated during the first day of the sale because of inclement weather conditions, and an affidavit by the permit holder to this effect is submitted, the Commissioners of the Town of

Preston may issue another permit to the applicant for a yard or garage sale to be conducted at the same location within thirty (30) days from the date when the first sale was to be held.

- B. Fourth Sale Permitted. A fourth yard or garage sale shall be permitted in a calendar year if satisfactory proof of a bonafide change in ownership of the real property is first presented to the Commissioners of the Town of Preston.

Section 7.2.10. Pre-permit investigation

Before issuing a permit, the Commissioners of the Town of Preston may conduct an investigation as may reasonably be necessary to determine if there is compliance with this Article.

Section 7.2.11. Display of sale property

Personal property offered for sale may be displayed within the residence, in a garage, carport, and/or in a rear yard, but only in such areas. No personal property offered for sale at a garage sale shall be displayed in the front or side yard areas of any such premises or in any public right-of-way. However, a vehicle offered or boat offered for sale may be displayed on a permanently constructed driveway within such front or side yards.

Section 7.2.12. Display of permit

Any permit in possession of the holder or holders of a yard or garage sale shall be posted on the premises in a conspicuous place so as to be seen by the public and the Commissioners of the Town of Preston.

Section 7.2.13. Advertising; signs

- A. Signs Permitted. Only the following specified signs may be displayed in relation to a pending yard or garage sale:
 - 1. Two Signs Permitted. Two signs of not more than four square feet shall be permitted to be displayed on the property of the residence where the yard or garage sale is being conducted.
 - 2. Directional Signs. Two signs of not more than two square feet each are permitted provided that the premises upon which the yard or garage sale is conducted is not on a major thoroughfare, and written permission to erect said signs is received from the property owners upon whose property such signs are to be placed.
- B. Time Limitations. No sign or other form of advertisement shall be exhibited for more than two (2) days prior to the day such sale is to commence.

- C. Removal of Signs. Signs must be removed each day at the close of the yard or garage sale activities or by the end of daylight, whichever first occurs.

Section 7.2.14. Public nuisance

The individual to whom such permit is issued and the owner or tenant of the premises on which such sale or activity is conducted shall be jointly and severally responsible for the maintenance of good order and decorum on the premises during all hours of such sale or activity.

No such individual shall permit any loud or boisterous conduct on said premises nor permit vehicles to impede the passage of traffic on any roads or streets in the area of such premises. All such individuals shall obey the reasonable orders of any member of the police or fire departments of the Town of Preston in order to maintain the public health, safety and welfare.

Section 7.2.15. Inspection - arrest authority

A police officer of the Town of Preston or any other official designated by any Town ordinance to make inspections under the licensing or regulating ordinance or to enforce the same, shall have the right of entry to any premises showing evidence of a yard or garage sale for the purpose of enforcement or inspection and may close the premises from such sale or arrest any individual who violates the provisions of this Article.

Section 7.2.16. Parking

All parking of vehicles shall be conducted in compliance with all applicable laws and ordinances. Further, the police department may enforce such temporary controls to alleviate any special hazards and/or congestion created by any yard or garage sale.

Section 7.2.17. Revocation and refusal of permit

- A. False Information. Any permit issued under this Article may be revoked or any application for issuance of a permit may be refused by the Commissioners of the Town of Preston if the application submitted by the applicant or permit holder contains any false, fraudulent or misleading statement.
- B. Conviction of Violation. If any individual is convicted of an offense under this Article, the Commissioners of the Town of Preston are instructed to cancel any existing yard or garage sale permit held by the individual convicted and not to issue such individual another yard or garage sale permit for a period of two (2) years from the time of conviction.

Section 7.2.18. Persons exempted from ordinance

The provisions of this Article shall not apply to or affect the following:

- A. Persons selling goods pursuant to an order or process of a Court of competent jurisdiction.

- B. Persons acting in accordance with their powers and duties as public officials.
- C. Any sale conducted by any merchant or mercantile or other business establishment from or at a place of business wherein such sale would be permitted by the zoning regulations of the Town of Preston or any other sale conducted by a manufacturer, dealer or vendor and which sale would be conducted from properly zoned premises and not otherwise prohibited in other ordinances.
- D. Any bona fide charitable, eleemosynary, educational, cultural or governmental institution or organization when the proceeds from the sale are used directly for the institution or organization's charitable purposes and the goods or articles are not sold on a consignment basis.

Section 7.2.19. Separate violations

Each article sold and every day a sale is conducted in violation of this Article shall constitute a separate offense.

Section 7.2.20. Penalty

Any person found guilty of violating the terms of this Article shall be guilty of a misdemeanor and shall be subject to a fine of not more than Five Hundred Dollars (\$500.00) nor more than ninety (90) days in jail for each offense.

Section 7.2.21. Separability

If any provision of this Article is found by a Court of competent jurisdiction to be invalid or unconstitutional, or if the application of this Article to any person or circumstances is found to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions of applications of this Article which can be given effect without the invalid or unconstitutional provision or application.

CHAPTER 8

STORMWATER MANAGEMENT

ARTICLE I

ADOPTION OF COUNTY ORDINANCE

Section 8.1.1. Adoption of County Ordinance.

A. The Caroline County Stormwater Management Ordinance, adopted July 1, 1984 and any amendments thereto, or to be made thereto, shall be in full force and effect within the corporate boundaries of the Town to the same extent as if said land were in an unincorporated area of Caroline County;

B. The Caroline County Stormwater Management Ordinance, adopted July 1, 1984, and any amendments to the Caroline County Stormwater Management Ordinance enacted by the County Commissioners of Caroline County, is hereby incorporated by reference into the Preston Code of Ordinances.

C. A copy of the Caroline County Stormwater Management Ordinance with amendments shall be kept in the Town offices and shall be made available to the public during normal business hours.

APPENDIX A

EMPLOYEE EVALUATION, DISCIPLINE, AND MERIT POLICY (EMPLOYEE POLICY)

Please read carefully: This Employee Policy is presented for your information only. Neither this Employee Policy nor any statement, written or oral, made by an employee, supervisor or manager of the Town of Preston (hereinafter referred to from time to time as The Town) is intended to create an express or implied contract of employment. Nothing contained in this Employee Policy is intended as a promise or guarantee of employment for any fixed duration. An employee may separate from his/her employment at any time and the Town reserves the right to terminate an employee at any time.

This Employee Policy is only an outline. Further information about any topic herein is available from the Commissioners or the Town Manager. The Town reserves the right to interpret, modify, depart from or delete any statement, definition, right or obligation contained herein at any time.

EQUAL EMPLOYMENT OPPORTUNITIES

The Town of Preston is an equal opportunity employer. It is the policy of the Town that all persons are entitled to equal employment opportunity regardless of age, race, color, religion, sex, national origin, disability or marital status. Employment opportunities are open to all qualified persons on the basis of their experience, abilities and employment record. Promotions and advancement within the Town are based entirely on the individual s achievement, performance, ability, potential for promotion, and employment record.

1. Application and scope

- A. Application. This Policy shall apply to all persons employed by the Town.
- B. Scope.
 - 1. All positions in the town are hereby designated as Regular Employees or Exempt Employees.
 - 2. Exempt Employees shall include:
 - a. All Elected Officials.
 - b. All Attorneys employed by the Town, members of boards, commissions, committees, officials whose appointments are prescribed by state and/or local law, and those excluded by specific statutory provisions.
 - c. Consultants and all other persons rendering temporary service under contract.

- d. Positions involving seasonal, special, temporary, part-time employment unless otherwise so designated by the Commissioners.

2. Pay grade assignments

B. Definitions by position.

1. Filled Position - A review of grade allocations of positions shall periodically be conducted in order to ensure that Town employees are compensated at an equitable salary based on the following factors: the relative level of duties and responsibilities of various positions, rates paid for comparable positions by other jurisdictions and private employers, and the Town's financial resources. A list of present positions with assigned grade levels is incorporated herein and attached hereto for reference as Appendix A. A table of Grade and Step Increments (salary levels by grade) is incorporated herein and attached hereto for reference as Appendix B.
2. New Positions - The Commissioners shall determine if the duties and responsibilities of the new position are adequately defined in an existing position. The Town Manager shall work with the Commissioners in drafting a job description and determining the appropriate grade level of the new position.

C. New, Regular Employee.

1. Generally, a new employee shall be compensated at the minimum grade and step level for his/her position. Exceptions may be granted upon recommendation of the Commissioners. The minimum pay for Step One for each position is based upon the assumption that a new employee meets the minimum qualifications stated in the job description. If it becomes necessary to hire a new employee of lesser qualifications, as part of the Affirmative Actions Program or otherwise, the employee should be started at one grade below the minimum rate until he/she meets the minimum requirements for that position. If a new employee more than meets the minimum qualifications and will not accept appointment at Step One for the assigned grade level, he/she may be hired, for good cause, at a higher step upon recommendation of the Commissioners. Reasonable effort should be made to recruit qualified employees who will accept appointment at Step One of the grade level assigned to each position. When contemplating assigning a new employee at a salary greater than Step One, the present salaries of employees in the same position or grade or closely related positions shall be a factor to be considered.

D. Merit increases in salary for Regular Employees.

1. Definition. A merit increment is a one-step increase in salary which may be granted no more than annually, based on a July 1 fiscal year, upon approval of the Commissioners, to each Regular Employee who performs the duties and responsibilities of his/her position at an acceptable level of competence and whose work generally meets expectations for the position. Such merit increments may be awarded annually until an employee reaches the top step of the grade to which his/her position is assigned. Merit increments are based on performance evaluations. Employee performance evaluations shall be conducted by April 15 of each year.

E. Denial of merit increase for Regular Employees; Demotion.

1. Regular Employees may be denied annual merit increases or demoted to a lower grade or step level for cause, including, but not limited to the following:
 - a. Unsatisfactory performance ratings.
 - b. Unusual or excessive absenteeism or tardiness.
 - c. Leaving work without permission.
 - d. Misrepresentation of material facts in employment application, time cards or other employment-related reporting procedures.
 - e. Incompetence, incapacity or inefficiency in performance of duties.
 - f. Sustained conduct detrimental to the efficiency and morale of Town employees or the public.
 - g. Unauthorized, personal use of Town telephones, other communications devices or equipment, or other Town property.
 - h. Misuse of public funds or property, including removal of Town property without the Town's consent.
 - i. Neglect of duty or carelessness resulting in injury to persons or damage to Town property or equipment.
 - j. Abusive language.
 - k. Violation of safety rules.
 - l. Intimidation, harassment or discrimination against any individual or group of persons.

- m. Dishonesty, including, but not limited to, giving or taking a bribe or other unearned compensation for any purpose.
 - n. Disclosing confidential Town or department information in a manner inconsistent with Town or public policy.
 - o. Falsifying reports or records.
 - p. Disorderly conduct and acts of misconduct while on duty.
 - q. Conduct subversive to the laws of the Town, county, State and Nation.
 - r. Possession of firearms, fireworks or explosives on public property without Town consent.
 - s. Any use of alcohol within eight hours prior to or during hours of work.
 - t. Any use of non-prescription, controlled dangerous substances.
 - u. Violation of any law, official rules, regulations, or orders, or failure to obey any lawful or reasonable direction when such action amounts to insubordination or serious breach in discipline.
 - v. Conviction of a felony.
 - w. Conviction of a misdemeanor which results in incarceration.
 - x. Any other action or omission on the part of the employee which adversely affects the health, safety or welfare of other employees and/or the public.
2. Right to notification. Regular employees shall be given notice in writing of any denial of merit increase or demotion. Such notice shall contain a written statement setting forth the reasons for such denial or demotion and the employee's rights to appeal such decision.
 3. Appeal of denial of merit increase or demotion. Any employee who receives denial of annual merit increase or demotion shall have the right to appeal such action to the Commissioners. Commissioners must receive such appeal in writing on or before fourteen (14) calendar days from the date of such notice.

F. Reclassification and promotion.

1. Definitions.

- a. **Reclassification:** the upgrading and/or redefinition of a position whose duties and responsibilities have changed significantly as a result of new technology, department reorganization, or gradual assumption of increased responsibilities of an employee based on his/her qualifications and abilities, positively and materially affecting the kind or level of work being performed. Reclassification requests must be made in writing to the Commissioners for approval.
- b. **Promotion:** a movement of an employee from his/her present position to a new or vacant position, which is allocated to a higher pay grade. An employee whose position is reclassified or who has been promoted shall be placed in the appropriate step of the higher pay grade which provides for an increase of his/her present salary.

2. **Employees subject to demotion.**

- a. **Involuntary.** See Section 2,D,1 above.
- b. **Voluntary.** An employee may be demoted upon his/her request whenever his/her position is abolished and there is not other vacant position in the same or higher grade for which the employee qualified. Voluntary demotion shall not be deemed detrimental to an employee's work record with the Town and shall not adversely affect opportunities for future promotions.

3. **Performance evaluations**

- A. **Objective.** The purpose of employee performance evaluation is to recognize effective performance and identify aspects of performance that could be improved. Performance evaluations may also be used to determine eligibility for promotions, as a basis for identifying training needs, transfer, disciplinary action, dismissal or any other purpose as set forth in this Policy.
- B. **Period of evaluation.**
 - 1. **During and after orientation and training period.** The conferring of permanent Regular Employee status shall be dependent upon an overall satisfactory rating/performance as determined by this evaluation.
 - 2. **Regular Employees, having successfully completed any orientation and training period, shall be evaluated no less than once per year thereafter.**
- A. **Method of evaluation.**

Performance evaluations shall be in writing prepared by the Commissioners. These evaluations shall be as objective, constructive and meaningful as possible.

A. Review with employee.

The Commissioners shall discuss each performance evaluation with the employee being evaluated. The time period set aside for the evaluation should be used by the Commissioners to counsel the employee regarding any work problem or concern of either the Town or the employee. If performance, conduct, attitude or any other facet of the employee's performance has been substandard, the employee should be warned of the possible consequences. If improvement is required to avoid suspension, demotion or dismissal, a deadline for such improvement should be established and a new evaluation performed within thirty (30) days of such date. Both employee and Commissioners shall sign all written performance evaluations and copies shall be kept in the Town's permanent records regarding such employee.

A. Disagreement with evaluation.

In the event an employee disagrees with any statement made on his/her evaluation, he or she may submit a written statement which shall be attached to the evaluation form.

A. Confidentiality of evaluations.

Performance evaluations shall be confidential and shall be made available only to the employee being evaluated or his bona fide representative and the Town Commissioners.

A. Unsatisfactory performance evaluations.

If a Regular Employee receives an unsatisfactory evaluation, he/she may be denied an annual increase in pay. In this case, a second evaluation shall be conducted within ninety (90) days of the unsatisfactory evaluation. If the second evaluation is satisfactory, the merit increment may be granted. For sustained, unsatisfactory performance, the Commissioners may initiate other disciplinary actions.

4. Disciplinary procedures

Disciplinary procedures may be employed if any of the offenses described in Section 2,D,1 above occur. When an employee's actions or omissions make corrective or disciplinary action necessary, such action may range from informal, oral reprimand to dismissal from Town employment. Corrective or disciplinary action may be necessary due to a series of incidents which result in a problem or a single incident which is serious by itself to create a problem. The events and circumstances surrounding such action are to be documented by the Commissioners.

Any writings produced to warn the employee, notes from counseling sessions, reports or other relevant data shall be kept in the Town's permanent records regarding such employee. The Commissioners shall be responsible for all disciplinary action.

- A. Verbal warning and counseling. An informal, verbal communication to the offending employee may be given by the Commissioners informing the employee of the deficiency in conduct, work attitude or performance, which requires immediate corrective efforts. Commissioners should make efforts to define the problem in specific terms and work with offending employees to identify solutions to presenting problems.
- B. Written warning. A written warning from the Commissioners may be given to the offending employee. Such warning should state the following:
 - 1. The nature and severity of the employee's deficiencies in conduct, work attitudes or performance,
 - 2. The corrective efforts to be undertaken by the employee,
 - 3. The time period during which the employee must show substantial improvement, and
 - 4. The consequences of failure to so improve.
- C. Denial of merit increase for Regular Employees: Demotion. See Section 2,D,1 hereinabove.
- D. Suspension. When in the judgement of the Commissioners a Regular Employee's work performance or conduct justifies disciplinary action short of dismissal or demotion, the employee may be suspended without pay and shall be given written notice within forty-eight (48) hours of such suspension, stating the charges and the duration of the suspension. Suspension shall be for no longer than ten (10) working days. A suspended employee may appeal a suspension which exceeds five (5) working days. See Grievance and Appeal procedure below.
- E. Suspension pending dismissal or demotion. A Regular Employee may be suspended pending dismissal or demotion whenever in the judgement of the Commission the employee's work or conduct so warrants. Notice and appeal rights are as in the paragraph above.
- F. Dismissal. The Commissioners may recommend the immediate dismissal of an employee from Town employment. Discipline in the form of immediate dismissal may be exercised for a single serious and flagrant employee offense, including, but not limited to, delinquency, misconduct, inefficiency or inability to perform the work of his/her position satisfactorily. No dismissal of a Regular Employee shall take effect until the Commissioners give to such employee a written

statement setting forth the reasons therefor and information about appeal rights. A copy of the notice shall be placed in the Town's permanent records regarding such employee.

- G. The following factors shall be considered in determination of the Town's right to dismiss an offending employee:
 - 1. Reason for termination. Reference should be made to Section 2,D,1 reasons for disciplinary action.
 - 2. Performance history. Consideration will be given to the employee's past contributions to the Town through his/her employment, previous performance evaluations, previous disciplinary actions taken, and length of service.
 - 3. Alternatives to dismissal, including transfer, retention with demotion, and suspension.
- H. Voluntary resignation. To resign in good standing, an employee shall notify the Commissioners in writing of the intention to resign at least fourteen (14) days prior to the proposed date of separation. Exceptions to such notice may be made with approval of the Commissioners, upon consideration of exigent or extraordinary circumstances.

5. Grievance and appeal procedures

- A. Policy. Regular Employees who believe they have a bona fide grievance as a result of the interpretation and application of these rules and policies, alleged discrimination or unfair treatment, unsafe or unhealthy working conditions, or other matters adversely affecting their own employment, the employment of other Town Employees or the general public welfare shall first present his/her grievance orally or in writing to the Commissioners. The Commissioners may informally attempt to resolve such grievance and shall respond to the aggrieved employee within five (5) working days of the report of grievance.
- B. Appeal of Commissioners grievance remedy or of disciplinary action against Regular Employee.
 - 1. Procedure.
 - a. Employee may request in writing a review of the grievance or disciplinary action by the Commissioners. The Commissioners shall render a decision regarding the grievance or disciplinary action within five (5) working days of receipt of such grievance.
 - b. If unsatisfied with the decision of the Commissioners regarding the grievance or disciplinary action, an employee may request in

writing a hearing. Such request shall be accompanied by a summary of facts from the aggrieved or appealing employee, a summary of the action or inaction with which he/she is dissatisfied, grounds for such dissatisfaction, name of legal counsel to be involved in the matter (if any), names and addresses of relevant witnesses (if any), and statement of employee's desired results in lieu of the results with which he disagrees.

- c. The Commissioners shall conduct the requested Review and Hearing in executive session (not public) during their next scheduled meeting or a special meeting not later than twenty (20) days after receipt of the request for the Review and Hearing.

APPENDIX B

TOWN OF PRESTON

GRADED POSITIONS

<u>Position</u>	<u>Grade</u>
Administrative Assistant	4
Building Inspector	10
Crossing Guard	2
Chief of Police	18
Grants Administrator	14
Maintenance Supervisor (Water/Sewer Operator)	17
Maintenance Assistant	4
Town Manager	17

<u>Police Department</u>	<u>Grade</u>
Major/Deputy Chief	17
Major	16
Captain	15
Sergeant	14
Corporal	13
Patrolman First Class	12
Patrolman	11

7/22/98
Grade.wsp

APPENDIX C

**GRADE AND STEP INCREMENTS
TOWN OF PRESTON**

STEP	BASE	1	2	3	4	5	6	7	8	9	10	11	12
GRADE 1	11440	11783	12137	12501	12876	13262	13660	14070	14492	14927	15374	15836	16311
2	12480	12854	13240	13637	14046	14468	14902	15349	15809	16284	16772	17275	17793
3	13000	13390	13792	14205	14632	15071	15523	15988	16468	16962	17471	17995	18535
4	13520	13926	14343	14774	15217	15673	16144	16628	17127	17641	18170	18715	19276
5	14040	14461	14895	15342	15802	16276	16764	17267	17785	18319	18869	19435	20018
6	14560	14997	15447	15910	16387	16879	17385	17907	18444	18997	19567	20154	20759
7	15080	15532	15998	16478	16973	17482	18006	18546	19013	19676	20266	20874	21500
8	15600	16068	16550	17047	17558	18085	18627	19186	19762	20354	20965	21594	22242
9	16120	16604	17102	17615	18143	18687	19248	19826	20420	21033	21664	22314	22983
10	16640	17139	17653	18183	18728	19290	19869	20465	21079	21711	22363	23034	23725
11	17160	17675	18205	18751	19314	19893	20490	21105	21738	22390	23062	23753	24466
12	17680	18210	18757	19319	19899	20496	21111	21744	22396	23068	23760	24473	25207
13	18200	18746	19308	19888	20484	21099	21732	22384	23005	23747	24459	25193	25949
14	18720	19282	19860	20456	21070	21702	22353	23023	23714	24425	25158	25913	26690
15	20800	21424	22067	22729	23411	24113	24836	25581	26349	27139	27953	28792	29656
16	21840	22495	23170	23865	24581	25319	26078	26860	27666	28496	29351	30232	31139
17	22880	23566	24273	25002	25752	26524	27320	28140	28984	29853	30749	31671	32621
18	23400	24102	24825	25569	26336	27126	27940	28778	29641	30530	31446	32389	33361

Figures based on a 40 hour week and 52 week year.