

Ordinance No.: 6-17-1
Introduced: June 15, 2017
Adopted: July 17, 2017
Effective Date: August 7, 2017

THE VILLAGE OF MARTIN'S ADDITIONS

SUBJECT: AN ORDINANCE TO AMEND THE CODE OF ORDINANCES TO ADD 6-MONTH COMMENCEMENT AND 12-MONTH COMPLETION DEADLINES FOR CONSTRUCTION, AND RELATED PROVISIONS; TO REVISE THE TREE SUPERVISOR'S DUTIES TO CONFORM TO CURRENT PRACTICE; AND TO ADD A REQUIREMENT FOR ANNUAL DISCLOSURE OF CONFLICTS OF INTEREST BY COUNCIL MEMBERS AND EMPLOYEES

WHEREAS, Local Government Article, Section 5-202 of the Maryland Code grants to the legislative body of every incorporated municipality in Maryland, including the Village of Martin's Additions, general power to pass such ordinances not contrary to the Constitution of Maryland, or public general law, as they may deem necessary in order to assure the good government of the municipality, to protect and preserve the municipality's rights, property, and privileges, to preserve peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort and convenience of the citizens of the municipality;

WHEREAS, Maryland Code, Local Government Article, Section 5-211 authorizes the legislative body of each municipal corporation in the State of Maryland to make reasonable regulations concerning buildings to be erected within the limits of the municipality, including a building code and the requirement for building permits;

WHEREAS, Section 501 of the Charter of the Village of Martin's Additions authorizes the Village Council to pass such ordinances as it may deem necessary for the preservation of the property, rights, and privileges of the Village and its residents;

WHEREAS, the Village Council introduced the following Ordinance at a public meeting held on June 15, 2017;

WHEREAS, after proper notice to the public, the Village Council considered the following Ordinance in public session assembled on the 20th day of July, 2017;

WHEREAS, the Village Building Permit Administrator, counsel, and staff, have made certain recommendations to the Village Council for amendment of the Village building regulations, including the deletion of the 7-day waiting period after issuance of a County building permit, for issuance of a Village building permit; for addition of 6-month commencement and 12-month completion deadlines for construction, and related provisions; and for revision of the Tree Supervisor's duties, to conform to current practice;

WHEREAS, the Village Council asked the Village Ethics Committee to make a recommendation concerning disclosure of conflicts of interest;

WHEREAS, the Village Ethics Committee has found that the conflicts of interest disclosure, required by the Village Charter Section 903, should be provided by Council members and employees on an annual basis, instead of on a one-time basis as currently required by the Charter;

WHEREAS, the Village Council finds that the foregoing Ordinance would assure the good government of the municipality, protect and preserve the municipality's rights, property, and privileges, preserve peace and good order, secure persons and property from danger and destruction, and protect the health, comfort and convenience of the citizens of the Village of Martin's Additions, and is necessary for the preservation of the property, rights, and privileges of the Village and its residents.

NOW, THEREFORE, the Village Council does hereby adopt the following Ordinance.

BE IT ORDAINED AND ORDERED, this ___th day of _____, 2017, by the Village Council, acting under and by virtue of the authority given it by the Maryland Code and the Charter of the Village of Martin's Additions, that the Village Code is hereby amended as follows:

* * *

Section 4-201. Duty to Disclose; Solicitation Prohibited; Ex-Parte Communications

- (a) Before participating, on behalf of the Village, in any debate or determination that may have a reasonable potential of thereafter affecting a public interest, any Public Official who is subject to this Chapter shall have an affirmative duty to disclose in writing to the Council and to the Committee the receipt of any gift and the existence of any private interest or relationship either having a reasonable potential of conflict with a public interest or having a reasonable potential of giving the outward appearance of conflict with a public interest.
- (b) No Official may solicit any gift or knowingly accept any gift, directly or indirectly, from any person whom the Official knows or has reason to know: (i) is doing or seeking to do business of any kind with the Village; or (ii) has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or non-performance of his or her official duty.
- (c) No Official may solicit any gift or knowingly accept any gift, directly or indirectly, from any person whom is engaged in activities that are regulated or controlled by the Village; except that unsolicited gifts having a value of less than fifty dollars (\$50.00) tendered for personal or social reasons may be accepted.
- (d) An Official shall not consider any ex-parte or private communication from any person, whether oral or written, that said Official knows is, or reasonably may be, intended to influence unlawfully the decision on the merits of any matter. Any such ex-parte or private communication shall be reported to the Village Council, which

shall include such disclosure in the minutes of the meeting at which the matter was considered.

- (e) Officials shall file with the Committee, on an annual basis, prior to the 30th day of April of each year, a conflicts of interest disclosure in a form recommended by the Committee and approved by the Village Council. Such filing shall be in addition to the filing required by the Village Charter, Section 903.

(Ord. No. 08-15-01, adopted 09/17/15, effective 10/7/15; Ord. No. 11-15-1, adopted 1/21/16, effective 2/10/16)

* * *

Section 6-306. Applicable Standards; Permit Conditions

- (a) An application for a building permit shall not be denied unless it has been determined that: (i) the provisions of this Article have not been satisfied, or (ii) the proposed activity would otherwise be in derogation of the health, safety, comfort or welfare of the present or future inhabitants of the Village.
- (b) Building permits may be issued subject to conditions determined necessary by the Village for the protection of health, safety, comfort or welfare, to protect Village trees, or to protect against interference with sidewalk or street traffic, residential parking, noise or other noxious effects, including, without limitation, that the applicant provide a bond or deposit for repairs to insure the restoration or repair of any damage to a Village right-of-way, street, sidewalk, or curb, caused by any work on the property or within the right-of-way, and that such activity shall be completed in a safe and timely fashion and otherwise in accordance with the terms of the building permit issued in connection therewith.
- (c) Permitted work must be commenced within six (6) months of the date of issuance of the building permit and shall be completed within twelve (12) months of the date of issuance of the building permit, or the permit shall be deemed revoked, unless an extension is granted in writing by the Code Enforcement Officer. Upon payment of the permit extension fee, the Code Enforcement Officer may grant an extension upon such conditions as the Code Enforcement Officer may find necessary for the public health, safety, or welfare, upon a reasonable showing by the permittee that there has been no material change in circumstances since the issuance of the building permit and, despite due diligence by the permittee, additional time is necessary to complete the approved construction. A permit may be revoked by the Code Enforcement Officer if work has stopped for a period of forty-five (45) days or more.

(Ord. No. 5-13-1, adopted 9/19/13, effective 10/10/13; Ord. No. 11-15-1, adopted 1/21/16, effective 2/10/16)

* * *

Section 9-103. Tree Supervisor and Tree Committee

- (a) The Village Council shall appoint as Tree Supervisor one of its members, the Village Manager or Assistant Manager, or a resident serving in a volunteer capacity. The Tree Supervisor shall serve until the end of the fiscal year in which he or she was appointed. In addition, the Village Council shall appoint a person from among those named immediately above to act temporarily in the absence or unavailability to the Tree Supervisor. The duties and responsibilities of the Tree Supervisor are, subject to the approval of the Village Council or its designee, to:
- (1) direct, manage, supervise, and control the planting, maintenance, protection, and (when necessary) removal of Village trees.
 - (2) obtain all necessary permits or authorizations from the Maryland Forest Service for the maintenance or removal of Village trees.
 - (3) ~~contract for the services of a Licensed Tree Expert (an arborist licensed by the Maryland Forest Service) for work on the Village trees. All such contractors and their employees shall be fully insured as protection to the Village.~~ (Reserved).
 - (4) inspect all Village Trees with a Licensed Tree Expert at least once a year to determine their health and needs.
 - (5) order the treatment, pruning, or removal of any Village tree that is deemed to be injurious to sewers, gas or water lines, or other public utilities; is infected with disease or pests; interferes with the visibility of any traffic-control device or signal; interferes with the proper spread of light along the street from a public street light; or impedes pedestrian or vehicular traffic.
 - (6) obtain an opinion from a second Licensed Tree Expert before removing a tree unless the tree meets the conditions noted in subsection (5) above or presents an immediate hazard to people or property. Any Licensed Tree Expert providing a second opinion shall not be hired to perform the removal.
 - (7) consult with utility companies concerning scheduling of their pruning of Village trees.
 - (8) implement any Village tree plan approved by the Village Council.
- (b) The Village Council may appoint a Tree Committee to advise the Council and the Tree Supervisor on matters pertaining to trees in the Village, to assist the Tree Supervisor with tree inspections, and to participate in consultations regarding Village trees.

(Ord. No. 11-15-1, adopted 1/21/16, effective 2/10/16)

* * *


AND BE IT FURTHER ORDAINED AND ORDERED, by the Village Council, acting under and by virtue of the authority granted to it by the Maryland Code, and the Charter of the Village of the Village of Martin's Additions, that:

(1) If any part or provision of this Ordinance is declared by a court of competent jurisdiction to be invalid, the part or provision held to be invalid shall not affect the validity of the Ordinance as a whole or any remaining part thereof; and


(2) This Ordinance shall take effect on the 7th day of August, 2017.

ATTEST:

THE VILLAGE OF MARTIN'S ADDITIONS



Susan Fattig, Secretary



Richard Krajeck, Chair
Village Council

Underline indicates new material
~~Strikethrough~~ indicates material deleted
* * * indicates material unchanged