

ORDINANCE NO. 2025-06

AN ORDINANCE TO AMEND CHAPTER 1, ARTICLE II, SECTION 1-16, DEFINITIONS, OF THE CODE OF THE TOWN OF MYERSVILLE, TO INCLUDE THOSE DEFINITIONS SPECIFICALLY PROVIDED WITHIN CHAPTERS 30, 56, 70, 85, 90, 97, 122, 130, 139, 154, 161 AND 162 OF THE CODE OF THE TOWN OF MYERSVILLE, TO SECTION 1-16, TO INCLUDE DEFINITIONS OF TERMS COMMONLY REFERENCED WITHIN THE CODE OF THE TOWN OF MYERSVILLE TO SECTION 1-16, AND TO AMEND CERTAIN EXISTING DEFINITIONS WITHIN SECTION 1-16.

SECTION I. BE IT ENACTED AND ORDAINED, by the Mayor and Council of the Town of Myersville that Chapter 1 “General Provisions”, Article II, Section 1-16 of the Code of the Town of Myersville be, and hereby is, amended as hereinafter provided. New language is designated by being **IN BOLD CAPITAL LETTERS**, and deletions are designated by being ~~{in brackets and stricken through}~~.

Chapter 1 – General Provisions

Article II – Definitions

§ 1-16 Word usage; terms defined.

Words used in the present tense include the future, words in the singular number include the plural number, the word "shall" is mandatory. For the purpose of this Code, certain terms are defined as follows:

ACCESSORY BUILDING — One which is subordinate and customarily incidental to and on the same lot with a main building. A trailer shall not be considered an accessory building. Accessory buildings may be no more than one story, as defined by BOCA.

[Amended 10-11-2005]

ACTIVE WORK — Regularly ongoing modifications to bring a structure up to code and which involve two or more systems, including but not limited to constructing, enlarging, altering, moving, demolishing, erecting, installing, removing, converting or replacing any electrical, plumbing, or mechanical system. "active work" also includes modifications to the structure itself.

[Added 7-9-2024 by Ord. No. 2024-08]

ADEQUATE PUBLIC FACILITIES (APF) — Those public facilities included in the context

of Chapter 105 of this Code of Ordinances which meet established minimum standards as further specified herein.

[Added 3-12-2002 by Ord. No. 2002-1]

ADJOINING PROPERTY - ANY REAL PROPERTY OR PROPERTIES WHERE THE BOUNDARY IS (ARE) SHARED IN PART OR IN WHOLE WITH THAT OF THE SUBJECT PROPERTY, OR THAT WOULD BE SHARED IN PART OR IN WHOLE WITH THAT OF THE SUBJECT PROPERTY BUT FOR A STREET, ROAD, OR OTHER PUBLIC THOROUGHFARE SEPARATING THE PROPERTIES.

AGRICULTURAL ANIMAL — Any animal commonly used by persons for use, draft or pleasure purposes, but not primarily for farming purposes. The definition of "agricultural animal" includes: poultry, rabbits, sheep and goats but excludes those animals not included in this definition or which otherwise are prohibited within the Code. The definition of these animals shall be interpreted as their common dictionary definition unless otherwise defined.

[Added 7-9-2013 by Ord. No. 2013-06]

AGRICULTURE or AGRICULTURAL PURPOSES —

[Amended 7-9-2013 by Ord. No. 2013-06]

- A. The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture and animal and poultry husbandry and the necessary accessory uses for parking, housing and feeding the animals. The above activities shall not include the business of garbage feeding of hogs, fur farms or the raising of animals for experimental purposes.
- B. The raising of farm products for use or sale, including animal or poultry husbandry, and the growing of crops, such as grain, vegetables, fruit, grass for pasture or sod, trees, shrubs, flowers and similar products of the soil.

ALLEY — A way which affords generally a secondary means of access to abutting properties.

AMEND or AMENDMENT — Any repeal, modification, or addition to a regulation, ordinance, resolution or any other law; any new regulation, ordinance, resolution or any other law.

[Added 3-12-2002 by Ord. No. 2002-1; amended 10-11-2005]

AUTHORIZED ENFORCEMENT AGENCY - EMPLOYEES, AGENTS, OFFICIALS, OFFICERS OR DESIGNEES OF THE MAYOR AND COUNCIL OF THE TOWN OF MYERSVILLE WHO ARE DESIGNATED TO ENFORCE THE CODE OF THE

TOWN OF MYERSVILLE.

BACKGROUND ENROLLMENT GROWTH — The average annual impact of equated student enrollment changes during the preceding three years in the school attendance areas serving a proposed development, with appropriate adjustments made in the determination by the Frederick County Public Schools to eliminate student enrollment changes caused solely by school redistricting.

[Added 3-12-2002 by Ord. No. 2002-1]

BEEKEEPER — A person who owns or has charge of one or more colonies of bees.

[Added 4-10-2012 by Ord. No. 2012-04]

BEST MANAGEMENT PRACTICES (BMPS) - SCHEDULES OF ACTIVITIES, PROHIBITIONS OF PRACTICES, GENERAL GOOD HOUSEKEEPING PRACTICES, POLLUTION PREVENTION AND EDUCATIONAL PRACTICES, MAINTENANCE PROCEDURES, AND OTHER MANAGEMENT PRACTICES TO PREVENT OR REDUCE THE DISCHARGE OF POLLUTANTS DIRECTLY OR INDIRECTLY TO STORMWATER, RECEIVING WATERS, OR STORMWATER CONVEYANCE SYSTEMS. BMPS ALSO INCLUDE TREATMENT PRACTICES, OPERATING PROCEDURES, AND PRACTICES TO CONTROL SITE RUNOFF, SPILLAGE OR LEAKS, SLUDGE OR WATER DISPOSAL, OR DRAINAGE FROM RAW MATERIALS STORAGE.

BICYCLE - SHALL HAVE THAT MEANING AS DEFINED FOR THE TERM "BICYCLE" IN THE TRANSPORTATION ARTICLE OF THE ANNOTATED CODE OF MARYLAND

BILLBOARD — A sign, **GREATER THAN 16 SQUARE FEET IN TOTAL AREA**, which calls attention to a business, commodity, service, entertainment or other activity, conducted, sold or offered elsewhere than on the premises upon which the sign is located.

[Amended 9-10-2013 by Ord. No. 2013-08]

BLIGHTED CONDITION — A condition is blighted when it exhibits determinable signs of deterioration sufficient to constitute a threat to human health, safety and public welfare.

[Added 7-9-2024 by Ord. No. 2024-08]

BOARD - EVERY PUBLIC BOARD, COMMISSION, COMMITTEE AND OTHER SIMILAR BODY ESTABLISHED OR CREATED BY ORDINANCE OR RESOLUTION OF THE MAYOR AND COUNCIL OF MYERSVILLE.

BOARD OF (ZONING) APPEALS – THE BOARD OF ZONING APPEALS OF THE TOWN OF MYERSVILLE

BUILDING — Includes, but is not limited to, any building, structure, dwelling, excavation, matter, condition or thing in or about the lot on which the building is situated, and the plumbing, sewage, drainage, light or ventilation thereof.

BUILDING HEIGHT — The total overall height of a building measured from the lowest grade level to the highest point of the roof.

BUILDING SEWER - THAT PART OF THE SEWER DRAINAGE SYSTEM WHICH EXTENDS FROM THE END OF THE BUILDING DRAIN AND CONVEYS ITS DISCHARGE TO THE TOWN OF MYERSVILLE SEWER SYSTEM.

BUILDING WATER LINE - THE PIPE FROM THE TOWN OF MYERSVILLE OWNED WATER MAIN OR OTHER WATER DISTRIBUTION SYSTEM OF THE BUILDING SERVED.

CANNABIS — The plant cannabis Sativa L. and any part of the plant, including all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9-tetrahydrocannabinol concentration greater than 0.3% on a dry weight basis. Cannabis includes cannabis products. Cannabis does not include hemp or hemp products, as defined in the Agricultural Article of the Annotated Code of Maryland.

[Added 7-9-2024 by Ord. No. 2024-02]

CANNABIS DISPENSARY — An entity licensed by the state that acquires, possesses, repackages, transports, sells, distributes, or dispenses, cannabis or cannabis products, including tinctures, aerosols, oils, and ointments, related supplies, and educational materials for use by qualifying patients, caregivers, or consumers through a storefront.

[Added 7-9-2024 by Ord. No. 2024-02]

CANNABIS GROWING FACILITY — An entity licensed by the state that cultivates and packages cannabis and is authorized by the state to provide cannabis to other cannabis licensees and registered independent testing laboratories.

[Added 7-9-2024 by Ord. No. 2024-02]

CANNABIS PROCESSING FACILITY — An entity licensed by the state that transforms

cannabis into another product or an extract and packages and labels the cannabis product and is authorized by the state to provide cannabis to licensed dispensaries and registered independent testing laboratories.

[Added 7-9-2024 by Ord. No. 2024-02]

CAPITAL BUDGET — The current and fiscal year of the approved CIP.

[Added 3-12-2002 by Ord. No. 2002-1; amended 10-11-2005]

CAPITAL IMPROVEMENT PROGRAM (CIP) — Annual documents adopted by the Town and by Frederick County, indicating Town and Frederick County capital projects having funding approval for the current fiscal year and those capital projects which are currently planned for following years, including the proposed means of financing the same.

[Added 3-12-2002 by Ord. No. 2002-1]

CLEAN WATER ACT - THE FEDERAL WATER POLLUTION CONTROL ACT (33 U.S.C. § 1251 ET SEQ.) AND ANY SUBSEQUENT AMENDMENTS THERETO.

COLONY — Bees in any hive, including queens, workers and drones.

[Added 4-10-2012 by Ord. No. 2012-04]

COMMERCIAL BEEKEEPING — An operation which has as its primary purpose the raising of colonies for sale or profit, or the production or procurement of honey for sale or profit, or the selling of hives or bees, and which is typically characterized by customers visiting the operation's location on foot or in a vehicle.

[Added 4-10-2012 by Ord. No. 2012-04]

COMPANION ANIMAL — Any animal that is commonly kept by persons as a pet or for companionship, including but not limited to domesticated dogs and domesticated cats.

[Added 7-9-2013 by Ord. No. 2013-06]

COMPREHENSIVE PLAN — A composite of mapped and written text, the purpose of which is to guide the physical development of the Town, and which is adopted by the Mayor and Council and includes all changes and additions thereto made under the provisions of {~~Article 66B~~} **THE LAND USE ARTICLE** of the Annotated Code of Maryland.

[Added 3-12-2002 by Ord. No. 2002-1]

CONNECTION CHARGE - A CHARGE WHICH IS ESTABLISHED BY THE

MAYOR AND COUNCIL OF MYERSVILLE AND MUST BE PAID BY THE INTENDED USER PRIOR TO UTILIZATION OF THE TOWN WATER AND SEWER SYSTEM. THE FUNDS DERIVED FROM THESE CHARGES MAY BE USED FOR PAYMENT OF PRINCIPAL AND INTEREST ON BONDS, ACCUMULATING FUNDS FOR CAPITAL IMPROVEMENTS, FOR ACQUISITION OF WATER AND SEWERAGE SYSTEMS AND THE OPERATION AND MAINTENANCE THEREOF AND FOR THE PURCHASE OF EQUIPMENT AND SUPPLIES NECESSARY TO THE OPERATION OF THE COUNCIL; ALSO KNOWN AS "TAP FEE," "HOOK-UP CHARGE" OR "READY-TO-SERVE CHARGE."

CONSOLIDATED TRANSPORTATION PROGRAM (CTP) — An annual document prepared by the Maryland Department of Transportation and approved by the Maryland General Assembly indicating state transportation projects which have funding approval for the current fiscal year and those projects which are planned for following years.

[Added 3-12-2002 by Ord. No. 2002-1]

CONSTRUCTION ACTIVITY - ACTIVITIES SUBJECT TO NPDES CONSTRUCTION PERMITS. THESE INCLUDE CONSTRUCTION PROJECTS RESULTING IN LAND DISTURBANCE OF ONE ACRE OR MORE. SUCH ACTIVITIES INCLUDE BUT ARE NOT LIMITED TO CLEARING AND GRUBBING, GRADING, EXCAVATING, AND DEMOLITION.

CONSTRUCTION DEBRIS - WASTE MATERIALS RESULTING FROM THE CONSTRUCTION, ALTERATION OR DEMOLITION OF A STRUCTURE AND INTENDED TO BE DISCARDED OR REMOVED FROM THE SITE.

COPY — The words or message displayed on a sign.

[Added 9-10-2013 by Ord. No. 2013-08]

COPY AREA — That area which encloses the actual copy on a sign.

[Added 9-10-2013 by Ord. No. 2013-08]

COUNTY – FREDERICK COUNTY, MARYLAND

COUNTY MASTER HIGHWAY PLAN — The official plan of major roads, highways, streets, and other ways adopted by the Frederick County Planning and Zoning Commission and approved by the Board of County Commissioners of Frederick County on February 7, 1972, and as amended in accordance with ~~{Article 66B}~~ **THE LAND USE ARTICLE** of the Annotated Code of Maryland.

CROSSWALK — An area or section which traverses a public or private right-of-way and which is designated for use by pedestrians.

DECK – A STRUCTURE CONSISTING OF A FLAT SURFACE CAPABLE OF SUPPORTING WEIGHT, SIMILAR TO A FLOOR, CONSTRUCTED OUTDOORS, ELEVATED FROM THE GROUND. A DECK CONNECTED TO A BUILDING IS CLASSIFIED AS PART OF THE BUILDING, WHEREAS, A STAND-ALONE DECK IS CLASSIFIED AS AN ACCESSORY STRUCTURE.

DEVELOPER — An individual, partnership, corporation (or agent thereof), or other entity that undertakes the responsibility for any or all of the activities covered by Chapters 105, 130 and 165, particularly the designing of a subdivision plan or site development plan showing the layout of the land and the public improvements involved therein. Inasmuch as the subdivision plan is merely a necessary means to the end of assuring a satisfactory development, the term "developer" is intended to include the term "subdivider," even though the personnel involved in successive stages of the project may differ.

[Added 3-12-2002 by Ord. No. 2002-1]

DEVELOPMENT — An area of land which is subject to change in use (preliminary plan or site plan approval) or expansion of existing use and which is subject to subdivision or site plan review.

[Added 3-12-2002 by Ord. No. 2002-1]

DIRECTIONAL SIGN — A sign designed to provide direction to pedestrian and vehicular traffic.

[Added 9-10-2013 by Ord. No. 2013-08]

DWELLING — A building or structure designed for living quarters for one or more families, but not including boarding or tourist homes or other accommodations for transient occupancy.

[Amended 3-12-2002 by Ord. No. 2002-1]

- A. DWELLING, MULTIFAMILY — A building containing three or more dwelling units (townhouse, apartment),
- B. DWELLING, SINGLE-FAMILY — A building containing not more than one dwelling unit,
- C. DWELLING, TWO-FAMILY — A building containing two dwelling units, not to include duplexes.

[Amended 10-11-2005]

DWELLING UNIT — A building or portion thereof arranged or designed for occupancy by not more than one family for living purposes and having cooking facilities.

[Amended 10-11-2005]

EMERGENCY - AN UNFORESEEN CIRCUMSTANCE OR COMBINATION OF CIRCUMSTANCES THAT REQUIRES IMMEDIATE ACTION. THIS TERM INCLUDES, BUT IS NOT LIMITED TO FIRE, NATURAL DISASTER, AUTOMOBILE ACCIDENT OR ANY SITUATION REQUIRING IMMEDIATE ACTION TO PREVENT SERIOUS BODILY INJURY, LOSS OF LIFE OR EXTENSIVE PROPERTY DAMAGE.

EXOTIC ANIMAL

[Added 7-9-2013 by Ord. No. 2013-06] —

- A. Any animal that is not normally domesticated in the United States or is wild by nature. Exotic animals include but are not limited to any of the following orders and families, whether bred in the wild or captivity, and also any of their hybrids with domestic species.
- B. The animals listed in parentheses are intended to act as examples and are not to be construed as an exhaustive list or limit the generality of each group of animals, unless otherwise specified.
 - (1) Nonhuman primates and prosimians (monkeys, chimpanzees, baboons).
 - (2) Felidae (lions, tigers, bobcats, lynx, cougars, leopards, jaguars). This provision does not apply to domesticated cats.
 - (3) Canidae (wolves, coyotes, foxes, jackals). This provision does not apply to domesticated dogs.
 - (4) Ursidae (all bears).
 - (5) Reptilia (all venomous snakes, all constricting snakes).
 - (6) Crocodilia (alligators, crocodiles).
 - (7) Proboscidea (elephants).
 - (8) Hyaenidae (hyenas).
 - (9) Artiodactyla (hippopotamuses, giraffes, camels; not cattle or swine or sheep or goats).
 - (10) Procyonidae (raccoons, coatis).
 - (11) Marsupialia (kangaroos, opossums).
 - (12) Perissodactyla (rhinoceroses, tapirs; not horses or donkeys or mules).

FACE — The surface area of a sign on which the advertising message is displayed. A sign may have more than one face.

[Added 9-10-2013 by Ord. No. 2013-08]

FAMILY — A person living alone or two or more persons living together as a single housekeeping unit, but not including a group of persons occupying a boardinghouse, lodging house or hotel.

FARM — A parcel of land not less than 25 acres in size used for agriculture.

FINAL PLAT — The final map, drawing or chart upon which a subdivider's plan of subdivision is presented to the Planning Commission for approval and which, if approved, will be submitted for recording among the land records for Frederick County.

[Added 3-12-2002 by Ord. No. 2002-1]

FLASHING SIGN — A sign, the illumination of which is not kept stationary or constant in intensity at all times when in use, including "open" signs and electronic message centers. Digital display components are to be permitted and not be considered flashing signs so long as the message or information displayed does not change more than once per **SEVEN SECOND** ~~{thirty minute}~~ duration or periodically as emergency public service announcements or incidental changes related to time, date or temperature may warrant. ~~{Notwithstanding the foregoing, there shall be no change in message or information, other than incidental changes, beyond the principal use's stated hours of operation, but in no case earlier than 6:00 a.m. or later than 8:00 p.m. on any day.}~~ Display of emergency public service announcements at any time shall be permitted and not considered a flashing sign.

[Added 2-10-2009 by Ord. No. 2009-02; amended 9-10-2013 by Ord. No. 2013-08]

GARAGE, PRIVATE — A garage intended for and used for the storage of the private motor vehicles of the families residing upon the premises. Detached garages may be no more than one story, as defined by BOCA.

[Amended 10-11-2005]

GARAGE, PUBLIC — A space or structure, other than a private garage, for the storage, hire, care, repair or refinishing of vehicles or trailers.

[Amended 10-11-2005]

GOVERNMENT PROJECTS — Any building, structure, or alteration thereof paid for or used

by the local, state or federal government entities.

[Added 3-12-2002 by Ord. No. 2002-1; amended 10-11-2005]

GRADE PLANE — A reference plane representing the average of the finished ground level adjoining the sign structure.

[Added 9-10-2013 by Ord. No. 2013-08]

HAZARDOUS MATERIALS - ANY MATERIAL, INCLUDING ANY SUBSTANCE, WASTE, OR COMBINATION THEREOF, WHICH BECAUSE OF ITS QUANTITY, CONCENTRATION, OR PHYSICAL, CHEMICAL, OR INFECTIOUS CHARACTERISTICS MAY CAUSE, OR SIGNIFICANTLY CONTRIBUTE TO, A SUBSTANTIAL PRESENT OR POTENTIAL HAZARD TO HUMAN HEALTH, SAFETY, PROPERTY, OR THE ENVIRONMENT WHEN IMPROPERLY TREATED, STORED, TRANSPORTED, DISPOSED OF, OR OTHERWISE MANAGED.

HAZARDOUS WASTE - WASTES THAT ARE INHERENTLY DANGEROUS TO HANDLE OR DISPOSE OF AND WHICH ARE NOT ACCEPTED AT LANDFILLS WHICH RECEIVE TOWN REFUSE. HAZARDOUS WASTE INCLUDES, BUT IS NOT LIMITED TO, TOXIC CHEMICALS, BIOHAZARDS, CORROSIVE MATERIALS, REACTIVE CHEMICALS, FLAMMABLE WASTES, EXPLOSIVES, AND CERTAIN ITEMS FOUND IN THE HOME, INCLUDING, BUT NOT LIMITED TO, POOL CHLORINE, PAINT THINNER AND PESTICIDES.

HEALTH DEPARTMENT – THE FREDERICK COUNTY, MARYLAND HEALTH DEPARTMENT

HIVE — Any artificial or natural receptacle which may be used to house bees.

[Added 4-10-2012 by Ord. No. 2012-04]

HOME OCCUPATION — An occupation conducted entirely within a dwelling by a member or members of the immediate family. Boarding and rooming houses, tourist homes and private educational institutions shall not be deemed home occupations.

HOME OCCUPATION, NO-IMPACT or NO-IMPACT HOME OCCUPATION — A home occupation which satisfies the conditions set forth in Chapter 165 and which is determined by the Zoning Administrator, with the recommendation of the Planning Commission, to have no impact on surrounding properties.

[Added 1-13-2009 by Ord. No. 2009-01]

ILLEGAL DISCHARGE - ANY DIRECT OR INDIRECT NON-STORMWATER DISCHARGE TO THE STORM DRAIN SYSTEM, EXCEPT AS EXEMPTED BY TOWN CODE.

ILLICIT CONNECTIONS - AN ILLICIT CONNECTION IS DEFINED AS EITHER OF THE FOLLOWING:

- A. ANY DRAIN OR CONVEYANCE, WHETHER ON THE SURFACE OR SUBSURFACE, THAT ALLOWS AN ILLEGAL DISCHARGE TO ENTER THE STORM DRAIN SYSTEM, INCLUDING BUT NOT LIMITED TO ANY CONVEYANCES THAT ALLOW ANY NON-STORMWATER DISCHARGE, INCLUDING SEWAGE, PROCESS WASTEWATER, AND WASH WATER, TO ENTER THE STORM DRAIN SYSTEM, AND ANY CONNECTIONS TO THE STORM DRAIN SYSTEM FROM INDOOR DRAINS AND SINKS, REGARDLESS OF WHETHER SAID DRAIN OR CONNECTION HAD BEEN PREVIOUSLY ALLOWED, PERMITTED, OR APPROVED BY AN AUTHORIZED ENFORCEMENT AGENCY;**
- B. ANY DRAIN OR CONVEYANCE CONNECTED FROM A COMMERCIAL OR INDUSTRIAL LAND USE TO THE STORM DRAIN SYSTEM THAT HAS NOT BEEN DOCUMENTED IN PLANS, MAPS, OR EQUIVALENT RECORDS AND APPROVED BY AN AUTHORIZED ENFORCEMENT AGENCY.**

INCIDENTAL SIGN — A sign, generally informational, that has an incidental purpose to the use of the lot on which it is located, such as "no parking," "entrance," "exit," "loading only," and other similar directives. These signs shall include but not be limited to signs on automatic teller machines, gas pumps, vending machines or newspaper delivery boxes.

[Added 9-10-2013 by Ord. No. 2013-08]

INDUSTRIAL ACTIVITY - ACTIVITIES SUBJECT TO NPDES INDUSTRIAL STORMWATER PERMITS AS DEFINED IN 40 CFR 122.26(B)(14).

INDUSTRIAL PARK — A tract of land for industrial use developed according to a plan for occupancy by a group of industries and equipped with streets and necessary utilities.

INSTITUTIONAL SIGNAGE – A SIGN, NO MORE THAN 30 SQUARE FEET IN TOTAL AREA, PLACED ON A LOT IN CONJUNCTION WITH INSTITUTIONAL USES.

INSTITUTIONAL USE - THE USE OF A BUILDING OR LAND FOR A PUBLIC OR

NON-PROFIT PURPOSE. THESE USES SHALL INCLUDE BUT NOT BE LIMITED TO GOVERNMENT BUILDINGS, SCHOOLS, PLACES OF WORSHIP, HOSPITALS, COMMUNITY CENTERS, LIBRARIES, PUBLIC UTILITY FACILITIES AND AUDITORIUMS.

INTERIOR SIGNS — Signs that are located inside a building or other facility.

[Added 9-10-2013 by Ord. No. 2013-08]

JUNKYARD — Any land or building used for the abandonment, sale, storage, keeping, collecting or bailing of paper, rags, scrap metal or other scrap or discarded materials or for the abandonment, demolition, dismantling, storage or salvaging or sale of three or more motor vehicles, not in running condition, machinery, or parts thereof.

JUVENILE - ANY UNMARRIED, UNEMANCIPATED PERSON UNDER 18 YEARS OF AGE.

KENNEL — Any building or structure and/or land used, designed, or principally arranged for housing, boarding, or the breeding of more than five adult dogs over the age of four months.

[Added 11-8-2005 by Ord. No. 2005-8]

LEVEL OF SERVICE (LOS) — A standardized index of relative service provided by a road or highway ranging from "A" to "F" with "A" representing free, unobstructed flow and "F" representing a forced flow beyond capacity of the facility as defined in the Highway Capacity Manual published by the Highway Research Board.

[Added 3-12-2002 by Ord. No. 2002-1]

LITTER - ANY USED OR UNCONSUMED SUBSTANCE OR WASTE MATERIAL WHICH HAS BEEN DISCARDED.

LOT — A parcel or portion of land separated from other parcels or portions either by descriptions as on a subdivision plat or a recorded survey map, or by metes and bounds, for the purpose of sale, lease or other development uses or occupied or intended to be occupied by a principal building or use or a group of buildings and its accessory buildings and uses.

LOT AREA — The total horizontal area included within the rear, side and front lot lines or proposed street lines of the lot, excluding any street right-of-way whether dedicated to public use or not but including areas of easements.

LOT, CORNER — A lot abutting upon two or more roads at their intersection or upon two parts of the same road and, in either case, forming an interior angle of less than 135°.

LOT, DOUBLE FRONTAGE — A lot extending through the block from one street to another.

MARQUEE — A permanent roofed structure projecting from and attached to a building and supported by either the building or column supports from grade or a combination of both.

[Added 9-10-2013 by Ord. No. 2013-08]

MARYLAND OPEN MEETINGS ACT - THE GENERAL PROVISIONS ARTICLE, TITLE 3, SUBTITLES 1 THROUGH 5, ANNOTATED CODE OF MARYLAND (AS AMENDED).

MAYOR AND COUNCIL - THE COUNCIL OF THE TOWN OF MYERSVILLE AS DEFINED IN SECTION 201 OF THE TOWN CHARTER.

MENU BOARD — A variable-message sign that allows a retailer to list products and prices (for example, the bill of fare for a fast-food restaurant).

[Added 9-10-2013 by Ord. No. 2013-08]

MINOR SUBDIVISION — Any parcel that has been or is proposed to be subdivided to create five or fewer lots.

[Added 3-12-2002 by Ord. No. 2002-1]

MIXED-USE STRUCTURE — A building that contains at least one permitted nonresidential use and at least one permitted residential use.

[Added 7-9-2024 by Ord. No. 2024-08]

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS₄) - THE SYSTEM OF CONVEYANCES (INCLUDING SIDEWALKS, ROADS WITH DRAINAGE SYSTEMS, MUNICIPAL STREETS, CATCH BASINS, CURBS, GUTTERS, DITCHES, MAN-MADE CHANNELS, OR STORM DRAINS) OWNED AND OPERATED BY THE TOWN OF MYERSVILLE AND DESIGNED OR USED FOR COLLECTING OR CONVEYING STORMWATER, AND NOT USED FOR COLLECTING OR CONVEYING SEWAGE.

MYERSVILLE COMPREHENSIVE PLAN — The officially adopted Comprehensive Plan of the Town of Myersville, or any part of such plans or any amendments thereto.

[Amended 10-11-2005]

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT - A PERMIT ISSUED BY THE EPA, OR BY A STATE UNDER AUTHORITY DELEGATED PURSUANT TO 33 U.S.C. § 1342(B), THAT AUTHORIZES THE DISCHARGE OF POLLUTANTS TO WATERS OF THE UNITED STATES, WHETHER THE PERMIT IS APPLICABLE ON AN INDIVIDUAL, GROUP, OR GENERAL AREA-WIDE BASIS.

NONCONFORMING USE — A building, structure or premises legally devoted to or occupied by or for a use that does not conform with the provisions for the district in which located.

NONCONFORMITY, DIMENSIONAL — A lot or structure which is nonconforming because it is not in compliance with the dimensional regulations of this Code.

NONRESIDENTIAL STRUCTURE — Any structure or premises in whole or in part that contains spaces for commercial or industrial uses, such as manufacturing operations, offices, warehouses, shopping centers, retail and wholesale facilities, and other similar uses. This definition shall include mixed-use structures.

[Added 7-9-2024 by Ord. No. 2024-08]

NON-STORMWATER DISCHARGE - ANY DISCHARGE TO THE STORM DRAIN SYSTEM THAT IS NOT COMPOSED ENTIRELY OF STORMWATER.

OPEN SPACE - LAND AREA WITHIN THE SUBDIVISION WHICH IS UNDEVELOPED OR DEVELOPED FOR RECREATIONAL PURPOSES AND IS EITHER DEDICATED TO THE TOWN OR IS OWNED IN COMMON AMONG THE RESIDENTS.

OUTLOT — A non-buildable lot that is only for the purpose of providing access to adjoining properties and/or for the continuation of future street patterns.

OWNER —

[Added 7-9-2024 by Ord. No. 2024-08]

- D. Any person, partnership, association, company, corporation or other entity having a legal or equitable interest in or control of real property.
- E. Any person who, alone, jointly or severally, shall have the charge, care or control of any premises as executor, administrator, trustee or guardian of the estate of the

owner.

- F. Any person having any interest in a partnership, association, company, corporation or other entity which owns or has any ownership interest or control of the premises.
- G. Any person, firm, partnership, association, company, corporation or other entity whose name appears on the deed or property tax bill for the premises shall be deemed to be the owner of the premises.

PARENT - ANY PERSON WHO IS THE NATURAL, STEP OR ADOPTIVE PARENT OF A JUVENILE, A LEGAL GUARDIAN OF A JUVENILE, A PERSON WHO IS 18 YEARS OF AGE OR OLDER WHO STANDS IN LOCO PARENTIS TO A JUVENILE, OR A PERSON TO WHOM LEGAL CUSTODY OF A JUVENILE HAS BEEN GIVEN BY COURT ORDER.

PARK - A PUBLIC OR PRIVATE AREA USED BY THE PUBLIC FOR ACTIVE OR PASSIVE RECREATION.

PATIO – AN UNCOVERED, OUTDOOR SPACE CONSISTING OF AN IMPROVED GROUND-LEVEL SURFACE, WITH A GROSS AREA OF 64 SQUARE FEET OR MORE. TYPICALLY USED FOR DINING, LEISURE, OR RECREATIONAL PURPOSES, A PATIO MAY BE CONSTRUCTED WITH MATERIALS INCLUDING, BUT NOT LIMITED TO BRICK, MASONARY BLOCK, CONCRETE, ASPHALT, TILE, STONE, WOOD, RUBBER, METAL, VINYL, OR PLASTIC. A PATIO MAY ADJOIN A BUILDING OR STRUCTURE.

PERSON - ANY INDIVIDUAL, ASSOCIATION, ORGANIZATION, PARTNERSHIP, FIRM, CORPORATION OR OTHER ENTITY RECOGNIZED BY LAW AND ACTING AS AN OWNER OR AS AN OWNER'S AGENT.

PLANNING COMMISSION — THE PLANNING COMMISSION OF THE TOWN OF MYERSVILLE.

POLLUTANT - ANYTHING WHICH CAUSES OR CONTRIBUTES TO POLLUTION. POLLUTANTS MAY INCLUDE, BUT ARE NOT LIMITED TO: PAINTS, VARNISHES, AND SOLVENTS; OIL AND OTHER AUTOMOTIVE FLUIDS; NON-HAZARDOUS LIQUID AND SOLID WASTES AND YARD WASTES; REFUSE, RUBBISH, GARBAGE, LITTER, OR OTHER DISCARDED OR ABANDONED OBJECTS, ORDNANCES, AND ACCUMULATIONS, SO THAT SAME MAY CAUSE OR CONTRIBUTE TO POLLUTION; FLOATABLES; PESTICIDES, HERBICIDES, AND FERTILIZERS; HAZARDOUS SUBSTANCES AND WASTES; SEWAGE, FECAL COLIFORM AND PATHOGENS; DISSOLVED AND PARTICULATE METALS; ANIMAL WASTES;

WASTES AND RESIDUES THAT RESULT FROM CONSTRUCTING A BUILDING OR STRUCTURE; AND NOXIOUS OR OFFENSIVE MATTER OF ANY KIND.

PORCH - A COVERED STRUCTURE, ATTACHED TO A BUILDING, LOCATED IN FRONT OF THE ENTRANCE TO THE BUILDING. A PORCH IS CLASSIFIED AS PART OF THE BUILDING TO WHICH IT IS ATTACHED.

POSTER — Paper or vinyl advertising sheets that are hung by hand onto outdoor advertising structures.

Added 9-10-2013 by Ord. No. 2013-08]

PRELIMINARY PLAN — The preliminary drawings and supplementary materials indicating the proposed layout of the subdivision to be submitted to the Planning Commission for its consideration.

[Added 3-12-2002 by Ord. No. 2002-1]

PREMISES — Any single parcel or lot of real property in the Town, including the land and all improvements or structures.

[Added 7-9-2024 by Ord. No. 2024-08]

PROJECTING SIGN — A building sign which extends out, over or away from the wall of a building.

[Added 9-10-2013 by Ord. No. 2013-08]

PUBLIC PLACE - ANY PLACE WITHIN THE TOWN OF MYERSVILLE TO WHICH THE PUBLIC OR A SUBSTANTIAL GROUP OF THE PUBLIC HAS ACCESS AND INCLUDES, BUT IS NOT LIMITED TO, STREETS, SIDEWALKS, ALLEYS, COMMON AREAS OF SCHOOLS, SHOPPING CENTERS, PARKING LOTS, PLAYGROUNDS, TRANSPORTATION FACILITIES, THEATERS, RESTAURANTS, SHOPS, BOWLING ALLEYS, CAFES, ARCADES AND SIMILAR AREAS THAT ARE OPEN TO THE USE OF THE PUBLIC.

PUBLIC WORKS AGREEMENT — A contract between the developer and the Town to complete the necessary improvements in accordance with the approved plans and specifications by a given date.

[Added 3-12-2002 by Ord. No. 2002-1]

PUMPING STATION - PUMPING UNITS WITH APPURTENANCES AND

STRUCTURES TO CONVEY WATER OR SEWAGE UNDER PRESSURE TO TRANSMISSION OR INTERCEPTOR FACILITIES.

REAL PROPERTY — Fixed property, principally land and structures.

[Added 7-9-2024 by Ord. No. 2024-08]

RECEPTACLE - ANY STEEL, PLASTIC, ALUMINUM OR GALVANIZED CONTAINER, BIN OR TOTE MANUFACTURED FOR THE PURPOSE OF STORING REFUSE OR RECYCLING AND THAT ALLOWS FOR EASY LIFTING WHEN FILLED WITH REFUSE OR RECYCLING MATERIALS. A RECEPTACLE OR COLLECTION CONTAINER ALSO INCLUDES ANY SECURED, LEAKPROOF PLASTIC BAG WHICH IS MANUFACTURED FOR THE PURPOSE OF SECURING AND DISPOSING OF HOUSEHOLD REFUSE IF IT IS OF SUFFICIENT STRENGTH TO HOLD ITS CONTENTS WITHOUT TEARING OR ALLOWING THE CONTENTS TO SPILL, LEAK OR OTHERWISE ESCAPE FROM THE BAG.

RECREATIONAL AREAS, ACTIVE - THOSE OPEN SPACE AREAS WHICH ARE DESIGNED FOR ACTIVE LEISURE PURSUITS BY PROVIDING AMENITIES SUCH AS ATHLETIC FIELDS OR COURTS, ATHLETIC EQUIPMENT, TOT LOTS, PLAYGROUNDS OR OTHER SIMILAR AMENITIES OR AS FURTHER DEFINED WITHIN THE COMPREHENSIVE PLAN.

RECREATIONAL AREAS, PASSIVE - THOSE OPEN SPACE AREAS THAT ARE DESIGNATED FOR PUBLIC ACCESS WITH THE PRIMARY PURPOSE OF RECREATING IN OPEN, PRESERVED OR MINIMALLY DISTURBED NATURAL AREAS. SUCH AREAS MAY INCLUDE NATURAL AND PAVED PEDESTRIAN OR BIKE TRAILS, PICNIC PAVILIONS, NATURE OBSERVATION FACILITIES, BOARDWALKS, BENCHES OR OTHER SIMILAR AMENITIES OR AS FURTHER DEFINED WITHIN THE COMPREHENSIVE PLAN.

RECREATIONAL BEEKEEPING — An activity or pursuit by a beekeeper who owns or maintains one or more hives for the primary purpose of personal hobby, personal consumption of bee by-products or for educational pursuits.

[Added 4-10-2012 by Ord. No. 2012-04]

RECREATIONAL VEHICLE (RV) - A VEHICLE WITH LIVING QUARTERS USED FOR CAMPING, TRAVEL, OR OTHER RECREATIONAL ACTIVITIES. RVS CAN BE MOTOR-DRIVEN OR TOWED BY ANOTHER VEHICLE.

RECYCLABLES - THOSE MATERIALS WHICH ARE DESIGNATED AS SUCH BY

FREDERICK COUNTY IN ITS RECYCLING PROGRAM, TYPICALLY INCLUDING VARIOUS TYPES OF PLASTIC, GLASS, METAL, CARDBOARD AND PAPER.

ROLLER SKATES - ANY DEVICE WORN OR ATTACHED TO FEET AND WHICH HAS TWO OR MORE WHEELS ATTACHED FOR THE PURPOSE OF GLIDING ON A FLOOR, SIDEWALK OR OTHER GROUND SURFACE. "ROLLER SKATE" INCLUDES THOSE DEVICES COMMONLY KNOWN AS "ROLLER SKATES," "ROLLER BLADES," AND "IN-LINE SKATES."

SCOOTER - ANY WHEELED DEVICE, SIMILAR IN NATURE TO A SKATEBOARD, WHICH INCLUDES IN ITS CONSTRUCTION A VERTICAL BAR AND HANDLES WHICH ARE USED BY THE RIDER OR OPERATOR FOR PURPOSES OF CONTROL AND/OR SUPPORT.

SCREENING – THE STRATEGIC PLACEMENT OF PLANTS, SHRUBS, OR OTHER VEGETATION, FENCING, WALLS OR OTHER STRUCTURES IN A MANNER THAT CREATES A VISUAL BARRIER TO CONCEAL AN AREA FROM VIEW

SERVICE CHARGE - THOSE COSTS FOR A SYSTEM DIRECTLY ATTRIBUTABLE TO AND DIRECTLY RELATED TO THE VOLUME OF WATER USED BY OR THE VOLUME OF SEWAGE DISCHARGED BY THE USER. ALSO KNOWN AS THE "USER CHARGE" OR "USAGE CHARGE."

SHRUB - A PERENNIAL, WOODY PLANT OR PLANTS OF RELATIVELY LOW HEIGHT HAVING SEVERAL STEMS ARISING FROM THE BASE AND LACKING A SINGLE TRUNK.

SIGN — Includes every visually communicative display external to any building used to advertise or promote the interest of any person.

[Added 9-10-2013 by Ord. No. 2013-08]

SIGN STRUCTURE — The supports, uprights, braces and framework of the sign.

[Added 9-10-2013 by Ord. No. 2013-08]

SITE DEVELOPMENT PLAN (SITE PLAN) — The plan indicating the location of existing and proposed buildings, structures, paved areas, walkways, vegetative cover, landscaping and screening within a site proposed for development which is to be submitted to the Planning Commission for approval prior to the release of building permits on the site.

[Added 3-12-2002 by Ord. No. 2002-1]

SKATEBOARD - A SHORT OBLONG BOARD HAVING TWO OR MORE WHEELS AT EACH END WHICH IS INTENDED TO BE RIDDEN.

SOLID WASTE - MATERIAL AND ITEMS THAT CANNOT BE RECYCLED.

SPECIAL EXCEPTION — A grant of a specific use that would not be appropriate generally or without restriction and shall be based upon a finding that certain conditions governing special exceptions as detailed in this Code exist, that the use conforms to the Myersville {~~Master Development~~} **COMPREHENSIVE** Plan and is compatible with the existing neighborhood.

STATE - STATE OF MARYLAND

STATE RATED CAPACITY (SRC) — The maximum number of students, as determined by the state, that can be reasonably accommodated in a school facility without significantly hampering delivery of the given educational program.

[Added 3-12-2002 by Ord. No. 2002-1]

STORAGE CONTAINER — A prefabricated "sea container" or "C container" or similar object which is or resembles a modified trailer, railroad car or intermodal shipping container and which is manufactured or used primarily for storage or shipping purposes.

[Added 3-10-2009 by Ord. No. 2009-03]

STORM DRAINAGE SYSTEM - PUBLICLY OWNED FACILITIES BY WHICH STORMWATER IS COLLECTED AND/OR CONVEYED, INCLUDING BUT NOT LIMITED TO ANY ROADS WITH DRAINAGE SYSTEMS, MUNICIPAL STREETS, GUTTERS, CURBS, INLETS, PIPED STORM DRAINS, PUMPING FACILITIES, RETENTION AND DETENTION BASINS, NATURAL AND HUMAN-MADE OR ALTERED DRAINAGE CHANNELS, RESERVOIRS, AND OTHER DRAINAGE STRUCTURES.

STORMWATER - ANY SURFACE FLOW, RUNOFF, AND DRAINAGE CONSISTING ENTIRELY OF WATER FROM ANY FORM OF NATURAL PRECIPITATION AND RESULTING FROM SUCH PRECIPITATION.

STORMWATER MANAGEMENT PLAN (SWMP) - A DOCUMENT WHICH

DESCRIBES THE BEST MANAGEMENT PRACTICES AND ACTIVITIES TO BE IMPLEMENTED BY A PERSON OR BUSINESS TO IDENTIFY SOURCES OF POLLUTION OR CONTAMINATION AT A SITE AND THE ACTIONS TO ELIMINATE OR REDUCE POLLUTANT DISCHARGES TO STORMWATER, STORMWATER CONVEYANCE SYSTEMS, AND/OR RECEIVING WATERS TO THE MAXIMUM EXTENT PRACTICABLE.

STREET or ROAD — Any public or private right-of-way, highway, street, land, square, court, or way set aside as a permanent right-of-way for public travel used for the movements of pedestrian and vehicular traffic as well as the installation of public utilities. Streets or roads shall be defined and classified in accordance with the Town {~~Master~~} **COMPREHENSIVE** Plan as follows:

[Amended 10-11-2005]

- H. **ARTERIAL** — A street intended for the movement of traffic from collector through Town to other collectors or arterials. They are not intended as a means of access to adjacent properties.
- I. **COLLECTOR** — A street intended for the movement of traffic from secondary collectors to arterials or other secondary collectors in Town. They are not intended as a means of access to adjacent properties.
- J. **SECONDARY COLLECTOR STREET** — A street which, in addition to providing access to properties abutting thereon, is intended to collect traffic or distribute it to a series of local access streets within a neighborhood.
- K. **LOCAL ACCESS ROAD AND STREET** — A street intended to serve and provide access exclusively to the properties abutting thereon.
- L. **SERVICE ROAD** — A road not serving as a collector road but merely providing access to properties fronting on a highway, which road is contiguous and parallel to the major highway. "Adjacent" here shall mean that no structure shall be built between the service road and the major highway.

STRUCTURAL ADEQUACY — Determination that pavement cross section (or bridge design) is of sufficient depth and design to carry the increased traffic volume generated by the proposed development, including the heavy construction vehicles which will be present, without causing undue failure of the infrastructure.

[Added 3-12-2002 by Ord. No. 2002-1]

STRUCTURE — Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

SUBDIVIDE — The act of creating a subdivision as herein defined.

SUBDIVIDER — Any person or persons, partnerships, firms, corporation, or cooperative enterprises undertaking or participating in the subdivision of land.

SUBDIVISION — The division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale or of building development. It includes resubdivision and, when appropriate to the context, relates to the process of resubdividing or the land or territory subdivided. This definition is not intended to include a testamentary or inter vivos partition of land.

[Amended 10-11-2005]

SWIMMING POOL — Any artificial structure, basin, chamber, or tank, either above or below ground, designed to contain in depth more than 18 inches of water, used or intended to be used for the primary purpose of swimming, diving, wading, or recreational bathing.

[Added 3-12-2002 by Ord. No. 2002-1]

TEMPORARY SIGN — A sign erected or posted for a period of no more than 90 days.

[Added 9-10-2013 by Ord. No. 2013-08; amended 9-14-2021 by Ord. No. 2021-08]

TOTES - THIRTY-FIVE-, SIXTY-FIVE- OR NINETY-FIVE-GALLON PLASTIC ROLL-OUT CARTS SPECIFICALLY MANUFACTURED AS A CONTAINER FOR HOLDING REFUSE OR RECYCLABLES.

TOWN - THE TOWN OF MYERSVILLE, MARYLAND.

TRAILER (including "automobile trailer" and "mobile home") — Any portable structure or vehicle so constructed and designed as to permit occupancy thereof for dwelling, sleeping, or the conduct of any business, trade or occupation.

TREE - A PERENNIAL WOODY PLANT HAVING A SINGLE SELF-SUPPORTING TRUNK GENERALLY WITH A FEW OR NO BRANCHES ON ITS LOWER PART.

TRUCK STOP — Any facility offering for sale fuel for tractor-trailer vehicles and constructed and designed to enhance maneuverability and fueling of tractor-trailer vehicles by the contouring of curbs and aprons, the placement and design of fuel pump islands or other such design criteria. In addition, a truck stop shall have the capability to fuel two or more tractor-

trailer vehicles at the same time and/or parking facilities for five or more such vehicles.

[Added 3-8-2005]

UNATTENDED DONATION CONTAINER - ANY BOX, BUILDING, TRAILER OR OTHER RECEPTACLE THAT IS INTENDED FOR USE AS A COLLECTION POINT FOR DONATED CLOTHING, FURNITURE OR OTHER HOUSEHOLD MATERIALS AT TIMES WHEN NO EMPLOYEE OR REPRESENTATIVE OF THE SPONSORING COMPANY OR ORGANIZATION IS PRESENT TO ACCEPT DONATIONS.

UNINHABITABLE — The condition where any building has been constructed, altered or repaired in a manner which makes the condition of the building unsafe; or any building that is a fire, health or safety hazard for any reason, including, but not limited to, lack of repair, age, dilapidated condition, abandonment or storage of combustible, flammable or explosive substances or material in the building or on its premises; or any condition in a building or on its premises that endangers the safety of persons occupying or using that building or premises or endangers any adjacent building, premises, property or persons thereon; or any building that is dangerous or detrimental to life, health or property.

[Added 7-9-2024 by Ord. No. 2024-08]

USE — The specific purpose for which land or a structure is designed, arranged, intended, occupied or maintained.

USE, PRINCIPAL — The main or primary use of property or structures measured in terms of net floor area.

VACANT — Not occupied as a domicile, residence, or place of business.

[Added 7-9-2024 by Ord. No. 2024-08]

VACANT BLIGHTED NONRESIDENTIAL STRUCTURE — Any nonresidential structure that is vacant with a pending action to foreclose a mortgage or deed of trust; or is vacant with blighted conditions; or has been placarded by the Town as uninhabitable. for properties with multiple structures, such as shopping centers with pad sites, if any individual structure meets this definition, that structure shall be subject to the terms of this chapter.

[Added 7-9-2024 by Ord. No. 2024-08]

VACANT BLIGHTED RESIDENTIAL STRUCTURE — Any residential structure, single- or multi-unit, that is vacant with a pending action to foreclose a mortgage or deed of trust; or is vacant with blighted conditions; or has been placarded by the Town as

uninhabitable. For properties with multiple structures, such as apartment complexes, if any individual structure meets this definition, that structure shall be subject to the terms of this chapter.

[Added 7-9-2024 by Ord. No. 2024-08]

VACANT NONRESIDENTIAL STRUCTURE — Any nonresidential structure that is vacant for a continuous six-month period. For properties with multiple structures, such as shopping centers with pad sites, if any individual structure is vacant for a continuous six-month period, that structure shall be subject to the terms of this chapter. For calculation of the continuous six-month period required to satisfy the definition of "vacant nonresidential structure," the following periods of time shall not be included:

[Added 7-9-2024 by Ord. No. 2024-08]

- A. The one-year period immediately following the issuance of a certificate of occupancy permit for new construction;
- B. Any period of time during which active work is being legally performed pursuant to a valid permit issued by Frederick County;
- C. The six-month period immediately following the issuance of a certificate of occupancy permit for existing construction; or
- D. The first year of vacancy of a non-blighted structure while being marketed via a currently licensed real estate agent through Maryland's Department of Labor, Licensing and Regulation.

VACANT RESIDENTIAL STRUCTURE

[Added 7-9-2024 by Ord. No. 2024-08] —

- A. Any residential structure, single or multi-unit, that has been vacant for a continuous six-month period. For properties with multiple structures, such as apartment complexes, if any individual structure is vacant for a continuous six-month period, that structure shall be subject to the terms of this chapter. For calculation of the continuous six-month period required to satisfy the definition of "vacant residential structure," the following periods of time shall not be included:
 - (1) The one-year period immediately following the issuance of a certificate of occupancy permit for new construction;
 - (2) Any period of time during which active work is being legally performed pursuant to a valid building permit issued by Frederick County;
 - (3) The six-month period immediately following the issuance of a certificate of occupancy permit for existing construction; or
 - (4) The first year of vacancy of a non-blighted structure while being marketed

via a currently licensed real estate agent through Maryland's Department of Labor, Licensing and Regulation.

- B. A vacant residential structure shall not include a structure that falls within the definition of a nonresidential structure pursuant to Chapter 167 of the Town Code.

VARIANCE — A modification only of density, bulk or area requirements where such modifications will not be contrary to the public interest and where owing to conditions peculiar to the property, and not the results of any action taken by the applicant, a literal enforcement of this Code would result in unnecessary hardship.

VIDEO LOTTERY FACILITY — A facility at which video lottery terminal players play video lottery terminals.

[Added 11-8-2005 by Ord. No. 2005-7]

VIDEO LOTTERY TERMINAL — Any machine or other device that, on insertion of a bill, coin, token, ticket, coupon or similar item, or on payment of any consideration, A) is available to play or simulate the play of any game of chance in which the results, including the options available to the video lottery terminal player, are randomly and immediately determined by the machine or other device; and B) by the element of chance, may deliver or entitle the video lottery terminal player who operates the machine or device to receive cash, premiums, merchandise, tokens, or anything of value, whether the payout is made automatically from the device or in any other manner. “Video lottery terminal” includes a machine or device A) that does not directly dispense money, tokens, or anything of value to winning video lottery terminal players and B) described in this definition, that uses an electronic credit system making the deposit of bills, coins, or tokens unnecessary. “Video lottery terminal” does not include a machine or device that is available to play the Maryland state lottery conducted under § 9-101 et seq. of the State Government Article of the Annotated Code of Maryland.

[Added 11-8-2005 by Ord. No. 2005-7]

VIDEO LOTTERY TERMINAL PLAYER — An individual who plays a video lottery terminal in a video lottery facility.

[Added 11-8-2005 by Ord. No. 2005-7]

WASTEWATER - ANY WATER OR OTHER LIQUID, OTHER THAN UNCONTAMINATED STORMWATER, DISCHARGED FROM A FACILITY.

YARD, FRONT — An unoccupied open space extending across the full width of the lot between the front lot line or the proposed front street line and setback line of the minimum required front yard depth measured at the shortest horizontal distance.

YARD, REAR — An unoccupied open space extending across the full width of the lot between the rear line of the lot and the setback line of the minimum required rear yard depth measured at the shortest horizontal distance.

YARD, SIDE — An unoccupied open space between the side lot line, the side street line, or the proposed side street line, if such line falls within the lot and the setback line of the minimum required side yard depth measured at the shortest horizontal distance. The side yard extends from the front yard to the rear yard, or, in the absence of either of such yards, to the front lot line and/ or rear lot line.

YARD WASTE - SOLID WASTE CONSISTING OF LAWN GRASS, SHRUBBERY, CUTTINGS, CLIPPINGS, LEAF RAKINGS, TREE BRANCHES, BUSHES OR SHRUBS, GREEN LEAF CUTTINGS, FRUITS OR OTHER VEGETATIVE MATTER GENERALLY CREATED AS REFUSE IN THE CARE OF LAWNS AND YARDS.

ZONING ADMINISTRATOR — The administrative officer in charge of zoning administration within the Town.

[Amended 3-12-2002 by Ord. No. 2002-1]

ZONING CERTIFICATE — Signature approval on a permit, by the Zoning Administrator, authorizing the issuance of a permit for buildings, structures, or uses consistent with the requirements of Chapter 165 of this Code.

[Amended 3-12-2002 by Ord. No. 2002-1]

INTRODUCED on the ____ day of _____, 2025.

ENACTED AND APPROVED this ____ day of _____, 2025 by a vote of ____ for, ____ against, ____ absent and ____ abstaining.

ATTEST:

**MAYOR AND COUNCIL OF THE
TOWN OF MYERSVILLE**

By: _____(SEAL)

Kathy Gaver, Town Clerk

Mark Hinkle, Mayor