

**Town of Somerset
Ordinance to Amend Building Regulations
(Application Processing)**

Resolution No.: 10-23-2
Introduced: 11/6/23
Adopted: 12/4/23
Effective Date: 1/23/24

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES TO PROVIDE THAT NOTICE OF BUILDING PERMIT APPLICATIONS WILL BE ISSUED BY THE TOWN; TO DELETE THE NEIGHBOR SIGNATURE SHEET REQUIREMENT; AND TO CHANGE THE APPLICATION PROCESSING DEADLINES

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

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

WHEREAS, Section 83-17 of the Town Charter authorizes the Town Council to pass ordinances not contrary to the Constitution and laws of the State of Maryland or the Town Charter, as it may deem necessary for the good government of the Town; for the protection and preservation the Town's property, rights, and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger, or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the Town and visitors thereto and sojourners therein;

WHEREAS, after proper notice to the public, the Town Council introduced the following Ordinance in public session assembled on the 6th day of November, 2023;

WHEREAS, the Town Council considered the following Ordinance in public session assembled on the 4th day of December, 2023;

WHEREAS, upon consideration of the testimony and evidence presented at the public hearing, the Town Council finds that the ordinance as hereinafter set forth is necessary for the good government of the Town; for the protection and preservation the Town's property, rights, and privileges; for the preservation of peace and good order; for securing persons and property

from violence, danger, or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the Town and visitors thereto and sojourners therein.

NOW, THEREFORE, the Town Council does hereby adopt the foregoing Ordinance.

BE IT ORDAINED AND ORDERED, this 4th day of December, 2023, by the Town Council, acting under and by virtue of the authority given it by the Maryland Code and the Town Charter that the Code of Ordinances is hereby amended as follows:

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§ 1-16 **Definitions; Rules of Interpretation.**

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COMPUTATION OF TIME

The time within which an act is to be done shall be computed by excluding the first day and including the last day; and if the last day is Sunday or a legal holiday, that day shall be excluded.

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§ 112-5 **Application Form.**

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F. When filed. In order to permit sufficient time for **processing** ~~the Town Council to consider the application, and to provide notice in the Town Journal,~~ the complete permit application shall be filed by the ~~15th~~ **10th day** of the month prior to the month during which the permit is to be considered, except if a late or expedited procedure is requested as set forth in § 112-8 below.

* * *

§ 112-6 **Documents to accompany application.**

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~~G. A certification by the applicant that, before submitting the application to the Clerk-Treasurer, he provided to each owner of adjoining and confronting property and to the occupants of said property if the owners are not the occupants:~~

~~(1) A reasonable opportunity to inspect the construction specifications, plans, surveys and all other documents to be filed with the application explaining the nature of the work to be performed;~~

~~(2) A copy of the standard notice to be provided by the Town on request of the applicant as to the Town's process for considering the application and resident comments concerning it, together with the anticipated date of hearing on the application before the Town Council.~~

~~H. The certification required by Subsection G shall include an explanation of the steps taken to comply with the requirements of this section and shall identify those persons who have been contacted.~~

[Note: subsequent subparagraphs I through M are re-lettered accordingly]

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§ 112-8 **Action on permit.**

A. Standard procedure. The Mayor shall submit to the Town Council for its consideration at its next regularly scheduled session any building permit application which has been filed with the Clerk-Treasurer by the ~~15th~~ **10th day** of the month prior to such session. The Town Council, in its discretion, may defer or continue consideration of the application until the next regularly scheduled session or until a special session. **At least 10 days prior to the scheduled session, the Clerk-Treasurer shall send notice of the hearing to the applicant and the adjoining and confronting neighbors. Notice shall be sent by first-class mail and by e-mail if e-mail addresses are available in the Town directory, if any, or are otherwise known.**

B. Late procedure. A building permit application filed with the Clerk-Treasurer after the ~~15th~~ **10th day** of the month prior to the next regularly scheduled Town Council session, but no later than the ~~22nd~~ **17th day** of the month, may be submitted to the Town Council by the Mayor and considered by the Town Council, in its discretion, at the next regularly scheduled session. The Town Council, in its discretion, may defer or continue consideration of the application until the next regularly scheduled session or until a special session. A late fee shall be charged in addition to all other permit fees for consideration by the Town Council under this procedure. **At least 7 days prior to the scheduled session, the Clerk-Treasurer shall send notice of the hearing to the applicant and the adjoining and confronting neighbors. Notice shall be sent by first-class mail and by e-mail if e-mail addresses are available in the Town directory, if any, or are otherwise known.**

C. Expedited procedure; **special session.**

(1) An applicant may request in writing that a building application be considered by the Town Council on an expedited basis at a special session of the Town Council. The Town Council, in its discretion, may hold a special session to consider such application. The Town Council, in its discretion, may continue consideration of the application until the next regularly scheduled session or until a special session.

(2) An expedited consideration fee shall be charged in addition to all other permit fees for consideration by the Town Council under this procedure.

(3) ~~No~~ A special session of the Town Council to consider a permit application shall be held ~~on~~ neither less than ~~seven~~ 7 days' ~~notice~~ nor more than 30 days after submission of the request for the expedited procedure.

(4) Notice of a special session of the Town Council to consider a permit application shall be given by posting such notice on the Town Hall bulletin board, by broadcasting on the Town e-mail network ~~and by the applicant notifying property owners and residents as set forth in the certification of the applicant as required under § 112-6G.~~ **In addition, the Clerk-Treasurer shall send notice of the hearing to the applicant and the adjoining and confronting neighbors at least 7 days prior to the special session. Notice shall be sent by first-class mail and by e-mail if e-mail addresses are available in the Town directory, if any, or are otherwise known.**

D. Determination whether to ~~hold~~ utilize late or expedited procedures. The Town Council has discretion to determine whether to consider a building permit application under the late or expedited procedures that are set forth in this section. In exercising its discretion, the Town Council shall consider such factors as: reasons for late filing; need for expedition; nature, extent, and complexity of the work proposed to be performed; effect upon adjoining and confronting properties; extent of prior notice to interested persons; actual or likely opposition; and hardship to the applicant.

E. Air conditioning and heat/cool pump administrative procedure. In addition to the procedures set forth in this section on processing an application for a building permit, the following procedures may be utilized regarding a building permit for an air conditioner or heat pump; provided, however, that in the case of an application submitted with a building permit application for new construction of a house or an addition, or while such a project is in process, the application shall be reviewed by the Town Council.

(1) In the discretion of the Mayor, the Mayor may issue an administrative building permit, upon a finding that the following conditions are met:

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(b) The ~~Mayor~~ **Clerk-Treasurer** sends written notice ~~by first-class mail and email to the email addresses available in the Town director, if any,~~ to all adjoining and confronting property owners of the application and the opportunity to make their views known to the Mayor, and no written objection is raised within 15 days after the date of the notice. **Notice shall be sent by first-class mail and by e-mail if e-mail addresses are available in the Town directory, if any, or are otherwise known.** If, however, an existing air conditioner or heat/cool pump has failed to operate,

the Mayor may process the application immediately and shall not be required to provide a fifteen-day objection period.

* * *

§ 112-11 Modification of application or approved plans.

No person shall modify or alter any plans or specifications after they have been submitted with an application and or a permit has been issued, unless the following procedure is followed. Notice of ~~intention to deviate from the approved plans and specifications~~ An application for an amendment shall be filed ~~given in writing to the Mayor and Town Council,~~ the applicable amendment fee shall be paid, and an amended permit ~~the written approval of the Mayor and Town Council~~ shall be obtained before such deviation or alteration is made. The procedure for hearing, decision and judicial review of an application for an amendment shall be as provided for building permits in § 112-10. A hearing shall be conducted after giving at least 10 days' notice of such hearing to the applicant and the adjoining and confronting neighbors. Notice shall be sent by first-class mail and by e-mail if e-mail addresses are available in the Town directory, if any, or are otherwise known.

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§ 112-14 **Building requirements; stormwater drainage.**

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F. Variance procedure

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(3) The procedure for hearing, decision and judicial review shall be as provided for building permits in § 112-10. A hearing shall be conducted after giving at least 10 days' notice of such hearing to the applicant and the adjoining and confronting neighbors. Notice shall be sent by the Clerk-Treasurer by first-class mail and by e-mail if e-mail addresses are available in the Town directory, if any, or are otherwise known.

* * *

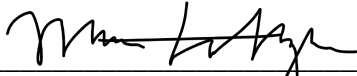
AND BE IT FURTHER ORDAINED AND ORDERED, by the Town Council, acting under and by virtue of the authority granted to it by the Maryland Code and the Town Charter, that:

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

2. This Ordinance shall take effect on the 23rd day of January, 2024 (36 calendar days after approval by the Mayor).


ATTEST:

TOWN OF SOMERSET

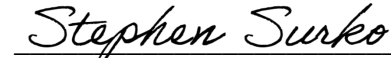


Matt Trollinger, Manager/Clerk-Treasurer
Town of Somerset

Approved:



Jeffrey Slavin, Mayor
Town of Somerset



Stephen Surko, President
Town Council

Date: 12/18/2023

Bold and Underline indicates new material

~~Strikethrough~~ indicates material deleted

* * * indicates material unchanged