

**6:40 P.M.**

**Presentation of the Barbara “Jo” Finch Brightest Beacon on the Bay Awards**

**Public Hearings:**

Ordinance O-19-15, an ordinance of the Town Council of Chesapeake Beach, Maryland, repealing in its entirety and reenacting Chapter 25, “Ethics, Public,” of the Chesapeake Beach Code, to comply with MD Code Ann., General Provisions Article, Title 5, and to meet the Town’s need for ethical and efficient government; and matters generally relating to public ethics for officials, appointees and officials of the Town.

Ordinance O-19-16, an ordinance of the Town Council of Chesapeake Beach, Maryland, amending the Chapter 22 “Elections” of the Town Code to reflect changes over time in various election practices, including voting technologies, and to resolve certain ambiguities and inconsistencies.

Charter Amendment Resolution CAR-19-2, a resolution of the Town Council of Chesapeake Beach, Maryland, amending the Charter of the Town of Chesapeake Beach as to the single subject, Elections, to promote the most efficient conduct and administration of Town Elections, and eliminate certain ambiguities in certain provisions with respect to the conduct of elections and the canvassing of ballots.

**TOWN MEETING AGENDA  
DECEMBER 19, 2019**

- I.** Call to order and roll call.
- II.** Pledge of Allegiance.
- III.** Approval of the agenda.
- IV.** Public Comment on any item on the agenda.
- V.** Approval of the minutes of the November 21, 2019 Town Council Meeting.  
Approval of the minutes of the December 9, 2019 Work Session.  
Approval of the minutes of the December 9, 2019 Closed Session.
- VI. Petitions and Communications**
  - A. North Beach Volunteer Fire Department.
  - B. Deputy’s Report.
  - C. Public Work’s Report.

- D. Code Enforcement Report.
- E. Town Engineer's Report.
- F. Water Park Report.
- G. Water Reclamation Treatment Plant Report.
- H. Town Treasurer's Report.
- I. Town Administrator's Report.
- J. Mayor's Report.

**VII. Resolutions & Ordinances –**

- A. Vote on Ordinance O-19-15, an ordinance of the Town Council of Chesapeake Beach, Maryland, repealing in its entirety and reenacting Chapter 25, "Ethics, Public," of the Chesapeake Beach Code, to comply with MD Code Ann., General Provisions Article, Title 5, and to meet the Town's need for ethical and efficient government; and matters generally relating to public ethics for officials, appointees and officials of the Town.
- B. Vote on Ordinance O-19-16, an ordinance of the Town Council of Chesapeake Beach, Maryland, amending the Chapter 22 "Elections" of the Town Code to reflect changes over time in various election practices, including voting technologies, and to resolve certain ambiguities and inconsistencies.
- C. Vote on Charter Amendment Resolution CAR-19-2, a resolution of the Town Council of Chesapeake Beach, Maryland, amending the Charter of the Town of Chesapeake Beach as to the single subject, Elections, to promote the most efficient conduct and administration of Town Elections, and eliminate certain ambiguities in certain provisions with respect to the conduct of elections and the canvassing of ballots.
- D. Introduce Ordinance O-19-17, an ordinance of the Town Council of Chesapeake Beach, Maryland amending Chapter 196 "Parks and Public Areas", Article I, "Regulations concerning all public parks, public venues and restricted property", to enact Section 196-9.1, "Smoking on Town Property", to prohibit smoking on specified town property and to provide a sanction for a violation of Section 196-9.1. **Set public hearing.**

- E. Introduce Ordinance O-19-18, an ordinance of the Town Council of Chesapeake Beach, Maryland, adopting a revised water and sewer policy manual. **Set public hearing.**

**VIII. Report of Officers, Boards and Committees**

- A. Planning & Zoning Commission – A meeting was held December 11, 2019.
- B. Board of Appeals – No hearing was held.
- C. Chesapeake Beach Oyster Cultivation Society – John Bacon
- D. Economic Development Committee – Larry Jaworski
- E. Twin Beaches Opioid Abuse Awareness Coalition – Keith Pardieck
- F. Walkable Community Advisory Group – Derek Favret

**IX. Unfinished Business**

**X. New Business**

- 1. Town Council to reappoint Randy Getman to the Board of Elections.
- 2. Town Council to appoint Dominique Soroka to the Board of Elections.
- 3. Town Council to appoint Margaret Hartman to the Board of Elections.
- 4. Town Council to approve \$17,000 for asphalt overlay from the Capital Expenditures line item.
- 5. Town Council to approve a contract to Schaeffer Fireworks Company for the 2020 Fireworks display, in the amount of \$45,000 from the FY20 Special Events line item, with the option to renew for two (2) additional one (1) year terms.
- 6. Town Council to consider cancelling the August 2020 Council meeting for a summer break.

**XI. Public Comment**

**XII. Council Lightning Round**

**XIII. Adjournment**





November Town Stats,

Fire = 54

AFA = 4

Brush 3

Fire Calls dispatched in the Town of CB = 40

EMS = 34

Fire Calls dispatched in the Town of NB = 14

Fire's = 4

(Chimney, House, Barn, vehicle, ETC)

Hazmat = 0

Fire Drill: New Radios

Investigation = 2

MVA = 1

Helicopter Landing = 6

Service = 9

Water Rescue = 0

Fundraising: Hall Rental- 11/2, 11/3, 11/8, 11/9, 11/30



EMS = 76

Chest Pains = 10

Diabetic Emergency = 2

Fire Standby = 1

MVC = 1

Overdose = 5

Psychiatric Emerg. = 0

Respiratory Distress = 10

Seizures = 1

Stroke (CVA) = 3

Unconscious Subj. = 6

Other Non- Emergent dispatched Calls =20

EMS Calls dispatched in the Town of CB = 58

EMS Calls dispatched in the Town of NB = 18

EMS DRILL : Hypothermia Emergencies

Choking = 0

Syncope = 2

Suicide = 2

Gun Shot = 0

Head Injury = 0

Hypertension = 0

Assault = 3

Hemorrhage- 4

Cardiac Arrest - 5

Altered Mental Status - 0

Allergic Reaction -0

Traumatic Injury = 1



## CALVERT COUNTY SHERIFF'S OFFICE TWIN BEACHES PATROL

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Date: December 11, 2019  
To: Sharon Humm  
From: Sergeant Thomas S. Phelps  
Re: Sheriff's Office Report-Chesapeake Beach

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In November of 2019, the Sheriff's Office handled 304 calls for service in Chesapeake Beach. This is down from 318 calls in October 2019.

Call Breakdown for November 2019:

139 calls were self-initiated (patrol checks, follow-up investigations, etc)

165 calls were received by other means (citizens, alarm companies, etc)

Of the 304 calls, we handled:

- 4 CDS Violations (1 Heroin; 1 Crystal Meth; 2 PWID Marijuana) (Closed by Arrest)
- 2 Thefts
  - Burglary Items stolen from Residence – E St (Under Investigation)
  - Robbery – Subject Assaulted and Items Taken – Kellam's Field (Under Investigation)
- 1 Trespassing Arrests
- 2 DUI Arrests
- 3 Non-Fatal Heroin Overdose
- 1 Fatal Heroin Overdose
- 2 Marijuana Civil Violations



## November 2019 Calls for Service Chesapeake Beach

Call Type	Month	Year	Call Type	Month	Year	Call Type	Month	Year
911 Hang Up	15	154	Fireworks Complaint	0	6	Relay	0	3
Abandoned Vehicle	2	14	Follow Up	8	100	Robbery	1	2
Accident	6	128	Found Property	1	21	Search Warrant	0	6
Alarm	6	100	Fraud	0	19	Sexual Assault	0	1
Alcohol Violation	0	5	Harassment	0	9	Sex Offender Registry	0	0
Animal Complaint	2	14	Illegal Dumping	1	3	Special Assignment	7	49
Assault	0	20	Industrial Accident	0	2	Stalking	0	0
Assist Motorist	11	99	Indecent Exposure	0	6	Stolen Vehicle	1	9
Assist Other Dept	9	35	Intoxicated Person	0	7	Summons Service	0	21
Assist Sick/Injured	13	78	Kidnapping/Abduction	0	0	Suspicious Person	4	81
Attempt to Locate	3	95	Loitering	0	3	Suspicious Vehicle	10	85
Burglary	2	19	Lost Property	0	2	Tampering with MV	1	7
CDS Violation	1	23	Loud Party/ Music	0	11	Telephone Misuse	0	0
Check Welfare	12	99	Mental Subject	0	10	Theft	1	62
Conservor of Peace	3	28	Missing Person	0	19	Traffic Complaint	8	92
Destruction of Property	1	23	Neighborhood Dispute	1	4	Traffice Control	0	5
Death Investigation	0	1	Notification	0	2	Traffic Enforcement	0	9
Disorderly	3	111	Parking Complaint	6	97	Trespassing	3	56
Domestic	10	105	Patrol Check	131	1533	Unauthorized Use MV	0	1
Escort	0	0	Person with Weapon	0	2	Unknown Problem	3	10
Eviction	0	12	Police Information	5	69	Violation Protective Order	0	7
Fight	2	14	Protective/Peace Order	6	27	Warrant Service	3	22
Firearms Complaint	2	5	Prowler	0	0			
Total Calls							304	3662

	Month	Year		Month	Year		Month	Year
DUI Arrest	2	18	CDS Arrest	4	35	Other Arrest	1	79
Civil Marijuana Citations	2	32	Non Fatal Overdose	3	12	Fatal Overdose	1	1

\*\*\*\* Notes \*\*\*\*

Deputies assigned to the Twin Beach Patrol handled 307 calls outside of the Twin Beach Patrol Area in this month.  
(These calls include off duty responses, calls handled to and from work, special events, overtime assignments, special unit assignments, calls while working a shift, etc. The Computer Data System has no way of classifying the on shift or off shift status of an officer when handling a call for service.)

### November 2019 Calls for Service North Beach

Call Type	Month	Year	Call Type	Month	Year	Call Type	Month	Year
911 Hang Up	6	77	Fireworks Complaint	0	2	Relay	0	1
Abandoned Vehicle	1	1	Follow Up	2	33	Robbery	0	1
Accident	1	36	Found Property	1	5	Search Warrant	0	1
Alarm	7	50	Fraud	0	11	Sexual Assault	0	1
Animal Complaint	0	14	Harassment	0	5	Sex Offender Registry	0	0
Assault	1	9	Illegal Dumping	0	3	Special Assignment	2	44
Assist Motorist	1	24	Industrial Accident	0	0	Stalking	0	0
Assist Other Dept	1	17	Indecent Exposure	0	2	Stolen Vehicle	0	5
Assist Sick/Injured	0	34	Intoxicated Person	0	7	Summons Service	3	18
Attempt to Locate	2	32	Kidnapping/Abduction	0	0	Suspicious Person	3	32
BioChem/ Susp Package	0	0	Loitering	0	1	Suspicious Vehicle	0	20
Burglary	1	6	Lost Property	0	0	Tampering with MV	0	0
CDS Violation	0	5	Loud Party/ Music	1	10	Telephone Misuse	0	0
Check Welfare	2	55	Mental Subject	0	0	Theft	1	28
Conservor of Peace	0	9	Missing Person	0	4	Traffic Complaint	0	33
Destruction of Property	0	13	Neighborhood Dispute	0	0	Traffice Control	0	0
Death Investigation	0	2	Notification	0	2	Traffic Enforcement	0	17
Disorderly	2	54	Parking Complaint	3	27	Trespassing	2	24
Domestic	2	32	Patrol Check	60	680	Unauthorized Use MV	0	0
Escort	0	2	Person with Weapon	0	0	Unknown Problem	0	5
Eviction	0	5	Police Information	1	19	Violation Protective Order	0	2
Fight	2	12	Protective/Peace Order	0	7	Warrant Service	2	14
Firearms Complaint	1	5	Prowler	0	0			
Total Calls							111	1558

	Month	Year		Month	Year		Month	Year
DUI Arrest	0	7	CDS Arrest	0	5	Other Arrest	3	31
Civil Marijuana Citations	0	8	Non Fatal Overdose	0	4	Fatal Overdose	0	1

\*\*\*\* Notes \*\*\*\*



## Public Works Administrator's Report

To: Mayor & Town Council

From: James Berry

Subject: Public Works Report

Date: December 19, 2019

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Water leak- We have repaired 3 water leaks since the last report, a street valve at 27<sup>th</sup> and F St, a street valve at 13<sup>th</sup> and C St and a water lateral at the 7500 block of B St.

Wet wells- We are repairing the outdoor cabinet at Valley View pump station. We have pulled and checked both pumps at Bayview Hills due to run times increasing.

Water meter/MXU- We will pick back up with MXU change outs after the last reading at the end of the year.

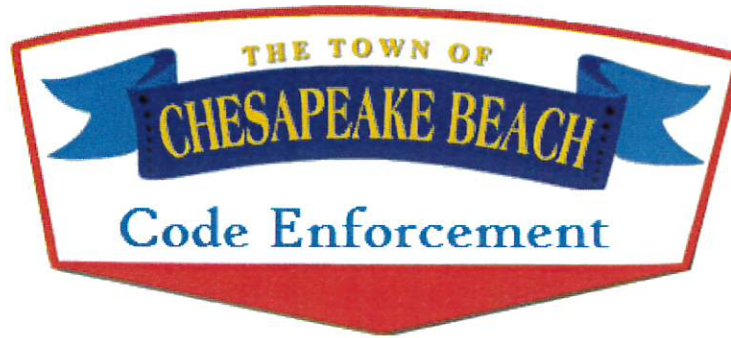
Flushing- We have completed our 3<sup>rd</sup> and final round of flushing for the year, we will start the process again in March 2020.

Ball fields – Football is done for the year. We have started winterizing the bathrooms and concession stand.

Railway Trail – We are keeping up with the leaves and fallen branches. I want to remind everyone using the trail to please clean up after your pets.

Water park – The park has been drained and the pool and plumbing are now winterized. Public Works will be working with Filo soon to make permanent repairs to a section of plumbing that was temporarily repaired in late May to keep the park up and running.

Emergency calls – We received 6 calls and 4 required a response. 2 for water leaks on the Town side, and 2 for pump station high level/float control alarms.



## Code Enforcement Summary Report

### Report Criteria:

Status	Assigned To	Census Tract	Violation	Initiation	Open Date Range	Follow up Date Range	Close Date Range
All Open	O'Dell, Connie		All	All	From To	From To	From To

### CE Totals

	Total	Closed Cases	Open Cases
<b>Totals</b>	<b>23</b>	<b>0</b>	<b>23</b>

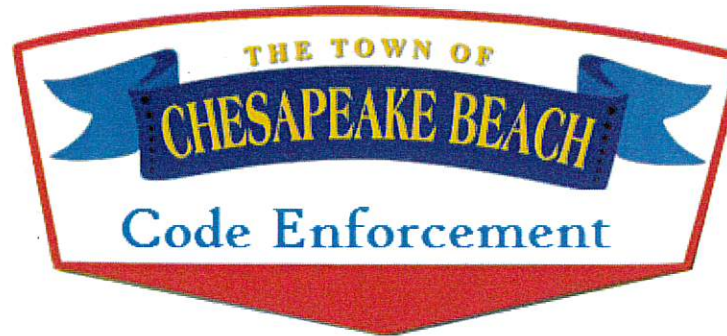
### CE Cases by Employee

Employee	Total	Closed Cases	Open Cases
O'Dell, Connie	23	0	23
<b>Totals</b>	<b>23</b>	<b>0</b>	<b>23</b>

### CE Cases by Violation

Violation	Total Violations	Closed Violations	Open Violations
110-15: Steep Slope Construction on or Adjacent to	2	0	2
115-3 Dangerous Buildings - Failure to Comply	3	0	3
200-6 Violations and penalties for Property Maintenance	3	0	3
Fence Over 42"	0	0	0
Foreclosure	2	1	1
Global Stability Analysis/Storm Drain/Stormwater Mgmt Plan Required	1	0	1
Minimum Housing Standards - Broken or Defective Windows and Door Openings	1	0	1
Minimum Housing Standards - Condition of the Premises A (3)	1	0	1
Minimum Housing Standards - Exterior Structure B (1)	1	0	1

Minimum Housing Standards - Exterior Structure B (2)	2	0	2
Minimum Housing Standards - Exterior Structure B (3)	1	0	1
Minimum Housing Standards - Exterior Structure B (5)	1	0	1
Minimum Housing Standards - Exterior Structure B (9)	1	0	1
Overflow of ground water, public water or sewer	0	0	0
Pool Fencing - Missing or Non-Compliant	1	0	1
Prohibited Animals	0	0	0
Prohibited Parking	0	0	0
Property Maintenance - Minimum Maintenance Requirements	2	0	2
Property Maintenance - Minimum Maintenance Requirements (B)	6	1	5
Property Maintenance - Sanitary Maintenance - Garbage, Trash & Debris	7	0	7
Property Maintenance - Sanitary Maintenance - Grass	4	0	4
Property Maintenance - Sanitary Maintenance - Nuisance, Health or Fire Hazard	2	0	2
Property Maintenance - Sanitary Maintenance - Rodents	0	0	0
Property Maintenance - Sanitary Maintenance - Vehicles	4	1	3
Sanitary Maintenance	3	0	3
Sewer is Backed Up	0	0	0
Sewer/Water Manual Violation	0	0	0
Sign Ordinance	1	0	1
Waste/Sewer Back Up	1	0	1
Zoning Permit Required	2	1	1
<b>Totals</b>	<b>52</b>	<b>4</b>	<b>48</b>



## Code Enforcement Summary Report

### Report Criteria:

Status	Assigned To	Census Tract	Violation	Initiation	Open Date Range	Follow up Date Range	Close Date Range
All Closed	O'Dell, Connie		All	All	From 01/01/2019 To 12/11/2019	From To	From 01/01/2019 To 12/11/2019

### CE Totals

	Total	Closed Cases	Open Cases
<b>Totals</b>	<b>79</b>	<b>79</b>	<b>0</b>

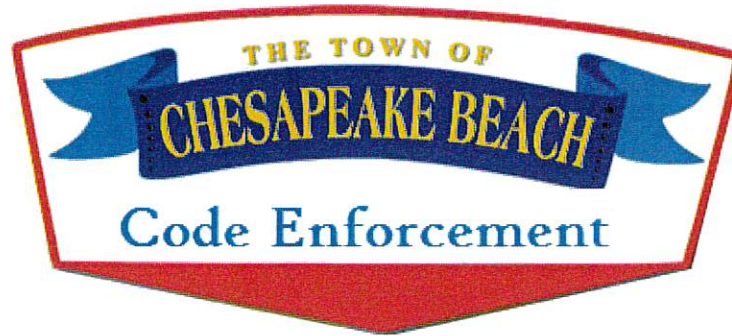
### CE Cases by Employee

Employee	Total	Closed Cases	Open Cases
O'Dell, Connie	79	79	0
<b>Totals</b>	<b>79</b>	<b>79</b>	<b>0</b>

### CE Cases by Violation

Violation	Total Violations	Closed Violations	Open Violations
110-15: Steep Slope Construction on or Adjacent to	0	0	0
115-3 Dangerous Buildings - Failure to Comply	2	2	0
200-6 Violations and penalties for Property Maintenance	2	2	0
Fence Over 42"	1	1	0
Foreclosure	3	3	0
Global Stability Analysis/Storm Drain/Stormwater Mgmt Plan Required	0	0	0
Minimum Housing Standards - Broken or Defective Windows and Door Openings	0	0	0
Minimum Housing Standards - Condition of the Premises A (3)	0	0	0
Minimum Housing Standards - Exterior Structure B (1)	0	0	0

Minimum Housing Standards - Exterior Structure B (2)	0	0	0
Minimum Housing Standards - Exterior Structure B (3)	0	0	0
Minimum Housing Standards - Exterior Structure B (5)	0	0	0
Minimum Housing Standards - Exterior Structure B (9)	0	0	0
Overflow of ground water, public water or sewer	1	1	0
Pool Fencing - Missing or Non-Compliant	0	0	0
Prohibited Animals	1	1	0
Prohibited Parking	4	4	0
Property Maintenance - Minimum Maintenance Requirements	0	0	0
Property Maintenance - Minimum Maintenance Requirements (B)	6	6	0
Property Maintenance - Sanitary Maintenance - Garbage, Trash & Debris	16	16	0
Property Maintenance - Sanitary Maintenance - Grass	15	15	0
Property Maintenance - Sanitary Maintenance - Nuisance, Health or Fire Hazard	4	4	0
Property Maintenance - Sanitary Maintenance - Rodents	1	1	0
Property Maintenance - Sanitary Maintenance - Vehicles	20	20	0
Sanitary Maintenance	8	8	0
Sewer is Backed Up	1	1	0
Sewer/Water Manual Violation	2	2	0
Sign Ordinance	3	3	0
Waste/Sewer Back Up	0	0	0
Zoning Permit Required	4	4	0
<b>Totals</b>	<b>94</b>	<b>94</b>	<b>0</b>



## Code Enforcement Case Detail Report

### Report Criteria:

Status	Priority	Violation	Status	Assigned To	Violation	Property Type	CDBG Eligibility	Open Date Range	Follow up Date Range	Close Date Range	Initiation Type
All Closed	All	All	All	All	All	All	All	From To	From To	From 11/15/2019 To 12/11/2019	

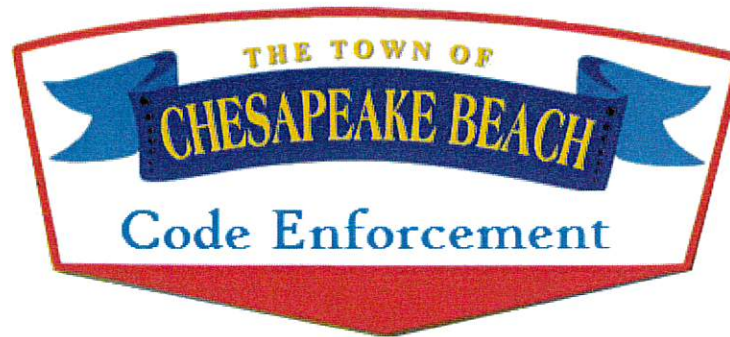
### Report Details

Case#	<u>eFM</u> Case#	Status	Violation(s)	Priority	Street Number	Street Direction	Street Name	Street Type	Unit	Zip	APN	Initiation	Open Date	Follow Up Date	Assigned To
CE19-98		Closed: Voluntary Compliance	Prohibited Parking - Closed	Medium	3911	E	CHESAPEAKE BEACH	Rd		00000	0503048586	Self- Initiated	11/26/2019	12/02/2019	O'Dell, Connie
CE19-93		Closed: Voluntary Compliance	Property Maintenance - Sanitary Maintenance - Garbage, Trash & Debris - Closed	Medium	4011		13TH	St		20732	0503049566	Self- Initiated	11/14/2019	12/09/2019	O'Dell, Connie
CE19-90		Closed: Voluntary Compliance	Property Maintenance - Sanitary Maintenance - Vehicles - Closed	Medium	3400		SILVERTON			20732	0503170381	Self- Initiated	11/14/2019	11/22/2019	O'Dell, Connie
CE19-89		Closed: Voluntary Compliance	Property Maintenance - Sanitary Maintenance - Nuisance, Health or Fire Hazard - Closed	Medium	7625		B	St		20732	0503067947	Self- Initiated	11/14/2019	11/22/2019	O'Dell, Connie
CE19-88		Closed: Voluntary	Property Maintenance -	Medium	7609		BAYSIDE	Rd		20732	0503064735	Self- Initiated	11/14/2019	11/22/2019	O'Dell, Connie



	Compliance - Sanitary Maintenance - Vehicles - Closed												
CE19-77	Closed: Voluntary Compliance	Sanitary Maintenance - Closed	Medium	8072		WINDWARD KEY	Dr	20732	0503125688	Complaint	10/07/2019	11/22/2019	O'Dell, Connie
CE19-75	Closed: Voluntary Compliance	Property Maintenance - Sanitary Maintenance - Vehicles - Closed	Medium	3723	E	CHESAPEAKE BEACH	Rd	20732	0503046885	Self-Initiated	09/18/2019	11/22/2019	O'Dell, Connie
CE19-22	Closed: Voluntary Compliance	Property Maintenance - Sanitary Maintenance - Garbage, Trash & Debris - Closed Property Maintenance - Minimum Maintenance Requirements (B) - Closed	Medium	3620		27TH	St	20732		Complaint	04/03/2019	11/22/2019	O'Dell, Connie

Number of Cases: 8



## Code Enforcement Case Detail Report

### Report Criteria:

Status	Priority	Violation Status	Assigned To	Violation	Property Type	CDBG Eligibility	Open Date Range	Follow up Date Range	Close Date Range	Initiation Type
All Open	All	All	All	All	All	All	From To	From To	From To	

### Summary by Violation

Violation	Open	Closed	Total
110-15: Steep Slope Construction on or Adjacent to	2	0	2
115-3 Dangerous Buildings - Failure to Comply	2	0	2
200-6 Violations and penalties for Property Maintenance	3	0	3
Foreclosure	2	0	2
Global Stability Analysis/Storm Drain/Stormwater Mgmt Plan Required	1	0	1
Minimum Housing Standards - Broken or Defective Windows and Door Openings	1	0	1
Minimum Housing Standards - Condition of the Premises A (3)	1	0	1
Minimum Housing Standards - Exterior Structure B (1)	1	0	1
Minimum Housing Standards - Exterior Structure B (2)	2	0	2
Minimum Housing Standards - Exterior Structure B (3)	1	0	1
Minimum Housing Standards - Exterior Structure B (5)	1	0	1
Minimum Housing Standards - Exterior Structure B (9)	1	0	1
Pool Fencing - Missing or Non-Compliant	1	0	1
Property Maintenance - Minimum Maintenance Requirements (B)	6	0	6
Property Maintenance - Minimum Maintenance Requirements	2	0	2
Property Maintenance - Sanitary Maintenance - Garbage, Trash & Debris	7	0	7

Property Maintenance - Sanitary Maintenance - Grass	4	0	4
Property Maintenance - Sanitary Maintenance - Nuisance, Health or Fire Hazard	2	0	2
Property Maintenance - Sanitary Maintenance - Vehicles	4	0	4
Sanitary Maintenance	3	0	3
Sign Ordinance	1	0	1
Waste/Sewer Back Up	1	0	1
Zoning Permit Required	2	0	2
<b>Total</b>	<b>51</b>	<b>0</b>	<b>51</b>

### Report Details

Case#	<u>eFM</u> Case#	Status	Violation(s)	Priority	Street Number	Street Direction	Street Name	Street Type	Unit	Zip	APN	Initiation	Open Date	Follow Up Date	Assigned To
CE19-99		Verbal Warning Given	Property Maintenance - Minimum Maintenance Requirements (B) - Closed Property Maintenance - Minimum Maintenance Requirements - Open	Medium	7905		Bayside	Rd		20732		Complaint	12/03/2019	12/17/2019	O'Dell, Connie
CE19-97		Verbal Warning Given	Waste/Sewer Back Up - Open Property Maintenance - Minimum Maintenance Requirements - Open	Medium	7629		B	St		20732	0503070263	Self-Initiated	11/25/2019	12/17/2019	O'Dell, Connie
CE19-96		Notice of Violation Given	Minimum Housing Standards - Exterior Structure B (2) - Open	Medium	3398		COX	Rd		20732	0503090965	Self-Initiated	11/20/2019	12/17/2019	O'Dell, Connie
CE19-95		Door Hanger	Property Maintenance - Sanitary Maintenance - Vehicles - Open	Medium	3731		27TH	St		20732	0503044602	Self-Initiated	11/15/2019	12/17/2019	O'Dell, Connie
CE19-94		Complaint Filed	Property Maintenance - Minimum Maintenance	Medium	7349		F	St		20732	0503094693	Self-Initiated	11/14/2019	12/17/2019	O'Dell, Connie

		Requirements (B) - Open											
CE19-92	Verbal Warning Given	Property Maintenance - Sanitary Maintenance - Garbage, Trash & Debris - Open	Medium	7403	B	St	20732	0503049019	Complaint	11/14/2019	12/17/2019	O'Dell, Connie	
CE19-91	Complaint Filed	Property Maintenance - Sanitary Maintenance - Vehicles - Open Property Maintenance - Sanitary Maintenance - Garbage, Trash & Debris - Open Sanitary Maintenance - Open	Medium	7524	C	St	20732	0503070557	Self-Initiated	11/14/2019	12/17/2019	O'Dell, Connie	
CE19-87	Verbal Warning Given	Property Maintenance - Sanitary Maintenance - Garbage, Trash & Debris - Open Minimum Housing Standards - Broken or Defective Windows and Door Openings - Open	Medium	3709	28TH	St	20732	0503043967	Complaint	11/08/2019	12/17/2019	O'Dell, Connie	
CE19-81	Inspection	110-15: Steep Slope Construction on or Adjacent to - Open	Medium	3791	HARBOR	Rd	20732	0503156729	Self-Initiated	10/10/2019	01/07/2020	O'Dell, Connie	
CE19-74	Notice of Violation Given	Foreclosure - Open Property Maintenance - Sanitary Maintenance - Vehicles - Closed	Medium	7331	WOODSHIRE	Ave	20732	0503064727	Self-Initiated	09/12/2019	12/17/2019	O'Dell, Connie	
CE19-72	Inspection	Property Maintenance -	Medium	7626	C	St	20732	0503067939	Complaint	09/04/2019	01/07/2020	O'Dell, Connie	

		Sanitary Maintenance - Grass - Open Property Maintenance - Sanitary Maintenance - Garbage, Trash & Debris - Open											
CE19-70	Inspection	Property Maintenance - Sanitary Maintenance - Garbage, Trash & Debris - Open Property Maintenance - Sanitary Maintenance - Grass - Open	Medium 7343	F	St	20732 0503094707	Complaint	08/27/2019	12/17/2019	O'Dell, Connie			
CE19-68	Inspection	Property Maintenance - Sanitary Maintenance - Garbage, Trash & Debris - Open Sanitary Maintenance - Open	Medium 3915	27TH	St	20732 0503047873	Self- Initiated	08/22/2019	12/17/2019	O'Dell, Connie			
CE19-67	Notice of Violation Given	Sign Ordinance - Open	Medium 4160	MEARS	Ave	20732 0503085635	Self- Initiated	08/21/2019	01/07/2020	O'Dell, Connie			
CE19-66	Inspection	Property Maintenance - Sanitary Maintenance - Nuisance, Health or Fire Hazard - Open	Medium 3712	12TH	St	20732 0503079058	Self- Initiated	08/20/2019	12/17/2019	O'Dell, Connie			
CE19-47	Inspection	Zoning Permit Required - Open	Medium 3805	16TH	St	20732 0503064956	Self- Initiated	06/04/2019	01/07/2020	O'Dell, Connie			
CE19-32	Inspection	Property Maintenance - Minimum Maintenance Requirements (B) - Open Sanitary Maintenance -	Medium 3267	FORTIER LOOKOUT	St	20732 0503130355	Complaint	05/08/2019	01/07/2020	O'Dell, Connie			

		Open Pool Fencing - Missing or Non- Compliant - Open											
CE19-29	Inspection	Property Maintenance - Minimum Maintenance Requirements (B) - Open 200-6 Violations and penalties for Property Maintenance - Open Property Maintenance - Sanitary Maintenance - Grass - Open	Medium	7871	OLD BAYSIDE	Rd	20732	0503066967	Self- Initiated	05/01/2019	01/07/2020	O'Dell, Connie	
CE19-23	Administrative Citation Issued	110-15: Steep Slope Construction on or Adjacent to - Open	Medium		Delores	Ct	20732		Complaint	04/10/2019	01/07/2020	O'Dell, Connie	
CE19-17	Notice of Violation Given	Zoning Permit Required - Closed Global Stability Analysis/Storm Drain/Stormwater Mgmt Plan Required - Open	High	7340	G	St	20732	0503095037	Complaint	03/22/2019	01/07/2020	O'Dell, Connie	
CE18-76	Inspection	Property Maintenance - Sanitary Maintenance - Garbage, Trash & Debris - Open Property Maintenance - Sanitary Maintenance - Vehicles - Open	Medium	2541	SHADY OAK	Ct	20732	0503174379	Complaint	10/19/2018	01/07/2020	O'Dell, Connie	
CE18-30	Administrative Citation Issued	200-6 Violations and penalties for Property Maintenance - Open Property	High	3725	HARBOR	Rd	20732	0503068943	Self- Initiated	06/13/2018	01/07/2020	O'Dell, Connie	

Maintenance -  
 Minimum  
 Maintenance  
 Requirements (B)  
 - Open  
 115-3 Dangerous  
 Buildings - Failure  
 to Comply - Open  
 Minimum Housing  
 Standards -  
 Condition of the  
 Premises A (3) -  
 Open  
 Minimum Housing  
 Standards -  
 Exterior Structure  
 B (3) - Open  
 Minimum Housing  
 Standards -  
 Exterior Structure  
 B (5) - Open  
 Minimum Housing  
 Standards -  
 Exterior Structure  
 B (9) - Open  
 Minimum Housing  
 Standards -  
 Exterior Structure  
 B (1) - Open  
 Minimum Housing  
 Standards -  
 Exterior Structure  
 B (2) - Open

CE18-10	Notice of Violation Given	Property Maintenance - Sanitary Maintenance - Nuisance, Health or Fire Hazard - Open Property Maintenance - Minimum Maintenance Requirements (B) - Open 200-6 Violations and penalties for Property Maintenance - Open Property	High	7636	BAYSIDE	Rd	20732	0503068315	Self-Initiated	05/18/2018	01/07/2020	O'Dell, Connie
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Maintenance -  
Sanitary  
Maintenance -  
Grass - Open  
115-3 Dangerous  
Buildings - Failure  
to Comply - Open  
Foreclosure -  
Closed  
115-3 Dangerous  
Buildings - Failure  
to Comply - Open

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Number of Cases: 23



December 12, 2019

J-B03021-4775

**TOWN OF CHESAPEAKE**  
**BEACH**  
Engineering Report

**NEW BUSINESS**

**Fishing Creek Dredging –**

December, 2019 Update: We have obtained permission from MDE to maintain the drainage swale up to the Kellams Field Pond from the spoil site. The contract has been awarded and we anticipate the work moving forward soon.

The Corps of Engineers has acknowledged the need for a future dredge and jetty repair and has placed \$1.3 million in the FY19 budget cycle. We have discussed the jetty repair project with them and have coordinated their needs for the Town spoil facility. We have expressed to them our thoughts to review the alignment of the existing jetties which we believe may enhance the flow of sediments out of the channel & reduce the need to dredge as often. They said our request will be considered and reviewed with their design team. Their design team believes that the increase shoaling in Fishing Creek is likely caused by sand/sediment going over and thru the jetty they have prepared a design (attached) which they believe will significantly reduce this problem. A geotechnical exploration took place in October to better determine the migration of the sands/silts within the stream from the south side of the Jetty. The results showed significant migration North which is what they believe is the major cause of rapid channel filling. We believe the project design completion will be in the late fall to early spring of 2020 with an anticipated construction start of (Fall 2020). The Corps is also searching for a sand placement location as a result of needing to remove existing sand from around the existing jetty. They may contact the Chesapeake Station HOA to see if they may want the sand on their beach. We have again reached out to the corps requesting an update but have not received any additional information. (On-Going).

The last DNR channel depth survey (summer 2019) shows that the Fishing Creek main channel has filled in again and is in need of a new dredge. A contract was awarded to dredge the main center channel. The MDE permit was issued on November 4, 2019 and the corps permit is also now issued. We have also requested a time of year restriction waiver to work in the channel before March 2020. We hope to begin work, with a waiver, in February 2020. (On going)

## **Kellams Marina –**

December, 2019 Update: We have received permit approval from MDE to improve the two existing boat ramps (west side of marina west). We have also recently received DNR funding for this fiscal year. As a condition of funding, DNR has provided a strong suggestion that the project include a floating pier in lieu of a fixed pier. We have discussed the floating pier further with DNR and they have agreed to allow the Town to include at least one finger to be floating to allow for ADA access. Shop drawings for the proposed ramp have been provided by the contractor and approved by the Town. Public Works is coordinating with the contractor for installation. (On-Going)

## **Richfield Station –**

December, 2019 Update: The State Highway Administration provided their findings at a meeting held at Town Hall on May 3, 2018. The findings outline the need for a light on both the east bound and west bound intersections of Harrison Boulevard and Limerick Lanes at Maryland Route 260. The light will be installed sometime in the next two years. We have been provided a preliminary design plan from SHA for review and comments. They expect final plan approval in spring of 2020 & construction in the fall of 2020. I spoke to SHA design team and encouraged them to include a right hand thru movement from Harrison Boulevard northbound onto MD Route 260. We should expect preliminary design plans late this fall. (No new Update)

The final Crest View Lane townhouse section (at the trail head) is moving forward again and plans and new permits have been provided to the Town and planning commission for review. We continue to work with the developer on permits, bonding, as-built reviews and approvals. We have also provided the developer a list of HOA repair items for their consideration. We have been provided copies of the current Calvert County grading permits. We understand that final engineering and site development plan with plats will be forthcoming in the coming weeks (January 2020). (On going)

## **261 Sidewalk -**

December, 2019 Update: The Town design consultant (BAI) has provided the Town with 30% drawings and documents. The State has requested a few additional tasks such as a different wall concept before we go to the final 30% drawing approval. The next step will be to apply for funding to go to 100% design and construction drawings. The state office of Traffic has asked for an additional wall design review for the retaining wall to sign off on the 30% design drawings. We are working with the consulting to get this task completed. (On going)

## **Heritage –**

December, 2019 Update: Site work (grading) is continuing. Ongoing meetings are being held with the contractor to ensure the Town staff is engaged thru the grading and construction process. Mass grading continues as weather permits. Utility installation shop drawings and inspection payments have been paid to the Town for the utility permit & inspection release. Utility installation and final grading are underway. We continue to monitor utility installation, grading and geotechnical reports. (On going).

## **Water and Sewer Manual –**

December, 2019 Update: We are working with Town staff and Councilman Jaworski on the update of the 1985 water and sewer manual. (On going)

## **Wilson House-**

November, 2019 Update: We are working with the property owner & their architect to have needed safety improvements performed to the building and area around the building. A hearing before the Calvert County District Courts to move compliance along is to be scheduled for January 7, 2020

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## Water Park Report

Marilyn VanWagner, General Manager Water Park  
December 19, 2019

### **Staffing –**

We are now accepting “sign ups” for orientations for all new employees that would like to work at the Water Park for the 2020 Season. All interested candidates should be directed to our website, <http://chesapeakebeachwaterpark.com>

All Aquatics Supervisors for the 2020 Season have been signed up for training classes.

In preparation for the 2020 Season, meetings are set up with the Water Park leads over the holidays.

### **Season Passes –**

Go on line today to order Season Passes for the 2020 Season. They have been discounted for town residents until January 31. These Season Passes make wonderful gifts for the holidays. Your family members and special friends can enjoy your gift of “fun in the sun” all summer long. Also, again this season, Season Pass users will experience a 20% discount on all of our food and store items. When purchasing Season Passes on line, one can also choose to purchase from two different options for Souvenir Cups.

### **The Water Park Store-**

One of our projects during the off season is to add another soda station. This will be located near Our Cool Zone and will help alleviate the long lines at the Beachcomber Grille.

### **Special Events-**

Water Park employees recently enjoyed participating in the “Light Up the Town” Christmas event and the “Pat Carpenter Memorial Holiday Parade”.

### **Maintenance/Upgrades**

- A large section of Concrete Pool Decking in the South West corner of the Water Park has just been completed.
- Our Maintenance Tech, Filo Blake, is working on many smaller projects. Some of the larger ones include maintenance on Floatables, Baby Slides, and LOTs of painting both interior and exterior.
- Many changes are taking place in the Beachcomber Grille. These changes will allow the Grille employees to work more efficiently so that we can handle the demand created by Take-Out Seven, our new on line ordering system.





To: Mayor & Town Council

From: Jon Castro

Subject: Water Reclamation Plant Report

Date: December 19, 2019

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On November 12<sup>th</sup>, Dave Sarbacher and Emily Grace attended an Advanced Math for Operator's class at MDE in Baltimore. This helped them improve their daily math capabilities, and future scenarios involving arithmetic and earned them TRE's for renewal of Certifications. On November 20<sup>th</sup>, Emily Grace sat for the MDE Operator's 5 A Certification Exam. Test notification results as of this report, have not come in.

The new Influent Pumps Valves were delivered on 11-19-19. These valves are to be replaced in December by DSI. These valves took 9 months to make and be delivered and will replace the old damaged valves with an upgraded auto-controlled valves.

Plant staff began taking #2 Clarifier offline and draining it on 11-20-19. On 11-21-19, a problem with #1 RAS Pump occurred and #2 Clarifier had to be put back online. The #1 RAS pump was repaired and put back online. The #2 Clarifier will be taken offline after Christmas for service. IMACS was in today to check out RAS program and Press Flow Meter. IMACS found an i/o card bad on RAS pump and the Press Flow Meter coil is bad and needs replacing. Staff had a spare i/o card at the plant and will order a new flow meter.

The new Bar screen anchors came lose on one side at the bottom of box. This will have to be repaired. RR&K has been working on a design to install a Sluice Gate Valve on Influent Pipe in order to by-pass wet well for repairs and cleaning of wet well. A catwalk was also to be designed for safe access to wet well. RR&K could not find a possible solution for the Valve Installation in wet well, but the catwalk design is possible. We will look at this at the 2021 Budget for Capital Projects or other avenues to get this Upgraded.

Plant staff is working with GMB to design and Algae control from point A to Z leading to the Denitrification Filters. This will include Clarifier covers and Basin cover. It will also include enclosing the Filters. GMB and plant staff are also exploring available MDE Grants and USDA Grants for this work.

The MDE inspector for Storm water toured the plant on 12-4-19. All Plant records were up to date, but the inspector found the testing of storm water was recorded on one form for 3 testing locations and should have its own form per testing site. The correction was made for future tests and another inspection will be scheduled.

On 12-6-19, plant staff and public works staff poured a concrete pad for an Aluminum Building to store the plant's Dri-prime pump and hoses. This will keep the pump and hoses from deteriorating in the elements. A special thanks goes out to the public works staff for their assistance.

Blue Earth Labs will begin cleaning #1 Filter on the week of 12-16-19. This work should be completed by Christmas and will see what results we get from this procedure.



There were no threshold limit costs for equipment or repair this month. There was 1 cost for \$6252.32 for a Safety Hoist for lowering personnel into a wet well or manhole and for \$6084.20 for pipe insulation needed in the PACL storage area damaged in flood. This will be refunded by LGIT.

Plant operations did not use the surge tank this month.

There were no incidents to report in the plant's Solids and Handling Operation or the Lab Sampling Operation with Old Line Hauling and Chesapeake Labs. Old Line Inc. was sold to Synagro in May of 2019. A new Contract was signed with Old Line/Synagro in August 2019.

The plant had one alarm call for this month. November 21<sup>st</sup> DS and JD came in at 12:30 AM for a RAS pump alarm due to loss of prime. They switched valves and pumps and opened the sluice gate to both clarifiers to get the plant back to normal.

The Wastewater Treatment Plant had no spills to report for this December report.

**Future Projects:**

To complete working out the problem areas in the ENR Upgrade Construction. The projects noted in the Capital Projects request are also in progress to be completed within the completion date of the plant's present budget year or within two years after the ENR Upgrade.



**Town of Chesapeake Beach  
Treasurer's Report  
Town Council Meeting  
December 2019**

**Audit Update**

- Our Audit has been completed. During the January Town Council meeting, Council Members will receive the Town's Financial Statements and Independent Auditors Report for FY19.
- A summary of our audit results will be provided in January, but overall, our financial statements are strong for FY19.

**FY19 over-expenditures**

- Five expense line items were over budget in FY19 and will be reviewed during the January Work Session

**Approval threshold from \$5k to \$10k (CAR -19-1)**

- The following transactions were payments in November that were greater than \$5k, but less than the new approval threshold of \$10k. These were transactions that were not previously reviewed by Town Council and therefore are noted below

Check Number	Date	Total	Vendor	Bank Code	Comments
4367	11/21/2019	\$ 5,175.00	Coyne Chemicals	UF	Chemicals needed for the Treatment Plant
4373	11/21/2019	\$ 5,898.41	Safeware Inc	UF	Manhole hoist needed for safety





## Town Administrators Report – December 2019

### *I. Upcoming RFPs:*

**Audit Services:** The Town will seek proposals for our annual audit. The expected release for the RFP is in January 2020.

**Trash Services:** The Town will seek coordination with the Town of North Beach to release RFP's at the same time to gain more attention from Contractors. The expected release of the RFP is in January 2020.

### *II. Town Permits:*

#### **Permits Granted:**

<b>Permit Number</b>	<b>Address</b>	<b>Improvement</b>
2019-75	3723 Chesapeake Beach Rd.	Use & Occupancy
2019-76	3625 30 <sup>th</sup> Street	Deck and Patio pavers
2019-45	3260 Fortier Lookout	Decrease number of panels
2019-77	2977 Tartan Lane	Repair porch, deck
2019-78	3826 Harbor Rd.	Shed
2019-80	3643 A Harbor Rd.	Retaining wall
2019-81	7520 H Street	Removal of 3 trees
2019-76	8515 Tartan Ct.	Replace deck & fence
2019-79	4016 28 <sup>th</sup> Street	Accessory Apartment
2019-82	2475 Harrison Ct.	Screened porch
2019-83	7926 Delores Ct.	3D Printing Service-Home Occupation

#### **Permits Denied:**

<b>Permit Number</b>	<b>Address</b>	<b>Improvement</b>
NOT ASSIGNED	8225 C Street	Boat Pier & Deck

### *III. Partnership with Local, State, Federal Agencies:*

- **Safe Routes to School Grant:** The Town is currently coordinating with the Engineering firm, BAI, and the State to determine the best approach to the retaining walls required to address the topography and if further work is necessary to address the design and minimize impacts to adjacent properties.



## Town Administrators Report – December 2019

- **Kellam's Complex:** The Town is currently working with the County for the transfer of the Kellam's complex to the Town with a termination of the lease agreement between the Town and County for the field and parking area.
- **Fishing Creek Dredging funding by Maryland Department of Natural Resources Waterway Improvement Fund:** The Town has received permits and has sought a waiver for the waterfowl restriction period so work can begin before March 2020.

## ORDINANCE O-19-15

### **AN ORDINANCE OF THE TOWN COUNCIL OF CHESAPEAKE BEACH, MARYLAND, REPEALING IN ITS ENTIRETY AND REENACTING CHAPTER 25, "ETHICS, PUBLIC," OF THE CHESAPEAKE BEACH CODE, TO COMPLY WITH MD CODE ANN., GENERAL PROVISIONS ARTICLE, TITLE 5, AND TO MEET THE TOWN'S NEED FOR ETHICAL AND EFFICIENT GOVERNMENT; AND MATTERS GENERALLY RELATING TO PUBLIC ETHICS FOR OFFICIALS, APPOINTEES AND OFFICIALS OF THE TOWN**

**WHEREAS**, pursuant to Md. Code Ann., Local Gov't. Article, § 5-202, Chesapeake Beach ("the Town") has the authority to pass such ordinances as it deems necessary to preserve peace and good order, to secure persons from danger and destruction and to protect the health, comfort and convenience of the citizens of the municipality; and

**WHEREAS**, the Maryland Public Ethics Law ("the State Public Ethics Law"), Md. Code Ann., Gen. Provs. Art., Title 5, Subtitle 8, Part II, "Public Ethics Laws for Counties and Municipal Corporations," states that the express powers contained in the Local Gov't. Article are intended and shall be deemed to incorporate and include the power and authority contained in the State Public Ethics Law"; and

**WHEREAS**, the State Public Ethics Law requires that Town elected officials, Town employees and certain persons appointed to Town Boards and Commissions be subject to conflict of interest prohibitions and certain financial disclosure requirements; and

**WHEREAS**, the Maryland Public Ethics Law requires that the Town adopt an ethics ordinance with conflict of interest and public disclosure provisions that are at least equivalent to or exceed the requirements of the State law for state officials and employees; and

**WHEREAS**, the Town previously enacted and amended a public ethics ordinance for Chesapeake Beach by Ordinance Nos. O-16-11 and O-17-15; and

**WHEREAS**, the Town wishes to exercise its discretion to adopt provisions of its public ethics ordinance which exceed the requirements of State law for State officials and employees and to make other revisions to the Town's public ethics ordinance.

**Section 1.** **NOW THEREFORE BE IT ORDAINED AND ENACTED** by the Town Council of Chesapeake Beach, that Chapter 25, "Ethics, Public," of the Chesapeake Beach Code is repealed in its entirety and re-enacted to read as follows:

#### **CHAPTER 25. ETHICS, PUBLIC**

**ARTICLE I    APPLICABILITY, PURPOSES, AND DEFINITIONS**

§ 25-1 APPLICABILITY

THE PROVISIONS OF THIS CHAPTER APPLY TO ALL TOWN ELECTED AND APPOINTED OFFICIALS, CANDIDATES FOR ELECTION, EMPLOYEES, AND TO APPOINTEES TO BOARDS AND COMMISSIONS OF THE TOWN.

§ 25-2 PURPOSES

THE PURPOSES OF THIS CHAPTER ARE:

- (A) TO MAKE IT AS DIFFICULT AS POSSIBLE FOR ANY OFFICIAL OR EMPLOYEE OF THE TOWN TO ACT CORRUPTLY;
- (B) TO MAKE IT AS EASY AS POSSIBLE FOR CORRUPTION TO BE DETECTED AND PUNISHED AND ITS EFFECTS REMEDIED; AND
- (C) TO FACILITATE THE CLARIFICATION OF AMBIGUOUS SITUATIONS, SO THAT OFFICIALS AND EMPLOYEES CAN HONESTLY CARRY OUT THEIR DUTIES DESPITE ERRONEOUS APPEARANCES OF POSSIBLE IMPROPRIETIES.

§ 25-3 DEFINITIONS

(A) *IN GENERAL.* — IN THIS CHAPTER, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED UNLESS:

- (1) THE CONTEXT CLEARLY REQUIRES A DIFFERENT MEANING; OR
- (2) A DIFFERENT DEFINITION IS ADOPTED FOR A PARTICULAR PROVISION.

(B) *APPOINTED OFFICIAL* MEANS:

- (1) THE TOWN ADMINISTRATOR;
- (2) TOWN CLERK;
- (3) TOWN TREASURER;
- (4) TOWN ATTORNEY;
- (5) ANY SPECIAL COUNSEL APPOINTED BY THE MAYOR;
- (6) TOWN ZONING ADMINISTRATOR;
- (7) TOWN ENGINEER;
- (8) TOWN CODE ENFORCEMENT OFFICIAL;
- (9) ALL TOWN DEPARTMENT DIRECTORS;
- (10) MEMBERS OF THE TOWN PLANNING COMMISSION, BOARD OF APPEALS, BOARD OF ELECTIONS, AND ETHICS COMMISSION.

(C) *BOARD* OR *COMMISSION* MEANS A UNIT COMPOSED OF AT LEAST TWO MEMBERS, ALL OF WHOM ARE APPOINTED AND SERVE ON A PART-TIME BASIS.

(D) *BUSINESS ENTITY* MEANS A PERSON OR COMPANY ENGAGED IN BUSINESS, WHETHER PROFIT OR NONPROFIT, REGARDLESS OF FORM.

(E) *CLOSE RELATIVE* MEANS ONE'S PARENTS, SPOUSE, DOMESTIC PARTNER, SIBLINGS, AND CHILDREN.

(F) *COMMISSION*: SEE "*BOARD OR COMMISSION*."

(G) *COMPENSATION* MEANS MONEY OR ANY OTHER VALUABLE THING, REGARDLESS OF FORM, RECEIVED OR TO BE RECEIVED BY A PERSON FROM AN EMPLOYER FOR SERVICES RENDERED.

(H) *CONFLICT OF INTEREST* MEANS THAT (1) A COVERED PERSON, (2) A CLOSE RELATIVE OF THE PERSON, OR (3) AN ORGANIZATION OR ENTITY TO WHICH THE COVERED PERSON OWES A FIDUCIARY DUTY, HAS INTERESTS WHICH DIFFER FROM THOSE OF THE TOWN WITH RESPECT TO A SPECIFIC MATTER.

(I) *CONTINGENT COMPENSATION FOR REPRESENTATION* MEANS COMPENSATION DEPENDENT ON THE SUCCESS OF THE REPRESENTATION.

(J) *COVERED PERSON* MEANS, AN ELECTED OFFICIAL, ANOTHER OFFICIAL, OR AN EMPLOYEE.

(K) *EARNED INCOME* HAS THE SAME MEANING AS UNDER FEDERAL TAX LAW. IT INCLUDES WAGES, SALARIES, TIPS, STRIKE BENEFITS, LONG TERM DISABILITY BENEFITS RECEIVED PRIOR TO MINIMUM RETIREMENT AGE, AND NET EARNINGS FROM SELF-EMPLOYMENT FROM A BUSINESS OR FARM OWNED BY THE PERSON. IT DOES NOT INCLUDE, INTEREST, DIVIDENDS, RETIREMENT INCOME, SOCIAL SECURITY, UNEMPLOYMENT BENEFITS, ALIMONY, OR CHILD SUPPORT.

(L) *ELECTED OFFICIAL* MEANS THE MAYOR, THE MAYOR-ELECT, OR A MEMBER OR MEMBER-ELECT OF THE TOWN COUNCIL.

(M) *EMPLOYEE* MEANS A PERSON WHO IS EMPLOYED BY THE TOWN BUT DOES NOT INCLUDE AN ELECTED PUBLIC OFFICIAL.

(N) *EMPLOYER* MEANS AN ENTITY THAT PAYS OR AGREES TO PAY COMPENSATION TO ANOTHER ENTITY FOR SERVICES RENDERED.

(O) *ENTITY* MEANS A PERSON, A COMPANY, OR A GOVERNMENT OR INSTRUMENTALITY OF GOVERNMENT.

(P) *ENTITY DOING BUSINESS WITH THE TOWN* MEANS AN ENTITY WHICH HAS A CONTRACT WITH THE TOWN, HAS SOLD THE TOWN ANY GOODS OR SERVICES, OR HAS PROPOSED A CONTRACT OR SALE OF GOODS OR SERVICES.

(Q) *ETHICS COMMISSION* MEANS THE TOWN ETHICS COMMISSION.

(R) *FINANCIAL INTEREST* MEANS:

(1) OWNERSHIP OF AN INTEREST AS THE RESULT OF WHICH THE OWNER HAS RECEIVED WITHIN THE PAST 3 YEARS, IS CURRENTLY RECEIVING, OR IN THE FUTURE IS ENTITLED TO RECEIVE, MORE THAN \$1,000 PER YEAR; OR

(2) OWNERSHIP OF MORE THAN 3% OF A BUSINESS ENTITY BY A COVERED PERSON OR HIS OR HER SPOUSE; OR

(3) OWNERSHIP OF SECURITIES OF ANY KIND THAT REPRESENT, OR ARE CONVERTIBLE INTO, OWNERSHIP OF MORE THAN 3% OF A BUSINESS ENTITY BY A COVERED PERSON OR HIS OR HER SPOUSE.

(S) *GIFT* MEANS THE TRANSFER OF ANYTHING OF ECONOMIC VALUE, REGARDLESS OF FORM, WITHOUT ADEQUATE AND LAWFUL CONSIDERATION.

(T) *HONORARIUM* MEANS MONEY OR A THING OF VALUE, EXCEPT A PAYMENT FOR WRITING A BOOK THAT HAS BEEN OR IS INTENDED TO BE PUBLISHED, THAT IS TRANSFERRED TO A PERSON FOR:

(1) SPEAKING TO, PARTICIPATING IN, OR ATTENDING A MEETING OR OTHER FUNCTION; OR

(2) WRITING AN ARTICLE THAT HAS BEEN OR IS INTENDED TO BE PUBLISHED.

(U) *INTEREST* MEANS A LEGAL OR EQUITABLE ECONOMIC INTEREST THAT IS OWNED OR HELD WHOLLY OR PARTLY, JOINTLY OR SEVERALLY, OR DIRECTLY OR INDIRECTLY, WHETHER OR NOT THE ECONOMIC INTEREST IS SUBJECT TO AN ENCUMBRANCE OR CONDITION. *INTEREST* DOES NOT INCLUDE:

(1) AN INTEREST HELD IN THE CAPACITY OF AGENT, CUSTODIAN, FIDUCIARY, PERSONAL REPRESENTATIVE, OR TRUSTEE, UNLESS THE HOLDER HAS AN EQUITABLE INTEREST IN THE SUBJECT MATTER;

(2) AN INTEREST IN A TIME OR DEMAND DEPOSIT IN A FINANCIAL INSTITUTION; AN INTEREST IN AN INSURANCE POLICY, ENDOWMENT POLICY, OR ANNUITY CONTRACT BY WHICH AN INSURER PROMISES TO PAY A FIXED AMOUNT OF MONEY IN A LUMP SUM OR PERIODICALLY FOR LIFE OR A SPECIFIED PERIOD;

(3) A COMMON TRUST FUND OR A TRUST THAT FORMS PART OF A PENSION OR A PROFIT-SHARING PLAN THAT:

[A] HAS MORE THAN 25 PARTICIPANTS; AND

[B] IS DETERMINED BY THE INTERNAL REVENUE SERVICE TO BE A QUALIFIED TRUST OR COLLEGE SAVINGS PLAN UNDER THE INTERNAL REVENUE CODE; OR

(4) A MUTUAL FUND THAT IS PUBLICLY TRADED ON A NATIONAL SCALE UNLESS THE MUTUAL FUND IS COMPOSED PRIMARILY OF HOLDINGS OF STOCKS AND INTERESTS IN A SPECIFIC SECTOR OR AREA THAT IS REGULATED BY THE PERSON'S GOVERNMENTAL UNIT.

(V) *INTEREST ATTRIBUTABLE*. THE FOLLOWING ARE DEEMED TO BE THE INTERESTS OF A PERSON COVERED BY THIS CHAPTER:

(1) AN INTEREST OF A CLOSE RELATIVE IN WHICH THE COVERED PERSON (OR AN ENTITY IN WHICH THE COVERED PERSON HELD A GREATER THAN 50% INTEREST) HELD A GREATER THAN 50% INTEREST AT ANY TIME DURING THE APPLICABLE PERIOD;

(2) AN INTEREST HELD BY A BUSINESS ENTITY IN WHICH THE COVERED PERSON HELD A 30% OR GREATER INTEREST AT ANY TIME DURING THE APPLICABLE PERIOD.

(3) AN INTEREST HELD BY A TRUST OR ESTATE IN WHICH, AT ANY TIME DURING THE APPLICABLE PERIOD, THE COVERED PERSON WAS A BENEFICIARY OR HELD A REVERSIONARY INTEREST OR, IF A REVOCABLE TRUST, WAS A SETTLOR.

(W) *LEGISLATIVE ACTION* MEANS AN OFFICIAL ACTION, INCLUDING INTRODUCTION, SPONSORSHIP, CONSIDERATION, DEBATE, AMENDMENT, PASSAGE, DEFEAT, APPROVAL, AND VET, OR NON-ACTION RELATING TO:

(1) AN ORDINANCE, A RESOLUTION, AN AMENDMENT, A NOMINATION, AN APPOINTMENT, A REPORT, OR ANY OTHER MATTER WITHIN THE JURISDICTION OF THE TOWN COUNCIL;

(2) AN ORDINANCE PRESENTED TO THE MAYOR FOR SIGNATURE OR VETO; OR

(3) TESTIMONY OR OTHER ADVOCACY IN AN OFFICIAL CAPACITY AS A MEMBER OF THE TOWN COUNCIL BEFORE A UNIT OF STATE OR LOCAL GOVERNMENT.

(X) *OBLIGEE* MEANS AN ENTITY TO WHOM A DEBT OR OTHER MONETARY OBLIGATION IS OWED.

(Y) *POLITICAL CONTRIBUTION* MEANS A CONTRIBUTION AS DEFINED IN § 1-101 OF THE MARYLAND ELECTION LAW ARTICLE.

(Z) *PROCUREMENT CONTRACT* HAS THE MEANING STATED IN § 11-101 OF THE MARYLAND STATE FINANCE AND PROCUREMENT ARTICLE.

(AA) *PUBLIC OFFICIAL* MEANS AN ELECTED OFFICIAL OR APPOINTED OFFICIAL.

(BB) *RESPONDENT* MEANS ANYONE WHO IS THE SUBJECT OF A COMPLAINT BEFORE THE ETHICS COMMISSION.

## **ARTICLE II ETHICS COMMISSION**

### **§ 25-4. ETHICS COMMISSION.**

THERE IS A CHESAPEAKE BEACH ETHICS COMMISSION CONSISTING OF THREE MEMBERS, APPOINTED BY THE MAYOR WITH THE APPROVAL OF THE COUNCIL.

### **§ 25-5 TERMS**

THE CURRENTLY SERVING COMMISSIONERS WERE APPOINTED IN 2017 TO FIVE YEAR TERMS. THE TERMS OF THE CURRENT COMMISSIONERS ARE CONTINUED. UPON THE EXPIRATION OF THE TERMS OF THE CURRENT COMMISSIONERS, ONE MEMBER OF THE COMMISSION SHALL BE APPOINTED TO A ONE YEAR TERM, ONE MEMBER SHALL BE APPOINTED TO A THREE YEAR TERM, AND ONE MEMBER SHALL BE APPOINTED TO A FIVE YEAR TERM. UPON THE EXPIRATION OF EACH OF THOSE TERMS, APPOINTMENTS SHALL BE FOR THREE YEAR TERMS.

### **§ 25-6 REMOVAL OF MEMBERS OF THE ETHICS COMMISSION**

ANY MEMBER OF THE ETHICS COMMISSION CAN BE REMOVED BY THE COUNCIL FOR GOOD CAUSE, INCLUDING, BUT NOT LIMITED TO, MALFEASANCE, MISFEASANCE, AND NONFEASANCE, AFTER WRITTEN NOTICE AND OPPORTUNITY FOR HEARING BEFORE THE TOWN COUNCIL.

§ 25-7 VACANCIES

VACANCIES SHALL BE FILLED BY APPOINTMENT BY THE MAYOR WITH THE APPROVAL OF THE COUNCIL. VACANCIES SHALL BE FILLED FOR THE BALANCE OF THE UNEXPIRED TERM.

§ 25-8 QUORUM

EXCEPT AS PROVIDED ELSEWHERE IN THIS CHAPTER, A QUORUM SHALL CONSIST OF TWO MEMBERS OF THE COMMISSION, AND MOTIONS SHALL BE PASSED BY MAJORITY VOTE.

§ 25-9 DUTIES OF COMMISSION

THE COMMISSION SHALL:

- (A) DEVISE, RECEIVE, AND MAINTAIN ALL FORMS REQUIRED BY THIS CHAPTER;
- (B) PROVIDE ADVISORY OPINIONS IN APPROPRIATE CASES.
- (C) DEVELOP PROCEDURES AND POLICIES FOR THE PROCESSING OF COMPLAINTS TO MAKE APPROPRIATE DETERMINATIONS REGARDING COMPLAINTS FILED BY ANY PERSON ALLEGING VIOLATIONS OF THIS CHAPTER.
- (D) CONDUCT A PUBLIC INFORMATION PROGRAM REGARDING THE PURPOSES AND APPLICATION OF THIS CHAPTER.
- (E) SUBMIT A REPORT ON ITS ACTIVITIES AT EACH MEETING OF THE TOWN COUNCIL.
- (F) CONSULT WITH THE STATE ETHICS COMMISSION AND OTHERS REGARDING POSSIBLE IMPROVEMENTS IN THE TOWN'S ETHICS PROGRAM.
- (G) CERTIFY TO THE STATE ETHICS COMMISSION ON OR BEFORE OCTOBER 1 OF EACH YEAR THAT THE TOWN IS IN COMPLIANCE WITH THE STATE PUBLIC ETHICS LAW, OR, IF NOT IN COMPLIANCE, THE STATUS OF EFFORTS TO BRING IT INTO COMPLIANCE.
- (H) CONSIDER WHETHER CHANGES SHOULD BE MADE TO THIS CHAPTER AND, IF SO, SHALL RECOMMEND THOSE CHANGES TO THE TOWN COUNCIL FOR CONSIDERATION. THE COUNCIL RETAINS FULL DISCRETION ON ACTING ON THE COMMISSION'S RECOMMENDATION.
- (I) ADOPT OTHER POLICIES AND PROCEDURES TO ASSIST IN THE IMPLEMENTATION OF THE COMMISSION'S PROGRAMS ESTABLISHED IN THIS CHAPTER.

§ 25-10 LEGAL COUNSEL

- (A) THE MAYOR SHALL ASSIGN INDEPENDENT LEGAL COUNSEL TO ADVISE AND REPRESENT THE COMMISSION.
- (B) FOR PURPOSES OF THIS SECTION, AN ATTORNEY OR LAW FIRM IS NOT INDEPENDENT IF, CURRENTLY OR WITHIN THE PREVIOUS CALENDAR YEAR, HE, SHE, OR IT HAS REPRESENTED OR ADVISED, OTHER THAN THE ETHICS COMMISSION:
  - (1) ANYONE COVERED BY THIS CHAPTER;
  - (2) THE MAYOR OR TOWN COUNCIL AS AN INSTITUTION; OR
  - (3) ANY ENTITY THAT DID, OR PROPOSED TO DO, BUSINESS WITH THE TOWN.

§ 25-11 INVESTIGATOR



THE COMMISSION MAY REQUEST THE TOWN TO PROVIDE A PRIVATE INVESTIGATOR WHEN NEEDED TO DISCOVER FACTS RELEVANT TO AN ALLEGATION OF VIOLATION OF THIS CHAPTER.

#### § 25-12 RECORDS

(A) THE TOWN CLERK OR OTHER TOWN OFFICIAL DESIGNATED BY THE MAYOR SHALL MAINTAIN, AND MAKE AVAILABLE FOR PUBLIC REVIEW ELECTRONICALLY:

- (1) FINANCIAL DISCLOSURES MADE TO IT;
- (2) STATEMENTS OF RECUSAL OR EXCEPTION;
- (3) AND WITH REDACTIONS TO PROTECT INVASIONS OF PRIVACY, ADVISORY OPINIONS IT ISSUES.

(B) FINANCIAL DISCLOSURES STATEMENTS MUST BE RETAINED FOR AT LEAST FOUR YEARS FROM THE DATE OF RECEIPT.

### **ARTICLE III CONFLICTS OF INTEREST.**

#### § 25-13 COVERAGE OF ARTICLE

(A) ALL TOWN ELECTED OFFICIALS, APPOINTED OFFICIALS, AND EMPLOYEES ARE SUBJECT TO THIS ARTICLE.

(B) WHEN A POSITION IS FILLED THROUGH A CONTRACT WITH A FIRM, THE FIRM ITSELF, AS WELL AS THE PERSON ASSIGNED TO PERFORM THE DUTIES OF THE OFFICE, IS SUBJECT TO THIS ARTICLE.

#### § 25-14 LIST OF ENTITIES

(A) THE TOWN ADMINISTRATOR SHALL COMPILE IN JANUARY OF EACH YEAR AN ALPHABETIZED LIST OF ENTITIES THAT, AT THAT DATE OR DURING THE PREVIOUS CALENDAR YEAR:

- (1) HOLDS OR HELD A CONTRACT WITH THE TOWN;
- (2) HAD NEGOTIATED OR IS NEGOTIATING ON A CONTRACT WITH THE TOWN;
- (3) HAD RESPONDED TO A FORMAL OR INFORMAL REQUEST FOR PROPOSAL FROM THE

TOWN;

(B) CONTRACTS OF LESS THAN \$ 500 MAY BE OMITTED FROM THE LIST,

(C) THE LIST SHALL BE ACCESSIBLE ONLINE.

(D) THE LIST SHALL BE KEPT UP-TO-DATE THROUGHOUT THE YEAR.

#### § 25-15 DECISIONS IN SOLE INTEREST OF TOWN

DECISIONS AND OTHER ACTIONS BY COVERED PEOPLE SHALL BE TAKEN IN THE SOLE INTEREST OF THE TOWN.

#### § 25-16 ADVISORY OPINIONS

(A) WHERE CONDUCT PRESENTS AN APPEARANCE OF A CONFLICT OF INTEREST, ANY COVERED PERSON, WHETHER OR NOT INVOLVED IN THE CONDUCT GIVING RISE TO AN APPEARANCE OF A CONFLICT, MAY OBTAIN AN ADVISORY OPINION FROM THE COMMISSION AS TO WHETHER THERE IS AN ACTUAL CONFLICT OF INTEREST.

(B) ANY COVERED PERSON CAN ASK FOR AN ADVISORY OPINION IN CASES NOT INVOLVING THE APPEARANCE OF A CONFLICT OF INTEREST BUT IN THESE CASES THE COMMISSION MAY DENY THE REQUEST.

#### § 25-17 PARTICIPATION RESTRICTIONS

EXCEPT AS PROVIDED § 25-21, A COVERED PERSON IS DISQUALIFIED FROM PARTICIPATING IN ANY MATTER, INCLUDING ATTEMPTING TO INFLUENCE THE DECISION IN THAT MATTER, WHICH INVOLVES A CONFLICT OF INTEREST.

#### § 25-18 SPECIFIC CONFLICTS -- REAL PROPERTY

A COVERED PERSON MAY NOT PARTICIPATE IN ANY MATTER THAT WOULD AFFECT THE VALUE OF REAL ESTATE IN WHICH THE COVERED PERSON OR A CLOSE RELATIVE HAS AN OWNERSHIP INTEREST, EXCEPT WHERE THE EFFECT APPLIES GENERALLY TO REAL ESTATE THROUGHOUT THE TOWN OR A NEIGHBORHOOD OR SECTION OF THE TOWN;

#### § 25-19 SPECIFIC CONFLICTS -- BUSINESS ENTITIES

A COVERED PERSON MAY NOT PARTICIPATE IN ANY MATTER THAT WOULD AFFECT THE VALUE OF AN ENTITY IN WHICH THE COVERED PERSON HAS A DIRECT FINANCIAL INTEREST, FOR EXAMPLE, AS A SHAREHOLDER.

#### § 25-20 SPECIFIC CONFLICTS—PARTIES

A COVERED PERSON MAY NOT PARTICIPATE IN ANY MATTER IN WHICH ANY OF THE FOLLOWING IS A PARTY:

(A) AN ENTITY FOR WHICH THE COVERED PERSON OR, IF KNOWN BY THE COVERED PERSON, A CLOSE RELATIVE, IS AN OFFICER, DIRECTOR, TRUSTEE, PARTNER, OR EMPLOYEE;

(B) AN ENTITY WITH WHICH THE COVERED PERSON OR, IF KNOWN BY THE COVERED PERSON, A CLOSE RELATIVE IS NEGOTIATING EMPLOYMENT OR HAS ANY ARRANGEMENT CONCERNING PROSPECTIVE EMPLOYMENT;

(C) AN ENTITY THAT IS A PARTY TO AN EXISTING CONTRACT WITH THE COVERED PERSON OR A CLOSE RELATIVE, IF THE CONTRACT REASONABLY COULD BE EXPECTED TO RESULT IN A CONFLICT BETWEEN THE PRIVATE INTERESTS OF THE COVERED PERSON AND HIS OR HER OFFICIAL DUTIES;

(D) AN ENTITY THAT IS DOING BUSINESS WITH THE TOWN AND IN WHICH A DIRECT FINANCIAL INTEREST IS OWNED BY ANOTHER ENTITY IN WHICH THE OFFICIAL OR EMPLOYEE HAS A DIRECT

FINANCIAL INTEREST, IF THE COVERED PERSON MAY BE REASONABLY EXPECTED TO KNOW OF BOTH DIRECT FINANCIAL INTERESTS; OR

(E) AN ENTITY THE COVERED PERSON KNOWS IS A CREDITOR OR OBLIGEE OF THE COVERED PERSON OR CLOSE RELATIVE WITH RESPECT TO A THING OF ECONOMIC VALUE; AND IS IN A POSITION TO DIRECTLY AND SUBSTANTIALLY AFFECT THE INTEREST OF THE COVERED PERSON OR CLOSE RELATIVE OF THE COVERED PERSON.

#### § 25-21 EXCEPTIONS

(A) THE PROHIBITIONS OF SECTIONS 25-17 THROUGH 25-20 DO NOT APPLY IF:

- (1) PARTICIPATION IS ALLOWED BY REGULATION OR OPINION OF THE COMMISSION;
- (2) THE PERSON IS ACTING OR PARTICIPATING IN A DECISION IN THE EXERCISE OF AN ADMINISTRATIVE OR MINISTERIAL DUTY THAT DOES NOT AFFECT THE DISPOSITION OR DECISION WITH RESPECT TO THE MATTER.

(B) A PERSON WHO IS DISQUALIFIED FROM PARTICIPATING UNDER SUBSECTION (A) SHALL DISCLOSE THE NATURE AND CIRCUMSTANCES OF THE CONFLICT AND MAY PARTICIPATE OR ACT IF:

- (1) THE DISQUALIFICATION LEAVES A BODY WITH LESS THAN A QUORUM CAPABLE OF ACTING;
- (2) THE DISQUALIFIED OFFICIAL OR EMPLOYEE IS REQUIRED BY LAW TO ACT; OR
- (3) THE DISQUALIFIED OFFICIAL OR EMPLOYEE IS THE ONLY PERSON AUTHORIZED TO ACT.

#### § 25-22 STATEMENT OF RECUSAL OR EXCEPTION

(A) WHENEVER A COVERED PERSON IS DISQUALIFIED FROM PARTICIPATING IN A MATTER, HE OR SHE MUST FILE, AT OR BEFORE THE TIME OF RECUSAL, A STATEMENT WITH THE COMMISSION DESCRIBING THE CIRCUMSTANCE OF THE APPARENT CONFLICT AND THE STEPS TAKEN TO AVOID PARTICIPATION IN MATTERS RELATED TO IT.

(B) WHENEVER A COVERED PERSON WOULD BE DISQUALIFIED FROM PARTICIPATING IN A MATTER BUT FOR ONE OF THE EXCEPTIONS IN § 25-21(B), HE OR SHE MUST FILE IN ADVANCE OF THE PARTICIPATION A STATEMENT WITH THE COMMISSION DESCRIBING THE CIRCUMSTANCE OF THE APPARENT CONFLICT AND THE BASIS FOR BELIEVING AN EXCEPTION APPLIED.

(C) IF AN ELECTED OFFICIAL DISCOVERS THE NEED FOR A STATEMENT UNDER SUBSECTION (A) OR (B) ONLY AFTER A TOWN COUNCIL MEETING OR WORK SESSION HAS BEGUN, HE OR SHE MAY PROVIDE THE STATEMENT DURING THE MEETING.

#### § 25-23 EMPLOYMENT AND FINANCIAL INTEREST RESTRICTIONS

(A) IN GENERAL, A COVERED PERSON MAY NOT BE EMPLOYED BY OR HAVE A FINANCIAL INTEREST IN ANY ENTITY WHERE THAT WOULD IMPAIR HIS OR HER IMPARTIALITY OR INDEPENDENCE OF JUDGMENT.

(B) A COVERED PERSON MAY NOT BE EMPLOYED BY OR HAVE A FINANCIAL INTEREST IN ANY ENTITY:

- (1) THAT IS SUBJECT TO THE AUTHORITY OF THE TOWN; OR
- (2) THAT IS NEGOTIATING OR HAS ENTERED INTO A CONTRACT WITH THE TOWN.

(C) THE PROHIBITIONS OF SUBSECTIONS (A) AND (B) DO NOT APPLY TO:

(1) A COVERED PERSON WHO IS APPOINTED TO A REGULATORY OR LICENSING AUTHORITY PURSUANT TO A STATUTORY REQUIREMENT THAT PERSONS SUBJECT TO THE JURISDICTION OF THE AUTHORITY BE REPRESENTED IN APPOINTMENTS TO THE AUTHORITY;

(2) SUBJECT TO OTHER PROVISIONS OF LAW, A MEMBER OF A BOARD OR COMMISSION IN REGARD TO A FINANCIAL INTEREST OR EMPLOYMENT HELD AT THE TIME OF APPOINTMENT, PROVIDED THE FINANCIAL INTEREST OR EMPLOYMENT IS PUBLICLY DISCLOSED TO THE APPOINTING AUTHORITY AND THE COMMISSION;

(3) AN OFFICIAL OR EMPLOYEE WHOSE DUTIES ARE MINISTERIAL, IF THE PRIVATE EMPLOYMENT OR FINANCIAL INTEREST DOES NOT CREATE A CONFLICT OF INTEREST OR THE APPEARANCE OF A CONFLICT OF INTEREST, AS PERMITTED BY AND IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE COMMISSION; OR

(4) EMPLOYMENT OR FINANCIAL INTERESTS ALLOWED BY REGULATION OF THE COMMISSION IF THE EMPLOYMENT DOES NOT CREATE A CONFLICT OF INTEREST OR THE APPEARANCE OF A CONFLICT OF INTEREST OR THE FINANCIAL INTEREST IS DISCLOSED.

#### § 25-24 POST-EMPLOYMENT LIMITATIONS AND RESTRICTIONS.

(A) A FORMER OFFICIAL OR EMPLOYEE MAY NOT WORK FOR, CONTRACT WITH ASSIST OR REPRESENT ANY PARTY OTHER THAN THE TOWN FOR COMPENSATION IN A CASE, CONTRACT, OR OTHER SPECIFIC MATTER INVOLVING THE TOWN, IF THAT MATTER IS ONE IN WHICH THE FORMER OFFICIAL OR EMPLOYEE SIGNIFICANTLY PARTICIPATED AS AN OFFICIAL OR EMPLOYEE.

(B) UNTIL THE CONCLUSION OF THE TOWN ELECTIVE TERM THAT BEGINS AFTER THE ELECTED OFFICIAL LEAVES OFFICE, OR FOR ONE CALENDAR YEAR AFTER LEAVING OFFICE, WHICHEVER IS LONGER, A FORMER ELECTED OFFICIAL MAY NOT WORK FOR, CONTRACT WITH, ASSIST OR REPRESENT ANOTHER PARTY FOR COMPENSATION IN A MATTER THAT IS THE SUBJECT OF LEGISLATIVE ACTION.

#### § 25-25 CONTINGENT COMPENSATION

EXCEPT IN A JUDICIAL OR QUASI-JUDICIAL PROCEEDING, A COVERED PERSON MAY NOT ASSIST OR REPRESENT A PARTY FOR CONTINGENT COMPENSATION IN ANY MATTER BEFORE OR INVOLVING THE TOWN.

#### § 25-26 USE OF PRESTIGE OF OFFICE.

(A) A COVERED PERSON MAY NOT INTENTIONALLY USE THE PRESTIGE OF OFFICE OR PUBLIC POSITION FOR THE PRIVATE GAIN OF THAT PERSON OR THE PRIVATE GAIN OF ANOTHER.

(B) THIS SECTION DOES NOT PROHIBIT THE PERFORMANCE OF USUAL AND CUSTOMARY CONSTITUENT SERVICES.

§ 25-27 GIFTS

(A) A COVERED PERSON MAY NOT SOLICIT ANY GIFT FOR HIMSELF OR HERSELF, NOR DIRECTLY SOLICIT OR FACILITATE THE SOLICITATION OF A GIFT ON BEHALF OF ANOTHER PERSON.

(B) A COVERED PERSON MAY NOT KNOWINGLY ACCEPT A GIFT, DIRECTLY OR INDIRECTLY, FROM A PERSON THAT THE OFFICIAL OR EMPLOYEE KNOWS OR HAS THE REASON TO KNOW:

- (1) IS DOING BUSINESS WITH OR SEEKING TO DO BUSINESS WITH THE TOWN;
- (2) HAS FINANCIAL INTERESTS THAT MAY BE SUBSTANTIALLY AFFECTED, IN A MANNER DISTINGUISHABLE FROM THE PUBLIC GENERALLY, BY THE PERFORMANCE OR NONPERFORMANCE OF THE OFFICIAL DUTIES OF THE COVERED PERSON; OR
- (3) IS ENGAGED IN AN ACTIVITY REGULATED OR CONTROLLED BY THE TOWN.

(C) NOTWITHSTANDING SUBSECTIONS (A), AND (B) A COVERED PERSON MAY ACCEPT THE FOLLOWING:

- (1) MEALS AND BEVERAGES CONSUMED IN THE PRESENCE OF THE DONOR OR SPONSORING ENTITY;
- (2) CEREMONIAL GIFTS OR AWARDS THAT HAVE INSIGNIFICANT MONETARY VALUE;
- (3) UNSOLICITED GIFTS OF NOMINAL VALUE THAT DO NOT EXCEED \$20 IN COST OR TRIVIAL ITEMS OF INFORMATIONAL VALUE;
- (4) REASONABLE EXPENSES FOR FOOD, TRAVEL, LODGING, AND SCHEDULED ENTERTAINMENT OF THE COVERED PERSON AT A MEETING WHICH IS GIVEN IN RETURN FOR THE PARTICIPATION OF HIM OR HER IN A PANEL OR SPEAKING ENGAGEMENT AT THE MEETING;
- (5) GIFTS OF TICKETS OR FREE ADMISSION EXTENDED TO AN ELECTED LOCAL OFFICIAL TO ATTEND A CHARITABLE, CULTURAL, OR POLITICAL EVENT, IF THE PURPOSE OF THIS GIFT OR ADMISSION IS A COURTESY OR CEREMONY EXTENDED TO THE ELECTED OFFICIAL'S OFFICE;
- (6) A SPECIFIC GIFT OR CLASS OF GIFTS THAT THE COMMISSION EXEMPTS FROM THE OPERATION OF THIS SUBSECTION UPON A FINDING, IN WRITING, THAT ACCEPTANCE OF THE GIFT OR CLASS OF GIFTS WOULD NOT BE DETRIMENTAL TO THE IMPARTIAL CONDUCT OF THE BUSINESS OF THE TOWN AND THAT THE GIFT IS PURELY PERSONAL AND PRIVATE IN NATURE;
- (7) GIFTS FROM A PERSON RELATED TO THE COVERED PERSON BY BLOOD OR MARRIAGE, OR FROM ANY OTHER INDIVIDUAL WHO IS A MEMBER OF THE COVERED PERSON'S HOUSEHOLD; OR
- (8) AN HONORARIUM FOR SPEAKING TO OR PARTICIPATING IN A MEETING, PROVIDED THAT THE OFFERING OF THE HONORARIUM IS NOT RELATED IN ANY WAY TO THE COVERED PERSON'S OFFICIAL POSITION.

(D) THE PRECEDING SUBSECTION (C) DOES NOT APPLY TO A GIFT:

- (1) THAT WOULD TEND TO IMPAIR THE IMPARTIALITY AND THE INDEPENDENCE OF JUDGMENT OF THE COVERED PERSON RECEIVING THE GIFT;
- (2) OF SIGNIFICANT VALUE THAT WOULD GIVE THE APPEARANCE OF IMPAIRING THE IMPARTIALITY AND INDEPENDENCE OF JUDGMENT OF THE COVERED PERSON; OR

(3) OF SIGNIFICANT VALUE THAT THE RECIPIENT COVERED PERSON BELIEVES OR HAS REASON TO BELIEVE IS DESIGNED TO IMPAIR HIS OR HER IMPARTIALITY AND INDEPENDENCE OF JUDGMENT.

§ 25-28 PARTICIPATION IN PROCUREMENT

(A) NO ONE WHO ASSISTS THE TOWN IN DRAFTING SPECIFICATIONS, INVITATIONS FOR BIDS, OR REQUESTS FOR PROPOSALS FOR A PROCUREMENT MAY SUBMIT A BID OR PROPOSAL FOR THAT PROCUREMENT, OR ASSIST ANOTHER TO DO SO.

(B) AN ENTITY THAT EMPLOYS SOMEONE WHO ASSISTS THE TOWN IN THE DRAFTING OF SPECIFICATIONS, AN INVITATION FOR BIDS, OR A REQUEST FOR PROPOSALS FOR A PROCUREMENT MAY NOT SUBMIT A BID OR PROPOSAL FOR THAT PROCUREMENT OR ASSIST OR REPRESENT ANOTHER PERSON, DIRECTLY OR INDIRECTLY, WHO IS SUBMITTING A BID OR PROPOSAL FOR THE PROCUREMENT.

(C) THE COMMISSION MAY ESTABLISH EXEMPTIONS FROM THE REQUIREMENTS OF THIS SUBSECTION FOR PROVIDING DESCRIPTIVE LITERATURE, SOLE SOURCE PROCUREMENTS, AND WRITTEN COMMENTS SOLICITED BY THE TOWN.

§ 25-29 DISCLOSURE OF CONFIDENTIAL INFORMATION

A COVERED PERSON MAY NOT DISCLOSE OR USE CONFIDENTIAL INFORMATION THAT HE OR SHE ACQUIRED BY REASON OF HIS OR HER PUBLIC POSITION AND THAT IS NOT AVAILABLE TO THE PUBLIC, FOR THE ECONOMIC BENEFIT OF THE COVERED PERSON OR ANYONE ELSE.

**ARTICLE IV FINANCIAL DISCLOSURE BY ELECTED OFFICIALS, CANDIDATES FOR ELECTION, AND APPOINTED OFFICIALS**

§ 25-30 COVERAGE OF ARTICLE

THIS ARTICLE APPLIES TO:

(A) ALL LOCAL ELECTED OFFICIALS AND CANDIDATES TO BE LOCAL ELECTED OFFICIALS;

(B) TO THE APPOINTED OFFICIALS LISTED ABOVE IN § 25-3(B); AND

(C) WHERE A POSITION IS FILLED THROUGH A CONTRACT WITH A FIRM, EFFECTIVE ONE YEAR FROM THE ADOPTION OF THIS ORDINANCE, THE FIRM ITSELF.

§ 25-31 REQUIREMENT TO FILE

THOSE COVERED BY THIS ARTICLE SHALL FILE THE FINANCIAL DISCLOSURE STATEMENT REQUIRED UNDER THIS SECTION WITH THE COMMISSION, ON A FORM PROVIDED BY THE COMMISSION, AND SIGNED AS TRUE UNDER PENALTY OF PERJURY.

## § 25-32 DEADLINES

### (A) DEADLINES FOR INCUMBENT ELECTED AND APPOINTED OFFICIALS

(1) AN INCUMBENT LOCAL ELECTED OFFICIAL SHALL FILE A FINANCIAL DISCLOSURE STATEMENT ANNUALLY NO LATER THAN APRIL 30 OF EACH YEAR FOR THE PRECEDING CALENDAR YEAR.

(2) AN INDIVIDUAL WHO IS APPOINTED TO FILL A VACANCY IN AN OFFICE FOR WHICH A FINANCIAL DISCLOSURE STATEMENT IS REQUIRED AND WHO HAS NOT ALREADY FILED A FINANCIAL DISCLOSURE STATEMENT SHALL FILE A STATEMENT FOR THE PRECEDING CALENDAR YEAR WITHIN 30 DAYS AFTER APPOINTMENT.

(3) AN INDIVIDUAL WHO LEAVES AN OFFICE FOR WHICH A STATEMENT IS REQUIRED SHALL FILE A STATEMENT WITHIN 60 DAYS AFTER LEAVING THE OFFICE. THE STATEMENT SHALL COVER THE CALENDAR YEAR IMMEDIATELY PRECEDING THE YEAR IN WHICH THE INDIVIDUAL LEFT OFFICE, UNLESS A STATEMENT COVERING THAT YEAR HAS ALREADY BEEN FILED BY THE INDIVIDUAL; AND THE PORTION OF THE CURRENT CALENDAR YEAR DURING WHICH THE INDIVIDUAL HELD THE OFFICE.

### (B) DEADLINE FOR STATEMENTS BY CANDIDATES FOR ELECTED OFFICE.

(1) CANDIDATES FOR ELECTED OFFICE, INCLUDING INCUMBENTS, SHALL INCLUDE A FINANCIAL DISCLOSURE STATEMENT ALONG WITH THEIR CERTIFICATE OF NOMINATION WHICH IS FILED WITH THE TOWN CLERK AT LEAST 56 DAYS PRIOR TO THE ELECTION (SEE § 22-26A). THE BOARD OF ELECTIONS MAY NOT ISSUE A CERTIFICATE OF CANDIDACY FOR A CANDIDATE THAT HAS NOT PROVIDED A FINANCIAL DISCLOSURE STATEMENT AT LEAST 56 DAYS PRIOR TO THE ELECTION.

(2) THE TOWN CLERK SHALL FORWARD THE ORIGINAL SIGNED DISCLOSURE FORM TO THE ETHICS COMMISSION AND A COPY OF THE DISCLOSURE FORM TO THE BOARD OF ELECTIONS WITH THE CANDIDATE'S CERTIFICATE OF NOMINATION.

(3) PRIOR TO THE 42ND DAY BEFORE THE ELECTION, THE COMMISSION SHALL INFORM THE BOARD OF ELECTIONS OF ANY CASE IN WHICH THE FINANCIAL DISCLOSURES OF A CANDIDATE WERE FACIALLY INCOMPLETE OR DEFECTIVE AND PROVIDE COPIES OF ANY CORRESPONDENCE WITH THE CANDIDATE REGARDING THE MATTER.

## § 25-33 CONTENT OF STATEMENT

EACH STATEMENT MUST INCLUDE SCHEDULES PROVIDING THE FOLLOWING INFORMATION:

### (A) INTERESTS IN REAL PROPERTY

FOR ELECTED OFFICIALS, A LIST OF ALL INTERESTS IN REAL PROPERTY WHEREVER LOCATED. FOR APPOINTED OFFICIALS, A LIST OF INTERESTS IN REAL PROPERTY LOCATED IN CHESAPEAKE BEACH. FOR EACH INTEREST IN REAL PROPERTY, A STATEMENT OF:

(1) THE NATURE OF THE PROPERTY AND THE LOCATION BY STREET ADDRESS, MAILING ADDRESS, OR LEGAL DESCRIPTION OF THE PROPERTY;

(2) THE NATURE AND EXTENT OF THE INTEREST HELD, INCLUDING ANY CONDITIONS AND ENCUMBRANCES ON THE INTEREST;

(3) THE DATE WHEN, THE MANNER IN WHICH, AND THE IDENTITY OF THE PERSON FROM WHOM THE INTEREST WAS ACQUIRED:

(4) THE NATURE AND AMOUNT OF THE CONSIDERATION GIVEN IN EXCHANGE FOR THE INTEREST OR, IF ACQUIRED OTHER THAN BY PURCHASE, THE FAIR MARKET VALUE OF THE INTEREST AT THE TIME ACQUIRED;

(5) IF ANY INTEREST WAS TRANSFERRED, IN WHOLE OR IN PART, AT ANY TIME DURING THE REPORTING PERIOD, A DESCRIPTION OF THE INTEREST TRANSFERRED, THE NATURE AND AMOUNT OF THE CONSIDERATION RECEIVED FOR THE INTEREST, AND THE IDENTITY OF THE PERSON TO WHOM THE INTEREST WAS TRANSFERRED; AND

(6) THE IDENTITY OF ANY OTHER PERSON WITH AN INTEREST IN THE PROPERTY.

**(B) INTEREST IN BUSINESS ENTITIES.**

FOR ELECTED OFFICIALS, THE NAME AND ADDRESS OF ANY BUSINESS ENTITY, OTHER THAN MUTUAL FUNDS, REGARDLESS OF WHETHER OR NOT IT DOES BUSINESS WITH THE TOWN, IN WHICH THE FILER HAS A FINANCIAL INTEREST. APPOINTED OFFICIALS NEED IDENTIFY ONLY BUSINESS ENTITIES DOING BUSINESS WITH THE TOWN. FOR EACH ENTITY, A STATEMENT OF:

(1) THE NAME AND ADDRESS OF THE PRINCIPAL OFFICE OF THE ENTITY;

(2) THE NATURE AND AMOUNT OF THE INTEREST HELD, INCLUDING ANY CONDITIONS AND ENCUMBRANCES ON THE INTEREST;

(3) WITH RESPECT TO ANY INTEREST TRANSFERRED, IN WHOLE OR IN PART, AT ANY TIME DURING THE REPORTING PERIOD, A DESCRIPTION OF THE INTEREST TRANSFERRED, THE NATURE AND AMOUNT OF THE CONSIDERATION RECEIVED FOR THE INTEREST, AND, IF KNOWN, THE IDENTITY OF THE PERSON TO WHOM THE INTEREST WAS TRANSFERRED; AND

(4) WITH RESPECT TO ANY INTEREST ACQUIRED DURING THE REPORTING PERIOD:

(I) THE DATE WHEN, THE MANNER IN WHICH, AND THE IDENTITY OF THE PERSON FROM WHOM THE INTEREST WAS ACQUIRED; AND

(II) THE NATURE AND THE AMOUNT OF THE CONSIDERATION GIVEN IN EXCHANGE FOR THE INTEREST OR, IF ACQUIRED OTHER THAN BY PURCHASE, THE FAIR MARKET VALUE OF THE INTEREST AT THE TIME ACQUIRED.

(5) AN INDIVIDUAL MAY SATISFY THE REQUIREMENT TO REPORT THE AMOUNT OF THE INTEREST HELD UNDER SUBSECTION (B)(2) BY REPORTING, INSTEAD OF A DOLLAR AMOUNT:

(I) FOR AN EQUITY INTEREST IN A CORPORATION, THE NUMBER OF SHARES HELD AND, UNLESS THE CORPORATION'S STOCK IS PUBLICLY TRADED, THE PERCENTAGE OF EQUITY INTEREST HELD; OR

(II) FOR AN EQUITY INTEREST IN A PARTNERSHIP, THE PERCENTAGE OF EQUITY INTEREST HELD.

(6) INTERESTS IN MUTUAL FUNDS MAY BE EXCLUDED FROM THE DISCLOSURE OF CORPORATE INTERESTS OTHERWISE REQUIRED BY THIS SUBSECTION.

**(C) EMPLOYMENT WITH OR INTERESTS IN ENTITIES DOING BUSINESS WITH THE TOWN.**

(1) A LIST OF ALL ENTITIES DOING BUSINESS WITH THE TOWN DURING THE REPORTING PERIOD IN WHICH:

[I] THE FILER OR A CLOSE RELATIVE HELD AN OFFICE, DIRECTORSHIP, OR SALARIED EMPLOYMENT.

[II] THE FILER OR A CLOSE RELATIVE SOUGHT EMPLOYMENT.

[III] THE FILER OR A CLOSE RELATIVE HAD A CONTRACT.

[IV] THE FILER HAD A DIRECT FINANCIAL INTEREST IN AN ENTITY WHICH HAD A DIRECT FINANCIAL INTEREST IN THE ONE DOING BUSINESS WITH THE TOWN.



(2) FOR EACH POSITION REPORTED UNDER THIS SUBSECTION, THE SCHEDULE SHALL INCLUDE:

[I] THE NAME AND ADDRESS OF THE PRINCIPAL OFFICE OF THE BUSINESS ENTITY;

AND

[II] THE TITLE AND NATURE OF THE OFFICE, DIRECTORSHIP, OR SALARIED EMPLOYMENT HELD AND THE DATE IT COMMENCED.

(D) INDEBTEDNESS TO ENTITIES DOING BUSINESS WITH THE TOWN

(1) A LIST OF ALL LIABILITIES, EXCLUDING RETAIL CREDIT ACCOUNTS, TO PEOPLE DOING BUSINESS WITH THE TOWN OWED AT ANY TIME DURING THE REPORTING PERIOD BY THE PERSON; OR BY A CLOSE RELATIVE IF THE PERSON WAS INVOLVED IN THE TRANSACTION GIVING RISE TO THE LIABILITY.

(2) FOR EACH LIABILITY REPORTED UNDER THIS SUBSECTION, THE SCHEDULE SHALL INCLUDE:

[I] THE IDENTITY OF THE PERSON TO WHOM THE LIABILITY WAS OWED AND THE DATE THE LIABILITY WAS INCURRED;

[II] THE AMOUNT OF THE LIABILITY OWED AS OF THE END OF THE REPORTING PERIOD;

[III] THE TERMS OF PAYMENT OF THE LIABILITY AND THE EXTENT TO WHICH THE PRINCIPAL AMOUNT OF THE LIABILITY WAS INCREASED OR REDUCED DURING THE YEAR; AND

[IV] THE SECURITY GIVEN, IF ANY, FOR THE LIABILITY.

(E) GIFTS.

(1) EACH GIFT IN EXCESS OF \$20 IN VALUE OR A SERIES OF GIFTS TOTALING \$100 OR MORE RECEIVED DURING THE REPORTING PERIOD FROM OR ON BEHALF OF, DIRECTLY OR INDIRECTLY, ANY ONE PERSON WHO DOES BUSINESS WITH OR IS REGULATED BY THE TOWN.

(2) FOR EACH GIFT REPORTED, THE SCHEDULE SHALL INCLUDE A DESCRIPTION OF THE NATURE AND VALUE OF THE GIFT AND THE IDENTITY OF THE PERSON FROM WHOM, OR ON BEHALF OF WHOM, DIRECTLY OR INDIRECTLY, THE GIFT WAS RECEIVED.

(3) EACH INSTANCE IN WHICH THE FILER SOLICITED, OR FACILITATED THE SOLICITATION OF, A GIFT TO THE FILER OR ANYONE ELSE.

(F) SOURCES OF EARNED INCOME.

(1) THE NAME AND ADDRESS OF EACH PLACE OF EMPLOYMENT AND OF EACH BUSINESS ENTITY OF WHICH THE FILER OR A CLOSE RELATIVE WAS A SOLE OR PARTIAL OWNER AND FROM WHICH THE FILER OR A CLOSE RELATIVE RECEIVED EARNED INCOME, AT ANY TIME DURING THE REPORTING PERIOD.

(2) A MINOR CHILD'S EMPLOYMENT OR BUSINESS OWNERSHIP NEED NOT BE DISCLOSED IF THE AGENCY THAT EMPLOYS THE INDIVIDUAL DOES NOT REGULATE, EXERCISE AUTHORITY OVER, OR CONTRACT WITH THE PLACE OF EMPLOYMENT OR BUSINESS ENTITY OF THE MINOR CHILD.

(3) APPOINTED OFFICIALS NEED PROVIDE INFORMATION ONLY AS TO ENTITIES LOCATED IN THE TOWN OR DOING BUSINESS WITH THE TOWN.

**(G) CLOSE RELATIVES**

A LIST OF THE CLOSE RELATIVES OF THE REPORTING PERSON EMPLOYED BY THE TOWN IN ANY CAPACITY AT ANY TIME DURING THE REPORTING PERIOD.

**(H) CONTINGENT COMPENSATION.**

ALL INSTANCES IN WHICH THE FILER ASSISTED OR REPRESENTED A PARTY FOR CONTINGENT COMPENSATION ON ANY MATTER BEFORE OR INVOLVING THE TOWN, OTHER THAN IN JUDICIAL OR QUASI-JUDICIAL PROCEEDINGS.

**(I) PRESTIGE OF POSITION**

(1) EACH INSTANCE IN WHICH THE FILER USED OR ATTEMPTED TO USE THE PRESTIGE OF HIS OR HER OFFICE OR PUBLIC POSITION FOR THE PRIVATE GAIN OF THE FILER OR ANYONE ELSE.

(2) EACH INSTANCE THE FILER INFLUENCED OR ATTEMPT TO INFLUENCE THE AWARD OF A TOWN CONTRACT TO A SPECIFIC PERSON OR ENTITY.

**(J) CONFIDENTIAL INFORMATION.**

EACH INSTANCE IN WHICH THE FILER DISCLOSED OR USED CONFIDENTIAL INFORMATION, ACQUIRED BY REASON OF THE FILER'S TOWN POSITION, FOR THE ECONOMIC BENEFIT OF THE FILER OR ANYONE ELSE.

**§ 25-34 COMMISSION REVIEW AND ENFORCEMENT.**

THE COMMISSION SHALL REVIEW THE FINANCIAL DISCLOSURE STATEMENTS SUBMITTED UNDER THIS ARTICLE AND SHALL NOTIFY AN INDIVIDUAL SUBMITTING THE STATEMENT OF ANY OMISSIONS OR DEFICIENCIES, WHICH THE INDIVIDUAL SHALL REMEDY WITHIN ONE WEEK AFTER NOTICE, EXCEPT THAT IN THE CASE OF A CANDIDATE FOR ELECTION, PRIOR TO THE 43RD DAY BEFORE THE ELECTION.

**ARTICLE V ENFORCEMENT**

**§ 25-35 FEES FOR FAILURE TO TIMELY FILE FINANCIAL REPORTS**

THE COMMISSION MAY ASSESS A LATE FEE OF \$2 PER DAY FOR A FAILURE TO TIMELY FILED A FINANCIAL DISCLOSURE STATEMENT REQUIRED UNDER § 25-31 OF THIS CHAPTER. THE COMMISSION MAY PETITION THE CIRCUIT COURT FOR AN ORDER COMPELLING PAYMENT OF AN ASSESSED FEE.

**§ 25-36 COMMISSION INVESTIGATION OF POSSIBLE VIOLATIONS**

BASED ON A COMPLAINT FILED WITH IT, INFORMATION DEVELOPED IN CONNECTION WITH A REQUEST FOR AN ADVISORY OPINION, OR ON ITS OWN REVIEW OF INFORMATION AVAILABLE TO IT, THE COMMISSION MAY INVESTIGATE POSSIBLE VIOLATIONS OF THIS CHAPTER.

**§ 25-37 POTENTIAL CRIMINAL OFFENSE**

IF THE COMMISSION FINDS THAT THERE ARE REASONABLE GROUNDS TO BELIEVE THAT A COVERED PERSON MAY HAVE COMMITTED A CRIMINAL OFFENSE, SUCH AS BRIBERY, PERJURY, CORRUPT BEHAVIOR, OR OTHER MISCONDUCT IN OFFICE, IT SHALL PROMPTLY REFER THE MATTER TO AN APPROPRIATE PROSECUTING AUTHORITY, AND STAY ITS OWN INVESTIGATION.

§ 25-38 INFORMAL RESOLUTION

IF THE COMMISSION DETERMINES, BASED ON CONSIDERATION OF THE MATTER, INCLUDING THE ANSWER OF A COVERED PERSON, BY A UNANIMOUS VOTE OF ALL MEMBERS THEN SERVING, THAT THERE IS A REASONABLE BASIS FOR BELIEVING THE CONFLICT OF INTEREST OR FINANCIAL DISCLOSURE PROVISIONS OF THIS CHAPTER HAVE BEEN VIOLATED, IT SHALL MAKE AN EFFORT TO RESOLVE THE MATTER INFORMALLY.

§ 25-39 JUDICIAL ENFORCEMENT

(A) IF EFFORTS TO RESOLVE THE MATTER INFORMALLY ARE UNSUCCESSFUL, THE COMMISSION MAY PETITION THE CIRCUIT COURT TO ENFORCE COMPLIANCE AND PUNISH VIOLATIONS.

(B) THE COURT MAY:

(1) ISSUE AN ORDER TO CEASE AND DESIST FROM THE VIOLATION;

(2) VOID AN OFFICIAL ACTION TAKEN BY A COVERED PERSON WITH A CONFLICT OF INTEREST PROHIBITED BY THIS CHAPTER WHEN THE ACTION ARISES FROM OR CONCERNS THE SUBJECT MATTER OF THE CONFLICT PROVIDED:

[I] THE COURT DEEMS VOIDING THE ACTION TO BE IN THE BEST INTEREST OF THE PUBLIC;

[II] THE LEGAL ACTION IS BROUGHT WITHIN 90 DAYS OF THE OCCURRENCE OF THE OFFICIAL ACTION; [III] THE OFFICIAL ACT DOES NOT APPROPRIATE PUBLIC FUNDS, IMPOSE A TAX, OR PROVIDE FOR THE ISSUANCE OF A BOND, A NOTE, OR ANY OTHER EVIDENCE OF PUBLIC OBLIGATION.

(3) PUNISH A VIOLATION OF ANY PROVISION OF THIS CHAPTER BY A FINE OF UP TO \$5,000. EACH DAY THAT A VIOLATION OF THIS CHAPTER CONTINUES SHALL CONSTITUTE A SEPARATE OFFENSE

§ 25-40 DISCIPLINARY ACTION

A COVERED PERSON FOUND TO HAVE VIOLATED THIS CHAPTER IS SUBJECT TO DISCIPLINARY OR OTHER APPROPRIATE PERSONNEL ACTION, INCLUDING REMOVAL FROM OFFICE, DISCIPLINARY ACTION, SUSPENSION OF SALARY, OR OTHER SANCTION.

AS CERTIFIED by their signatures below, the members of the Town Council affirm that this Ordinance was introduced at the Town Council meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2019, that a public hearing was held on the \_\_\_\_ day of \_\_\_\_\_, 2019, and that a vote was taken in accordance with Section C-309 of the Town Charter. The vote of the Council was tallied and \_\_\_\_ votes of approval and \_\_\_\_ votes of disapproval were cast. The resulting majority of the Council \_\_\_\_\_ (*approved or disapproved*) the passage of this ordinance this \_\_\_\_ day of \_\_\_\_\_, 2019. This Ordinance shall become effective 20

days after approval by the Mayor or approved by the Council over the Mayor's veto or seven days after the last required publication.

**CHESAPEAKE BEACH, MARYLAND**

---

Patrick J. Mahoney, Mayor

---

Valerie L. Beaudin, Councilwoman

---

Derek J. Favret, Councilman

---

Gregory J. Morris, Councilman

---

Lawrence P. Jaworski, Councilman

---

Keith L. Pardieck, Councilman

---

L. Charles Fink, Councilman

**AN ORDINANCE**

**OF THE TOWN COUNCIL OF CHESAPEAKE BEACH, MARYLAND,  
AMENDING THE CHAPTER 22, "ELECTIONS" OF THE TOWN CODE  
TO REFLECT CHANGES OVER TIME IN VARIOUS ELECTION  
PRACTICES, INCLUDING VOTING TECHNOLOGIES, AND TO  
RESOLVE CERTAIN AMBIGUITIES AND INCONSISTENCIES.**

**WHEREAS**, pursuant to the Local Gov't Art., of the Maryland Annotated Code, the Town Council of Chesapeake Beach ("the Town") has the authority to enact ordinances to 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 residents of the municipality; and

**WHEREAS**, pursuant to the aforesated authority and the additional authority contained in Md. Code Ann., Local Gov't Art., § 5-206, the Town has enacted Chapter 22, "Elections", of the Town Code; and

**WHEREAS**, it has come to the attention of the Town Council that the efficient conduct of Town elections would be enhanced by certain modifications to Chapter 22 to reflect recent changes in election practices, including but not limited to changes in election technology; and

**WHEREAS**, it has further come to the attention of the Town Council that certain provisions of Chapter 22 are ambiguous or inconsistent with other provisions of Chapter 22 or with the Town Charter and that other minor procedural changes would be beneficial to the effective operation of Town elections;

**Section 1. NOW THEREFORE, BE IT ENACTED AND ORDAINED** by the Town Council of Chesapeake Beach that Chapter 22, "Elections", Article I, "Definitions", § 22-1, "Terms defined", of the Town Code be and hereby is amended as follows:

**§ 22-1 Terms defined.**

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

**ABSENTEE BALLOT**

A ballot in a form approved by the Board of Elections that is not used in a polling place.

**BALLOT or OFFICIAL BALLOT**

A. Includes:

- (1) An absentee ballot;
- (2) ~~A document ballot~~ A PAPER BALLOT, WHETHER MACHINE-READ OR HAND-COUNTED;
- (3) A voting machine ballot; and
- (4) A provisional ballot.

B. Does not include:

- (1) A sample ballot; or
- (2) A specimen ballot.

**BALLOT MARKING DEVICE**

A MACHINE THAT ENABLES VOTERS TO MAKE THEIR SELECTIONS ELECTRONICALLY USING A

TOUCH SCREEN OR KEYPAD AND THAT PRINTS A PAPER RECORD OF EACH VOTER'S BALLOT THAT CAN BE READ AND TABULATED BY A BALLOT SCANNER.

**BALLOT SCANNER**

AN OPTICAL SCANNER THAT SCANS AND TABULATES PAPER BALLOTS MARKED BY HAND AND PAPER BALLOTS CREATED THROUGH USE OF A BALLOT MARKING DEVICE.

**BOARD**

The Board of Elections of Chesapeake Beach, Maryland.

**CANDIDATE**

An individual who has duly filed for elected public office of the Town and for whom a ~~certificate of nomination~~ DECLARATION OF CANDIDACY has been accepted by the Board by the issuance of a certificate of candidacy.

**CANVASS**

The entire process of vote tallying, vote tabulation, and vote verification or audit, culminating in the production and certification of the official election results.

**CHALLENGER**

A qualified voter who challenges another individual's registration under § 22-19, qualifications for candidacy under § 22-27, or a person's right to vote under § 22-59 22-60. A challenger shall also be the person designated pursuant to § 22-72 to make challenges during election recounts.

**COUNCIL**

The Town Council of Chesapeake Beach, Maryland.

**ELECTIONEERING**

Expressing support of or opposition to any candidate or expressing approval or disapproval of any public question in any manner that could reasonably be expected to convey that support or opposition to another individual.

**ELECTION JUDGE**

A member of the Board of Elections or a duly appointed election person, who shall have taken the oath of office.

~~**INFAMOUS CRIME**~~

~~Any felony, treason, perjury, or any crime involving an element of deceit, fraud, or corruption. The crimes listed on the Infamous Crime List maintained by the Maryland Attorney General, as amended, shall be considered an infamous crime for the purposes of this chapter.~~

**MAIL**

Actual delivery or mailing by first class mail to the last known address as indicated by the records of the Board.

**OFFICIAL CHALLENGER**

An individual duly designated by a candidate to challenge a voter at the polling place, if he does not believe that the individual is entitled to vote. An official challenger may also be designated to observe the tallying of votes.

**POLLING PLACE**

The area within the Town Hall of Chesapeake Beach, Maryland or area within the Northeast Community Center in Chesapeake Beach, Maryland that is designated by the Board of Elections as the limits of the area in which all election-related activities, including voting, shall take place, or such other place as shall be designated by the Town Council for election-related activities, including voting, provided that the Town Council shall designate such alternate or additional polling place by resolution at least 90 days prior to an election and shall give appropriate notice to persons affected by the designation.

**PROVISIONAL BALLOT**

A ballot distributed to an individual by an election judge after the individual has completed

an application for a provisional ballot and which is cast by an individual but not counted until the individual's qualifications to vote have been confirmed by the Board of Elections.

**REGISTERED VOTER**

A person who has registered to vote in accordance with the Charter and this chapter.

**REGISTRAR**

A member of the Board of Elections, the Town Clerk, and those individuals appointed by the Board AND AUTHORIZED TO PERFORM VOTER REGISTRATION WITH RESPECT TO THE TOWN SUPPLEMENTAL VOTER LIST.

**REGISTRY**

The list of registered voters qualified to vote in Town elections comprising a list OF CHESAPEAKE BEACH VOTERS FROM THE MARYLAND UNIVERSAL REGISTRATION SYSTEM maintained and provided by the Calvert County Board of Elections and a TOWN SUPPLEMENTAL VOTER ~~second~~ list CREATED AND maintained by the ~~Town of~~ Chesapeake Beach Board of Elections of those voters who are registered to vote only in Town elections.

**RESIDENCE**

Legal residence or place of domicile.

**SAMPLE BALLOT**

A facsimile of a ballot used for informational purposes by a person or entity other than the Election Board.

**SPECIMEN BALLOT**

A facsimile of a ballot used by the Election Board to provide notice of the contents of the ballot to registered voters.

**UNIVERSAL REGISTRATION**

A VOTER REGISTRATION SYSTEM IN WHICH THE LIST OF INDIVIDUALS ELIGIBLE TO VOTE IN TOWN ELECTIONS INCLUDES THOSE RESIDENTS OF THE TOWN WHO ARE INCLUDED ON THE STATEWIDE VOTER REGISTRATION LIST AT ADDRESSES WITHIN THE TOWN.

**~~VOTING MACHINE~~**

- ~~A. — A mechanical lever machine; and~~
- ~~B. — A direct recording electronic voting device.~~

**VOTING MACHINE BALLOT**

A ballot posted on or in the voting machine (SUCH AS AN ELECTRONIC BALLOT MARKING DEVICE) and ~~referred to~~ MARKED by the A voter to indicate the voting choices for each contest.

**Section 2. AND BE IT FURTHER ENACTED AND ORDAINED** by the Town Council of Chesapeake Beach that Chapter 22, "Elections", Article II, "Board of Elections", § 22-3, "Powers and Duties", of the Town Code be and hereby is amended as follows:

**§ 22-3 Powers and duties.**

A. Powers in general. The Board of Elections shall be responsible for administering and conducting all Town elections, in accordance with the requirements of the Town Charter and this chapter. The Board of Elections shall be responsible for administering the system and procedures of voter registration, ~~nomination of candidates~~ CERTIFICATION OF CANDIDACIES, canvassing BALLOTS, declaring and certifying the results of elections, VALIDATING PETITIONS FOR REFERENDUM, preparing and supervising voter education programs, conducting recounts, adjudicating challenges and election contests, and enforcing the provisions of Subtitle 6 of the Town Charter and this chapter. Except as provided for by this chapter, the Board shall exercise its powers as a body, not as individual members.

B. Specific powers of the Board. In addition to the general powers enumerated in Subsection

A above, the Board shall have the following specific powers:

(1) To establish and approve all forms to be used by the Board, election judges, challengers, official challengers, registrars, registrants, candidates, and voters during the election process; so long as such forms are consistent with the requirements of the Town Charter and this chapter;

(2) To appoint registrars and election judges;

(3) To approve of the designation of official challengers and to supervise their conduct;

(4) To issue orders, take acts, and command adherence to rulings necessary to keep the peace, preserve order, and enforce the requirements of the Town Charter and this chapter during the registration process, the ~~nomination~~ CANDIDATE DECLARATION process, the canvassing, ~~all conduct in and around the polling place(s)~~ THE CONDUCT OF TOWN BLECTIONS, and any recount, challenge, or contest proceedings;

\* \* \*

**Section 3. AND BE IT FURTHER ENACTED AND ORDAINED** by the Town Council of Chesapeake Beach that Chapter 22, "Elections", Article III, "Registration", § 22-7, "Registrars", of the Town Code be and hereby is amended as follows:

**§ 22-7 Registrars.**

A. Appointment. Each member of the Board and the Town Clerk shall be registrars. In addition, the Board may appoint additional persons as registrars as it deems necessary, WHO ARE AUTHORIZED TO CARRY OUT REGISTRATION PROCESS FOR TOWN SUPPLEMENTAL VOTER LIST ONLY.

B. Powers of registrars. Each registrar shall have the power to:

(1) Deliver registration applications to persons who request them;

(2) Accept registration applications, either in person or by mail, and forward them to the Board for qualification under § 22-17;

~~(3) Attend and administer registration days;~~

~~(4)~~(3) Explain the registration process to those who inquire; and

~~(5)~~(4) Keep the peace, preserve order, and enforce obedience to their commands at and around places of registration. A registrar is authorized to keep access to places of registration open and unobstructed and to prevent any improper practices at or around places of registration.

**Section 4. AND BE IT FURTHER ENACTED AND ORDAINED** by the Town Council of Chesapeake Beach that Chapter 22, "Elections", Article III, "Registration", § 22-9, "Persons not entitled to register to vote", of the Town Code be and hereby is amended as follows:

**§ 22-9 Persons not entitled to register to vote.**

A. Disqualification to register to vote. A person is not qualified to be registered as a voter if the individual:

(1) HAS BEEN CONVICTED OF A FELONY AND IS CURRENTLY SERVING A COURT-ORDERED SENTENCE OF IMPRISONMENT FOR THE CONVICTION;

(2) IS UNDER GUARDIANSHIP FOR MENTAL DISABILITY AND A COURT OF COMPETENT JURISDICTION HAS SPECIFICALLY FOUND BY CLEAR AND CONVINCING EVIDENCE THAT THE INDIVIDUAL CANNOT COMMUNICATE, WITH OR WITHOUT ACCOMMODATIONS, A DESIRE TO



PARTICIPATE IN THE VOTING PROCESS; OR

(3) HAS BEEN CONVICTED OF BUYING OR SELLING VOTES.

~~(1) Has been convicted of theft or other infamous crime, unless the individual:~~

~~(a) Has been pardoned; or~~

~~(b) In connection with a first conviction, has completed the court ordered sentence imposed for the conviction, including probation, parole, community service, restitutions and fines; or~~

~~(c) In connection with a subsequent conviction, has completed the court ordered sentence imposed for the conviction, including probation, parole, community service, restitutions and fines, and at least three years have elapsed since the completion of the court ordered sentence imposed for the conviction, including probation, parole, community service, restitutions and fines;~~

~~(2) Is under guardianship for mental disability;~~

~~(3) Has been convicted of buying or selling votes; or~~

~~(4) Has been convicted of a second or subsequent crime of violence, as that term is defined in § 14-101 of the Criminal Law Article of the Annotated Code of Maryland, as amended.~~

B. ~~Infamous crimes. A registrar shall consult the list of infamous crimes maintained by the office of Maryland's Attorney General for guidance as to which crimes shall be considered infamous crimes.~~

C. ~~Investigation. A registrar is not required to conduct a criminal background check or any other investigation into the reasons for possible disqualification from registering, unless the registrar is presented with sufficient information which would lead a reasonable person to conclude that the applicant may be subject to disqualification.~~

**Section 5. AND BE IT FURTHER ENACTED AND ORDAINED** by the Town Council of Chesapeake Beach that Chapter 22, "Elections", Article III, "Registration", § 22-9 22-10, "Registration by Application", of the Town Code be and hereby is amended as follows:

§ 22-10. VOTER Registration by Application- MARYLAND UNIVERSAL REGISTRATION SYSTEM.

A. ~~Procedure for registering to vote. An individual may apply to become a registered voter:~~

~~(1) At Town Hall;~~

~~(2) At a registration site administered by a registrar;~~

~~(3) By mail;~~

~~(4) With the assistance of a voter registration volunteer authorized by the Board pursuant to this chapter; or~~

~~(5) Through any method of registration authorized under Maryland law, to the extent the registration for Town elections is made pursuant to Maryland's universal registration system.~~

QUALIFIED RESIDENTS OF THE TOWN MAY REGISTER TO VOTE IN TOWN ELECTIONS THROUGH THE UNIVERSAL REGISTRATION SYSTEM, WHICH PROVIDES REGISTRATION FOR FEDERAL, STATE, COUNTY AND TOWN ELECTIONS.

B. ~~Registration forms. Registration shall be by voter registration application on forms approved by the Board or the forms used by the Maryland universal registration system. The registration forms used by Town registrars or volunteers shall include all of the information required in § 22-11 and shall include a description of the qualifications and grounds for disqualification to register to vote in Town elections. APPLICATION FORMS FOR THE MARYLAND UNIVERSAL REGISTRATION SYSTEM ARE AVAILABLE ONLINE, AT THE U.S. POST OFFICE AND AT TOWN HALL.~~

C. ~~Receiving an application by mail. Voter registration applications shall be mailed to any person, upon request made to Town Hall. A VOTER MAY APPLY TO REGISTER TO VOTE OR UPDATE THE VOTER'S UNIVERSAL REGISTRATION RECORD WHEN THE VOTER APPLIES FOR, RENEWS OR UPDATES HIS OR HER DRIVER'S LICENSE OR IDENTIFICATION CARD WITH MARYLAND MOTOR VEHICLE ADMINISTRATION.~~

D. ~~UNIVERSAL REGISTRATION IS A SYSTEM ADMINISTERED BY THE STATE THROUGH THE COUNTY IN WHICH THE VOTER RESIDES. THE CHESAPEAKE BEACH BOARD OF ELECTIONS DOES NOT ADMINISTER THE UNIVERSAL REGISTRATION SYSTEM.~~

**Section 6. AND BE IT FURTHER ENACTED AND ORDAINED** by the Town Council of Chesapeake Beach that Chapter 22, "Elections", Article III, "Registration", § 22-11, "Required information", of the Town Code be and hereby is amended as follows:

§ 22-11. ~~Required information.~~ **VOTER REGISTRATION – TOWN SUPPLEMENTAL VOTER LIST**

A. ~~Application requirements. Except as provided in Subsection B of this section, an application for voter registration form shall require:~~

(1) ~~The signature of the applicant, subject to the penalties of perjury, by which the applicant swears or affirms that the information contained in the registration application is true and that the applicant meets all of the qualifications to become a registered voter;~~

(2) ~~The full legal name of the applicant;~~

(3) ~~The address of the residence of the applicant; and~~

(4) ~~The date of birth of the applicant.~~ THERE IS A TOWN SUPPLEMENTAL VOTER LIST ADMINISTERED BY THE BOARD.

B. ~~Applications under the universal registration system. An application form approved for use or otherwise qualified to be used under Maryland law may be used by other agencies as part of the Maryland universal registration system.~~ RESIDENTS OF THE TOWN WHO ARE QUALIFIED TO VOTE AND WHO ARE NOT INCLUDED IN THE UNIVERSAL REGISTRATION LIST MAY SUBMIT AN APPLICATION TO BE INCLUDED IN THE TOWN SUPPLEMENTAL VOTER LIST.

C. ~~Signatures. For Town registration applications:~~

(1) ~~If the applicant is unable to sign his or her name, an "X" or similar mark shall be accepted instead of a signature on the voter registration application.~~

(2) ~~If the applicant is unable to make mark, then the requirement for the signature or mark is waived.~~

(3) ~~If there is no signature, the reverse side of the application that is retained as the office record shall bear a statement signed by the person who assisted the applicant in filling out the voter registration application, which states that the applicant is unable to sign his or her name, that he or she qualifies for registration in Chesapeake Beach, and that the information supplied on the application about him or her is true.~~ A VOTER REGISTRATION APPLICATION SHALL BE MADE ON A FORM APPROVED BY THE BOARD:

(1) AT TOWN HALL WITH TOWN CLERK OR ANOTHER REGISTRAR;

(2) AT A REGISTRATION SITE ADMINISTERED BY A REGISTRAR;

(3) ~~BY MAIL TO THE TOWN CLERK AT CITY HALL.~~

D. ~~Additional required information. When qualifying an applicant for registration, the Board may request from the applicant supplementary information to accurately identify the qualifications~~

of the applicant to vote in Town elections, including the applicant's place of birth, the address of other residences, and prior registration status. AN APPLICATION FOR INCLUSION IN THE TOWN SUPPLEMENTAL VOTER LIST SHALL BE MAILED TO ANY PERSON WHO REQUESTS ONE BY THE TOWN CLERK.

E. Voter registration application acceptance. Voter registration applications shall be accepted when all information required by the form has been correctly furnished by the applicant. However, the voter registration application is not complete until all information required by the Board has been correctly furnished by the applicant. If the voter fails to supply the additionally required information within 30 days after a request or within the period in which registration is open, the Board may reject the application and the applicant shall not be registered to vote. VOTERS WHO ARE REGISTERED ON BOTH THE UNIVERSAL REGISTRATION LIST AND THE TOWN SUPPLEMENTAL VOTER LIST WILL BE REMOVED FROM THE TOWN SUPPLEMENTAL VOTER LIST BY THE BOARD.

F. Party affiliation. Party affiliation is not required to register to vote in Town elections. REGISTRATION SHALL BE BY VOTER REGISTRATION APPLICATION ON FORMS APPROVED BY THE BOARD. THE REGISTRATION FORMS USED BY TOWN REGISTRARS SHALL REQUIRE:

(1) AN AFFIRMATION OF THE APPLICANT, UNDER THE PENALTIES OF PERJURY, THAT THE INFORMATION CONTAINED IN THE REGISTRATION APPLICATION IS TRUE AND THAT THE APPLICANT MEETS ALL OF THE QUALIFICATIONS TO BECOME A REGISTERED VOTER;

(2) THE FULL LEGAL NAME OF THE APPLICANT;

(3) THE ADDRESS OF THE RESIDENCE OF THE APPLICANT; AND

(4) THE DATE OF BIRTH OF THE APPLICANT.

G. FOR TOWN REGISTRATION APPLICATIONS:

(1) IF THE APPLICANT IS UNABLE TO SIGN HIS OR HER NAME, AN "X" OR SIMILAR MARK SHALL BE ACCEPTED INSTEAD OF A SIGNATURE.

(2) IF THE APPLICANT IS UNABLE TO MAKE A MARK, THEN THE REQUIREMENT FOR THE SIGNATURE OR MARK SHALL BE WAIVED.

(3) IF THERE IS NO SIGNATURE, THE REVERSE SIDE OF THE APPLICATION THAT IS RETAINED AS THE OFFICE RECORD SHALL BEAR A STATEMENT SIGNED BY THE PERSON WHO ASSISTED THE APPLICANT IN FILLING OUT THE VOTER REGISTRATION APPLICATION, WHICH STATES THAT THE APPLICANT IS UNABLE TO SIGN HIS OR HER NAME, THAT HE OR SHE QUALIFIES FOR REGISTRATION IN CHESAPEAKE BEACH, AND THAT THE INFORMATION SUPPLIED ON THE APPLICATION ABOUT HIM OR HER IS TRUE.

H. VOTER REGISTRATION APPLICATIONS SHALL BE ACCEPTED WHEN ALL INFORMATION REQUIRED BY THE FORM HAS BEEN CORRECTLY FURNISHED BY THE APPLICANT. HOWEVER, THE VOTER REGISTRATION APPLICATION IS NOT COMPLETE UNTIL ALL INFORMATION REQUIRED BY THE BOARD HAS BEEN CORRECTLY FURNISHED BY THE APPLICANT. IF THE VOTER FAILS TO SUPPLY THE ADDITIONALLY REQUIRED INFORMATION WITHIN 30 DAYS AFTER A REQUEST OR WITHIN THE PERIOD IN WHICH REGISTRATION IS OPEN, THE BOARD MAY REJECT THE APPLICATION AND THE APPLICANT SHALL NOT BE REGISTERED TO VOTE.

I. TOWN ELECTIONS ARE CONDUCTED ON A NON-PARTISAN BASIS AND NO VOTER'S PARTY AFFILIATION WILL BE RECORDED ON THE TOWN SUPPLEMENTAL VOTER LIST.

**Section 7. AND BE IT FURTHER ENACTED AND ORDAINED by the Town Council of Chesapeake Beach** that Chapter 22, "Elections", Article III, "Registration", § 22-14, "Voter Registration Volunteers", of the Town Code be and hereby is deleted in its entirety and marked "Reserved".

**Section 8. AND BE IT FURTHER ENACTED AND ORDAINED** by the Town Council of Chesapeake Beach that Chapter 22, "Elections", Article III, "Registration", § 22-15, "Receipt of application forms", of the Town Code be and hereby is retitled as "Receipt of application forms – Town supplemental voter list".

**Section 9. AND BE IT FURTHER ENACTED AND ORDAINED** by the Town Council of Chesapeake Beach that Chapter 22, "Elections", Article III, "Registration", § 22-16, "Application verification inquiries", of the Town Code be and hereby is retitled as "Application of verification inquiries – Town supplemental voter list".

**Section 10. AND BE IT FURTHER ENACTED AND ORDAINED** by the Town Council of Chesapeake Beach that Chapter 22, "Elections", Article III, "Registration", § 22-17, "Qualification of applicants", of the Town Code be and hereby is amended as follows:

**§ 22-17 Qualification of applicants – TOWN SUPPLEMENTAL VOTER LIST.**

A. Qualification. The Board shall USE ITS BEST EFFORTS TO qualify or disqualify all applicants for registration within 10 days of its ~~receipt~~ ACCEPTANCE of an application for registration. If an applicant is qualified, ~~it~~ THAT FACT shall be indicated on the registration form and the applicant shall be mailed a voter notification card on a form approved by the Board.

~~B. Time period for disqualification. Any applicant who is not disqualified within 10 days after receipt of the application for registration shall be presumed qualified and may not thereafter be disqualified except by challenge undertaken pursuant to § 22-19 of this chapter.~~

~~C. Hearing. If an applicant is disqualified, he OR SHE shall be mailed or given notice in writing stating the reasons for disqualification and informing the applicant that he OR SHE may request a hearing in writing before the Board within 10 days of the notice of disqualification. Hearings shall be conducted in the same manner as challenge hearings.~~

~~D. Reapplication. Any applicant who has been disqualified for any reason shall be permitted to reapply, but in no case shall any person have more than one application for registration pending at one time.~~

**Section 11. AND BE IT FURTHER ENACTED AND ORDAINED** by the Town Council of Chesapeake Beach that Chapter 22, "Elections", Article III, "Registration", § 22-19, "Challenges to registration", of the Town Code be and hereby is amended as follows:

**§ 22-19 Challenges to registration.**

A. Registrations made through the Maryland universal registration system. Any individual who feels aggrieved by any action of the local State Election Board regarding voter registration for a Town election through the universal registration system shall challenge that action through the administrative complaint process provided by Maryland law. The Election Board, or any individual member thereof, shall have the authority to challenge such actions if they determine

that an improper registration would impact a voter's registration to vote in a Town election.

B. Registrations made through Town processes. Any registration of a voter through a registrar, a ~~voter registration volunteer~~, a Board member or the Board, any disqualification to register by the Board, or the removal of a person from the registry by the Board shall be subject to challenge as set forth herein.

(1) Filing a challenge to disqualify a voter. Any qualified voter of the Town may file a challenge in writing and under oath, objecting to the registration of any person believed not to be eligible to vote and stating, to the best of the challenger's personal knowledge, the basis for the challenge.

(2) Filing a challenge to include a voter. Any qualified voter may file a challenge asking for the addition of any person believed to have been erroneously disqualified from registering or improperly removed from the registry.

(3) Timing of challenges. Challenges may be filed at any time, but shall not be adjudicated if filed with the Board fewer than 15 days prior to the next Town election. If filed fewer than 15 days prior to a Town election, a challenge will be adjudicated after the election. The adjudication of a challenge to registration shall not alter a vote cast in any election or the results of an election contest.

(4) Acceptance or rejection of challenge. Within 10 days of the receipt of the challenge, the Board shall conduct a hearing on the challenge according to § 22-20.

(5) Challenges by the Board. The Board may act on its own initiative to make a challenge, stating in writing its reasons therefor, and to set the matter for a hearing.

**Section 12. AND BE IT FURTHER ENACTED AND ORDAINED** by the Town Council of Chesapeake Beach that Chapter 22, "Elections", Article III, "Registration", § 22-24, "Withdrawal or expiration of registration", of the Town Code be and hereby is amended as follows:

**§ 22-24 Withdrawal or expiration of registration.**

The Election Board shall withdraw the registration of any person ON THE TOWN SUPPLEMENTAL VOTER LIST who has died or whom the Board has determined is no longer qualified to vote in Town elections under § C-601 of the Charter.

**Section 13. AND BE IT FURTHER ENACTED AND ORDAINED** by the Town Council of Chesapeake Beach that Chapter 22, "Elections", Article IV, "Candidates for office", § 22-26, "Certificate of nomination", of the Town Code be and hereby is amended as follows:

**§ 22-26 DECLARATION OF CANDIDACY ~~CERTIFICATE OF NOMINATION~~.**

A. Generally. Any person who is qualified to hold office pursuant to the Charter may have his or her name placed on the ballot as a candidate for TOWN Mayor or TOWN COUNCIL Councilman by filing a ~~certificate of nomination~~ DECLARATION OF CANDIDACY with the Town Clerk at least 56 days prior to the election.

B. Required elements, ~~of a certificate of nomination~~. A ~~certificate of nomination~~ DECLARATION OF CANDIDACY shall:

- (1) Be in writing;
- (2) Be signed by the candidate;
- (3) Be dated;

(4) Provide the address of the legal residence of the candidate;  
(5) Identify the office (Mayor or Town Council) which the candidate wishes to seek through the election process; and

(6) Identify the first name of the candidate, an initial letter of any middle name(s), and his or her surname as they appear on the candidate's birth certificate (all of these together hereinafter designated as the candidate's "given name"); provided, however, that if the candidate wishes to be identified on the ballot by a name other than the candidate's given name, the candidate may do so by filing with his or her ~~certificate of nomination~~ DECLARATION OF CANDIDACY a notarized affidavit attesting, under the penalty of perjury, that the candidate is generally known by that other name in either press accounts or in the candidate's everyday encounters with members of the community. Except for quotation marks to enclose a portion of a name, the use of symbols, titles, degrees or professional designations in a ~~certificate of nomination~~ DECLARATION OF CANDIDACY is prohibited.

(7) A FINANCIAL DISCLOSURE STATEMENT COMPLYING WITH THE REQUIREMENTS OF CHAPTER 25, "PUBLIC ETHICS", OF THE TOWN CODE.

C. ~~Nomination by third party. A certificate of nomination does not require a third party to nominate a candidate, and a candidate may nominate himself or herself by filing a certificate of nomination.~~

D. Certificate of candidacy. Pursuant to the Charter, the Board shall certify that each candidate who has filed a ~~certificate of nomination~~ DECLARATION OF CANDIDACY is qualified to hold elective office under the Charter, at least 49 days prior to the election. The Board shall issue to each QUALIFIED candidate ~~who qualifies~~ a certificate of candidacy, which shall be dated, shall state the candidate's name as it will appear on the ballot, and shall state that the Board has determined that the candidate is qualified under the Charter to hold the elective office ~~which~~ THAT the candidate seeks. A copy of all certificates of candidacy shall be available for public inspection at Town Hall.

**Section 14. AND BE IT FURTHER ENACTED AND ORDAINED** by the Town Council of Chesapeake Beach that Chapter 22, "Elections", Article IV, "Challenges to candidacy", § 22-27, "Challenges to candidacy", of the Town Code be and hereby is amended as follows:

**§ 22-27 Challenges to candidacy.**

A. Procedure for challenging a certificate of candidacy. Any person entitled to vote in Town elections, including any other candidate, may challenge the determination of the Board in issuing a certificate of candidacy, by filing a written challenge to candidacy, which must be signed by the challenger and must state, with particularity, all reasons why the challenged candidate is unqualified to hold elective office under the Charter. Such a challenge must be filed with the Town Clerk at least 42 days prior to the election for which the candidate is running. The Town Clerk shall immediately forward any challenge filed to the Board for a determination.

B. Decision regarding a challenge. The Board shall conduct a public hearing on any challenge which shall be held no later than the 28th day before an election. The person whose candidacy is the subject of the challenge, and the person filing the challenge, shall both be given at least three days' prior written notice by mail of the date, time and place of the hearing. The person whose candidacy is the subject of the challenge shall also be mailed a copy of the challenge to candidacy. The challenger shall be strictly limited to challenging the candidacy on the basis of the issues raised in the written challenge to candidacy. The burden of proof shall lie with the person making the challenge. The challenger and the person challenged shall be permitted to be represented by

legal counsel or a qualified voter. Decisions of the Board shall be in writing and shall be issued within four days of the hearing, and copies thereof shall be made available to the parties. IF THE BOARD UPHOLDS THE CHALLENGE AND DETERMINES CANDIDATE IS NOT ELIGIBLE, THE BOARD WILL ATTEMPT TO REMOVE NAME FROM BALLOT. IF BALLOT ALREADY SENT TO PRINTER, THE NAME WILL REMAIN ON THE BALLOT AND THE BOARD WILL PROVIDE SUITABLE NOTIFICATION TO VOTERS NEAR VOTING BOOTH ON ELECTION DAY THAT THE CANDIDATE HAS BEEN DISQUALIFIED.

**Section 15. AND BE IT FURTHER ENACTED AND ORDAINED** by the Town Council of Chesapeake Beach that Chapter 22, "Elections", Article V, "Ballots and voting devices", § 22-29, "Ballots", of the Town Code be and hereby is amended as follows:

§ 22-29 **Ballots.**

A. For each election, the Board shall establish the official ballot after issuing a certificate of candidacy to all qualified candidates who filed a ~~certificate of nomination~~ DECLARATION OF CANDIDACY. ~~The ballot may be in paper form, be represented on a mechanical voting machine or device, or be displayed by an electronic voting machine or device. The Board shall ensure that there are sufficient printed paper ballots available in case mechanical or electronic voting machines become inoperable or unavailable on election day.~~ THE BALLOT SHALL BE IN A FORM THAT PROVIDES A "VOTER-VERIFIABLE PAPER RECORD".

B. THE BOARD SHALL ARRANGE TO HAVE PRINTED A SUPPLY OF BALLOTS THAT IS SUFFICIENT, IN ITS JUDGMENT, TO ALLOW EACH VOTER ATTEMPTING TO VOTE IN EACH ELECTION TO CAST A BALLOT. THE BOARD MAY BUT IS NOT REQUIRED TO USE THE FORMULA ADOPTED BY THE STATE OF MARYLAND FOR THIS PURPOSE.

**Section 16. AND BE IT FURTHER ENACTED AND ORDAINED** by the Town Council of Chesapeake Beach that Chapter 22, "Elections", Article V, "Ballots and voting devices", § 22-30, "Ballot formulation", of the Town Code be and hereby is amended as follows:

§ 22-30 **Ballot formulation.**

A. Form of official ballot. ~~On each ballot, BEFORE OR after the name of each candidate, a blank OVAL square or area for designating the choice of the voter shall be printed or displayed. Only the name identified in the candidate's certificate of candidacy issued by the Board shall be used on the official ballot. The candidates for Mayor shall be listed first, in alphabetical order by their surname. The candidates for Town Council shall be listed after those for Mayor, and shall be listed in alphabetical order by their surname. The form of the ballot shall give each voter the opportunity to clearly indicate his OR HER choice for Mayor or Town Councilperson of Chesapeake Beach. For paper ballots, the voter shall be requested to identify his OR HER choice by FILLING marking with a cross mark (x) in the OVAL square opposite the candidate's name for whom he OR SHE desires to vote, not WITHOUT exceeding the number of candidates to be elected for each election contest. For mechanical or electronic voting machines, the form of the ballot shall give each voter the opportunity to clearly indicate his OR HER choice for Mayor or Town Councilperson by activating the correct button, lever, or touch screen space opposite the candidate's name for whom he OR SHE desires to vote, not exceeding the number of candidates to be elected for each election contest.~~

B. Materials that are the subject of a referendum petition may be added to an official ballot described in Subsection A above or be placed on a separate ballot (for special elections). The ballot

will list the question described in the petition for referendum and clearly identify the voter's choices.

C. Specimen ballots. The Board shall use the form of the official ballot to create a specimen ballot, on which shall be clearly printed the words "Specimen Ballot." The specimen ballot can be used by the Board and election judges to demonstrate the form of the ballot prior to and on the day of the election.

**Section 17. AND BE IT FURTHER ENACTED AND ORDAINED** by the Town Council of Chesapeake Beach that Chapter 22, "Elections", Article V, "Ballots and voting devices", § 22-31, "Voting machines", of the Town Code be and hereby is amended as follows:

§ 22-31 **OPTICAL SCANNER AND Voting machines.**

The Board is authorized to use OPTICAL SCANNERS PROVIDED BY THE CALVERT COUNTY BOARD OF ELECTIONS TO SCAN AND TABULATE ~~voting machines instead of paper ballots~~ to record the vote of some or all voters. THE BOARD IS ALSO AUTHORIZED TO USE ELECTRONIC voting machines THAT PROVIDE A VOTER-VERIFIABLE PAPER RECORD FOR EACH VOTER. ~~can be either mechanical or electronic in operation and can store the results of a vote cast by a voter either mechanically or electronically, pending the tabulation of all of the votes on that machine. Generally, all voters shall use the same method of voting at a particular polling place; however, the use of voting machines for some voters does not preclude the use of paper ballots for other voters in the same election or at the same polling place if the election judge or judges find that the voting machines are defective, unreliable, unavailable, or an election judge suspects a machine or device has been tampered with and deems it important to preserve the machine as evidence of such tampering.~~

**Section 18. AND BE IT FURTHER ENACTED AND ORDAINED** by the Town Council of Chesapeake Beach that Chapter 22, "Elections", Article V, "Ballots and voting devices", § 22-38, "Provisional ballot instructions and envelopes", of the Town Code be and hereby is amended as follows:

§ 22-38 **Provisional ballot instructions and envelopes.**

A. Instructions. A provisional ballot shall be accompanied by instructions prescribed by the Board for marking and returning the ballot and a ballot envelope ~~or storage system.~~

B. Envelopes ~~and storage systems.~~ When voted, a provisional ballot shall be:  
(1) ~~—~~ Enclosed in an envelope designated "Provisional Ballot/Return Envelope"; ~~or~~  
(2) ~~—~~ Stored in a mechanical or electronic format, separated from all other ballot results, as specified by the Board.

**Section 19. AND BE IT FURTHER ENACTED AND ORDAINED** by the Town Council of Chesapeake Beach that Chapter 22, "Elections", Article V, "Ballots and voting devices", § 22-40, "Canvassing of provisional ballots", of the Town Code be and hereby is amended as follows:

§ 22-40 **Canvassing of provisional ballots.**

A. In general. Following an election, the Board shall meet at its designated counting center to canvass the provisional ballots cast in that election.



B. Time for opening provisional ballots. The Board may not open the envelope of a provisional ballot until the Board has approved the provisional ballot application.

C. Approval or rejection of provisional ballot applications. Based upon the information provided by the provisional ballot application, the Board, by a majority vote with respect to each application, shall determine if the individual applicant was qualified to vote a provisional ballot. For the purposes of this section, an individual is qualified to cast a provisional ballot if the Board determines that:

(1) The individual is registered and qualified to vote in the Town election or the individual is registered to vote elsewhere in Maryland but now resides in and is entitled to register in Chesapeake Beach; or

(2) If the provisional ballot was cast because the voter failed to provide required identification, the individual who cast the provisional ballot has met the identification requirements established by the Board; and

(3) If the provisional ballot was cast during a period covered by a court order or other order extending the time for closing the polls, the order has not been invalidated by a subsequent court order.

(4) IF THE VOTER WAS ADDED TO THE MARYLAND UNIVERSAL REGISTRATION SYSTEM USING THE "SAME DAY REGISTRATION" PROCESS DURING THE PERIOD DURING WHICH THE TOWN REGISTRATION WAS CLOSED FOR THE ELECTION.

\* \* \*

**Section 20. AND BE IT FURTHER ENACTED AND ORDAINED** by the Town Council of Chesapeake Beach that Chapter 22, "Elections", Article V, "Ballots and voting devices", § 22-47, "Counting absentee ballots", of the Town Code be and hereby is amended as follows:

**§ 22-47 Counting absentee ballots.**

A. The Board shall enter ~~the letter "V" for "voted" along with the letters "A.B." for "absentee ballot" next to the voter's name on the register for submitted~~ ALL absentee ballots RECEIVED INTO A POLL BOOK.

B. WITHIN 48 HOURS AFTER POLLS ARE CLOSED, THE BOARD, JUDGES SELECTED BY THE BOARD, AND OFFICIAL CHALLENGERS WILL MEET AT A PREARRANGED TIME AND LOCATION TO COUNT ABSENTEE BALLOTS. Once the polls are closed, the

C. WHEN DIRECTED BY A BOARD MEMBER, AN absentee ballot may be removed from the ballot envelope that is signed by the registrant and shall be placed in a box designated specifically for paper ballots. Ballots shall be removed from the box at random for HAND-counting and recording of the vote. IF AVAILABLE, THE USE OF BALLOT SCANNER/ TABULATOR IS AUTHORIZED FOR ABSENTEE BALLOTS IN LIEU OF OR IN ADDITION TO HAND-COUNTING.

D. No person shall be permitted to cast more than one ballot of any nature, and the Board shall reject any envelope which contains more than one ballot or any ballot envelope of any qualified voter who has already voted.

**Section 21. AND BE IT FURTHER ENACTED AND ORDAINED** by the Town

Council of Chesapeake Beach that Chapter 22, "Elections", Article VI, "Conduct of elections", § 22-50, "Campaign Restrictions", of the Town Code be and hereby is amended as follows:

**§ 22-50 Campaign restrictions.**

A. Sign requirements. All signs relating to an election or to a candidate or referendum shall meet the following requirements:

(1) Signs relating to an election or candidate or referendum shall comply with any Town ordinance generally regulating signs, including any requirement that the owner obtain a permit;

(2) Signs relating to an election or candidate or referendum shall comply with the requirements of § 22-28 of this chapter relating to authority lines; and

(3) Signs relating to an election or candidate or referendum shall not ~~deface~~ BE PLACED ON public property, EXCEPT, ON ELECTION DAY, SIGNS NOT ATTACHED TO PUBLIC BUILDINGS OR OTHER IMPROVEMENTS MAY BE PLACED AT A POLLING SITE IN DESIGNATED AREAS WHERE ELECTIONEERING IS PERMITTED, SO LONG AS SUCH SIGNS DO NOT, IN THE JUDGMENT OF THE BOARD, OBSTRUCT THE VIEW OF DRIVERS PASSING OR ENTERING THE POLLING SITE.

\* \* \*

**Section 22. AND BE IT FURTHER ENACTED AND ORDAINED** by the Town Council of Chesapeake Beach that Chapter 22, "Elections", Article VI, "Conduct of elections", § 22-51, "Election judges", of the Town Code be and hereby is amended as follows:

**§ 22-51 Election judges.**

A. Board members and judges. Each member of the Board shall serve as an election judge. In addition, the Board may appoint any persons qualified under Subsection B of this section to serve as election judges should it deem it necessary.

\* \* \*

D. Duties. Except for the division of duties required by § 22-52, each election judge shall be responsible for supervising the activities in and around the polling place, opening the polls, closing the polls, voter identification and determining voting status, instructing voters, supervising the assistance of voters, maintaining and supervising the use of the voter registry/POLL BOOKS, official ballots, specimen ballots, ballot boxes, BALLOT SCANNERS, voting machines, voting booths, supervising challengers and official challengers, making challenges, determining challenges (by majority vote), maintaining decorum, and enforcing the provisions of the Charter and this chapter with respect to matters relevant to the election judge's duties as stated herein.

\* \* \*

**Section 23. AND BE IT FURTHER ENACTED AND ORDAINED** by the Town Council of Chesapeake Beach that Chapter 22, "Elections", Article VI, "Conduct of elections", § 22-52, "Division of duties among judges", of the Town Code be and hereby is amended as follows:

**§ 22-52 Division of duties among judges.**

A. Division of duties. One election judge shall handle the registry (ELECTRONIC POLL BOOKS AND/OR PAPER COPY), ~~and ONE JUDGE SHALL HANDLE BALLOTS AND VOTING MACHINE (IF USED)~~, one judge shall ~~act as~~ HANDLE the ballot box AND/OR BALLOT SCANNER, AND ONE JUDGE SHALL HANDLE PROVISIONAL APPLICATIONS/BALLOTS.

B. Opening of the polls. ~~PRIOR TO upon the opening of the polls, the ASSIGNED election judges shall open and allow inspection of the ballot box and/or voting machines PERFORM SETUP/INSPECTION PROCEDURES (PROVIDED BY COUNTY) FOR POLL BOOKS, BALLOT SCANNER AND/OR VOTING MACHINES AS APPLICABLE.~~ If a STAND ALONE ballot box is used, INSTEAD OF OR IN ADDITION TO THE BALLOT SCANNER, it shall be OPENED, INSPECTED (TO ENSURE IT IS EMPTY) AND THEN locked. ~~After inspection and prior to the commencement of voting.~~ After inspection of the ballot box, BALLOT SCANNER and/or voting machines, the sealed package of ballots is then to be opened.

C. Casting the ballot. ~~The election judge must initial each ballot on the back thereof upon presenting the same to the otherwise qualified voter. The letter "v" for "voted" is then placed on the registry.~~ THE REGISTRY JUDGE SHALL MARK REGISTRY AND INITIAL THE VOTER AUTHORITY CARD. THE BALLOT JUDGE SHALL INITIAL THE VOTER AUTHORITY CARD WHEN ISSUING BALLOT OR ALLOWING A VOTER TO USE VOTING MACHINE. THE BALLOT BOX JUDGE SHALL INITIAL AND RETAIN THE VOTER AUTHORITY CARD WHEN VOTER PLACES HIS OR HER COMPLETED BALLOT INTO BALLOT BOX OR BALLOT SCANNER.

**Section 24. AND BE IT FURTHER ENACTED AND ORDAINED** by the Town Council of Chesapeake Beach that Chapter 22, "Elections", Article VI, "Conduct of elections", § 22-54, "Voter authority card", of the Town Code be and hereby is amended as follows:

**§ 22-54 Voter authority card.**

A. Signature requirement. When a voter applies to vote, he OR SHE shall identify himself OR HERSELF by signing a voter authority card. THE POLL BOOK PRINTS OUT A VOTER AUTHORITY CARD FOR EACH VOTER. IF POLL BOOK IS NOT USED THE VOTER AUTHORITY CARD SHALL BE on a form designated by the Board. ~~Voter authority cards are to be~~ AND issued in numerical order.

B. Change of address. If the voter has changed his OR HER address after registration, or after the last time he voted, that fact shall be disclosed to an election judges at the time the voting authority card is applied for. The election judges shall indicate the change of address and report that fact to the Board.

**Section 25. AND BE IT FURTHER ENACTED AND ORDAINED** by the Town Council of Chesapeake Beach that Chapter 22, "Elections", Article VI, "Conduct of elections", § 22-55, "Instructions to voters", of the Town Code be and hereby is amended as follows:

**§ 22-55 Instructions to voters.**

A voter may request instructions regarding the manner in which to mark a ballot. However, no election judge shall suggest in any way how such voter should vote on any particular question or for any particular candidate. ~~IF~~ if the voter has been given his OR HER official ballot and he OR SHE requires ADDITIONAL instruction, the instructions MAY ~~should~~ be given in the election booth OR voting space, and after giving such instruction, the election judge shall leave the voting booth OR voting space.

**Section 26. AND BE IT FURTHER ENACTED AND ORDAINED** by the Town Council of Chesapeake Beach that Chapter 22, "Elections", Article VI, "Conduct of elections", § 22-56, "Assistance to voters", of the Town Code be and hereby is amended as follows:

**§ 22-56 Assistance to voters.**

A. Disability. No voter shall be permitted to receive assistance in voting at any election unless he OR SHE shall declare under oath that by reason of blindness, impaired vision, or other physical disability he OR SHE is unable to read or mark the ballot without assistance, or to operate THE SCANNER AND/OR voting machine, in order to vote.

B. Affidavit. A voter who requires assistance shall execute an affidavit stating the specific reason that assistance is required. No voter shall be assisted in this manner unless ~~a majority~~ TWO OR MORE of election judges shall be satisfied of the truth of the facts stated in the affidavit.

C. Judges' entry on the record. The judges shall enter in writing on the record:

- (1) The voter's name;
- (2) The specific physical disability which requires him OR HER to receive assistance;  
and
- (3) The name of any person or persons assisting the voter in marking his OR HER ballot.

D. Voter-selected person for assistance. If a voter makes such an affidavit of physical disability, an election judge or any person the voter may select shall ~~retire with~~ ACCOMPANY him OR HER to vote. The person selected by the voter or, as the case may be, one of the judges shall mark the ballot or operate the SCANNER AND/OR voting machine as such voter shall direct, the voter himself OR HERSELF naming one by one the candidates or questions for whom or which he OR SHE desires to vote. The only assistance which is lawful for election judges to give such a voter is to mark the ballot or operate the voting machine as the voter shall direct. The person selected to assist the voter cannot be:

- (1) A candidate who is on that ballot;
- (2) The individual's employer or an agent of the employer; or
- (3) An officer or agent of the individual's union.

**Section 27. AND BE IT FURTHER ENACTED AND ORDAINED** by the Town Council of Chesapeake Beach that Chapter 22, "Elections", Article VI, "Conduct of elections", § 22-59, "Official challenger's rights and prohibitions", of the Town Code be and hereby is amended as follows:

**§ 22-59 Official challenger's rights and prohibitions.**

A. Official challenger's rights. From the time the polls open until the time that they close, an official challenger's position is in the poll room, as close to the election judges as practicable, so that he or she can see every person who seeks to vote. From the time the polls close until the time the results of the election are received, the official challengers have the right to take such a position as will enable them to see everything that is done and how it is done, except that they may not enter a voting booth with a voter or enter the space within three feet of a person engaged in the process of casting a vote if such person is using a voting machine or device not enclosed within a voting booth.

B. Prohibited acts. No official challenger may inquire into or ascertain for whom any voter desires to vote or has voted, or to confer in the polling room with any voter, or to assist him OR HER in the preparation of his OR HER ballot or in the operation of voting. It is the duty of the election judges to ~~exclude~~ HAVE such official challenger REMOVED from the polling room whenever an official challenger does any of the above stated.

**Section 28. AND BE IT FURTHER ENACTED AND ORDAINED** by the Town Council of Chesapeake Beach that Chapter 22, "Elections", Article VI, "Conduct of elections", § 22-60, "Citizen challenges", of the Town Code be and hereby is amended as follows:

**§ 22-60 Citizen challenges.**

Persons other than official challengers, who desire to challenge the vote of any person inside the polling place, may be permitted by the election judges to enter the room to issue a challenge. A ~~majority~~ TWO OR MORE of the election judges may limit the number of persons allowed in the room for such purpose, and any person who enters the room for such purpose must immediately leave the room once the challenge is decided. This section applies to both regular and special Town elections.

**Section 29. AND BE IT FURTHER ENACTED AND ORDAINED** by the Town Council of Chesapeake Beach that Chapter 22, "Elections", Article VI, "Conduct of elections", § 22-62, "Resolution of challenges", of the Town Code be and hereby is amended as follows:

**§ 22-62 Resolution of challenges.**

A person who issues a challenge shall be required to state his OR HER reasons for the challenge. The challenger and the challenged voter shall be sworn and questioned. If a majority of the ~~judges~~ BOARD OF ELECTIONS are of the opinion that the challenged voter is the person who was registered and is qualified to vote, his or her vote shall be received. If the challenge to a voter is sustained OR BOARD MEMBERS ARE NOT IMMEDIATELY AVAILABLE, the person seeking to vote shall be given the opportunity to apply for a provisional ballot.

**Section 30. AND BE IT FURTHER ENACTED AND ORDAINED** by the Town Council of Chesapeake Beach that Chapter 22, "Elections", Article VI, "Conduct of elections", § 22-63, "Challenge resulting from registry errors", of the Town Code be and hereby is amended as follows:

**§ 22-63 Challenge resulting from registry errors.**

The fact that a voter's name is wrongfully spelled on the registry, or that he OR SHE has given a wrong initial or more initials than he OR SHE has, or that one or more of his OR HER initials is omitted, or that he OR SHE states his OR HER initials or given name in a different way from the way in which it is registered, or that there is an error in the number of his OR HER residence on the registry shall not affect his OR HER right to vote, as long as a ~~majority~~ TWO OR MORE of the election judges are satisfied that he OR SHE is the person who did actually register, and that he intended to register his true name and residence.

**Section 31. AND BE IT FURTHER ENACTED AND ORDAINED** by the Town Council of Chesapeake Beach that Chapter 22, "Elections", Article VI, "Conduct of elections", § 22-64, "Majority of judges necessary to resolve challenged info", of the Town Code be and hereby

is deleted in its entirety and designated “[Reserved.]”

**Section 32. AND BE IT FURTHER ENACTED AND ORDAINED** by the Town Council of Chesapeake Beach that Chapter 22, “Elections”; Article VI, “Conduct of elections”, § 22-66, “Procedures for closing polls”, of the Town Code be and hereby is amended as follows:

**§ 22-66 Procedures for closing polls.**

A. Voters in line when polls close. All qualified voters who are waiting in line to vote when the polls are closed shall be permitted to vote.

B. Unused ballots. Before opening the ballot box or activating the tallying function of any BALLOT SCANNER ~~voting machine~~, any unused ballots are to be sealed by the election judges.

C. ASSIGNED ELECTION JUDGES SHALL CLOSE THE POLL BOOKS AND/OR VOTING MACHINES AS APPLICABLE.

~~CD.~~ Total persons voting. The total number of persons voting shall be announced as shown by the registers and absentee ballots, as well as an identification of the number of provisional ballots issued.

~~DE.~~ Counting ballots.

(1) WITH RESPECT TO BALLOTS CAST USING BALLOT SCANNER AN ELECTION JUDGE, IN THE PRESENCE OF AT LEAST ONE OTHER ELECTION JUDGE, SHALL PERFORM THE BALLOT SCANNER PROCEDURES (PROVIDED BY THE COUNTY) TO CLOSE THE POLLS.

~~(2) With respect to paper ballots cast using a ballot box, upon opening the box, the election judges shall count all ballots cast. The separate votes shall then be counted and the ballots strung. The election judges shall reject any ballots which are intentionally folded together and any ballots which do not have endorsed thereon the name or initial of the judge who held the ballots. If there shall be any mark on the ballot other than a cross mark (x) in a square or designated place for the mark designating a vote, such ballot shall not be counted. No ballot shall be rejected solely because the voter has marked more names than there are persons to be elected to an office for a particular contest, or both for and against a proposition, but such ballots shall not be counted for any candidate in the group of names so marked, or for the proposition so marked.~~

~~(2) With respect to ballots cast using voting machines, the election judge appointed as the ballot box judge shall, in the presence of all other election judges assigned to that polling place, operate the voting machine to tabulate the results, in accordance with the applicable operational procedures for that voting machine. Any ballot cast using a voting machine on which there is no clear vote because of the machine's failure to properly operate or through tampering shall be rejected.~~

~~EF.~~ Rejection of ballots. All ballots that are rejected shall be preserved. All records, including envelopes, related to rejected ballots shall also be preserved.

**Section 33. AND BE IT FURTHER ENACTED AND ORDAINED** by the Town Council of Chesapeake Beach that Chapter 22, “Elections”, Article VI, “Conduct of elections”, § 22-67, “Statement of vote”, of the Town Code be and hereby is amended as follows:

**§ 22-67 Statement of vote.**

As soon as the vote has been counted, an unofficial report of the vote shall be made and a statement thereof may be posted on the door of Town Hall. THE STATEMENT WILL IDENTIFY THE NUMBER OF ABSENTEE AND PROVISIONAL BALLOTS RECEIVED BUT NOT YET CANVASSED.

**Section 34. AND BE IT FURTHER ENACTED AND ORDAINED** by the Town Council of Chesapeake Beach that Chapter 22, "Elections", Article VII, "Recounts and election contests", § 22-69, "Types of recounts", of the Town Code be and hereby is amended as follows:

**§ 22-69 Types of recounts.**

A. Mandatory recount. At the time the board certifies the election results as required by § c-612 of the town charter, the board shall determine whether a mandatory recount is necessary and, if so, advise the mayor and Town Council of that fact within 24 hours. For the election of the mayor, a mandatory recount is necessary if the results of the election are such that the difference between the votes received by the winning candidate and the votes of the candidate receiving the next highest number of votes is equal to or less than 5% of the total ~~votes cast for Mayor~~ NUMBER OF VOTERS VOTING IN THIS ELECTION. For the election of the Town Council, a mandatory recount is necessary if the results of the election are such that the difference between the votes received by the candidate with the sixth highest number of votes and the votes of the candidate receiving the seventh highest number of votes is equal to or less than 5% of the total ~~votes cast for Town Council~~ NUMBER OF VOTERS VOTING IN THIS ELECTION. For a referendum question, a mandatory recount shall be required if the difference between the number of votes cast in favor of the subject ordinance and against the subject ordinance is equal to or less than 5% of the total ~~votes cast on the question~~ NUMBER OF VOTERS VOTING IN THIS ELECTION. The necessity of a mandatory recount for mayor, a member of the Town Council and/or a specific referendum question are independent requirements, and the recount shall only apply to the election results for the office or item which is within the margins set forth in this subsection a. A mandatory recount shall be performed in the manner set forth in § 22-72 of this chapter.

B. Permissive recount. The Board shall conduct a recount in the manner set forth in § 22-72 upon the filing of a written request of a candidate or a citizen of the Town who was registered to vote in the election which is the subject of the recount request. The written request for a recount must be made by a petition for recount meeting the requirements of § 22-70. The petition for recount must be filed with the Town Clerk no later than the close of business on the first Monday following the election and must specify which election contest is the subject of the recount (Mayor, Town Council and/or referendum question). A recount fee deposit of ~~\$1,000~~ \$500 with respect to a mayoral election, and ~~\$500~~ with respect to an election for a Council seat or each referendum question must be paid at the time the petition for recount is filed and is necessary for a valid filing of a petition for recount. A different petition for recount and deposit is necessary for each election contest or referendum question for which the person is requesting a recount. The recount fee deposit shall be held by the Town Clerk, pending the results of the recount. If the recount does not change the results of the election contest, then the entire fee shall be paid to the Town from the deposit, to defer the costs of conducting the recount. If, as a result of a recount, the results of the election contest are changed such that a different candidate is declared the winner or there is a different answer on a referendum question, the recount fee deposit shall be refunded to the petitioner. Except for counter-petitions, the first valid petition for a recount of a specific election contest shall be the only petition upon which a recount for that contest shall be conducted.

**Section 35. AND BE IT FURTHER ENACTED AND ORDAINED** by the Town

Council of Chesapeake Beach that Chapter 22, "Elections", Article VII, "Recounts and election contests", § 22-71, "Candidate's counter-petition for second recount", of the Town Code be and hereby is amended as follows:

**§ 22-71 Candidate's counter-petition for second recount.**

Upon the completion of a recount undertaken pursuant to § 22-69A or B and the announcement of the result by the Board, any candidate who was a candidate in the election contest which was recounted or any person who objects to a recount with respect to a referendum election may request a second recount using a petition for recount in the form set forth in § 22-70. A petition for a second recount under this section must be filed with the Town Clerk no later than the close of business on the second day after the day the results of the first recount were announced by the Board. A petition for a second recount under this section ~~does not require a~~ REQUIRES THE SAME recount fee deposit AS SET FORTH IN § 22-69 B ~~or the payment of expenses~~. A second recount under this section shall be performed as set forth in § 22-72.

**Section 36. AND BE IT FURTHER ENACTED AND ORDAINED** by the Town Council of Chesapeake Beach that Chapter 22, "Elections", Article VII, "Recounts and election contests", § 22-72, "Recount procedures", of the Town Code be and hereby is amended as follows:

**§ 22-72 Recount procedure.**

A. **Announcement.** Upon a determination that a mandatory recount is necessary, or upon the receipt of a timely and valid recount petition or a counter-petition for a recount, the Board shall announce to all interested persons, including the candidates, the current Mayor and Town Council, and the Town Clerk, its receipt and acceptance of a petition for recount, the name of the person requesting the recount, the Board's intention to conduct a recount of the vote, and specifying the election contest that is the subject of the recount.

\* \* \*

D. **Conduct of recount.** On the date and time set for the recount, the Board shall meet and act as the sole election judges for purposes of conducting the recount. A majority of the Board must be present to conduct a recount. The recount shall utilize the same processes for canvassing as a regular canvassing after the close of the polls. A RECOUNT DOES NOT REQUIRE A HAND RECOUNT OF SCANNED BALLOTS. A recount does not require an audit of the operation of BALLOT SCANNER AND/OR voting machines, including the tabulations made by such ~~voting~~ machines. The Board may, however, require an audit of the operation of one or more ~~voting~~ machines or voting processes if it finds that such an audit is necessary to protect the fairness of the election contest or the accuracy of the election result. AS PART OF THE AUDIT, THE BOARD MAY DIRECT A HAND RECOUNT OF SCANNED BALLOTS. THE BOARD MAY SPECIFY A FULL RECOUNT OR A PARTIAL RECOUNT, SUCH AS A SPECIFIC CONTEST, SPECIFIC CANDIDATES, AND/OR A QUESTION.

**Section 37. AND BE IT FURTHER ENACTED AND ORDAINED** by the Town Council of Chesapeake Beach that Chapter 22, "Elections", Article VIII, "Enforcement and penalties", § 22-77, "Voting by person convicted of an infamous crime", of the Town Code be and hereby is amended as follows:



**§ 22-77 Voting by person convicted of A FELONY, ~~infamous crime~~.**

A. Generally. A person who has been convicted of A FELONY AND IS CURRENTLY SERVING A COURT-ORDERED SENTENCE OF IMPRISONMENT FOR THE CONVICTION OR HAS BEEN CONVICTED OF BUYING OR SELLING VOTES ~~an infamous crime~~, and has been rendered ineligible to register to vote pursuant to § 22-9 of this chapter, may not vote or attempt to vote during the time that the person is rendered ineligible to vote.

B. Penalties. A person who violates this section is guilty of a municipal infraction and, upon conviction thereof, is subject to a fine of \$1,000.

**Section 38. AND BE IT FURTHER ENACTED AND ORDAINED** by the Town Council of Chesapeake Beach that Chapter 22, "Elections", Article VIII, "Enforcement and penalties", § 22-83, "Tampering, damaging, or removing voting equipment", of the Town Code be and hereby is amended as follows:

**§ 22-83 Tampering, damaging, or removing voting equipment.**

- A. Generally. A person may not willfully and knowingly:
- (1) Tamper with, damage, or attempt to tamper with or damage any voting equipment that is used or will be used in an election, including but not limited to SCANNERS, BALLOT MARKING DEVICES, AND POLL BOOKS ~~voting machines~~;
  - (2) Prevent or attempt to prevent the correct operation of any voting equipment that is used or will be used in an election, including but not limited to SCANNERS, BALLOT MARKING DEVICES, AND POLL BOOKS ~~voting machines~~;
  - (3) Remove or attempt to remove any voting equipment, including but not limited to SCANNERS, BALLOT MARKING DEVICES, AND POLL BOOKS ~~voting machines~~, from the custody of the election judges or other election officials.

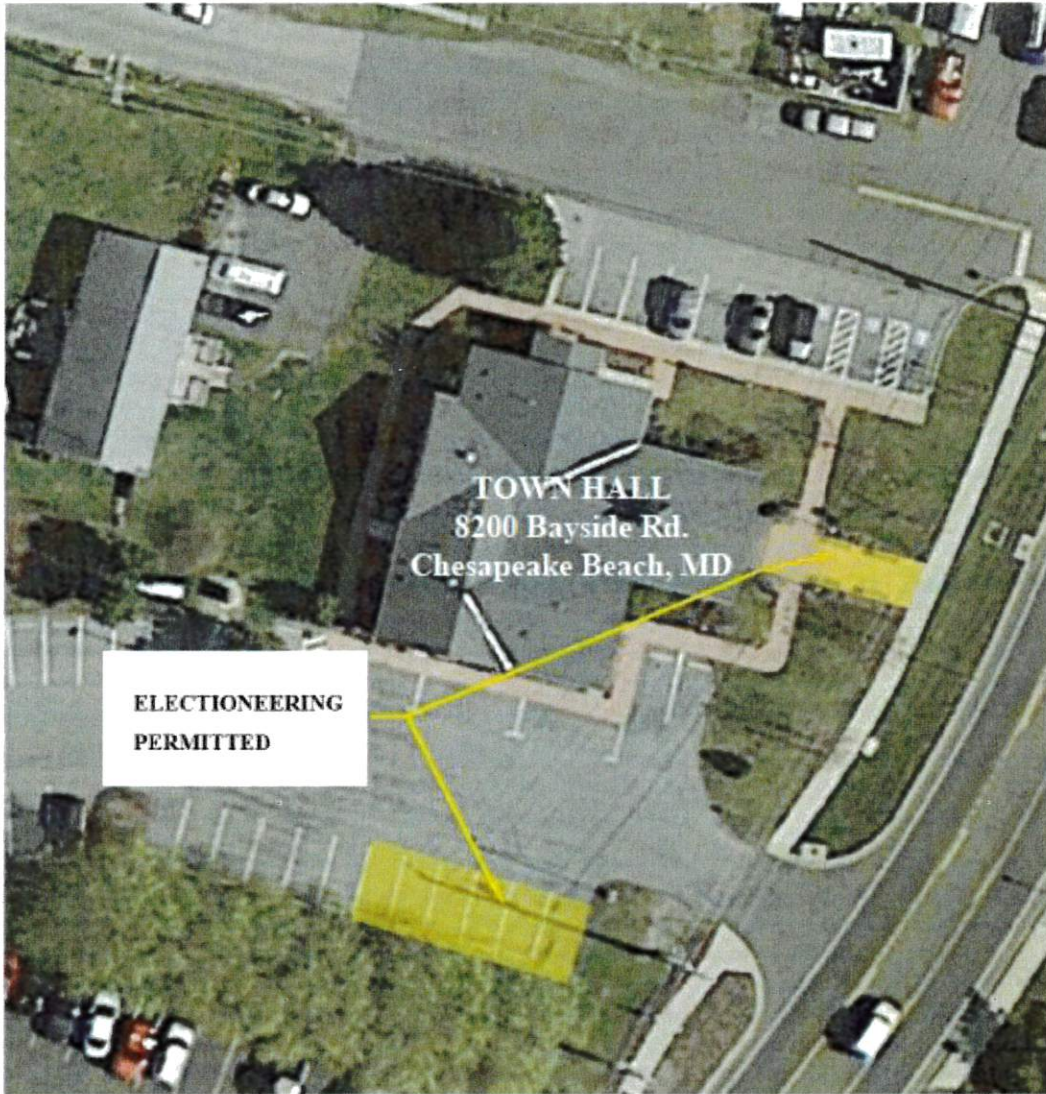
B. Penalties. A person who violates this section is guilty of a municipal infraction and, upon conviction thereof, is subject to a fine of \$1,000.

**Section 39. AND BE IT FURTHER ENACTED AND ORDAINED** by the Town Council of Chesapeake Beach that Chapter 22, "Elections", Article X, "Appendix", § 22-87, "Designation of areas where electioneering is prohibited", of the Town Code be and hereby is amended as follows:

**§ 22-87 Designation of areas where electioneering is PERMITTED ~~prohibited~~.**

- A. WHEN ELECTION IS HELD AT NORTH EAST COMMUNITY CENTER DESIGNATION OF ELECTIONEERING AREAS ARE CONTROLLED BY CALVERT COUNTY.
- B. WHEN ELECTION IS HELD AT CHESAPEAKE BEACH TOWN HALL ELECTIONEERING IS PERMITTED IN THE LOCATIONS SHOWN IN FOLLOWING PHOTO:

See Exhibit A.



**AS CERTIFIED** by their signatures below, the members of the Town Council affirm that this Ordinance was introduced at the Town Council meeting held on the \_\_\_ day of \_\_\_\_\_, 2019, that a public hearing was held on the \_\_\_ day of \_\_\_\_\_, 2019, and that a vote was taken in accordance with Section C-309 of the Town Charter. The vote of the Council was tallied and \_\_\_\_\_ votes of approval and \_\_\_\_\_ votes of disapproval were cast. The resulting majority of the Council \_\_\_\_\_ (*approved/disapproved*) the passage of this Ordinance this \_\_\_ day of \_\_\_\_\_, 2019. If signed by the Mayor below, the Mayor approves this Ordinance pursuant to Section C-310 of the Charter this \_\_\_ day of \_\_\_\_\_, 2019. This Ordinance shall become effective at the expiration of twenty (20) calendar days from the date of the Mayor's approval or seven (7) days after the last required publication, whichever is later, pursuant to Section C-309 of the Charter, currently published in Volume II of the Municipal Charters of Maryland.

CHESAPEAKE BEACH, MARYLAND

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Patrick J. Mahoney, Mayor

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Valerie L. Beaudin, Councilwoman

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Derek J. Favret, Councilman

---

L. Charles Fink, Councilman

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Lawrence P. Jaworski, Councilman

---

Gregory J. Morris, Councilman

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Keith L. Pardieck, Councilman

Introduced: \_\_\_\_\_

Passed: \_\_\_\_\_

Effective: \_\_\_\_\_

CHARTER AMENDMENT RESOLUTION CAR-19-2

A RESOLUTION OF THE TOWN COUNCIL OF CHESAPEAKE BEACH, MARYLAND,  
AMENDING THE CHARTER OF THE TOWN OF CHESAPEAKE BEACH AS TO THE  
SINGLE SUBJECT, ELECTIONS, TO PROMOTE THE MOST EFFICIENT CONDUCT AND  
ADMINISTRATION OF TOWN ELECTIONS, AND ELIMINATE CERTAIN AMBIGUITIES  
IN CERTAIN PROVISIONS WITH RESPECT TO THE CONDUCT OF ELECTIONS AND  
THE CANVASSING OF BALLOTS

WHEREAS, Chesapeake Beach (the "Town") is a municipal corporation in the State of Maryland, organized and operating under a Charter adopted in 1963, in accordance with Article XI E of the Constitution of Maryland; and

WHEREAS, pursuant to Md. Code. Ann., Local Gov't Art., Division II, Title 4, Subtitle 3, the Town Council has the authority to amend the Town's Charter, in accordance with the procedures set forth therein; and

WHEREAS, in accordance with Md. Code Ann., Local Gov't Art., Division II and Subtitle 6 of the Town Charter, Sections C-601 through C-616, inclusive, and consistent with said Charter provisions, the Town Council has the authority to regulate through ordinance the conduct and administration of town elections; and

WHEREAS, it has come to the attention of the Town Council that certain provisions of the Chapter 22 of the Code do not operate in a manner that promotes the most efficient conduct and administration of Town elections, and that there is ambiguity in certain provisions with respect to voter registration and the conduct of elections, and that, therefore, amendments to those provisions would serve the best interests of the Town's residents; and

WHEREAS, the Town Council has introduced certain amendments to Chapter 22 of the Town Code for the aforesated purposes; and

WHEREAS, it has further come to the attention of the Town Council that certain provisions of the Charter relating to the same subjects are necessary to ensure that the Charter and Code are not in conflict.

**Section 1.** NOW, THEREFORE, BE IT RESOLVED by the Town Council of Chesapeake Beach, Maryland, that Subtitle 3, Section C-604, "General duties and powers of Board of Elections," of the Charter of Chesapeake Beach is hereby amended as follows:

Section C-604 General duties and powers of Board of Elections.

The board of elections shall be responsible for the administration of all town elections, including the registration of voters, qualifying [the nomination of candidates] DECLARATIONS OF CANDIDACY, canvassing the votes, declaring and certifying the results of elections, VALIDATION OF PETITIONS FOR REFERENDUM, preparing and supervising voter education programs, conducting recounts,

adjudicating challenges and election contests, [conducting recounts,] and enforcing the provisions of Subtitle 6 of the Charter and the election ordinances of the Town Council. The board may appoint election clerks or other employees to assist it in any of its duties.

**Section 2.** **AND BE IT FURTHER RESOLVED** by the Town Council of Chesapeake Beach, Maryland, that Subtitle 6, Section C-606, "Registration," of the Charter of Chesapeake Beach is hereby amended as follows:

Section C-606. Registration.

No person shall be entitled to vote in town elections unless he or she is registered as a Chesapeake Beach voter. Application for registration shall be available through the Maryland universal registration system or through direct application to the Town. It shall be the duty of the board of elections to keep the Town SUPPLEMENTAL VOTER list up to date by striking from the list the names of persons known to have died or who otherwise no longer meet the qualifications to vote. ADDITIONALLY, VOTERS WHO ARE REGISTERED ON BOTH THE UNIVERSAL REGISTRATION LIST AND THE TOWN SUPPLEMENTAL VOTER LIST WILL BE REMOVED FROM THE TOWN SUPPLEMENTAL VOTER LIST BY THE BOARD. The council is hereby authorized to adopt, by ordinance, any provisions necessary to establish and maintain a system of Town registration.

**Section 3.** **AND BE IT FURTHER RESOLVED** by the Town Council of Chesapeake Beach, Maryland, that Subtitle 6, Section C-608, "Nomination for public office," of the Charter of Chesapeake Beach is hereby amended as follows:

Section C-608 [Nomination] DECLARATION OF CANDIDACY for public office.

A PERSON [Persons] eligible to hold public office in the town may [be nominated] DECLARE HIS OR HER CANDIDACY by filing a written [certificate of nomination] DECLARATION OF CANDIDACY with the town clerk, in the form required by ordinance. The town clerk shall immediately forward the [certificate of nomination] DECLARATION to the board of elections. To qualify [for nomination] AS A CANDIDATE, a [certificate of nomination] DECLARATION OF CANDIDACY must be filed at least [forty-five (45)] FIFTY-SIX (56) days prior to the election. At least [forty (40)] FORTY-NINE (49) days prior to the election, the board of elections shall certify that each [person nominated] PROPOSED CANDIDATE is eligible to hold public office and upon such certification, the [nomination] CANDIDATE shall be accepted. No person shall be eligible [for nomination] TO DECLARE CANDIDACY to more than one elective town public office or hold more than one elective town public office at any one time.

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: Indicate matter deleted from existing

**Section 4. AND BE IT FURTHER RESOLVED** by the Town Council of Chesapeake Beach, Maryland, that Subtitle 6, Section C-610, "Conduct of Elections," of the Charter of Chesapeake Beach is hereby amended as follows:

Section C-610. Conduct of Elections

It shall be the duty of the board of elections to provide a suitable place or places for voting, and suitable ballots in paper or electronic form. The BALLOT SCANNER AND/OR voting machines, if used, shall be those authorized by the council and may be electronic. The ballots or voting machines shall show the name of each candidate nominated for elective office in accordance with the provisions of this charter, arranged in alphabetical order by office with no party designation of any kind. Ballot questions and referendum matters shall clearly identify the issue and required response. The council shall regulate, by ordinance, the hours during which the polls shall be kept open, but at a minimum they shall remain open during the hours that polls are scheduled to be open for the general elections of the State of Maryland. The council shall provide, by ordinance, the conditions upon which the board of elections may keep a polling station open for additional time.

**Section 5. AND BE IT FURTHER RESOLVED** by the Town Council of Chesapeake Beach, Maryland, that Subtitle 6, Section C-612, "Vote count," of the Charter of Chesapeake Beach is hereby amended as follows:

Section C-612 Vote count.

Within forty-eight hours after the closing of the polls the board of elections shall determine the vote cast for each candidate or question. WITHIN SEVEN DAYS AFTER POLL CLOSING, THE BOARD SHALL COMPLETE CANVASSING OF ALL PROVISIONAL BALLOTS, and THEN [SHALL] CERTIFY THE FINAL results of the election to the town clerk who shall record the results in the minutes of the council. The candidate for mayor with the highest number of votes in the said election shall be declared elected as mayor. The six candidates for TOWN COUNCIL [councilman] with the highest number of votes in the said election shall be declared elected as TOWN COUNCIL MEMBERS [councilmen]. An ordinance or part thereof that is the subject of a referendum election will be decided by majority vote.

**Section 6. BE IT FURTHER RESOLVED**, that upon the effective date of the amendments set forth herein, any provisions of the Charter of Chesapeake Beach that are inconsistent with the provisions of this Charter Amendment Resolution are hereby repealed.

**Section 7. BE IT FURTHER RESOLVED**, that pursuant to Md. Code Ann., Local Gov't Art., § 4-304, the Mayor of the Town of Chesapeake Beach shall give notice of this proposed amendment by posting an exact copy of the same at the Town Hall, for a period of at least forty (40) days following its adoption. In addition, a fair summary of this proposed amendment shall be

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published in a newspaper of general circulation in the Town of Chesapeake Beach not less than four (4) times, at weekly intervals within a period of forty (40) days after the adoption of this resolution.

**Section 8. BE IT FURTHER RESOLVED**, that pursuant to Md. Code Ann., Local Gov't Art., § 4-304, the charter amendment proposed by the Town Council for the town of Chesapeake Beach, Maryland shall become and be considered a part of the municipal Charter, according to the terms of this charter amendment resolution, in all respects to be effective and observed as such, upon the fiftieth (50th) day after being so ordained or passed, unless on or before the fortieth (40th) day after being so ordained or passed, there shall be presented to the Town Council, or mailed to it by certified mail, a petition for referendum meeting the requirements of Md. Code Ann., Local Gov't Art., § 4-304(d).

**AS CERTIFIED** by their signatures below, the members of the Town Council affirm that this Resolution was introduced at the Town Council meeting held on the \_\_\_ day of November, 2019 and that after a public hearing on the \_\_\_ day of December, 2019, a vote was taken in accordance with Town's regular procedures for the passage of resolutions. The vote of the Council was tallied and \_\_\_ votes of approval and \_\_\_ votes of disapproval were cast. The resulting majority of all members of the Town Council (*approved/disapproved*) the passage of this Resolution this \_\_\_ day of December, 2019. This Resolution shall become effective in accordance with its terms.

**CHESAPEAKE BEACH, MARYLAND**

\_\_\_\_\_  
Patrick J. Mahoney, Mayor

\_\_\_\_\_  
Valerie L. Beaudin, Councilwoman

\_\_\_\_\_  
Derek J. Favret, Councilman

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law

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L. Charles Fink, Councilman

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Lawrence P. Jaworski, Councilman

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Gregory J. Morris, Councilman

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Keith L. Pardieck, Councilman

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: Indicate matter added to existing law  
: Indicate matter deleted from existing





To: The Honorable Mayor and Town Council  
Subject: Smoking/Vaping Ordinance

From: Holly Wahl, Town Administrator

**Date: December 13, 2019**

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## **I. BACKGROUND:**

The health effects of second and third hand smoking and vaping have been well documented resulting in a growing number of state and local governments taking steps to regulate their use to protect the health of the public. Calvert County Government adopted Ordinance No. 32-19 on October 22<sup>nd</sup>, 2019 and our neighboring municipality, the Town of North Beach, amended Ordinance 18-05 on October 2, 2018 to include prohibiting smoking on Town property.

Vaping or electronic smoking devices means “a device, that can be used to deliver aerosolized or vaporized nicotine to an individual inhaling from the device [including] an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, a vape pen, and vaping liquid; and ...any component, part, or accessory of such a device regardless of whether or not it is sold separately, including any substance intended to be aerosolized or vaporized during use of the device.” [Md. Code Ann., Bus. Reg. § 16.7-101\(c\) \(2019\)](#) (changes to definition effective October 1, 2019)

*Vaping liquid* means “a liquid that: (1) consists of propylene glycol, vegetable glycerin or other similar substance; (2) may or may not contain natural or artificial flavors; (3) may or may not contain nicotine; and (4) converts vapor intended for inhalation when heated in an electronic device.”

[Md. Code Ann., Bus. Reg. § 16.7-101\(k\) \(2019\)](#)

## **II. RECOMMENDATION:**

It is recommended that Town Council adopt the proposed ordinance prohibiting smoking and vaping on public property.

**ORDINANCE O-19-17**

**AN ORDINANCE OF THE TOWN COUNCIL OF CHESAPEAKE BEACH, MARYLAND, AMENDING CHAPTER 196, “PARKS AND PUBLIC AREAS”, ARTICLE I, “REGULATIONS CONCERNING ALL PUBLIC PARKS, PUBLIC VENUES AND RESTRICTED PROPERTY”, TO ENACT SECTION 196-9.1, “SMOKING ON TOWN PROPERTY”, TO PROHIBIT SMOKING ON SPECIFIED TOWN PROPERTY AND TO PROVIDE A SANCTION FOR A VIOLATION OF SECTION 196-9.1.**

WHEREAS, pursuant to Md. Code Ann., Local Gov’t. Article, § 5-202, Chesapeake Beach (“the Town”) has the authority to adopt such ordinances as it deems necessary to assure the good government of the Town; protect and preserve the Town’s rights, property, and privileges; and preserve peace and good order; and

WHEREAS, pursuant to Local Gov’t Article, § 5-209(c) the Town has the specific authority to prevent and remove nuisances; and

WHEREAS, pursuant to this authority, the Town enacted which prohibits certain specified conduct in certain places; and

WHEREAS, medical studies have shown that exposure to secondhand smoke from tobacco causes illness and disease, including lung cancer, heart disease, and respiratory illness and the Town Council recognizes that tobacco smoke poses a grave and substantial threat to the public health, safety and welfare, and causes annoyance and discomfort to many members of the public; and

WHEREAS, the Town has an interest in protecting members of the public generally from the adverse impacts of secondhand tobacco smoke and from the annoyance and other adverse impacts of other noxious gases and vapors; and

CAPITALS : Indicate matter added to existing law

WHEREAS, the Town desires to amend Town Code, Chapter 196, Article I to prohibit smoking and vaping on certain Town property.

Section 1. NOW THEREFORE BE IT ORDAINED AND ENACTED by the Town Council of Chesapeake Beach that Town Code, Chapter 196, “Parks and Public Areas”, Article I, “Regulations Concerning All Public Parks, Public Venues and Restricted Property, be and hereby is amended to add Section 196-9.1 “Smoking on Town Property”, as follows:

SEC. 196-9.1. SMOKING PROHIBITED.

A. DEFINITIONS.

(1) “SMOKING” IS THE ACT OF LIGHTING, IGNITING OR GENERATING SMOKE FROM A PIPE, HOOKAH PIPE, CIGAR, ELECTRONIC CIGARETTE OR A CIGARETTE OF ANY KIND, INCLUDING THE USE OF ANY PRODUCT THAT EMITS SMOKE IN THE FORM OF GASES, PARTICLES, VAPORS OR OTHER BY-PRODUCTS RELEASED BY ELECTRONIC CIGARETTES, TOBACCO CIGARETTES, HERBAL CIGARETTES, MARIJUANA CIGARETTES AND ANY OTHER TYPE OF CIGARETTE, PIPE OR OTHER IMPLEMENT FOR THE PURPOSE OF INHALING VAPORS, GASES, PARTICLES OR THEIR BY-PRODUCTS RELEASED AS A RESULT OF COMBUSTION OR IGNITION.

(2) “VAPING” IS THE HEATING OF NICOTINE, CANNABIS OR FLAVORED AEROSOLS, THE ACTIVE INGREDIENTS IN WHICH ARE VAPORIZED AND THEN RELEASED INTO THE AIR IN A FINE MIST CREATED BY A VAPORIZER DEVICE.

B. PROHIBITED CONDUCT. SMOKING, VAPING, AND POSSESSING LIGHTED OR IGNITED TOBACCO, NICOTINE OR MARIJUANA PRODUCTS ARE PROHIBITED ON THE FOLLOWING TOWN

SMALL CAPITALS : Indicate matter added to existing law

PROPERTIES:

- (1) BAYFRONT PARK
- (2) KELLAMS COMPLEX, INCLUDING THE FIELD, PLAYGROUND AND ALL PARKING AREAS
- (3) PUBLIC BOAT RAMPS
- (4) CHESAPEAKE BEACH WATER PARK
- (5) VETERANS PARK
- (6) CHESAPEAKE BEACH BOARDWALK
- (7) TOWN HALL
- (8) POCKET PARKS THROUGHOUT TOWN

C. EXCEPTION. SMOKING, VAPING AND POSSESSING LIGHTED OR IGNITED TOBACCO, NICOTINE OR MARIJUANA PRODUCTS ARE PERMITTED INSIDE A VEHICLE THAT IS PARKED IN A PARKING LOT, PROVIDED THAT THE DOORS AND WINDOWS OF THE VEHICLE ARE COMPLETELY CLOSED.

D. OTHER LAWS. NOTHING CONTAINED IN THIS SECTION SHALL BE CONSTRUED TO AUTHORIZE SMOKING OR VAPING IN VIOLATION OF ANY FEDERAL OR STATE LAW OR REGULATION.

E. SIGNS. THE MAYOR IS AUTHORIZED TO POST SIGNS ON TOWN PROPERTY ON WHICH SMOKING AND VAPING IS PROHIBITED BY THIS SECTION, NOTIFYING THE PUBLIC OF SAID PROHIBITIONS AND OF THE PENALTIES FOR VIOLATIONS THEREOF AS SET FORTH IN SECTION 196 OF THIS CHAPTER.

F. FINES AND PENALTIES.

(1) A VIOLATION OF THIS SECTION SHALL BE A MUNICIPAL INFRACTION, PUNISHABLE BY A FINE OF \$50.00

(2) A PERSON WHO ENTERS UPON PROPERTY FROM WHICH HE OR SHE HAS BEEN BANNED PURSUANT TO SUBSECTION F(3) OR F(4) OF THIS SECTION SHALL BE GUILTY OF A

SMALL CAPITALS : Indicate matter added to existing law

SEPARATE MUNICIPAL INFRACTION PUNISHABLE BY A FINE OF \$50.00

(3) A VIOLATION OF THIS SECTION IS DECLARED TO BE A PUBLIC NUISANCE AND, IN ADDITION TO ANY FINE OR OTHER PUNISHMENT IMPOSED PURSUANT TO SUBSECTION F(1) OR F(2) OF THIS SECTION:

(A) ANY PERSON WHO VIOLATES THIS SECTION SHALL BE SUBJECT TO EJECTION FROM THE TOWN PROPERTY ON WHICH SUCH VIOLATION HAS OCCURRED.

(B) A PERSON WHO HAS COMMITTED THREE OR MORE VIOLATIONS OF THIS SECTION MAY BE BANNED BY THE MAYOR FROM THE TOWN PROPERTY OR PROPERTIES ON WHICH SUCH VIOLATIONS HAVE OCCURRED FOR A PERIOD OF ONE YEAR IF DEEMED NECESSARY BY THE MAYOR IN ORDER ADEQUATELY TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE.

AS CERTIFIED by their signatures below, the members of the Town Council affirm that this Ordinance was introduced at the Town Council meeting held on the 19<sup>th</sup> day of December, 2019, that a public hearing was held on the 16<sup>th</sup> day of January, 2020, and that a vote was taken in accordance with Section C-309 of the Town Charter. The vote of the Council was tallied and \_\_\_\_ votes of approval and \_\_\_\_ votes of disapproval were cast. The resulting majority of the Council \_\_\_\_\_ (*approved or disapproved*) the passage of this ordinance this \_\_\_\_ day of \_\_\_\_\_, 2020. This Ordinance shall become effective 20 days after approval by the Mayor or approved by the Council over the Mayor's veto or seven days after the last required publication.

SMALL CAPITALS : Indicate matter added to existing law

**CHESAPEAKE BEACH, MARYLAND**

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Patrick J. Mahoney, Mayor

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Valerie L. Beaudin, Councilwoman

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Derek J. Favret, Councilman

---

Gregory J. Morris, Councilman

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Lawrence P. Jaworski, Councilman

---

Keith L. Pardieck, Councilman

---

L. Charles Fink, Councilman

SMALL CAPITALS

: Indicate matter added to existing law

Introduced \_\_\_\_\_  
Passed \_\_\_\_\_  
Effective \_\_\_\_\_

**ORDINANCE O-19-18**

**AN ORDINANCE OF THE TOWN COUNCIL OF  
CHESAPEAKE BEACH, MARYLAND, ADOPTING A  
REVISED WATER AND SEWER POLICY MANUAL.**

WHEREAS, Chesapeake Beach (the “Town”) is a municipal corporation of the State of Maryland, organized and operating in accordance with Article XI-E of the Constitution of Maryland and Md. Code Ann., Local Government Article, Title 4; and

WHEREAS, pursuant to Md. Code Ann., Local Gov’t Art. (“LG”), § 5-202, “General Authority of Municipalities”, the Town Council has the authority to pass such ordinances as it deems necessary to preserve peace and good order, to secure persons from danger and destruction and to protect the health, comfort and convenience of the residents of the municipality; and

WHEREAS, Maryland Health-Environmental Code Annotated Title 9, “Regulation by Municipalities and Political Subdivisions”, Part II, “Regulation by Municipalities”, § 9-704 et seq., and in particular §§ 9-716 and 9-722, authorize municipalities to adopt rules and regulations to provide for the maintenance and operation of any water supply and sewerage system under its control and to establish reasonable charges for connection to such water supply or sewerage system; and

WHEREAS, on November 22, 1985, by Ordinance No. O-26-85 , the Town Council adopted a Water and Sewer Policy Manual setting forth rules and regulations for the administration of sanitary sewer and water facilities, including regulations, restrictions and rules for the use of said facilities and user charges directly related to the construction, operation, and maintenance of said facilities; and

WHEREAS, the Water and Sewer Policy Manual was subsequently incorporated into the

Town Code, Chapter 217, “Sewers and Water”, Article IV, “Water and Sewer Policy Manual: and

WHEREAS, the Water and Sewer Policy Manual has not been reviewed and revised in many years; and

WHEREAS, due consideration being given to compliance with applicable federal and state regulations pertaining to the user charge system, standards and procedures for new connections, design and construction of water and sewer facilities and appurtenances, and for the regulation of the flow of industrial wastes and harmful substances into the Town’s water and sewer facilities, the Town Council deems certain clarifications, amendments and revisions to the Water and Sewer Policy Manual to be necessary for the continued efficient operation and administration of the Town’s facilities and the connection of users thereto; and

WHEREAS, a public hearing was held on January 16, 2020 concerning the adoption of an amended Water and Sewer Policy Manual; and

NOW THEREFORE BE IT ORDAINED AND ENACTED that the Town’s Water and Sewer Policy Manual shall be that manual attached hereto as Exhibit A, dated January 2020 which manual shall replace and supersede any Water and Sewer Policy Manual previously adopted and the amended Manual shall be incorporated in the Town Code through Chapter 217, “Sewers and Water”, Article IV, “Water and Sewer Policy Manual.

AS CERTIFIED by their signatures below, the members of the Town Council affirm this Ordinance was introduced at the Town Council meeting held on the 19<sup>th</sup> day of December, 2019. A public hearing was conducted on the 16<sup>th</sup> day of January, 2020 and a vote was taken in accordance with Section C 309 of the Town Charter. The vote of the Council was tallied and \_\_\_\_ votes of



approval and \_\_\_\_ votes of disapproval were cast. The resulting majority of the Council approved the passage of this Ordinance this 16<sup>th</sup> day of January, 2020, to become effective on the \_\_\_\_ day of \_\_\_\_\_, 2019.

**CHESAPEAKE BEACH, MARYLAND**

\_\_\_\_\_  
Patrick J. Mahoney, Mayor

\_\_\_\_\_  
Valerie L. Beaudin, Councilwoman

\_\_\_\_\_  
Derek J. Favret, Councilman

\_\_\_\_\_  
L. Charles Fink, Councilman

\_\_\_\_\_  
Lawrence P. Jaworski, Councilman

\_\_\_\_\_  
Gregory J. Morris, Councilman

\_\_\_\_\_  
Keith L. Pardieck, Councilman



# **TOWN OF CHESAPEAKE BEACH MARYLAND**

## **WATER AND SEWER MANUAL**

**JANUARY 2020**

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# ARTICLE I WATER & SEWER GENERAL ADMINISTRATION

## **Purpose**

The purpose of this Manual is to set forth in one place the Town's policies, procedures, planning practices, standards and responsibilities that apply in administering the delivery of public water distribution and sanitary sewer collection services throughout Chesapeake Beach including billing for services and collecting fees, allocating available capacity to users, and extending, connecting, using, and maintaining water and sewer infrastructure.

## **Section 1.1 Water and Sewer Systems**

### **A. Authority**

The Mayor and Town Council are authorized by Md. Code Ann. Env. Art. §9-716 to adopt and maintain this Manual. Compliance with the Manual shall be mandatory.

### **B. Adoption of Calvert County Standard Specifications and Details**

The Mayor and Council of the Town of Chesapeake Beach hereby adopt the Calvert County Standard Specifications and Details for Water Mains and Sanitary Sewers and State regulations as may be amended from time to time or as amended by addendum by the Town.

### **C. Compliance with other Standards**

Compliance with this Manual does not relieve any person or entity from complying with other applicable Town, County, State or federal ordinances and regulations.

### **D. Conflicting Standards**

This Manual shall be deemed as additional requirements to minimum standards required by other applicable ordinances and standards; in the case of conflicting requirements, the most restrictive shall apply.

### **E. Update of Manual**

As design criteria and technical requirements evolve and procedures are perfected, this Manual will require revisions and improvements. Revisions will be approved in the same manner as this original document and all changes will be tracked within the document.

## **Section 1.2 Definitions**

**Act** – Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq. amendments.

**Allocation** – The discrete amount of water and/or sewer service to be provided by the Town. An allocation of capacity is an assurance of water and wastewater services from the Town.

**APHA** – American Public Health Association

**Applicant** – A person, partnership, corporation, firm or governmental agency undertaking or proposing the construction of water and/or sewer improvements or other related improvements, who is primarily responsible for the improvements, and who is acting directly or through the owner of the property to be served, or its agents or employees.

**As-Built Drawing** – Drawings that show actual location of water and sewer improvements as constructed including dimensional ties to physical structures.

**Authorized Representative of the Systems User:**

- A. In the case of a corporation, the president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any person who performs similar policy or decision-making functions for the corporation.
- B. In the case of the partnership or proprietorship, a general partner or proprietor; and
- C. In the case of a federal, state, or local government facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- D. The individuals described in paragraphs A through C above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the user and written authorization, with notary, is submitted to the Town.
- E. If the authorization under paragraph D, above, is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of paragraph D above must be submitted to the Town prior to or together with any documents to be signed by an authorized representative.

**Availability for Hook-Up** – The project shall have attained a certificate of substantial completion by the Town Engineer, has all appropriate interior plumbing in place and approved by the County, and is ready to receive water and/or sewer service.

**Available Capacity**

- A. Treatment of Wastewater: The positive difference between the rated capacity of the Water Reclamation Treatment Plant and the rolling annual daily flow through the system, less any allocations granted but not yet used. Where applicable, the rated capacity of pump stations, conveyance systems, and interceptors shall also be taken into account. The most restrictive volume for use computation purposes prevails where rated capacities of various components of the collection system differ. The available plant capacity is rated by MDE (Maryland Department of the Environment).
- B. Supply of water: The positive difference between the applicable State water appropriation(s) for the water system or the rated capacity of the system, whichever is less, and the rolling annual average daily demand through the system, less any allocations granted but not yet used. This capacity shall include proportional adjustments which reserve amounts of water sufficient to meet maximum daily demand, provide fire protection and water system maintenance. Where applicable, the rated capacity of water treatment, distribution and storage facilities shall also be taken into account. The most restrictive volume prevails for use estimating purposes where rated capacities for various components of the water system differ. The appropriations for water are rated by the Maryland Department of the Environment.

**Average day demand** – The total volume of water used in the year divided by 365.

**Average day rate (average day)** – The average daily demand volume expressed in gallons per minute (gpm) and/or million gallons per day (mgd).

**Average Flow** – The average flow, as determined by the Town, expressed in gallons per day.

**Billing Quarter (Water & Sewer Usage)** – January – March; April – June; July – September; October – December

**Biochemical Oxygen Demand (B.O.D.)** – A standard test to determine the quantity of oxygen used in the biochemical oxidation of organic matter under standard laboratory procedure for five (5) days at 20 degrees centigrade, expressed in terms of weight and concentration [milligrams per liter (mg/l)].

**Bulk Allocation** – The total of available capacity less discretionary reserved allocations.

**Building Drain** – In plumbing, the part of the lowest horizontal piping of a drainage system that received the discharge from the drainage pipes inside the walls of the building and conveys it to the building sewer. The latter begins five feet outside the inner face of the building wall.

**Building Sewer** – The extension from the building drain to the public sewer or other place of disposal beginning five feet outside the inner face of the building wall.

**Bypass** – The intentional diversion of waste streams.

**Capital Contribution Charge** – A connection charge for new or increased demand of the public water and/or sewer systems. This charge reimburses the Town for an equitable portion of the costs of public water and sewer facilities such as transmission lines, pump stations and interceptor sewers.

**Categorical pretreatment standard or categorical standard** – Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the act (33 U.S.C. 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Sub-Chapter N, Parts 405-471.

**CFR** – Code of Federal Regulations.

**Chemical Oxygen Demand (COD)** – A standard test to determine the amount of oxygen required to oxidize the organic compounds in a water sample to carbon dioxide and water expressed in terms of weight and concentration [milligrams per liter (mg/l)].

**Collector Sewer** – Sewer pipeline designed and constructed to convey wastewater from lateral or branch sewers to the outfall or trunk sewer.

**COMAR** – The Code of Maryland Regulations.

**Connection** – Any single property or structure connected to the public water or sewer main for which a connection fee is paid and a utility permit issued.

**Connection Tap Fee** – See Appendix A

**Construction Cost** – Includes all labor, materials, equipment and incidental work required to accomplish the project improvements as shown on the approved project plans. For Bonding, a 25% contingency shall be added to all Town approved construction cost.

**Contractor** – The party of the second part to the contract; the individual, partnership, firm or corporation undertaking the execution of the work under the terms of the contract and acting directly or through his/her, their, or its agents or employees.

**County** – Calvert County.

**Department** – The Town of Chesapeake Beach Public Works Department.

**Developer** – A person, partnership, corporation, firm or governmental agency undertaking or proposing the construction of water and/or sewer improvements or other related improvements, and who is primarily financially responsible for the improvements.

**Distribution Mains** – Water mains connecting the transmission mains to the service connections. The distribution mains may provide area-wide fire protection. Generally, the distribution mains will be in a grid or branched configuration.



**Dwelling Unit** – A dwelling or portion thereof providing complete living facilities for one family, but shall not include mobile homes, habitable travel trailers, or rooming, boarding, or lodging houses, or hotels, motels, tourist homes, or other similar places offering overnight accommodations for transients.

**Easement (Right-of-Way)** – A grant of a right of use of the property of an owner for a certain purpose at the will of the grantee.

**EDU – Equivalent Dwelling Unit** – Estimated average residential usage per unit, currently 190 gallons per day, or as revised from time to time by the Town and or MDE. Calculated residential and non-residential EDUs will be calculated on a case by case basis in accordance with Appendix F. No less than one EDU shall be assigned to any individual residential or commercial space. EDUs are assigned to a legal property/parcel and are not transferable from one location to another unassigned property without Town approval. EDUs shall be determined before a Public Works Agreement signing but does not guarantee availability until purchase. EDU's shall be paid for prior to issuance of a zoning permit unless otherwise approved by the Town.

**Engineer** – A professional engineer registered and licensed to practice in the State of Maryland.

**Final Plat Approval** – The signing and dating of a final subdivision plat by the Chair of the Town Planning and Zoning Commission.

**Force Main** – A sewer which conveys wastewater from a pumping station to a treatment plant at a higher elevation or to a higher elevation in the sewer system from which gravity flow may resume.

**GPD** – Gallons per day.

**Grab Sample** – A sample which is taken from a waste-stream without regard to the flow in the waste-stream.

**Grinder Pump** – A pump in a commercial/residential unit used to pressure sewer to a town wastewater collection system.

**House or Building Connection** – A water or sewer which connects a house or other building to a water distribution system or collector sewer system.

**Improvements** – The construction, installation, and/or repairing of water and sewage facilities.

**Lateral or Branch** – Sewer pipeline designed and constructed to convey wastewater from the house/dwelling/building to collector sewer.

**Lien** – For the purpose of this Manual, the word Lien shall mean a charge placed against real property for the satisfaction of unpaid fees, costs or services provided by the Town on that property.

**Manhole** – A structure providing access to a buried sewer, valve, conduit, etc.

**Master Plumber** – A registered, and licensed master plumber who is authorized to install and supervise the installation of plumbing work in Calvert County.

**Maximum Day Demand** – The largest volume of water used in one day during the year.

**Maximum Day Rate (Max. Day)** – The volume of water used during the maximum day divided by a one-day time period expressed in gallons per minute (gpm) or million gallons per day (mgd).

**Meter Factor** – A factor determined by the Town that is used as the basis for determining the demand for water based on meter size.

**MG/L** – Milligrams per liter.

**Moratorium** – The regulatory condition which occurs when inadequate capacity exists for further allocation of capacity. No allocation which increases demand will be made for systems under moratorium.

**Non-Contact Cooling Water** – Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

**NPDES** – National Pollutant Discharge Elimination System.

**Off-Site** - Those elements of the water and sewer system located either within or beyond the boundaries of an approved subdivision or development tract or parcel that are designed with capacity to serve users outside of the subdivision development tract in addition to users within the subdivision development tract.

**On-Site** - Those elements of the water and sewer system located within the boundaries of an approved subdivision designed to support only the development therein. In certain instances, water and sewer improvements may be required to be located beyond the boundaries of a subdivision but are needed to support only the development therein, and in such instances these shall be considered "on-site".

**On-Site Sewage Disposal System (OSDS)** – A wastewater treatment unit, collection system, disposal area, and related appurtenances.

**Outfall Sewer or Trunk Sewer** – Sewer pipeline designed and constructed to convey wastewater from a series of collector sewers to the interceptor sewer.

**Owner** – Property owners as recorded by the Maryland Department of Assessments & Taxation.

**Person** – Any individuals, partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or legal representatives, agent or assigns-and including all Federal, state, and local governmental entities.

**pH** – A measure of the acidity or alkalinity of a solution, expressed in standard units.

**Plans** – The official approved plans, profiles, typical cross sections, working drawings and supplemental drawings, or exact reproduction thereof that show the location, character, dimension, and details of the work to be done; and that are to be considered as a part of the contract supplementary to these specifications and which are identified as such.

**Pollutant** – Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

**Pretreatment** – The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the WRTP. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

**Pretreatment Requirements** – Any pretreatment requirements, other than a national categorical pretreatment standard, required by an industrial user by the EPA, State, or the County.

**Pretreatment Standard or Standards** – Prohibited discharge standards, categorical pretreatment standards, and local limits.

**Prohibited Discharge Standards or Prohibited Discharge** – Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Article IX of this Manual.

**Project** –The construction, reconstruction, relocation or extension of Town public water and/or sewer facilities or any combination thereof. As it relates to allocation, the term shall mean a development, subdivision, unsubdivided property, parcel, individual lot or unit, regardless of whether the use is residential, commercial, industrial or institutional/government.

**Property Line** – For the purpose of this Manual the property line is defined as where the water and sewer connections change from Town owned and maintained to property owner owned and maintained. This change of ownership is typically located in the Town right of way and occurs at a valve or meter vault for water and at a value of clean out for sewer. In cases where these features are not located in the right of way or where the right of way is not obvious the Town may use other means to determine the owner of a water or sewer line. The Town may use a fence and ditch lines or other features to determine ownership of the water and sewer service line. The Town may also review an approved plat or improvements plan to make a property line determination

**Public Street** –Existing street or a platted street intended for or dedicated for the use of the general public, graded, paved or could be graded and paved in order that the public has the right to pass and to use it at all times for the purposes of travel, transportation or parking to which it is adapted and devoted.

**Public Use Area** – has the meaning set forth in the Town Subdivision Regulations.

**Public Works** – The Town of Chesapeake Beach Public Works Department.

**Public Works Director** - The person designated by the Town of Chesapeake Beach to supervise and manage all public works activities within the Town, and who is charged with certain duties and responsibilities by this Manual.

**Rated Capacity:**

- A. Treatment of Wastewater – The lesser of the volume recorded on the State NPDES Permit or the design volume of the treatment facility.
- B. Supply of Water – The lesser of the pumping capacity for an 18-hour period or the state groundwater appropriation permit.
- C. Pump Stations – Facilities including pumps and equipment for pumping fluids from one place to another. They are used for a variety of infrastructure systems; such as, the removal of sewage to the WRTP.
- D. Water Booster Stations – Supplies water to elevated water storage tanks where the water then flows via gravity to customers. Also used to increase operating system pressures in areas where gravity is not suitable for system demands.
- E. Water Storage Facility/Water Towers – Store water during low demand periods for distribution during high demand periods.

**Reclaimed Effluent** – Wastewater produced by a WRTP that has been treated to control pollutants and distributed for reuse.

**Reclaimed Effluent Supply Line (Purple Pipe)** – A buried transmission pipeline which transports the reclaimed effluent originating from a WRTP.

**Representative** – An authorized representative of the Town.

**Reserved Bulk Allocation** – A discretionary percentage of the bulk allocation amount annually allocated by the Town. This reserve is apportioned by the Commissioners. The Town Commissioners must stipulate specific projects and discreet amounts of capacity in accordance with the priority system for reserved bulk allocations established under this policy.

**Rolling Annual Average Daily Demand of Water** – The total flow of water into the distribution system for the preceding twelve months, divided by the number of days counted.

**Rolling Annual Average Daily Flow of Wastewater** – The total flow of wastewater through the Town’s water reclamation treatment plant for the preceding twelve months divided by the number of days counted.

**Schedule of Allocation Targets** – The listing of available capacity for water and sewer systems owned, operated or maintained by the Town as found in the Town Comprehensive Plan, which is updated periodically.

**Segment** – That portion of line that the connecting developer is using that is constructed with private funds.

**Septic Tank Waste** – Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

**Severe Property Damage** – Substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources.

**Sewage** – Human excrement and gray water (household showers, dish washing operations, etc.).

**SIU – Significant Industrial User:**

- A. A user subject to categorical pretreatment standards; or
- B. A user that:
  - (1) Discharges an average of twenty-five thousand (25,000) gallons per day (gpd) or more of process wastewater to the WRTP (excluding sanitary; non-contact cooling, and boiler blow-down wastewater);
  - (2) Contributes a process waste stream that makes up ten (10) percent or more of the average dry weather hydraulic or organic capacity of the WRTP treatment plant; or
  - (3) Is designated as such by the Town on the basis that it has a reasonable potential for adversely affecting the WRTP operation or for violating any pretreatment standard or requirement.
- C. Upon a finding that a user meeting the criteria in subsection B (2) above has no reasonable potential for adversely affecting the WRTP’s operation or for violating any pretreatment standard or requirement, the Town, may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

**Slug Load or Slug** – Any discharge at a flow rate or concentration that would cause a violation of the prohibited discharge standards in Article 9 of this Manual.

**Specifications** – The directions, provisions and requirements pertaining to the method and manner of performing the work or to quantities and qualities of materials and workmanship to be furnished in accordance with the latest Calvert County Standards and Specifications for Construction Manual and this Manual.

**Solid Waste** – All refuse materials, other than gaseous and liquid wastes, generated from users of the wastewater collection system from all public and private establishments and residences.

**Solid Waste Disposal System** –A system, whether publicly or privately owned, which provides scheduled or systematic collection of solid wastes and their transportation to and treatment or other disposition at a solid waste acceptance facility. A solid waste disposal system includes all solid waste acceptance facilities used in connection with the system.

**Standard Details** – The latest Town of Chesapeake Beach or Calvert County Standards and Specifications for Construction Manual or reproductions thereof which pertain to the standard method of construction of water and sewerage facilities and which are approved by the Department.

**Standard Industrial Classification (SIC) Code** – A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

**Substantial Completion** – The date the project or part thereof is accepted by Town, following submission of a Certificate of Substantial Completion by the developer when the construction is sufficiently completed, in accordance with the approved plans, so that the project or specified part of the project can be used for the purpose for which it was intended.

**Sufficient Security** – Financial instrument which guarantees funds to satisfactorily complete construction of the required water and/or sewer improvements.

**Supplemental Policy** – A supplemental policy is required under this general policy if:

- A) Available capacity is 15% or less of the rated capacity of the facility or infrastructure Proposed to serve the project.
- B) A system is under moratorium; or
- C) At the discretion of the Mayor and Town Council and in the best interest of the Town.

The supplemental policy presents additional information unique to that system. If the general policy and supplemental policies are in conflict, the supplement policy prevails.

**Tap Fee** - A Town inspection charge for a new or replacement water or sewer connection to a town water or sewer system.

**Testing Requirements** – Unless otherwise specified, all tests shall be performed in accordance with the latest State of Maryland COMAR guidelines.

**Town** – The Town of Chesapeake Beach.

**Town Administrator** – The duly authorized representative of the Town responsible for overseeing all administrative functions of the Town, subject to the oversight and supervision of the Mayor. The Town Administrator provides direct oversight of the Town Engineer, Planning and Zoning Administrator, Utility Billing Coordinator and Public Works Director and in all instances, the Town Administrator will coordinate with any or all of those individuals in order to determine the appropriate course of action for the Town and may designate another person to carry out specific duties.

**Town Engineer** – A professional engineer registered and licensed to practice in the State of Maryland, employed by the Town and who is in with direct supervision of water and sewer engineering.

**Town Public Works Agreement (PWA)** – A contract specifying the terms and conditions for completion of public improvements by a developer including plans and supporting documentation required to issue a permit for the construction of public water and sewer infrastructure by the department.

**TSS – Total Suspended Solids** – Solids that either float on the surface of or are in suspension in water, wastewater, or other liquids, and which are largely removable by laboratory filtering-, or the quantity of material removed from wastewater in a laboratory test.

**Units (Commercial)** – A space within a property which shares a common water meter.

**Units (Residential)** – Independently occupied residential property with a single water meter. Separate water meters will not be required for condominiums.

**USC** – United States Code.

**Wastewater** – Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the WRTP.

**Wastewater Collection System** – All plants, systems, facilities or properties used or useable or having the present capacity for future use in connection with the collection, carrying away, treating, neutralizing, stabilizing, or disposal of wastewater, industrial wastes or other wastes, and any integral part thereof, including water reclamation plants, outfall sewers, force mains, pipes, pipe lines, conduits, equipment, appurtenances, and all properties, rights, easements, and franchises related thereto and deemed necessary or convenient by the department for the operation thereof.

**Wastewater Pump Station Service Area** – The area that a wastewater pump station serves.

**Wastewater Service Area** – The area served by, or potentially served by, the Town as shown on the adopted Water and Sewer Plan Maps.

**Water Reclamation Treatment Plant (WRTP)** – That portion of the Publicly Owned Treatment Works (POTW) that is designed to provide treatment of municipal wastewater and industrial waste.

**Water and Sewer Allocation Eligibility List** – The list of potential users for water and sewer within the service area. Applications for allocation eligibility does not guarantee water or sewer service to the project owner.

**Water Service Area** – The area served by, or potentially served by, a single distribution system under the control of a single utility, or, in a very large system, sub-areas delineated by the Town as shown on Town and/or County Water and Sewer Plan Maps.

**Water System** – All plants, systems, facilities or properties used or useful or having the present capacity for future use in connection with the supply or distribution of water and any integral part thereof, including water supply systems, water distribution systems, reservoirs, dams, wells, intakes, mains, laterals, pumping stations, standpipes, filtration plants, purification plants, hydrants, meters, valves and equipment, appurtenances, and all properties, rights and easements relating thereof and deemed necessary or convenient by the Town for the operation thereof.

**WRTP Superintendent** – The person designated by the Town to supervise the operation of the WRTP, and who is charged with certain duties and responsibilities by this Manual.

## **Section 1.3 Sewer and Water Rates**

The Council may by ordinance establish the rates for consumption of water and discharge of wastewater in the Town. (See Appendix A for Fee Schedule)

## **Section 1.4 Collection and Billing for Water and Sewer**

All water and sewer rates shall be billed to and collected from the owner on or into whose premises water or sewer is introduced, and it shall be the duty of the Town to send a bill each quarter. The Town will demand, collect and recover from the persons who are the owners of the property charged, the amounts respectively due by each; and if the bill remains unpaid after 30<sup>th</sup> day of the billing month in any year, it shall be the duty of the Town Administrator to give at least fifteen (15) days' notice in writing to the effect payment is due, with late charges per Appendix A if the delinquent payment is not paid at the expiration of the time stated in such notice, the delinquent owners will be deprived of the use of the water system, and legal measures may be instituted to recover the monies due.

## **Section 1.5 Receipts for Payments**

The Town, at the time of demanding and receiving any sewer and/or water payments, shall deliver a receipt to the person making the payment. Canceled checks may serve as written receipts.

## **Section 1.6 Payment to be in Full unless in accordance with an Approved Payment Plan**

On limited occasions, customers may need a onetime extension to pay their water/sewer bills. An extension and Deferred Payment Plan may offer qualifying customers an opportunity to temporarily extend the disconnection date of their water/sewer account. See Appendix C – Hardship Exemption Form. To determine eligibility for a payment extension and payment plans, a customer must provide the following:

- The customer's payment history
- Age of past-due amount
- Timeliness of prior payments
- Copy of Driver's License

Extensions and deferred payment plans must be submitted prior to a customer's scheduled disconnect date. A user may only select one or the other. Users cannot request an extension and later request a payment plan. All Deferred Payment Plans must be requested prior to the users scheduled disconnect date.

If a user requests a week's extension, the Town will review the status of the account to determine if a payment extension can be granted. If the account is otherwise in good standing, the Town will offer the user a week's extension from the scheduled disconnect date.

Unusual circumstances may warrant a payment plan that allows the user to spread out payments. Extensions and deferred payment plans do not prevent the users payment from being considered late, which would lead to additional charges. The account will incur a late payment and interest charge per Appendix A on any amounts in arrears if payment is not received in full by the due date, regardless of payment plan or extension approval.

## **Section 1.7 Delinquent Accounts**

- A. The Town Administrator shall prepare a list of all delinquent accounts that have been notified as directed in Section 1.4 and that are not paid at the time outlined in such notice for sewer and/or water. The Director of Public Works, when authorized by the Mayor, shall thereupon shut off the water, and in no case shall the water be turned on until all payments and assessments due, expenses and penalty charges are paid against the delinquent account. No person shall turn the water on again after the water has been turned off unless so approved by the Town.
- B. When water shutoff is directed by the Town, the occupant and owner will be notified, and the water shall be turned off.
- C. All shutoff charges will be assessed in accordance with Appendix A. Continued nonpayment may result in a lien being placed on the subject property.

## **Section 1.8 Payment and Adjustment of Rates; Discontinuances**

- A. Meters are read at the end of the quarter and billed within 30 days thereafter. Accounts shall be considered in arrears if not paid in full by the due date stated on the bill, along with applicable late fees and/or penalties per Appendix A (also see delinquent accounts). Default on payments for 6 months (two billing periods) may result in a lien on the property for the balance due, including all charges penalties, administrative or processing fees and any legal expenses incurred by the Town.

- B. Any user who desires to discontinue such service shall give five working (5) days notice of their intentions to the Town Administrator in writing, who shall thereupon notify the Director of Public Works. The Director of Public Works shall promptly turn off the water to such premises, and no person shall turn on the water leading to the premises or to any property supplied with water except at the direction of the Director of Public Works. Water shall not be supplied to such premises again except by the Director of Public Works, who shall turn the water on again only after the owner shall have made application (Appendix B) as herein provided and has been granted the right to be supplied with water in the same manner as a new applicant for the use of water; provided that water shall not be furnished to any such property unless all amounts due and owing for water previously supplied to the property have been first paid to the Town. All fixed charges and the Bay Restoration Fee shall continue to accrue during any period when water service is temporarily discontinued.
- C. Where the sewer and/or water is carried or conveyed from one property to another property having no pipe connecting with the sewer and/or water system, each property so supplied shall be charged the prevailing sewer and/or water rates.
- D. Water shutoff or turn-on.
- (1) Water shutoff or turn-on will be directed by the Town Administrator.
  - (2) There shall be a charge per Appendix A assessed to the property owner when a request is received from a property owner for water service to be disconnected or restored.
  - (3) Any other person who turns water on or shuts water off without prior authorization from the Town Administrator shall be guilty of a municipal infraction subject to a fine as outlined in Appendix A. If the shutoff is an emergency this fee may be waived by the Town Administrator.
  - (4) Plumbers, contractors or any other person may shut water off and turn water on in an emergency situation, such as broken pipes, frozen meters or on weekends or other times when Town Hall is closed. The Town Administrator shall be notified by the plumber, contractor or other person of the location and time of shutoff or turn-on within two (2) hours during normal working hours or within the next working day on evenings, weekends, and holidays.
- E. There shall be a returned check fee per Appendix A assessed to any person who submits a check to the Town of Chesapeake Beach in payment of his/her water and/or sewer account/monies due in the event that said check is returned by the bank for insufficient funds or if for any other reason the check is not valid.

## **Section 1.9 Application for Service**

- A. Every person who may desire to contract for a new or upgraded supply of water and/or sewer service(s) to an individual unit or a subdivision within the Town shall make written application to the Town, by completing Appendix "B" Public Water and Sewer Connection Permit Application.
- B. Any construction, renovation or building modification that creates a separate living area that includes a bathroom and a kitchen with a separate entrance shall be considered the creation of a living unit and shall be subject to a connection and/or allocation fees and separate quarterly billing charges for each unit. Any construction, renovation, or building modification that results in the elimination of a living unit shall be subject to the forfeiture of the allocation and separate billing for the eliminated living unit. The owner shall petition the town to have the unit removed from the town billing system. Prior to the start of construction, the property owner shall fill out the water/sewer applications and obtain approval from the Town.
- C. Any existing property with an accessory building that has unused water and sewer connections can be reactivated at the request of the owner with the institution of the "ready to serve" or "quarterly base rate" fee. A change of use approval may be required by Town Planning and Zoning Commission.



- D. Water and sewer allocations and billing for commercial/industrial facilities shall be billed in accordance with Appendix A.

### **Section 1.10 Sewer and Water Connection Fees**

- A. The Town Council may by ordinance set water and/or sewer connection fees. See Appendix A.
- B. For commercial uses, the applicant shall provide such information or data as may be required by the Town Administrator to determine the amount of water and/or sewer that will be used by said commercial use. See Appendix F.
- C. When a commercial property is occupied, or if the Town determines that a change of use has occurred, the Town shall, based upon water meter readings, review the number of connection units assessed upon initial connection of the use to make certain that the number of connection units actually in use by the customer are the same or different from than those originally assessed. If the number of connection units exceeds those originally charged at the time of initial connection of the commercial use, the Town shall assess the appropriate additional connection fee. The additional connection fee shall be based on the fees in effect at the time of the additional assessment.

When a property owner applies for a building permit for an existing property that adds additional demand on the water and sewer systems, the Town will review the status of any previously paid Capital Contribution Charges. The Town will determine whether any increase in the Capital Contribution Charge is warranted as a result of increased costs associated with the Capital Contribution Charge since it was previously paid and/or determine whether in increase in the Capital Contribution Charge is warranted as a result of a change in the use of the property.

- D. Water and sewer taps will only be issued with an approved Town Zoning permit.
- E. The sale of a water and sewer tap connection is a voidable transaction if the property owner does not complete construction under the Zoning permit before the expiration of the permit and any extension thereof, in which the Town would refund the cost of the tap.
- F. Water and sewer tap connections cannot be sold or otherwise transferred to another person or entity for use with respect to a property other than the property for which the related building permit has been issued.

### **Section 1.11 Off-Site Improvements and/or Extensions**

- A. The Property Owner shall pay the entire cost of on-site water mains, fire hydrants, water connections, sewers, building connections and all appurtenances.
- B. When off-site improvements and/or extensions are required for the benefit of the property owner, the Property Owner shall fully fund and install them, or at the Town's discretion, deposit with the Town the funds necessary to either complete the improvements or reimburse the costs of improvements previously installed. The Town may establish a-reimbursement program designed to reimburse a Property Owner for the increment of costs above and beyond that needed to support the Property Owner's subdivision or development, using funds paid by other Property Owners who are required to use these same off-site improvements.

### **Section 1.12 Services Ready to Use**

No Property Owner to which water and sewer service are available may avoid making or repairing a connection that does not meet code. Properties where services have or can be provided may not use or continue to use substitute measures to avoid making proper connections, repairs or avoid hookup fees. Notwithstanding the foregoing, for any property that is used exclusively for secondary or primary education and that contains fields that are used for student athletic events, an

existing well may continue to be used for irrigation, watering, and maintenance of the athletic fields so long as such water used does not enter the wastewater treatment system of the Town.

Failed septic systems must be abandoned according to Maryland State and County regulations and the property owner must connect to public water and/or sewer when available within 500 feet of their property. A property may not be occupied without an actively working water and sewer system.

### **Section 1.13 Disputes**

If a property owner or user with a water and/or sewer account(s) has a dispute with the Town over any item within this manual, the property owner or user must provide a letter to the Town Administrator outlining the dispute. The Town will diligently respond to each complaint.

## **ARTICLE II GENERAL PROVISIONS - WATER**

### **Section 2.1 Water Connections**

- A. Whenever a water main is extended so as to be accessible to any property, the Town shall notify owners of all unconnected properties within 200 feet of the main and the property owner shall make connection therewith, in accordance with this Manual, generally within six months of such notice unless the owner makes application to the Town for extenuating circumstances (Appendix C). The Town will review the application and advise the owner whether an extension is granted.
- B. Separate water building connections for each separate lot or parcel of land abutting on a street, easement, alley or right-of-way in which there is a water main belonging to the Town, shall be constructed by the owner of said lot or parcel of land from such property line to the building.
- C. Whenever it shall be determined that a water building connection was constructed without a permit or in violation of the terms and conditions upon which a permit was issued, the water connection thereto may be cut off at the stopcock or within the public right-of-way until the proper connection(s) have been made to comply with all of the conditions of this Manual or, in the alternative, the Town may, after notice to the property owner, cause the defect to be corrected and charge the expense thereof to said property owner for payment before water service is restored.
- D. Water connections for properties not abutting directly on the water shall connect as outlined in paragraph A above unless otherwise approved by the Town.
- E. No connection shall be made to any water service pipe between the water main and the meter, except as the Town may install or approve. If such unlawful connection is found, the building 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 an unlawful connection has been made to bypass a detector check or meter in order to illegally obtain unmetered water, the detector check will be removed and replaced by a suitable meter. The cost to the Town of such removal and replacement and any fines or fees shall be paid for by the property owner before service is restored. Water and/or sewer charges shall be established by the Town Council from time to time as outlined in Appendix A.

## **Section 2.2 Temporary Water Services**

Temporary water service for building or other construction work may be furnished as follows: Upon the filing of a request and application and the payment of fees and bonds, a Town provided temporary water meter and connection may be installed by a Calvert County approved licensed plumber at the direction of the Town. When the applicant has finished the connection, the licensed plumber will request the meter to be read and shall, with Town approval, 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. All costs shall be paid prior to a permanent connection being made.

## **Section 2.3 Tapping Mains; Performance of Work**

Tapping or making a connection for a new or replacement connection to any service main constructed in any street or public right-of-way will be made at the expense of the property owner who shall be required to pay all fees and construction costs. A licensed contractor shall install a meter pit at the property line (unless the Town agrees to an alternative location in writing) and connect the service pipe to the service main. No service main, whether owned by the Town or by the property owner, shall have a diameter less than three-fourths (3/4) of an inch, unless otherwise approved by the Town.

## **Section 2.4 Responsibilities**

- A. Town will maintain and repair Town assets at its sole expense. The Town is responsible for the water meter, water meter vault and sewer cleanout.
- B. Non-Emergencies – The property owner is responsible for the repair and maintenance of the water and sewer connections from the property line or public easement line to the building and of all lines, piping and fixtures in the building and on the property itself. The property owner is responsible for all costs resulting from leaks and repairs of their lines. It is the property owner’s responsibility to locate any leaks and have them repaired at his/her own expense, and property owner is responsible for all water and sewer costs resulting from leaks located between the property line or easement line to any faucet or sprinkler head, as well as for normal sewer and water costs. The Town may do maintenance or repairs when it deems a condition to constitute an Emergency (See Section 2.4B).
- C. Emergencies – Upon discovery of a water and/or sewer system leak (or failure) constituting a threat of harm to public health, safety or welfare, the Town will determine if the leak is located in facilities owned and/or maintained by the Town, in which case it will repair the leak . If the leak is not the Town’s responsibility, the Town will use its best efforts to notify the property owner immediately. If the Town does not believe the leak is a threat of harm to the public health, safety or welfare, the owner will be told that it is his/her responsibility to have the leak repaired within 14 consecutive days by a plumber licensed by Calvery County, at the owner’s expense. If the property owner fails to take the corrective action within the 14 days, the Town may perform such repair work. If the Town deems the leak to be an emergency and a threat to the general public health, safety or welfare, the Town may take immediate action to correct the leak. Such actions may include immediately turning off the water supply to the property. All cost incurred by the Town, including overhead and assistance from any contractor, to correct a property owner’s leak shall be paid by the property owner within 90 days of the repair or the Town may place a lien on the property until such time as payment is made.

- D. If the Town water valve for the property can stop a leak for which the property owner is responsible, a shut off fee will be assessed, and the Town will shut off the water. After the property owner makes the necessary repair, the Town will turn the water back on and assess a turn on fee. If the leak cannot be stopped by shutting off the connection to an individual property and the owner is not available to authorize said repair, the Town may proceed with such repair in its discretion repair a leak in the exterior yard of the structure. The Town will not enter private property without a warrant.

## **ARTICLE III METERS**

### **Section 3.1 Meters and Meter Locations**

- A. The Town shall furnish with each property served by public a water meter of a size and type deemed suitable for the installation contemplated. Meters shall be paid for by the property owner in accordance with Appendix A. The water meter shall remain under the ownership of, and will be maintained by, the Town. New meters shall be installed by a Calvert County certified plumber and under the supervision of the Town.
- B. All new meter installations shall be at the property line, right-of-way line or easement, unless otherwise approved by the Town, and the Town shall determine the size and type of the water meter and type of the settings required for placement. Outside meters will be used, except with special permission from the Town where obstructions or other considerations require that they be placed inside the building, in which case they shall have a remote head placed in a convenient location, that can be read from outside the building and be set as the Town shall require. When the water meter is set inside the building (if approved by the Town for extenuating circumstances), the property owner will be held responsible for the protection of the meter from damage due to freezing, tampering or vandalism and will make it available to the Town for meter reading, maintenance, repair or removal. Any requests for installation of a sub-meter shall be submitted to the Town in accordance with Appendix E. Repairs and replacements of a damaged meter shall be at the expense of the property owner. No water bypass devices of any kind shall be used to circumvent the meter.

### **Section 3.2 Control and Supervision of Meters; Repairs**

- A. The meter shall at all times be accessible to the Town or its agents. In the event any meter shall fall into a state of disrepair or fail to register, the property owner shall be charged by using the reading of for the same quarter of the previous year, if available, until the meter can be repaired or replaced. If a previous year reading is not available, an average reading from similar users during the same quarter will be used. If Town access to a meter causes lost water or incorrect readings, the Town may estimate those losses and charge the property owners accordingly. When a meter is replaced at the Town's request it shall be at the Town's expense. If a meter is changed at the property owner's request and is found to be working properly and providing accurate readings by the Town, it shall be at the owner's expense.
- B. Water meter accuracy test is to be conducted by a Town qualified water meter person. No accuracy test shall be performed without a written request by the property owner and payment to the Town, per Appendix A. In the event the meter is found to be in error, all paid fees will be returned to the property owner.
- C. All meters shall be made accessible to the designated Town staff member for purpose of reading and repair. If a meter is not accessible, the Town will request that the property owner to make it accessible. The Town may deem accessibility an emergency (see Section 2.4) if the request is not complied with within 90 days of the town's request.

### **Section 3.3 Tampering or Interfering with Meters**

- A. No person shall interfere with the Town, its agents or employees during installation, repair, replacement, reading, examination or removal of any meter, nor shall a person ~~or~~ tamper with, alter the reading of, deface, injure, destroy or disconnect any meter or any connection thereto, or use water otherwise than through a meter. Any water connection to the premise of any consumer who, by himself or herself or through an agent, permits any of the unlawful acts set forth in this section may be cut off without notice.
- B. The provisions of the preceding subsection shall not be construed to exempt any person who may have been fined for a violation thereof, or who may be charged with a violation thereof, from an action for damages on account of such violation brought by the Town.
- C. It shall be the property owner's responsibility to pay the cost of any necessary repairs or replacement of a meter that has been tampered with as set forth in this Manual and Appendix A.

## **ARTICLE IV MATERIALS AND MAINTENANCE**

### **Section 4.1 Use of Private Water and Sewer (Outside Buildings)**

The use of outside private water and sewer pipes and connections thereto shall be reviewed and approved by the Town.

### **Section 4.2 Inspections and Repairs to Prevent Waste of Water**

The Town or its duly authorized agent is authorized and empowered, upon reasonable notice and in compliance with all applicable provisions of law, to enter and inspect the premises of any consumer of water for the purpose of ascertaining the number of EDUs that should be assessed for the property and the character of all service connections on such premises and the condition thereof, and for the purpose of investigating whether there is any unnecessary waste of water. In case any unnecessary waste of water shall be found to result from want of repair in the pipes or other fixtures, the owner or occupant of such premises shall be notified to have the necessary repairs made immediately, and upon his/hers-neglect or refusal to do so, the Town shall shut off the water from such premises. No person shall turn on such water before the necessary repair permits or permission for use have been made and approved by the Town. All applicable fees associated with the water and shut off and turn on and any other applicable fees per this Manual must be paid before water service will be restored to the property.

### **4.3 Renewal of Water / Sewer Lateral Extension**

After the initial connection from the Town main has been made and through time and deterioration the service lines may be replaced as determined by the Town, the Town will replace the water extension from the main to the property line or meter vault at the Town's expense.

## **ARTICLE V WATER USE CURTAILMENT**

### **Section 5.1 Authority of Mayor to Order Curtailment**

The Mayor is hereby authorized and empowered, whenever in his/her judgment he/she shall think it necessary for the preservation of the public health and safety, to suspend, curtail, regulate and prohibit the use of water from the municipal water system of the Town.

## **Section 5.2 Notice to Consumers to Curtail Unnecessary Use**

The Mayor is hereby authorized and empowered to give notice for all consumers of water to curtail, regulate or refrain from the use of water for all or any of the purposes specified in this Article.

## **ARTICLE VI UNLAWFUL AND PROHIBITED ACTS**

### **Section 6.1 Unlawful Opening of Fire Hydrants**

No person other than an authorized employee of the Town or a member of a Fire Department acting under orders of their proper superior in the performance of their duties may operate a fire hydrant unless in possession of written permission from the Town to do so.

### **Section 6.2 Prohibited Acts Generally**

No person shall connect to, make improvements to, access or cause harm to any of the Town's water and sewer system without permission from the Town and this Manual.

### **Section 6.3 Unlawful Connections or Ferrules**

No person shall, without proper authority, introduce a ferrule into any public or private pipe, or form any connection or communication whatsoever with any public or private pipe and/or the Town's Water and Sewer System.

### **Section 6.4 Penalties**

If any property owners, customers, tenants, applicants, persons, firms, associations or corporations tamper in any way with the Town's Water and Sewer System, he/she shall be guilty of a municipal infraction subject to a fine of One Thousand dollars (\$1,000) per infraction and will be required to pay all fees and charges necessary to correct the cause of the infraction along with any estimated loss of revenue or damage to the Town.

## **ARTICLE VII GENERAL PROVISIONS – SEWERS**

### **Section 7.1 Connections, Openings or Alterations: Permit Required**

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 permission and/or a permit from the Town.

### **Section 7.2 Water Pollution Prohibited**

It shall be unlawful to discharge to any natural outlet within the Town or in any area under the jurisdiction of the Town any sanitary sewage, industrial wastes or other polluted waters except where suitable treatment has been provided in accordance with the provisions of this Manual.

### **Section 7.3 Connection to Public Sewer**

Whenever a public sewer is extended so as to be accessible to any property, the Town shall notify owners of all unconnected properties within 200 feet of the sewer and the property owner shall make connection therewith, in accordance with this Manual, generally within six months of such notice unless the owner makes application to the Town for extenuating circumstances (Appendix C). The Town will review the application and advise the owner whether an extension is granted.

### **Section 7.4 Out of Town Regulations**

Properties outside of Town are subject to an Interjurisdictional Agreement with North Beach, Anne Arundel County and Calvert County.

### **Section 7.5 Septic Tank and Cesspools Restricted**

Except as otherwise provided in this chapter, it shall be unlawful to construct or maintain a storage tank, vault, septic tank, cesspool or other facility intended or used for the disposal of sewage within the Town unless otherwise approved by the Town.

### **Section 7.6 Sanitary Maintenance and Use of Septic Tanks and Cesspools**

Septic facilities not prohibited by this Manual shall be maintained by the owners thereof in a sanitary condition satisfactory to the County and/or State Board of Health and shall be emptied and cleaned by such means and in such manner as prescribed by the Board. The property owner shall submit bi-annual reports to the Calvert County Health Department documenting that the septic system is being properly operated and maintained. These reports shall be signed by a Master Plumber.

### **Section 7.7 Damaging or Destroying Sewage Works Equipment**

No person shall maliciously, negligently or without authority break, damage, destroy, uncover, deface, cause to be inaccessible, or tamper with any structure, appurtenance or equipment which is part of the sewage works.

### **Section 7.8 Notice of Violations**

Any person found to be violating any provisions of this Manual shall be served by the Town with written notice stating the nature of the violation and directing the satisfactory correction within 30 business days thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

### **Section 7.9 Violations and Penalties**

Any person guilty of violating any provisions of this Manual shall be guilty of a municipal infraction and shall be subject to a fine not to exceed One Thousand dollars (\$1,000) payable within 30 days of notice.

### **Section 7.10 Liability of Damages**

Any person violating any provision of this article shall become liable to the Town for any expense, loss or damage occasioned the Town by reason of such violation.

## **Section 7.11 Responsibilities**

- A. Town will maintain and repair Town assets at its sole expense. The Town is responsible for the water meter, water meter vault and sewer cleanout.
- B. Non-Emergencies – The property owner is responsible for the repair and maintenance of the water and sewer connections from the property line or public easement line to the building and of all lines, piping and fixtures in the building and on the property itself. The property owner is responsible for all costs resulting from leaks and repairs of their lines. It is the property owner’s responsibility to locate any leaks and have them repaired at his/her own expense, and property owner is responsible for all water and sewer costs resulting from leaks located between the property line or easement line to any faucet or sprinkler head, as well as for normal sewer and water costs. The Town may do maintenance or repairs when it deems a condition to constitute an Emergency (See Section 2.4B).
- C. Emergencies – Upon discovery of a water and/or sewer system leak (or failure) constituting a threat of harm to public health, safety or welfare, the Town will determine if the leak is located in facilities owned and/or maintained by the Town, in which case it will repair the leak . If the leak is not the Town’s responsibility, the Town will use its best efforts to notify the property owner immediately. If the Town does not believe the leak is a threat of harm to the public health, safety or welfare, the owner will be told that it is his/her responsibility to have the leak repaired within 14 consecutive days by a plumber licensed by Calvert County, at the owner’s expense. If the property owner fails to take the corrective action within the 14 days, the Town may perform such repair work. If the Town deems the leak to be an emergency and a threat to the general public health, safety or welfare, the Town may take immediate action to correct the leak. Such actions may include immediately turning off the water supply to the property. All cost incurred by the Town, including overhead and assistance from any contractor, to correct a property owner’s leak shall be paid by the property owner within 90 days of the repair or the Town may place a lien on the property until such time as payment is made.
- D. If the Town water valve for the property can stop a leak for which the property owner is responsible, a shut off fee will be assessed, and the Town will shut off the water. After the property owner makes the necessary repair, the Town will turn the water back on and assess a turn on fee. If the leak cannot be stopped by shutting off the connection to an individual property and the owner is not available to authorize said repair, the Town may proceed with such repair in its discretion repair a leak in the exterior yard of the structure. The Town will not enter private property without a warrant.

## **ARTICLE VIII BUILDING SEWERS AND CONNECTIONS**

### **Section 8.1 Installations, Connection and Replacement Costs; Indemnification of Town**

- A. All costs and expense required for the installation and connection of the building sewer shall be borne by the owner only after the approval of the Town. Owner shall indemnify the Town from any loss or damage that may be caused directly or indirectly by the installation of the building sewer. Only licensed contractors approved by Town shall be permitted to do installations. Capital connection fees shall be paid at the time of zoning approval.
- B. If the initial connection from the public sewer has been made and the Town determines that the building sewer may need to be replaced, the Town will replace building sewer from the main to the property line or public easement (at the cleanout) at the Town’s expense. The Property Owner shall be responsible for all costs from the property line or public easement, with exception of the cleanout, to the building drain. The Town shall restore the work area within the right-of-way only. The owner shall restore the work area on their property back to original conditions.



## **Section 8.2 Separate Sewers for Each Building; Exception**

A separate and independent building sewer shall be provided for each commercial property and each dwelling unit. A condominium will only require one connection and would be considered one unit.

## **Section 8.3 Use of Old Sewers for New Buildings**

Old building sewers may be used in connection with new buildings only when they are found by the Town, on examination and test by the Applicant to be in sound condition and to meet all requirements of this Manual.

## **Section 8.4 Sewer Elevation, Location and Grade**

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within five (5) feet of any bearing wall. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade and in straight alignment (2% minimum slope unless otherwise approved by the Town).

## **Section 8.5 When Pumps Required**

In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by a Town approved pump station and discharged to the building sewer. All sewage pumps will require permanent connection to a standby generator capable of running the pump.

## **Section 8.6 Safeguards and Barricades; Restoration**

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 the work shall be restored in a manner satisfactory to the Town.

## **Section 8.7 Inspections and Supervision of Connections by Superintendent**

The applicant for the sewer permit shall notify the Town when the building sewer is ready for inspection by the County and connection to the public sewer. The connection shall be made under the supervision of the Town or his/hers representative and shall be constructed in accordance with this Manual. The latest edition of the Calvert County Water and Sewer Manual shall be used for construction for items not specifically outlined within this Manual.

# **ARTICLE IX USE OF PUBLIC SEWERS**

## **Section 9.1 Prohibited Use of Sanitary Sewers**

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, cooling water or industrial process waters to any sanitary sewer.

## **Section 9.2 Prohibited Waters and Wastes**

Except as otherwise provided in this Article, no person shall discharge or cause to be discharged any of the following:

- A. Any liquid vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150°F).

- B. Any water or waste which may contain more than one hundred (100) parts per million, by weight, of fat, oil or grease.
- C. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
- D. Any residential garbage that has not been properly shredded.
- E. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works.
- F. Any water or wastes having a pH lower than six point zero (6.0) or higher than nine (9.0) or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
- G. Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals or create any hazard in the receiving waters of the sewage treatment plant.
- H. Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the water reclamation treatment plant.
- I. Prescription drugs and/or over the counter medications in general are a danger to wildlife and people. Unwanted or unused items should be turned into the County as Hazardous Chemicals.

### **Section 9.3 Grease and Oil Traps**

- A. The regulations in this article shall apply to establishments where food is served to or provided for the public, with or without charge, including, but not limited to restaurants, bed and breakfasts, fire halls, cafeterias, hotel kitchens, church kitchens, school kitchens, bars, or any other commercial operation that has the potential to discharge grease laden wastewater; hereafter referred to as Food Service Establishments (FSE). These regulations shall provide for the use of interceptors or traps to prevent liquid waste containing fats, oils, grease, etc. from entering a public or private sewer or WRTP plant.
- B. All interceptors shall be of a type and capacity approved by the Town and Calvert County Health Department and shall be located as to be readily and easily accessible for cleaning and annual inspection.
- C. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight.
- D. Interceptors shall not be required for private living quarters or dwelling units.
- E. All grease and oil separators shall be maintained regularly to function properly. These separators shall be inspected quarterly and reported to the Town. See Appendix D for Grease and Oil Trap Reporting Form.
- F. Noncompliance with the reporting form or improperly maintaining the grease trap shall result in the Town disconnecting water to the property.

### **Section 9.4 Maintenance of Interceptors**

- A. All interceptors shall be of a type and capacity approved by the Calvert County Health Department and shall be located as to be readily and easily accessible for inspection by the Town annually.

- B. Maintenance of interceptors. Where installed, all grease and oil trap shall be maintained by the owner, at his expense, in continuously efficient operation at all times.
- C. All establishments that are required to have grease or oil interceptors; must maintain a log indicating frequency of waste retrieval by a Maryland approved salvage contractor. The log and a copy of the waste removal contract must be available at all times for inspection by the Town and reported quarterly (See Appendix D).

### **Section 9.5 Wastewater Reclamation Treatment Facilities**

The Town maintains and operates a 1.5 MGD Treatment Plant in accordance with an Interjurisdictional Agreement with Calvert County, Anne Arundel County and the Town of North Beach.

### **Section 9.6 Maintenance of Facilities by Owner**

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

### **Section 9.7 Control Manholes on Property Producing Industrial Wastes**

When required by the Town, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Town. The manhole shall be installed by the owner at their expense and shall be maintained by same so as to be safe and accessible at all times.

### **Section 9.8 Standards for Measurements, Tests and Analyses**

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made shall be determined in accordance with Standard methods for the Examination of Water and Sewage and shall be determined at the control manhole provided for in Section 9.8 or upon suitable samples taken at such control manhole. In the event 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.

### **Section 9.9 Special Arrangement for Industrial Concerns**

No statement contained in this Manual shall be construed as preventing any special agreement or arrangement between the Town and any industrial user whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefore by the industrial user to treat the waste.

## **ARTICLE X PRIVATE SEWAGE DISPOSAL**

### **Section 10.1 When Authorized**

Where a public sanitary sewer is not available under the provisions of Section 7.4, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Manual.

## **Section 10.2 Permit Required; Application; Fee**

Before commencement of construction of a private sewage disposal septic system, the owner shall first obtain a written permit signed by the Town. The application for such permit shall be made on a form furnished by the Town, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Town. A permit and inspection fee per Appendix A shall be paid to the Town at the time the application is filed.

## **Section 10.3 Effective Date of Permit; Inspections; Notice of Inspection**

Usage of a private sewage disposal septic system shall not become effective until the installation is completed to the satisfaction of the Town and County. The Town shall be allowed to inspect the work at any stage of construction, and in any event the applicant for the permit shall notify the Town when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within two working days of the receipt of notice by the applicant.

## **Section 10.4 Compliance with State Health Requirements**

The type, capacity, location and layout of a septic tank treatment system associated with a private wastewater sewage disposal system shall comply with all recommendations of the Calvert County Health Department.

## **Section 10.5 Other Restrictions on Issuance of Permit; Prohibited Use of Sewers**

No permit shall be issued for a new septic sewage disposal system unless a planned or available public sewer line is not within 200 feet of the property and approval of the septic system is given by the Calvert County Health Department. No septic tank shall be permitted to discharge to any public sewer or natural outlet.

## **Section 10.6 Sanitary Operation and Maintenance**

If a septic system is approved per Section 10.5, the property owner shall operate and maintain the system in a sanitary manner at all times, at no expense to the Town. The property owner shall submit bi-annual reports to the Calvert County Health Department documenting that the septic system is being properly operated and maintained. These reports shall be signed by a Master Plumber.

## **APPENDICES**

**Appendix A Fee & Rate Schedule Water & Sewer System**

**Appendix B Application for Water and Sewer Service**

**Appendix C Hardship Exemption Request Form**

**Appendix D Grease and Oil Trap Quarterly Reporting Form**

**Appendix E Sub-meter Application**

**Appendix F Water / Sewer Payment Plan**

**Appendix G Schedule of Equivalent Dwelling Units**

**Appendix H General Information Related to Water / Sewer Connections**



**APPENDIX A  
FEE & RATE SCHEDULE  
WATER & SEWER SYSTEM  
TOWN OF CHESAPEAKE BEACH, MARYLAND  
JULY 1, 2019**

**WATER / SEWER PLAN REVIEW FEES:**

**Review / Preliminary Plans**

- Public Water and Sewer \$ 300.00
- Private Water or Sewer \$ 250.00

**Minor Subdivision Plan (1-7 Lots)**

- Public Water and Sewer \$ 500.00 + \$50.00/Lot
- Private Water or Sewer \$ 400.00 + \$40.00/Lot

Resubmitted plans that do not adequately address all comments are subject to an additional charge of 50% of Review Fee. (Up to a maximum charge of \$1,000 preconstruction plan).

**Major Subdivision Plan (>7 Lots)**

- Public Water and Sewer \$ 1,000.00 + \$100.00/Lot
- Private Water or Sewer \$ 750.00 + \$75.00/Lot

(Up to a Maximum charge of \$5,000 per construction plan).

**Minor Site Plan (1-7 Lots)**

- Public Water and Sewer \$ 125.00 + \$100.00/EDU
- Private Water or Sewer \$ 90.00 + \$74.00/EDU

(Up to a maximum charge of \$2,000 per construction plans).

**Major Site Plan (>7Lots)**

- Public Water and Sewer \$ 1,500.00 + \$150.00/EDU
- Private Water or Sewer \$ 1,200.00 + \$120.00/EDU

(Up to a Maximum charge of \$7,000 per construction plan).

**Administrative Water/Sewer Application Fee**

To be collected with Submittal of any water and/or sewer construction plans/connection application/permit request.

\$ 200.00

**Public Sewer Pump Station Plan**

\$ 2,500.00

**Injector Pump Station Plan**

\$ 250.00/EDU

**WATER / SEWER RATES:**

Water Rates (per 1,000 total gal. Billed Quarterly)	\$	2.01/Tg
Sewer Rates (Billed Quarterly)	\$	5.57/Tg
Fixed Water and/or sewer charge per Quarter (minimum of one per use)	\$	50.00/Use & Occupancy
Flat Rate for Sewer Use without Water Service	\$	To be determined based on average usage for comparable building size and usage.

**OTHER CONNECTION FEES:**

**Water Meters/Hydrants**

Standard 5/8" x 3/4" Outdoor Radio Read Water Meter Larger meter will be priced on a case by case basis.	\$	500.00
Standard 5/8" x 3/4" Indoor Radio Read Water Meter Larger meter will be priced on a case by case basis.	\$	250.00
Meter Installation Fee Fee is included in a connection permit application.	\$	200.00

**Fire Hydrants & Meters**

Short-Term 5/8" x 3/4" Meter Rental (60 days or less reapplication and associated fee must be made after each 60 day term). Includes \$500 refundable deposit.	\$	1,250.00
Temporary Fire Hydrant Meter	\$	100.00 Application Fee (meter provided by Town)
Private Fire Hydrant Fee (one time)	\$	500.00/hydrant
Hydrant Meter Rate/1,000 gallons	\$	10.00/Tg
Submeters	\$	See Appendix 'C'

**Capital Contribution Charges**

One time charge before time of connection

Water	\$	6,000.00/EDU
Sewer	\$	18,000/EDU
Illegal Water/Sewer Connection Fee	\$	1,000/day until illegal connection is removed

**INSPECTION AND TESTING FEES:**

<u>Individual Water &amp; Sewer Connection Inspection per EDU</u>	\$	216.00
<u>Individual Water or Sewer Connection Inspection per EDU</u>	\$	144.00
<u>Individual Grinder or Injector Pump Inspection (Additional)</u>	\$	180.00
<u>Re-Inspection Fee/Visit per EDU</u>	\$	72.00
<u>Water and/or Sewer Infrastructure Inspection</u>		10% of Town approved Engineers Cost Estimate
<u>Meter Test</u>		
5/8" to 2"	\$	150.00
3" to 4"	\$	180.00
6" and greater	\$	360.00

**TAP FEES:**

Tap Connection Inspection Fee-Sewer	\$	300.00/EDU
Tap Connection Inspection Fee-Water	\$	300.00/EDU
Emergency Water and Sewer Repairs (private systems)	\$	240.00 Minimum + actual cost to Town to make repair.
Scheduled (48 hours notice) water turn off/on	\$	30.00 per event
Unscheduled (less than 48 hours notice) water turn off/on	\$	60.00 per event

**RETURNED CHECK FEE:** \$ 50.00

**UTILITY BILLING LATE FEE:** 1.5%

**BONDING:**

All work within the public right-of-way including work on water and sewer facilities, both to existing facilities and for new facilities, will require a bond to be posted in an amount approved by the Town Engineer plus a 25% contingency. (Bonding will be required prior to a permit to perform work is issued).





# APPENDIX B

## Public Water and/or Sewer Connection Permit Application

APPLICANT - Complete all applicable spaces

Job Location \_\_\_\_\_  
 Street \_\_\_\_\_  
 Building \_\_\_\_\_  
 Subdivision \_\_\_\_\_  
 Tenants Name \_\_\_\_\_  
 Tax Account # \_\_\_\_\_  
 Building Permit # \_\_\_\_\_  
 Map Reference No. \_\_\_\_\_  
 Block \_\_\_\_\_ Lot Parcel # \_\_\_\_\_

Contract/Utility Agreement # \_\_\_\_\_  
 Water/Sewer Account # \_\_\_\_\_  
 USE: NEW EXISTING  
 Single Family Structure    
 Multi Family Structure    
 # of Units \_\_\_\_\_  
 Commercial    
 Industrial    
 Other \_\_\_\_\_  
 Existing Service

<b>O W N E R</b>	Name _____	<b>C O N T R A C T O R</b>	Company Name _____
	Mailing Address _____		Master _____
	City _____		Contractor's License No. _____
	State _____ Zip _____		Mailing Address _____
	Telephone _____		City _____ State _____ Zip _____
		Telephone _____	

<b>DO NOT WRITE IN THIS SPACE</b>	
Permit No. _____	
<b>USER CONNECTION CHARGE</b>	
_____ Water \$ _____	_____ Sewer \$ _____
<b>CAPITAL CONNECTION CHARGE</b>	
_____ Water \$ _____	_____ Sewer \$ _____
Inspection Fee \$ _____	
Application Fee \$ _____	
Other Fees \$ _____	
Total \$ _____	

<b>GRINDER PUMP</b>	<b>CONNECTION SIZE</b>		<b>METER SIZE</b>
	Water <input type="checkbox"/> Size _____	Sewer <input type="checkbox"/> Size _____	
	Type of Pipe _____		
Existing Vault Yes <input type="checkbox"/> No <input type="checkbox"/>		Existing Tap Yes <input type="checkbox"/> No <input type="checkbox"/>	

I certify and agree as follows that I am authorized to make this application, that the information is correct, that I will comply with all the regulations of the Town of Chesapeake Beach which are applicable here and that I will perform no work on the above property not specifically described herein. I am aware of the depth of the main line and have computed and found adequate the hydraulic gradient between the house connection and the public service level and agree to physically check both prior to installing the plumbing house connection.

I hereby authorize the master plumber named on this application to obtain this permit for the connection stated. I understand that the connection permitted must be made by the master plumber and inspected by the Town's Department of Public Works prior to the use of the public facilities. I hereby authorize officials of the Town of Chesapeake Beach the right to enter onto my property for the purpose of inspecting the connection permitted and posting notices. The plumber has assured me that the hydraulic gradient from the public service to my dwelling is adequate for the service I require and that he/she will physically check the connection at the property line and the house prior to installing any part of the plumbing house connection. **Fees payable to the Town of Chesapeake Beach.**

\_\_\_\_\_  
 Master Plumber's Signature Date

\_\_\_\_\_  
 Owners Signature Date

\_\_\_\_\_  
 Inspector Signature Date

\_\_\_\_\_  
 Director of Public Works Signature Date

**NO WORK MAY BE STARTED UNTIL PERMIT IS ISSUED**



## APPENDIX C Hardship Exemption Form

1. Please complete the following form if you are requesting a extension of time to connect to public utilities:

Name	Home Phone Number
Address	Other number <input type="checkbox"/> cell <input type="checkbox"/> work
City, State, Zip	

2. Public Connection Extension Request:

If you are seeking a extension to connect to public facilities, please complete the below section:

**Private Septic Systems**

**Date of Private Sewer Installation:** \_\_\_\_\_

**Date of the last Sewer Inspection:** \_\_\_\_\_

**Public Sewer Exemption or Extension Requested:** \_\_\_\_\_

**Private Water/ Well**

**Date of Private Well Inspection:** \_\_\_\_\_

**Date of the last Well Inspection:** \_\_\_\_\_

**Public Water Exemption or Extension Requested:** \_\_\_\_\_

3. Fill in each space below for ALL household members (list yourself first)

TOTAL NUMBER OF HOUSEHOLD MEMBERS IS \_\_\_\_\_.

FIRST and LAST NAME	BIRTH DATE M/D/YR	RELATION TO APPLICANT	Sex M/F	Disabled (Yes or No)	Veteran (Yes or No)
	/ /				
	/ /				
	/ /				
	/ /				
	/ /				
	/ /				

If there are more persons living in household, please list them on separate paper. (Turn Over)





## APPENDIX D Grease and Oil Trap Quarterly Reporting Form

Name of establishment: \_\_\_\_\_

Address of establishment: \_\_\_\_\_

Type of establishment: \_\_\_\_\_

Contact: \_\_\_\_\_ Daytime Phone: \_\_\_\_\_

Date Cleaned: \_\_\_\_\_

Name of certified cleaning/repair company: \_\_\_\_\_

Certification # \_\_\_\_\_

Gallons removed \_\_\_\_\_ Disposal location \_\_\_\_\_

NAME: \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

I certify that I have read Chesapeake Beach Water and Sewer Use Manual (enclosed) and agree to submit all reports within two weeks of cleaning and/or maintenance OR on a quarterly basis. I further agree to maintain all records regarding all maintenance activities for a period of two (2) years and to make such records available for review by Town Staff.



## APPENDIX E

### Sub-Meter Application

1. Applicant Contact Information – Please Print  
**Applicant – Must be provided -owner with an active account (paid /current)**

Name		Cell Phone No.	
Business Name (If Applicable)		Work Phone No.	
Street Address		Home Phone No.	
City / State		Email Address	
Postal Code			

Master Plumber – For Applicant

Name		Cell Phone No.	
Business Name (If Applicable)		Work Phone No.	
Street Address			
City / State		Email Address	
Postal Code			
License No.			

Applicant Account Information

Account No.	
Customer Name on Account	
Physical Address for Sub-Meter if different from Applicant Address	


2. Sub-Meter Requested Information  
 Applicant information to be completed with consultation of public services staff

Town Employee Assisting Applicant:			
Residential <input type="checkbox"/>	Commercial <input type="checkbox"/>	Industrial <input type="checkbox"/>	Government <input type="checkbox"/>
Tax Exempt Status – With Verification		Yes <input type="checkbox"/>	No <input type="checkbox"/>
Reason for the Sub-Meter:			
Sub-Meter Size Requested		Submeter Type (Check Box Below)	
Standard <input type="checkbox"/>	Compound <input type="checkbox"/>	Turbine <input type="checkbox"/>	Fire Line <input type="checkbox"/>
Non-Pit Meter <input type="checkbox"/>		Pit Meter <input type="checkbox"/>	

Deductive/Subtractive Sub-Meter (wastewater bill is reduced by usage that flows through this sub-meter)

3. Sub-meter Location Sketch

Applicant will provide a plumbing sketch showing location of primary water meter and location of proposed Sub-Meter. Sketch must show discharge location of water flow through sub-meter and sub-meter's approximate distance from road and house wall.



Signature of Employee accepting sketch:	Date:
---	-------

4. Applicant Certification

I certify that all the above information on this application is true and accurate and am aware of the penalties for the misuse of the sub-meter under provisions of the Town Code and this procedure.

Applicant Signature:	Date:
----------------------	-------

5. Payment for Sub-Meter – See attached sub-meter costs

Person Taking Payment:		Date Paid:	
Amount and Method of Payment	Cash \$	Check \$	Credit \$

This Section to be completed by Public Works Department (if appointed).

6. Installation and Inspection

Date Public Services Notified Sub-Meter Ready for Inspection:		
By Whom?		
Installer Name (Master Plumber)		
Company		
Address, City, State, Postal Code		
Telephone No.		
Inspector Name		
Company		
Address, City, State, Postal Code		
Telephone No.		
Inspector Signature		
Date Sub-Meter Approved:	Date Sub-Meter Denied:	
Reason for Denial:		
Sub-Meter No.	ERT No.	Master Meter Reading:



## APPENDIX F

# Water/Sewer Payment Plan Agreement

Sometimes customers face circumstances that stretch their financial resources. If you cannot pay your bill by the due date, please contact the Water and Sewer Billing Department before the bill becomes due. The Utilities Billing Administrator will work with you on a plan to pay the balance of the bill over time. These payment arrangements require you to:

- Pay at least 25% of your bill within 48 hours of your call.
- Agree to pay the remaining balance of the bill in monthly installments as described in this Agreement, including any applicable late payment charge according to an agreed upon schedule described below.
- Agreement shall not exceed 6 months from the date signed and shall not exceed 2 future billing cycle due dates.
- Pay the complete balance of all future bills before the due date of that billing cycle.

We will create these payment arrangements only with customers who have not broken a similar agreement with us in the past twelve months.

### Payment Agreement Application

Agreement Date: \_\_\_\_\_  
Property Owner Name: \_\_\_\_\_ Account # \_\_\_\_\_  
Property Address: \_\_\_\_\_ Chesapeake Beach, MD 20732  
Mailing Address (If Different): \_\_\_\_\_  
Phone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_  
Total Amount Owed: \_\_\_\_\_ Down Payment: \_\_\_\_\_ Interest Rate: \_\_\_\_\_ %  
Cash \_\_\_\_\_ Check \_\_\_\_\_ Check # \_\_\_\_\_ Credit Card \_\_\_\_\_  
Payment Confirmation #: \_\_\_\_\_  
Payment Begin Date: \_\_\_\_\_ Payment End Date: \_\_\_\_\_ Amount Due per Month: \_\_\_\_\_  
Owner Signature: \_\_\_\_\_  
Utilities Billing Administrator Signature: \_\_\_\_\_  
Sworn and subscribed to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
(SEAL) Notary Signature: \_\_\_\_\_

Name of Notary: (Printed) \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
**Please attach a copy of the owner's driver's license to this application.**





## APPENDIX G

### Schedule of Equivalent Dwelling Units

To be used in conjunction with computing Capital Connection Charges for Multi-Family Residential & Commercial

Table of Equivalent Dwelling Units

<u>Use:</u>	<u>Number of Equivalent Dwelling Units</u>
Elementary School- each 40 Pupils of Fraction Thereof	1
Middle/High School- each 20 Pupils of Fraction Thereof	1
1 Trailer Space	1
1 Apartment	1
4 Motel/Hotel Units	1
1 Motel/Hotel Efficiencies (with Kitchen Facilities)	1
1 Retail or Service Store-up to 3,000 square feet	0.3
1 Retail Store, Each 5 Employees or Fraction Thereof	1
1 Supermarket Food Store- Up to 5 Employees	1
1 Supermarket Food Store- Over 5 Employees	3
1 Barber Shop or Beauty Shop	1
1 Car Wash- Each Self Service Bay	1
Each Tunnel Bay	4
1 Gas Station	1.5
1 Laundromat, Each 4 Washers or Fraction Thereof	1
Restaurant, Bar or Cocktail Lounge, Each 20 Seats Or Fraction Thereof	1
Doctor or Dentist Office	1
Veterinary Hospital	3
Office Building, Each 8 Plumbing Fixtures Or Fraction Thereof	1
Theatres- Each 100 Seats of Fraction Thereof	1



## APPENDIX H

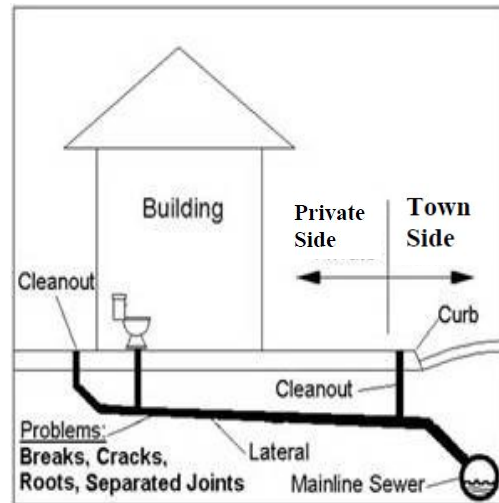
### GENERAL INFORMATION RELATED TO WATER AND SEWER CONNECTIONS

	Water Connection	Sewer Connection
<b>Baycrest</b>	Outside Water Meter	Gravity with cleanout
<b>Captains Quarters</b>	Inside Water Meter curb stop	Gravity with cleanout
<b>Chesapeake Station</b>	Outside Water Meter	Gravity with cleanout
<b>Heritage</b>	Outside Water Meter	Gravity/Pressure
<b>Horizons on the Bay</b>	Inside Water Meter curb stop	Gravity with cleanout
<b>Richfield Station</b>		
<i>Single Family Homes</i>	Outside Water Meter	Gravity/Pressure
<i>Town home A</i>	Inside Water Meter curb stop	Gravity/Pressure
<i>Town home B (Most recently built)</i>	Outside Water Meter	Gravity/Pressure
<i>Condominiums</i>	Inside Water Meter curb stop	Gravity with cleanout
<b>Seagate</b>	Inside Water Meter curb stop	Gravity with cleanout
<b>Windward Key</b>	Outside Water Meter	Pressure
<b>Chesapeake Village</b>	Outside Water Meter	Gravity/Pressure
<b>Bayview Hills</b>		
<i>Single Family Homes</i>	Outside Water Meter	Gravity/Pressure
<i>Town home</i>	Inside Water Meter curb stop	Gravity with cleanout

\* individual homes may vary

## General Sewer Connection information for Residents:

### Gravity Sewer Connections

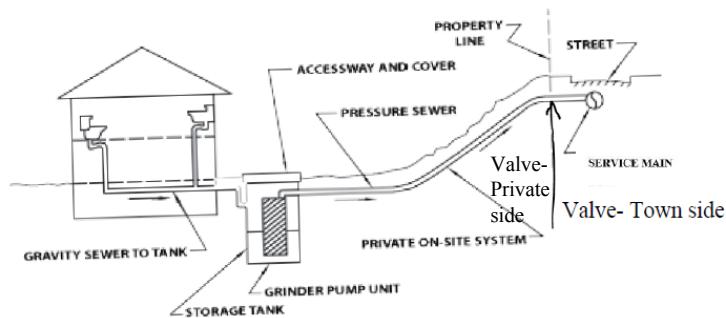


For these connections there should be a clean out located close to the property line in the Town right of way.

In cases where the sewer cleanout is not in the Town Right of way or where there is no cleanout, the Town will defer to the property line as the point where the homeowner takes ownership.

There are some circumstances where homeowners have clean out beside their home or have added clean outs. These cleanouts were not inspected by the Town and cannot be maintained by the Town.

## Pressure/ Grinder Pit Connections

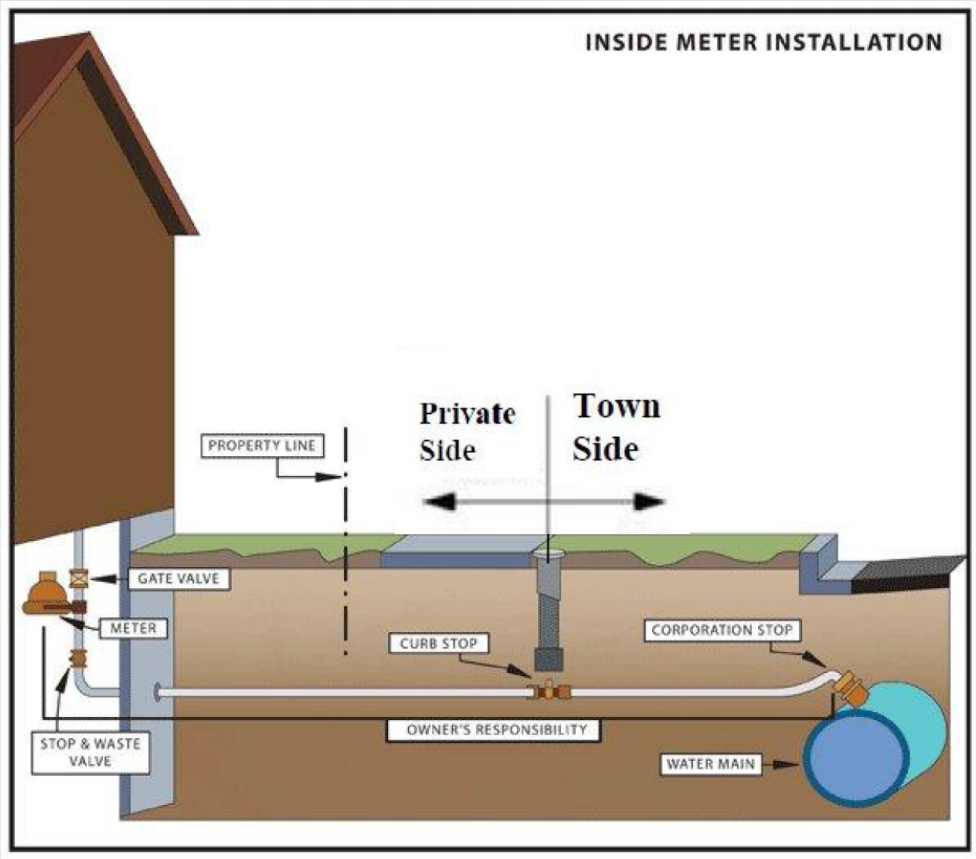


For these connections there should be a valve located close to the property line in the right of way.

In cases where the shut off valve is not in the Town Right of way, or where there is no shut off valve, the Town must use the property line as the ownership changing point.

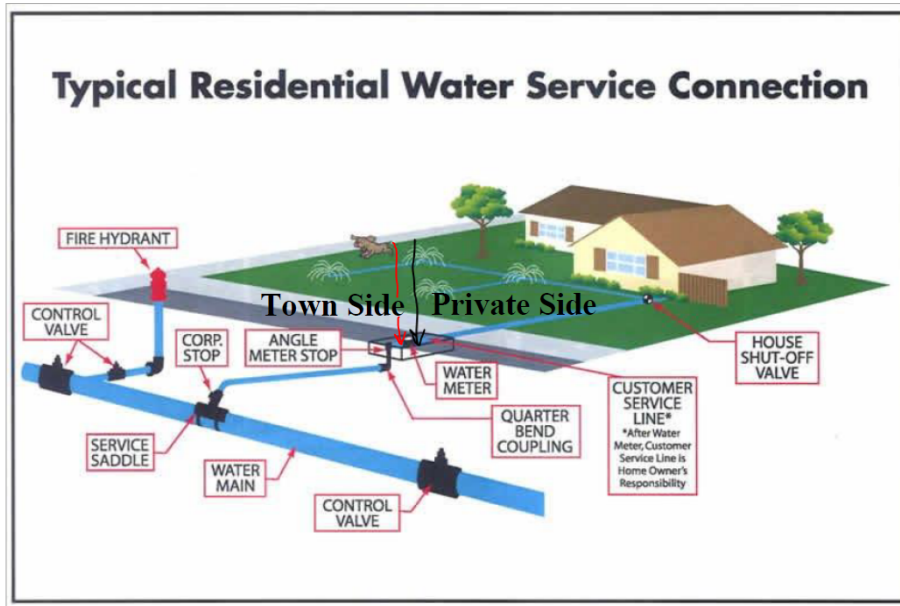
**General Water Connection information for Residents:**

**Inside Water Meter Connections**



For inside water meter connections there should be a curb stop valve located outside near the property line in the Town right of way. The downstream side of this valve is where the Town ownership ends.

## Outside Water Meter Connections



For outside meters there should be a meter pit located close to the property line in the right of way. The Town's responsibility ends on the downstream side of the water meter.

There are areas in Town where the water meter is located right outside the home, past the Town right of way. In these cases, the Town will repair the line up to the meter if there is a failure and will move the meter location to the right of way at the property line upon repair.

**Chesapeake Beach Oyster Cultivation Society Report**

**December, 2019**

**Chesapeake Beach Town Council Meeting**

**Last chance to see the oyster shell Christmas tree painted by Beach Elementary students will be located in town hall lobby, November 23 to December 20. The shells go back to the school tomorrow so the students can take them home and decorate their own trees.**

**Community Mural 3.0 will be painted by Beach Elementary students in Northeast Community Center, January 25, 26. Special attractions this year include a 3<sup>rd</sup> mural, participation by students from Windy Hill, painting of mini murals to be auctioned off, songs by the Beach Elementary music department, specially designed tee shirts by students for all participants and volunteers. Due to the increased participation we need 6 more volunteers.**

**Thanks to art teacher Tracy Bensing and the Beach Elementary art department for these special events.**

**Many thanks to the Town of Chesapeake Beach for their continued support of CBOCS. The reef and dredge decoration in the front of town hall reminds residents of our pledge to restore the water quality of the Chesapeake Bay.**