

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

Created 2007
Revised 2009
Revised 2012
Revised 2023

CODE OF THE TOWN OF MILLINGTON

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CODE OF THE TOWN OF MILLINGTON

PART I

ADMINISTRATIVE LEGISLATION

Chapter 1

GENERAL PROVISIONS

ARTICLE I

Adoption of Code

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

ARTICLE II

Charter Amendments

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

ARTICLE III

Ratification of Non-substantive Changes to the Charter

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

Chapter 2

ORDINANCE FINES

§ 2-1. Creation.

§ 2-2. Purpose.

§ 2-3. Text.

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

§ 2-1. Creation.

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

§ 2-2. Purpose.

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

§ 2-3. Text.

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

Chapter 3

PUBLIC INFORMATION ACT

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

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

§ 3-1. Policy.

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

§ 3-2. Definitions.

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

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

§ 3-3. Custodian of Millington Public Records.

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

§ 3-4. Who May Request Public Records.

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

§ 3-5. Necessity for Written Request.

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

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

§ 3-6. Contents of Written Request.

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

§ 3-7. Response to Request.

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

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

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

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

§ 3-9. Public Record Temporarily Unavailable.

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

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

§ 3-10. Public Record Destroyed or Lost.

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

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

§ 3-11. Review of Denial

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

§ 3-12. Fees.

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

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

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

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

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

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

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

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

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

Waiver or reduction of fee:

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

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

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

§ 3-13. Time and Place of Inspection.

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

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

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

AFFIDAVIT OF INDIGNECY

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

I respectfully submit that:

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

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

Signature

Date

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

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

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

Public Information Act (PIA) Records Request Form

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

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

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

Part I: Applicant Identification

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

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

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

Name: _____ ID #: _____

Part II: Description of Records

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

Select at least one of the following action requests:

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

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

Town of Millington

Incorporated 1890

P. O. Box 330 - Millington, Maryland 21651

Phone: (410) 928-3880

Website: millingtonmd.us

Part III: Acknowledgements

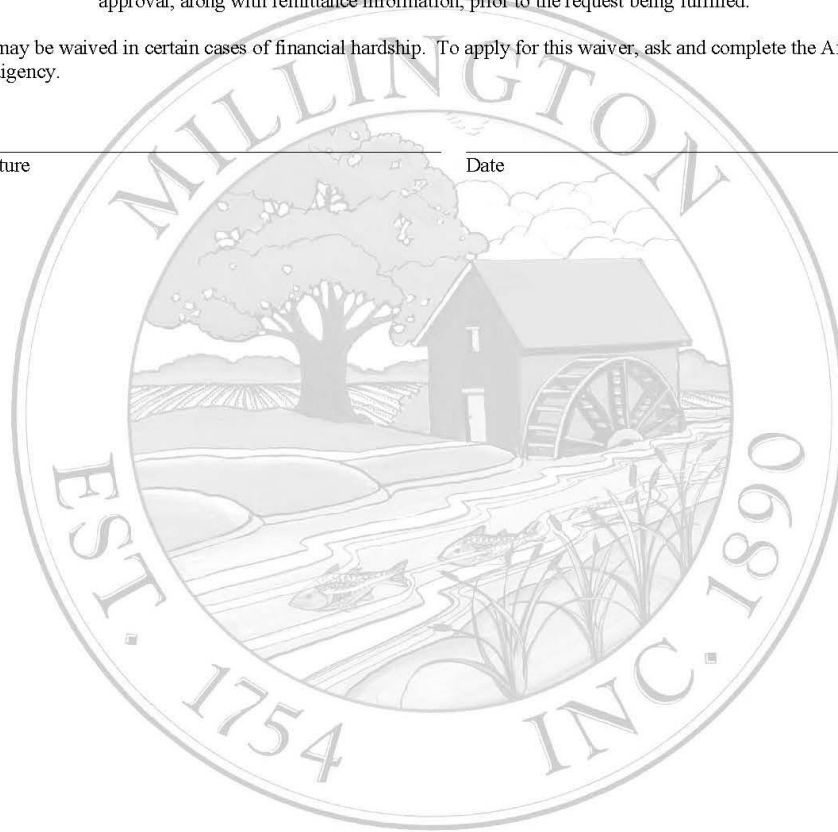
This is a request under the Maryland Public Information Act, Title 4 of the General Provisions of the Maryland Code. With this submission, I understand that:

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

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

Signature _____

Date _____



Kevin Hemstock, Mayor

Michelle Holland, Council

Zita Seals, Council

Mark Linton, Council

Wayne Starkey, Council

Chapter 9

PLANNING COMMISSION

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

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

GENERAL REFERENCES

Subdivision of Land - See Chapter 66.

Zoning - See Chapter 80.

§ 9-1. Creation

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

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

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

§ 9-3. Chairman.

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

§ 9-4. Rules for transaction of business.

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

§ 9-5. Powers and duties.

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

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

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

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

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

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

§ 9-8. Duties of Commission.

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

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

REPEALED – 11-14-2023
RESOLUTION 2023-16

Chapter 11

RECREATION COMMISSION

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

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

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

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

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

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

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

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

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

§ 11-3. Powers and duties.

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

§ 11-4. Budget; gifts and bequests.

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

§ 11-5. Superintendent and other personnel.

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

§ 11-6. Monthly and annual reports.

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

Chapter 18
ALCOHOLIC BEVERAGES
ARTICLE I
Public Consumption

§ 18-1. Definitions.

§ 18-2. Provisions.

§ 18-3. Exemptions.

§ 18-4. Penalties.

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

§ 18-1. Definitions.

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

§ 18-2. Provisions.

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

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

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

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

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

§ 18-3. Exemptions.

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

§ 18-4. Penalties.

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

Chapter 21
BRUSH, GRASS, AND WEEDS

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

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

GENERAL REFERENCES

Trees - See Chapter 69.

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

§ 21-1. Definitions.

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

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

TOWN – The Town of Millington.

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

§ 21-2. Sanitation.

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

§ 21-3. Notice to remove.

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

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

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

§ 21-5. Violations and penalties.

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

Chapter 22
BUILDING CONSTRUCTION

ARTICLE I

Standards

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

ARTICLE II

Livability Code

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

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

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

GENERAL REFERENCES

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

ARTICLE III
OCCUPANCY PERMITS

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

22-III-1 Applicability.

The requirements of this article shall apply to:

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

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

22-III-2 Inspection of Rental Units.

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

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

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

22-III-3 Permit required.

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

22-III-4 Inspection Fee.

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

22-III-5 Violations and Penalties.

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

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

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

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

Chapter 26

CURFEW

§ 26-1. Curfew

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

§ 26-3. Penalties.

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

§ 26-5. Enforcement Authority.

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

§ 26-1. Curfew

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

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

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

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

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

§ 26-3. Penalties.

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

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

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

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

§ 26-5. Enforcement Authority.

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

Chapter 27

NUISANCE

§ 27-1. Purpose.

§ 27-2. Scope and application.

§ 27-3. Intent.

§ 27-4. Definitions.

§ 27-5. Public nuisance.

§ 27-6. Owner responsibility.

§ 27-7. Enforcement.

§ 27-8. Warning notices.

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

§ 27-10. Posting of public notice.

§ 27-11. Service.

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

§ 27-13. Collection of expenses.

§ 27-14. Penalty for violations.

§ 27-15. Prosecution.

§ 27-16. Filing of judicial appeals.

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

§ Article I. Unsafe Premises

§ 27-1 Purpose:

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

§ 27-2 Scope and application:

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

§ 27-3 Intent:

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

§ 27-4 Definitions:

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

TOWN – means the incorporated Town of Millington, Maryland.

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

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

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

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

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

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

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

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

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

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

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

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

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

REQUIRED – means “mandatory” in the imperative sense.

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

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

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

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

§ 27-5 Public nuisance.

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

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

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

§ 27-6 Owner responsibility.

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

§ 27-7 Enforcement

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

§ 27-8 Warning notices.

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

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

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

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

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

§ 27-10 Posting of Public Notice.

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

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

§ 27 -11 Service.

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

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

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

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

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

§ 27-13 Collection of expenses:

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

§ 27-14 Penalty for violations.

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

§ 27-15 Prosecution.

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

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

§ 27-16 Filing of judicial appeals.

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

Chapter 29

Animals

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

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

§ 29 – 1. Definitions.

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

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

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

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

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

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

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

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

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

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

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

§ 29 – 2. Enforcement Authority.

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

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

§ 29 – 3. Proper Confinement.

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

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

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

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

Example of calculation:

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

§ 29 – 5. Keeping of small animals.

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

General Requirements:

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

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

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

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

Required documentation.

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

§ 29 -6. Keeping of large animals.

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

§ 29 -7. Violations and penalties.

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

Chapter 77

DEVELOPER'S RIGHTS AND RESPONSIBILITIES AGREEMENT

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

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

GENERAL REFERENCES

Subdivision of Land - See Chapter 66.

Zoning - See Chapter 80.

§ 77-1. Purpose and authority.

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

§ 77-2. Applicability.

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

§ 77-3. Contents of agreement.

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

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

§ 77-4. Referral to Planning Commission.

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

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

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

§ 77-6. Amendments of agreements.

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

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

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

§ 77-8. Recordation.

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

§ 77-9. Enforcement.

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

§ 77-10. Fees.

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

§ 77-11. NOTE: Legislative Authority

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

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

Section 7-302 - Powers

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

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