

TOWN OF GLEN ECHO CODE (February 2020)

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**ARTICLE 1
DEFINITIONS**

Section 1.1 Definitions

The following terms used throughout the Town Code have the following meanings:

- A. “*Person*” means any person, firm, partnership, association, corporation, company or organization of any kind.
- B. “*Public Place*” means any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings.
- C. “*Town*” means the Town of Glen Echo, Maryland.
- D. “*Town Clerk*” means the Clerk-Treasurer.

(Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

**ARTICLE 2
ANIMAL CONTROL**

Section 2.1 Applicability of Montgomery County Code

Except as modified by this Article, the provisions of Montgomery County Code, Chapter 5 “Animal Control,” as amended as of December 1999 and thereafter, shall apply and be enforced within the corporate limits of the Town of Glen Echo. Except as otherwise provided in this Article, Montgomery County is requested to and shall enforce the provisions of Montgomery County Code, Chapter 5, within the Town.

(Ord. No. 00-03, effective 11/7/00; Ord. No. 16-02, effective 1/30/17)

Section 2.2 Modification of Montgomery County Code Provisions

A. Animals Prohibited. Notwithstanding any provision to the contrary in Montgomery County Code, Chapter 5, it shall be unlawful to own, keep or harbor within the corporate limits of the Town of Glen Echo the following animals: horses, swine, including, but not limited to, pot-bellied pigs, cows, cattle, goats, chickens, ducks, geese, pigeons, other domestic or wild fowl, bees and any other animals except dogs, cats and other pets commonly kept indoors in private residences. This provision shall be enforced, and penalties imposed, by the Town.

B. Town Enforcement. The Town’s Local Animal Control Officer shall have the power to enforce the owning, keeping or harboring of prohibited animals.

(Ord. No. 00-03, effective 11/7/00; Ord. No. 16-02, effective 1/30/17)

Section 2.3 Local Animal Control Officer; Concurrent Enforcement

A. The Mayor of the Town of Glen Echo, or his or her designee, as approved by the Town Council, shall serve as the Town’s Local Animal Control Officer (the “LACO”).

B. The LACO shall enforce the provisions set forth in Section 2.2.

(Ord. No. 00-03, effective 11/7/00; Ord. No. 16-02, effective 1/30/17)

Section 2.4 Penalties

Any person violating any of the provisions of this Article shall be subject to the penalties and remedies stipulated under Article 21.

(Ord. No. 00-03, effective 11/7/00; Ord. No. 16-02, effective 1/30/17)

Section 2.5 Regulations

A. All regulations now adopted by the County Council and/or by the County Executive for Montgomery County pursuant to the authority contained in Chapter 5 of the Montgomery County Code (1999) as amended, are hereby incorporated by reference and shall be deemed to be in effect within the incorporated limits of the Town.

B. All regulations or amendments to regulations hereafter adopted by the County Council and/or by the County Executive for Montgomery County pursuant to the authority contained in Chapter 5 of the Montgomery County Code (1999) as amended, as adopted by this Ordinance shall become effective within the Town upon the effective date thereof unless an ordinance shall be adopted by the Town Council disapproving such amendments.

(Ord. No. 00-03, effective 11/7/00; Ord. No. 16-02, effective 1/30/17)

Section 2.6 Local Animal Advisory Committee

A. Purpose. It is the intent and desire of the Town that the collegiality and neighborliness which are hallmarks of the Town be maintained, and to that end, that information regarding animal control requirements be disseminated and attempts to resolve problems informally and without resort to penalties and litigation be encouraged.

B. Appointment. The Mayor of the Town of Glen Echo shall appoint up to three residents of the Town as the Local Animal Advisory Committee. The Local Animal Control Officer shall automatically be a member of the Committee and shall serve as the chair of the Committee.

C. Duties. The Committee shall:

1. Assist Town residents in resolving animal control problems informally;
2. Inform Town residents about animal control regulations and procedures;
3. Maintain a list of dogs in the Town licensed by the County to aid in the identification of stray, lost or injured dogs; and
4. Perform other appropriate services to the Town and its residents relating to animal control.

D. Limitations. The Committee shall be advisory and informal in nature and shall have no enforcement authority under the provisions of this Article. Notwithstanding the foregoing, the Local Animal Control Officer shall have all powers and authority otherwise granted by this Article.

(Ord. No. 00-03, effective 11/7/00; Ord. No. 16-02, effective 1/30/17)

ARTICLE 3 BUILDING CODE

Section 3.0 Definitions

The following terms used in this Article have the following meanings:

“Accessory dwelling unit” means a second dwelling unit that is located within a main building or an accessory building.

“Detached accessory dwelling unit” means a dwelling unit that is a detached accessory building or part thereof.

“Dumpster” means a large container, including, but not limited to, a detached wheeled trailer, designed or used to store rubbish, construction and/or demolition debris, or other material to be discarded.

“Dwelling unit” means a building or portion of a building providing complete living facilities for not more than one household, including, at a minimum, facilities for cooking, sanitation, and sleeping.

“Heavy equipment” means vehicles and machinery used to perform tasks such as excavating, grading, heavy lifting, demolition, or removal of large trees, including, but not limited to, cranes, bulldozers, or other items which may damage the public right-of-way when placed upon or moved across the street surface, curb, or sidewalk.

“Height” means the vertical distance measured from the average elevation of the ground along the front of the structure to the highest point of the roof surface or parapet wall for a flat or shed roof, or, for a gable, hip, mansard, or gambrel roof, the mean height between the eaves and ridge of the roof. For the purpose of determining building height, the average front elevation used will be based on either the pre-development grade or the finished grade, whichever is lower. If the structure has no roof, height is measured to the highest point. The height does not include weather vanes, cupolas, or similar ornamental features.

“Portable storage unit” means a large portable container designed or used for the outdoor storage of personal property, including, but not limited to, portable containers that are leased for temporary use.

(Ord. No. 19-05, effective 2/5/20; Ord. No. 19-06, effective 2/5/20; Ord. No. 19-06, effective 2/5/20)

Section 3.1 Building Permits

A. Building Permit Required.

1. No structure of any kind or description shall be erected or replaced, nor any modification made to the exterior of any portion of an existing structure, within the corporate limits of the Town which requires a building permit from Montgomery County, without first having obtained a permit for same from the Town Clerk or Mayor.

2. No accessory dwelling unit shall be erected or replaced, nor any existing structure modified, converted or renovated, or any part thereof, into an accessory dwelling unit, within the corporate limits of the Town, without first having obtained a permit for same from the Town Clerk or Mayor.

B. Application; Approval. An application for a building permit shall be submitted to the Town Clerk containing the following information. Additional information may be requested by the Mayor. Such application shall be filed with the Town Clerk no later than seven (7) calendar days after issuance of a building permit by Montgomery County for the identical work for which the applicant seeks a permit from the Town of Glen Echo. The Town Council may prepare and require an application form. An application may be denied by the Town Clerk or Mayor for failure to provide the requested information. The Town Clerk or Mayor, upon written request of the applicant, may waive the time period for submitting the application required pursuant to this paragraph. The application shall include:

1. The signature of the owner and/or his authorized agent;
2. The street address, of the lot upon which the proposed work is to be performed;
3. The full name and address of each owner;
4. A brief description of the work to be performed for which the building permit is requested;
5. An electronic copy of the building plans and all other documents submitted or anticipated to be submitted to Montgomery County as part of the application for building permit issued by Montgomery County. As a condition of a permit for construction related to an accessory dwelling unit, an applicant must submit a copy of the Montgomery County landlord license for the proposed accessory dwelling unit, prior to approval of the final inspection of the project;
6. A certification by the applicant that the applicant provided to the owners of adjoining and confronting private properties within the Town of Glen Echo, and to the occupants of said property if the owners are not the occupants (collectively, “neighbors”), a reasonable opportunity to inspect the building permit plans. The certification shall include an explanation of the steps taken to comply with these requirements and to identify those neighbors who have inspected the plans. Unless there are unusual circumstances, initials of those neighbors who have inspected the permit plans are required on the building permit application;
7. An application fee in the amount set forth on the fee schedule approved by the Town Council from time to time; and

8. Photographic proof of the condition of adjoining streets and sidewalks prior to the beginning of construction.

C. Criteria for Issuance of Permit. The Town Clerk or Mayor shall consider, in approving or disapproving an application, such factors as:

1. Whether the application is complete and conforms to the requirements of this Section; and,

2. Whether the proposed work complies with all other applicable Town ordinances, including but not limited to all of the provisions of this Article regarding setbacks, and all of the provisions of Article 17, Streets and Sidewalks, specifically including the provisions of Section 17.2 which require a separate permit. No permit for any building shall be issued by the Clerk or Mayor or Council unless the building complies with the setback requirements of the Montgomery County Zoning Code.

In making its findings, the Town Council may rely upon the findings of the County in the issuance of the County permit. The Town Council may impose conditions on a permit as deemed necessary to assure compliance with the Town Code and/or protect the public health, safety or welfare. Such conditions may include, but are not limited to: (a) prohibiting or limiting the parking of contractors' or other construction-related vehicles in the public right-of-way or on private property; (b) limiting the locations upon public and private property where materials, equipment, and dumpsters may be stored; (c) limiting the locations where portable toilets may be placed or maintained; (d) requiring tree protection measures to protect public and private trees during construction; and I limiting the permissible work hours.

At the request of any one of the following: the applicant, the adjoining or confronting property owners, or a member of the Town Council, a public hearing may be held on the application prior to the issuance of a building permit. In such case, the Town Council shall decide whether a building permit should be issued.

D. Permit Contingent on County Permit. The Town of Glen Echo building permit is effective and valid only for the identical work authorized by a valid building permit issued by Montgomery County, as may be modified by the terms and conditions of the Town permit. The Town of Glen Echo building permit is effective and valid only for that time period for which the Montgomery County permit is valid, or such other time as may be specified in the Town permit. The Town Clerk or Mayor may grant a request for an extension, upon such terms and conditions as the Town Clerk or Mayor may find necessary to protect the public health, safety, and welfare, upon a reasonable showing by the permittee that there has been no material change in circumstances since the issuance of the permit and despite due diligence by the permittee, additional time is necessary to accomplish the approved construction. Such a request shall be accompanied by the extension fee in the amount set forth on the fee schedule approved by the Town Council from time to time.

E. Permit Display and Enforcement.

1. Display. Upon issuance, the applicant shall promptly display the Town permit on the property in a manner visible to the public.
2. Enforcement.

(a) It shall be unlawful to conduct construction except in strict compliance with the applicable Town permit, the approved plans and specifications therefor, and any and all conditions imposed by the Town Council in connection therewith.

(b) The Town Council may suspend or revoke a building permit, or issue a stop work order, if construction has been undertaken in violation of an applicable Town permit, the approved plans and specifications, therefor, and any and all conditions imposed by the Town Council in connection therewith. A stop work order issued hereunder shall be posted on the property in a conspicuous location and shall be deemed sufficient service upon all persons physically on the property. If a stop work order is issued, it shall be unlawful to continue any construction activity until such time as the stop work order has been lifted by the Mayor, provided however, that any activity ordered to be undertaken by the Mayor in order to abate a violation may proceed as directed by the Mayor.

(c) It shall be unlawful to remove a posted stop work order except under the express authority of the Mayor.

(d) The Town Clerk or Mayor may grant a request for a modification to the approved permit, and the terms and conditions thereof, upon such further terms and conditions as the Town Clerk or Mayor may find necessary to protect the public health, safety, and welfare. Such a request shall be accompanied by the modification fee in the amount set forth on the fee schedule approved by the Town Council from time to time.

F. Judicial Review. Any person aggrieved by a decision of the Town Council with regard to an application for a building permit filed under the provisions of this Section and who appeared before the Town Council in person, by an attorney, or in writing, shall have the right to appeal the decision of the Town Council to the Circuit Court for Montgomery County, Maryland under the provisions of title 7, Chapter 200 of the Maryland Rules of Procedure.

G. Liability for Damage to Town of Glen Echo Property. As a condition for the grant of a permit, the permit holder shall be liable for any damage to Town of Glen Echo property and public rights-of-way and improvements thereon, including sidewalks, curbs, streets and green space. Permit holders shall be subject to the expense necessary to repair such damage as close to the original condition as possible. The Town may, by contract or otherwise and at the violator's expense, cause any necessary repairs to be made. The Town Council, in its discretion, may require as a precondition to issuance of a permit the posting of a bond or other security in a form satisfactory to the Mayor and in such amount as may be established by the Town Council by resolution from time to time, to be applied toward the cost of repair of damage caused to Town of Glen Echo property and public rights-of-way and improvements thereon.

(Ord. No. 04-01, effective 1/12/04; Ord. No. 06-02, effective 11/7/06; Ord. No. 16-02, effective 1/30/17; Ord. No. 18-01, effective 6/3/18; Ord. No. 19-06, effective 2/5/20)

Section 3.1.1 Setbacks and Building Requirements

A. Setbacks, Generally.

1. The front setback from all street lines for a building on a corner lot shall be at least twenty-five (25) feet, provided, however that the following exemptions shall be allowed:

- (a)** Any unenclosed porch, deck, terrace, steps, or stoop may project a maximum of 9 feet. This encroachment includes an unenclosed roofed porch or terrace;
- (b)** Any roofed and unenclosed steps or stoop may project a maximum of 9 feet. Any roof covering unenclosed steps or a stoop may project a maximum of 3 feet;
- (c)** Any unenclosed balcony may project a maximum of 6 feet, if such projection is a minimum of 2 feet from the vertical plane of any lot line;
- (d)** Any sill, leader, belt course, or similar ornamental feature may project a maximum of 6 inches;
- (e)** Any chimney or flue may project a maximum of 2 feet, if such extension remains a minimum of 2 feet from the vertical plane of any lot line;
- (f)** Any building eave, cornice, or light shelf may project a maximum of 2.5 feet, if such extension remains a minimum of 2 feet from the vertical plane of any lot line; and
- (g)** Any bay window, oriel, entrance, vestibule, or balcony, 10 feet in width or less, may project a maximum of 3 feet, provided the total length of all bay windows and oriels on a building façade does not exceed a maximum of 50% of the linear footage of the façade.

2. The front setback from all street lines for a detached accessory dwelling unit on any lot shall be at least twenty-five (25) feet. The rear setback from a rear lot line for a detached accessory dwelling unit on any lot shall be at least twenty (20) feet. The side setback from a side lot line for a detached accessory dwelling unit on any lot shall be at least eight (8) feet. No exemption from setbacks is provided for projections, of any kind. At the time of the erection of any detached accessory dwelling unit, or at the time any accessory structure is modified or renovated to include an accessory dwelling unit, the building must meet the required setback and other requirements of this Article.

3. Setbacks are measured from the closest point of the building to the closest point of a lot line. A corner lot has two or more front lot lines. The interior lot lines can be designated by an owner as either the rear or side lot line so long as no existing structure is rendered non-conforming to the provisions of the Montgomery County Code or the Town Code.

B. This setback provision shall apply to: (i) a building for which a building permit is required from the Town of Glen Echo or Montgomery County or both and no such valid permit(s) was issued by the Town or the County or both as of January 12, 2004; or (ii) a building for which a building permit is required from the Town of Glen Echo or Montgomery County or both and for which all valid permits have been issued but actual physical commencement of some significant and visible construction has not occurred as of January 12, 2004.

C. Notwithstanding the provisions above, any main building existing as of January 12, 2004 on the effective date of this section situated closer than twenty-five (25) feet to the street line in accordance with §59-4.4.9.B.2, as amended, of the Montgomery County Zoning Code and which does not meet the setback requirements of this section, is a conforming building. Such a main building may be:

1. Reconstructed after a fire, flood or similar event provided that the footprint of the main building may not be closer to the street line to which this section is applicable than the pre-existing building or structure as of the effective date of this section; and

2. Altered, renovated, or enlarged provided that the location of such main building may not be closer to the street line to which the section is applicable than the pre-existing house as of the effective date of this section.

D. Additional Requirements for Accessory Dwelling Units.

1. Parking. At the time of the erection of any detached accessory dwelling unit, or at the time any accessory structure is modified or renovated to include an accessory dwelling unit, or at the time any accessory dwelling unit is added to a main building, a minimum of one (1) new dedicated on-site parking space shall be provided; provided, however, that no new space is required if a minimum of four (4) parking spaces exist on the property. Existing parking area in a driveway or an existing garage may not serve as the required on-site parking spaces for an accessory dwelling unit. Each automobile parking space provided according to this section shall not be less than one hundred eighty (180) square feet and the same shall be connected by an adequate driveway to a paved street.

2. Height. The height for any building containing an accessory dwelling unit, other than a main building, shall not exceed twenty (20) feet.

(Ord. No. 04-01, effective 1/12/04; Ord. No. 16-02, effective 1/30/17; Ord. No. 18-01, effective 6/3/18; Ord. No. 19-06, effective 2/5/20)

Section 3.1.2. Variances; Judicial Review

A. The Town Council may grant a variance of the requirements of Section 3.1 and 3.1.1 of this Article, subject to the following limitations:

1. The Town Council finds after a duly noticed public hearing, based on the evidence before it, that good cause has been shown on either of the following grounds:

a. The proposed construction would not unduly interfere with light and air between residences or other structures, would not be unduly incompatible with the scale, massing, and character of the Town or of nearby residences or other structures, and would otherwise not unduly adversely affect the use, enjoyment or value of nearby properties. In making such finding, the Council may consider such factors as:

- i.** Size and location of proposed construction;
- ii.** Size and location of existing and potential buildings and other structures on nearby lots; and
- iii.** Topography and existing or planned vegetation of the lot on which the proposed construction will be located and of nearby lots. Should the Town Council be requested to consider planned vegetation, the applicant for the variance shall submit a landscape plan with the variance application, or

b. That the strict and literal application of this Section would result in peculiar or unusual practical difficulties to the owner of the lot on which the proposed construction is to be located due to exceptional narrowness, shallowness, shape, topographical conditions or other extraordinary situations or conditions peculiar to the specific parcel of property. The following do not constitute practical difficulties for the purposes of this section:

- i.** The existence of nearby structures or buildings on other parcels of property which do not comply with this section; or
- ii.** The granting of a variance on other lots.

2. The variance must be for the minimum reasonably necessary to avoid the above conditions or situations; and,

3. The Town Council may impose, in granting a variance, such conditions as it deems in the public interest and necessary to effectuate the purposes of this Article.

B. If any word, phrase, clause, item, sentence, paragraph, section or part in or of the provisions of the this Article shall judicially be declared to be invalid or the applicability thereof to any person or circumstances held invalid, the validity of the remainder of the provisions of this Article and the applicability thereof to other persons and circumstances shall not be affected thereby.

(Ord. No. 04-01, effective 1/12/04; Ord. No. 16-02, effective 1/30/17; Ord. No. 18-01, effective 6/3/18; Ord. No. 19-06, effective 2/5/20)

Section 3.1.3 Penalties

A. Violation of any requirement of Section 3.1 or 3.1.1 shall constitute a municipal infraction. Any person, including an owner of property, any authorized or unauthorized agent, any contractor for such owner, and any person performing work on or about the owner's property, that violates a provision of said sections shall be subject to a fine of Five Hundred Dollars (\$500.00) for each violation. Each day that the violation continues shall be considered a further and separate offense subject to such fine.

B. In addition to any other fine, penalty, or remedy, a violator may be required to remove or restore, within fifteen (15) days of the date of notification of the violation, any structure, alteration, addition or excavation, erected or commenced, and constituting the basis of the violation, and if so required, upon expiration of such fifteen (15) days, each additional day during which that person shall not have so removed or restored the same, shall constitute a further and separate violation subject to such fine.

C. Any person violating any of the provisions of Section 3.1 or 3.1.1 shall additionally be subject to the penalties and remedies stipulated under Article 21.

D. Misdemeanor. It shall be a misdemeanor, subject to the provisions of Article 21 of this Code, to commit any act in violation of Section 3.1 or 3.1.1 with respect to any structure for which a building permit was sought and denied; to commit any act in violation of said sections with respect to any structure for which a building permit is pending; to commit a second violation of a provision of said sections within a twelve (12) month period; to fail to comply with any condition of a building permit or a stop work order issued by the Town; and, to commit any other violation with actual knowledge that such act violates a provision of said sections.

(Ord. No. 16-02, effective 1/30/17; Ord. No. 18-01, effective 6/3/18; Ord. No. 19-06, effective 2/5/20)

Section 3.2 Gutterspouting

It shall be unlawful to have the gutterspouting of any house so arranged as to cast the water from the roof or eaves of the house across or into the adjoining lot of another property owner.

(Ord. No. 16-02, effective 1/30/17)

Section 3.3 Dumpsters, Portable Storage Units, and Heavy Equipment.

A. Dumpsters and Portable Storage Units. No person shall place or maintain a dumpster or portable storage unit on property within the Town without obtaining a permit from the Town Clerk or Mayor. The Town Clerk or Mayor may condition such permit upon such terms or restrictions as the Town Clerk or Mayor deem necessary to protect the public health, safety or

welfare, including, but not limited to, a limit on the number of consecutive days a dumpster or portable storage may be placed or maintained on private property, and that a dumpster be covered while work requiring the dumpster is not ongoing. Unless the Town Clerk or Mayor approves otherwise, no person shall place or maintain any portable storage unit or dumpster on public property or in the public right-of-way.

B. Heavy Equipment. No person shall place any heavy equipment upon or move any heavy equipment over an improved street surface, curb, or public sidewalk within the Town without obtaining a permit from the Town Clerk or Mayor. The Town Clerk or Mayor may condition such permit upon such terms or restrictions as the Town Clerk or Mayor deem necessary to protect the public health, safety or welfare.

C. Required Bond. No permit will be issued under this Section unless the permittee has deposited with the Town a bond or other security in a form satisfactory to the Mayor and in such amount as may be established by the Town Council by resolution from time to time, to be applied toward the cost of repair of damage caused to Town of Glen Echo property and public rights-of-way and improvements thereon, and that the placement and use of the dumpster, portable storage unit, or heavy equipment will be in accordance with the terms of the permit issued in connection therewith. The bond may be applied to repair or correct any damage or injury to public property, including treatment or replacement of trees and plantings, as the Town Clerk or Mayor in their discretion shall determine. Upon removal of the dumpster, portable storage unit, or heavy equipment for which the permit was issued, the balance of the bond, less any amounts retained by the Town pursuant to this subsection, shall be returned.

D. Permit Fee. An application for the placement or use of a dumpster, portable storage unit, or heavy equipment shall be submitted to the Town Clerk along with an application fee in the amount set forth on the fee schedule approved by the Town Council from time to time.

(Ord. No. 16-02, effective 1/30/17; Ord. No. 18-01, effective 6/3/18; Ord. No. 19-05, effective 2/5/20)

Section 3.4 Razing and Demolition

It shall be unlawful to engage in the razing, felling or demolition of any building, or structure having a surface area greater than two hundred (200) square feet, or a tree having a caliper greater than ten (10) inches measured at four (4) feet above the ground, before procuring a permit from the Town Clerk or Mayor. Said permit may be granted without fee upon approval by the Town Clerk or Mayor.

(Ord. No. 16-02, effective 1/30/17; Ord. No. 18-01, effective 6/3/18)

Section 3.5 Penalties, Generally

Except as otherwise provided in this Article, any person violating any of the provisions of this Article shall be subject to the penalties and remedies stipulated under Article 21.

(Ord. No. 16-02, effective 1/30/17)

**ARTICLE 4
(Reserved)**

(Ord. No. 16-02, effective 1/30/17)

**ARTICLE 5
VEGETATION CONTROL**

Section 5.1 (Reserved)

(Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

Section 5.2 (Reserved)

(Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 5/15/18)

Section 5.3 (Reserved)

(Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

Section 5.4 (Reserved)

(Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

Section 5.5 (Reserved)

(Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

Section 5.6 (Reserved)

(Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

Section 5.7 (Reserved)

(Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

Section 5.8 Pruning, Street Clearance

No owner of any property within the Town shall permit any tree, shrub or other vegetation to overhang any street or right-of-way within the Town in a manner that obstructs the view of any street or portion thereof, sign, traffic control device, or the passage of pedestrians, or fail to remove any dead, diseased or dangerous trees or broken or decayed limbs which constitute a menace to the safety of the public.

(Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

Section 5.9 Weed Control

No owner of any property within the Town shall permit on the property or upon any abutting sidewalk or street any weeds, grass or other vegetation exceeding twelve inches (12”) in height. The Town shall have the right to require the owner to cut, destroy, and/or remove any such

weeds, grass or other vegetation found growing, lying or located on such owner's property, or upon the sidewalk or street abutting same.

(Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

Section 5.10 Tree Removal; Tree Topping

In order to give the Town Council time to consider alternatives, it shall be unlawful for any owner, the agent of such owner, or tenant of any property containing any tree of more than ten (10) feet in height or four (4) inches in trunk diameter at a height of fifty-four (54) inches above ground level, to cause the removal of such tree prior to the giving of sixty (60) days' notice to the Town Council. It shall also be unlawful for any owner, agent or tenant to "top" any tree on private property prior to giving sixty (60) days' notice to the Town Council. "Topping" is defined as the severe cutting back of limbs to stubs larger than three (3) inches in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or trees under utility wires or other obstructions which present a risk of imminent danger to person or property may be exempted from this Section at the determination of the Town. The Town also may waive the notice requirement in cases where the sixty-day period presents a hardship, such as, for example, where construction schedules must be met.

(Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

Section 5.11 (Reserved)

(Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

Section 5.12 Penalties

Any person violating any of the provisions of this Article shall be subject to the penalties and remedies stipulated under Article 21.

(Ord. No. 16-02, effective 1/30/17)

ARTICLE 6 SANITATION

Section 6.1 Purpose

The purpose of this Article is to prohibit the throwing or depositing of litter in public places in the Town of Glen Echo; control the depositing of litter on private premises; provide a lien for Town clearance; and prescribe penalties for the violation of its provisions.

(Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

Section 6.2 Definitions

- A.** “Garbage” is putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.
- B.** “Litter” is “garbage,” “refuse,” and “rubbish” as defined herein and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.
- C.** “Lot” is the land designated as a separate and distinct lot or parcel of land on a legally recorded subdivision plat or deed filed among the land records of the County. Where a distinct tract of land is comprised of more than one (1) lot or parts thereof as shown on a subdivision plat or tax map, the separate lots and parts of lots shall constitute one (1) lot.
- D.** “Park” is a park, playground, recreation center or any other public area in the Town owned or used by the Town and devoted to active or passive recreation.
- E.** “Refuse” is all putrescible and nonputrescible solid wastes, including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid market and industrial wastes.
- F.** “Rubbish” is all putrescible and nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

(Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

Section 6.2.1 Refuse Removal

The Town may provide for the regular removal of household refuse from each residence within the Town of Glen Echo. In addition, the Town may contract for removal of lawn and tree trimmings, furniture, appliances and building materials at its expense or at the expense, in whole or in part, of the resident or owner of the property from which the material is removed.

(Ord. No. 18-02, effective 6/3/18)

Section 6.3 Litter in Public Places

No person shall throw, deposit, or create conditions that cause litter in or upon any street, sidewalk or other public place within the Town except in public receptacles or in authorized private receptacles for collection.

(Ord. No. 16-02, effective 1/30/17)

Section 6.4 Placement of Litter in Receptacles So As To Prevent Scattering

Persons placing litter in public receptacles or in private receptacles as provided in Section 6.3 shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

(Ord. No. 16-02, effective 1/30/17)

Section 6.5 Sweeping Litter Into Public Space Prohibited

No person shall sweep into or deposit in any street or other public place within the Town the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk abutting their lot free of litter.

(Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

Section 6.6 Merchants' Duty to Keep Sidewalks Free of Litter

No person owning or occupying a place of business shall sweep into or deposit in any street, sidewalk or other public place within the Town the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the Town shall keep the sidewalk abutting lot free of litter.

(Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

Section 6.7 Litter Thrown by Persons in Vehicles

No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the Town, or upon private property.

(Ord. No. 16-02, effective 1/30/17)

Section 6.8 Truckloads Causing Litter

No person shall drive or move any truck or other vehicle within the Town unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street; alley or other public place.

(Ord. No. 16-02, effective 1/30/17)

Section 6.9 Litter in Parks

No person shall throw or deposit litter in any park within the Town except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein.

(Ord. No. 16-02, effective 1/30/17)

Section 6.10 Litter in Lakes and Fountains

No person shall throw or deposit litter in any fountain, pond, or any other body of water in a park or elsewhere within the Town.

(Ord. No. 16-02, effective 1/30/17)

Section 6.11 Litter on Private Property

No person shall throw or deposit litter on any private property within the Town, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property.

(Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

Section 6.12 Owner to Maintain Lot Free of Litter

The owner or person in control of any lot shall at all times maintain the lot free of litter. Provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection, or in rodent-proof containers for composting.

(Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

Section 6.13 (Reserved)

(Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

Section 6.14 (Reserved)

(Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

Section 6.15 Penalties

Any person violating any of the provisions of this Article shall be subject to the penalties and remedies stipulated under Article 21.

(Ord. No. 16-02, effective 1/30/17; Ord. No. 18-01, effective 6/3/18)

**ARTICLE 7
(Reserved)**

(Ord. No. 16-02, effective 1/30/17)

ARTICLE 8
(Reserved)

(Ord. No. 16-02, effective 1/30/17)

**ARTICLE 9
APPLICABILITY OF COUNTY LEGISLATION**

Section 9.1 Exemption from County Code

Except for the Chapters or parts of Chapters listed below, the provisions of the Montgomery County Code, as amended, shall apply within the corporate limits of the Town of Glen Echo, and the Town requests the County to enforce them to the same extent and in the same manner that such County laws are enforced in unincorporated areas of the County. Any amendments to such Chapters, or new Chapters or parts thereof, shall become effective within the Town to the extent not exempted by the Town Council by ordinance. Pursuant to the authority granted to municipal corporations by laws of the State of Maryland, the Town of Glen Echo hereby exempts itself from the following Chapters of the Montgomery County Code:

Chapter	Description
2B	Agricultural Land Preservation
11B	Contracts, Purchases, and Dispositions
19A	Ethics
20	Finance
23	Gaming
25B	Housing Policy
27	Human Rights and Civil Liberties
29A	Legislative Oversight
30	Licensing and Regulations Generally
33	Personnel and Human Resources
41	Recreation and Recreation Facilities
48	Solid Wastes
49	Streets and Roads
56	Urban Renewal and Community Development
60	Silver Spring, Bethesda, Wheaton and Montgomery Hills Parking Lot Districts
61	Battery Park
65	Drummond
66	“Village of Friendship Heights”
68	Montgomery County Suburban District
70	Oakmont

(Ord. No. 00-02, effective 11/7/00; Ord. No. 04-01, effective 1/12/04; Ord. No. 11-01, effective 9/7/11; Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

Section 9.2 Effectiveness of Town Ordinances

A. Nothing contained in this Article shall be deemed to repeal or otherwise affect any ordinance of the Town of Glen Echo whether or not dealing with a subject matter that is the subject of County legislation applying within the Town. Such ordinances shall continue in full force and effect until duly repealed.

B. Whenever County and Town legislation apply within the Town on the same subject matter they shall be construed together in such manner as to both be effective within the Town. However, if there is a conflict between such County and Town legislation, or any portions thereof, the Town provisions shall prevail.

(Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

Section 9.3 County Enforcement of Town Ordinances

Nothing contained in this Article shall limit or otherwise affect the Town's authority, whether exercised previously or in the future, to request the enforcement of Town legislation in whole or in part by Montgomery County and to enter into agreements providing for the same.

(Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

ARTICLE 10
(Reserved)

(Ord. No. 16-02, effective 1/30/17)

**ARTICLE 11
LICENSES AND OCCUPATIONS**

Section 11.1 (Reserved)

Section 11.2 (Reserved)

Section 11.3 Commercial Enterprises

No commercial enterprise, to include a professional office, store, shop, stand, game, amusement, show, theatrical exhibition, or any hacking business, peddling or vending of wares, or merchandising of any description, or any billiard room or bowling alley, pool room, merry-go-round, or any mechanical invention for pleasure shall be operated within the Town limits without first having registered it with the Town Clerk.

(Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

Section 11.4 (Reserved)

Section 11.5 Creation and Maintenance of a No-Soliciting List

Any resident of the Town that does not wish to receive solicitors at their residence may notify the Town Clerk, who shall maintain a list of said residents and their addresses on a “No-Solicitation List”.

(Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

Section 11.6 Solicitors

A. No person or persons may engage in house-to-house soliciting without first having obtained a copy of the “No-Solicitation List” from the office of the Town Clerk. No person or persons may engage in soliciting at any property contained on the “No-Solicitation List”, or where a sign prohibiting solicitation is posted on the property.

B. To provide residents with privacy and freedom from unreasonable disturbance, no person or persons may engage in house-to-house soliciting between the hours of 9 p.m. and 7 a.m. on weekdays and between the hours of 9 p.m. and 9 a.m. on weekends and holidays.

(Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

Section 11.7 Penalties.

Any person violating any of the provisions of this Article shall be subject to the penalties and remedies stipulated under Article 21.

(Ord. No. 16-02, effective 1/30/17)

ARTICLE 12
(Reserved)

(Ord. No. 16-02, effective 1/30/17)

**ARTICLE 13
PROTECTION OF PUBLIC PROPERTY**

Section 13.1 (Reserved)

Section 13.2 Public Property, in General

It shall be unlawful for any person or persons to remove, deface, injure, or interfere in any manner with any public property, including but not limited to any of the following: building or structure or appurtenance thereto; street, sidewalk, or parking lot; notice or announcement; utility pole, line, cable, or other facility; street lamp or globe; or bench or other public facility, within the corporate limits of Glen Echo.

(Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

Section 13.3 (Reserved)

(Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

Section 13.4 (Reserved)

(Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

Section 13.5 Trees

It shall be unlawful for any unauthorized person or persons to break, cut, destroy, injure, or remove any tree on land owned or controlled by the Town.

(Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

Section 13.6 Penalties

Violation of any provision of this Article shall constitute a municipal infraction. Any person, including an owner of property, any authorized or unauthorized agent, any contractor for such owner, and any person performing work on or about the owner's property, that violates a provision of this Article shall be subject to a fine of One Thousand Dollars (\$1,000.00) for each violation. Any person violating any of the provisions of this Article shall additionally be subject to the penalties and remedies stipulated under Article 21. It shall be a misdemeanor, subject to the provisions of Article 21 of this Code, to commit a second violation of a provision of this Article within a twelve (12) month period.

(Ord. No. 16-02, effective 1/30/17)

ARTICLE 14
(Reserved)

(Ord. No. 16-02, effective 1/30/17)

ARTICLE 15
(Reserved)

(Ord. No. 16-02, effective 1/30/17)

ARTICLE 16
(Reserved)

(Ord. No. 16-02, effective 1/30/17)

ARTICLE 17
STREETS AND SIDEWALKS

Section 17.1 Road Construction Code

The following standards apply to the construction of any new road or street (collectively “road”) or the improvement of an existing road by a private party in connection with a subdivision or resubdivision of land within the Town of Glen Echo.

A. Where a new road is required as part of the subdivision or resubdivision, such new road shall have a right-of-way of at least fifty (50) feet in width.

1. Any dedication necessary to meet this width shall be comprised of property dedicated to the Town of Glen Echo from the property that was the subject of the subdivision or resubdivision.

2. In the right-of-way there shall be at least two (2) paved travel lanes, each ten (10) feet wide, and one (1) paved parking lane, eight (8) feet wide, provided by the subdivider or resubdivider in accordance with the construction standards of the Montgomery County Road Design and Construction Code, Chapter 49, Article 3 and regulations thereunder.

3. If the Town of Glen Echo Council determines it is necessary at a given location, additional pavement width may be required, such as for another parking lane, or additional improvements for safe accommodation of cars, trucks, emergency vehicles and pedestrian safety.

B. Where the subdivision or resubdivision fronts an existing road:

1. The subdivider or resubdivider shall dedicate to the Town of Glen Echo from the property that was the subject of the subdivision or resubdivision sufficient property such that the right-of-way shall have at least two (2) paved travel lanes, each ten (10) feet wide, and one (1) paved parking lane, eight (8) feet wide, in accordance with the construction standards of the Montgomery County Road Design and Construction Code, Chapter 49, Article 3 and regulations thereunder.

2. The property line of the subdivided or resubdivided property fronting the existing street shall, after all necessary dedication, be not less than twenty-five (25) feet from the center line of the new right-of-way.

3. In no event shall the dedicated property and its paved area be less than that necessary for the right-of-way properly to accommodate fire trucks or other emergency vehicles prior to the issuance of any building permit for construction on the subdivided or resubdivided property.

4. If the Town of Glen Echo Council determines it is necessary at a given location, additional pavement width may be required such, as for another parking lane, or

additional improvements for safe accommodation of cars, trucks, emergency vehicles and pedestrian safety.

C. As part of any dedication for the right-of-way for a new road or for the improvement of an existing road, the subdivider or resubdivider shall be responsible for providing in that right-of-way any necessary paved travel and parking lanes or widening thereof, curbs, gutters, appurtenant drainage facilities, sidewalks and street trees, consistent with the applicable construction standards set forth in the Montgomery County Road Design and Construction Code, Chapter 49, Article 3, as amended, and regulations thereunder, and in Chapter 50-3(c)(1) of the Montgomery County Code, as amended.

D. The requirements of this section relating to the improvement of an existing road are applicable to property which is to be subdivided or resubdivided provided:

1. such property after dedication would accommodate at least two buildable lots; and

2. (a) the frontage on the existing road of property to be subdivided or resubdivided comprises the entire frontage between roads that intersect with the existing road on the same side of the road as the property;

(b) the intersecting roads on the opposite side of the road from the property terminate at the existing road; or

(c) the entire frontage is between such an intersecting road and the end of the existing road by cul-de-sac or otherwise.

E. The Town of Glen Echo Council may waive any requirement of this section upon a finding, after a public hearing, that the requirement would deprive the subdivider or resubdivider of all reasonable use of the property.

(Ordinance No. 11-01, effective 9/7/11; Ord. No. 14-01, effective 6/30/14; Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

Section 17.2 Permit Required

A. Work. Requiring Permit.

1. It shall be unlawful for any person to begin to construct, reconstruct, install, repair, alter, dig up, cut, break, destroy, or grade any streets, sidewalks, curb, curb-cut driveway, pavement, culvert or drain pipe, ditch, traffic control sign or marking, streetlight, utility pole, or other structure or facility within a public right-of-way or other public place of the Town without obtaining a permit from the Town of Glen Echo. All permits to perform work in public places shall be authorized by a majority vote of the Town Council and shall be issued by the Town Clerk upon notification of such authorization by the Mayor. Photographic proof of the condition of

existing streets, sidewalks and/or curbs shall be provided to the Town Clerk prior to the beginning of construction. Based on the Town Council's review of the scope of the work, the Town Council may require the execution of a license to use the right-of-way, or other instrument, in a form approved by the Town Council.

2. Curb Cuts and Driveway Aprons

- (a) Curb cuts. There shall be no more than one curb cut on any lot.
- (b) Driveway Aprons.

(1) Width. No driveway apron shall exceed twelve (12) feet in width. At the curb cut, a driveway apron may have an additional turning radius of five (5) feet in width on each side, for a total width of twenty-two (22) feet. Driveway width includes the width of any adjoining or adjacent surface.

(2) Construction standards. The Council shall grant a permit to construct or expand a curb cut, driveway, or driveway apron only if the proposed construction would comply with this Article and not negatively impact the character of the Town or interfere with the public health, safety, or welfare, as may be determined by the Council. In making such determination, the Council may consider the following:

- (i) Location of trees, hedges, berms, and shrubbery or other plant growth;
- (ii) Location of fences, walls, or other structures;
- (iii) Location of public utilities;
- (iv) Location of public and private improvements in the public right-of-way;
- (v) Possible obstruction of pedestrian and/or motorist visibility
- (vii) Compliance with applicable County design standards, acceptable to the Town Council; and
- (vi) Other factors as may be determined by the Council to be necessary to protect the public health, safety, or welfare.

(3) Initial construction. The applicant shall be responsible for all costs associated with initial construction and/or expansion of a curb cut or driveway apron.

(4) Maintenance. The Town shall maintain and repair lawfully-constructed curb cuts, driveway aprons, and public sidewalks located within a public right-of-way as necessary to address wear and tear from ordinary use, unless such maintenance or repair is necessitated by the actions of the property owner or the property owner's tenants, guests, or invitees. The use of a driveway apron by trucks or construction equipment shall not be considered ordinary use. Notwithstanding the foregoing, the Town shall not be obligated to maintain and repair any such curb cuts or driveway aprons that include betterments, or alternative materials, installed by property owners. Such betterments, or alternative materials, shall not be installed by property

owners without the permission of the Council. If, however, an owner wants to abandon a betterment, or alternative materials, and have the construction revert to standard construction, the Town may replace the curb cut or driveway apron in a manner consistent with Town standards, at such time as replacement is required, as determined by the Council.

(5) Removal. In the event a curb cut or driveway apron is removed, the property owner previously served by the curb cut or driveway apron shall restore the public right-of-way by installing a curb, sidewalk, grass or other ground cover and plantings consistent with the adjacent area as determined by the Council.

(6) Notwithstanding the above, curb cuts and driveway aprons exceeding the permissible width and existing before April 29, 2018 may be repaired or replaced in the same location and with the same dimensions.

(c) Waiver. The Town Council may waive the requirements of subsection (b) on a finding, after a public hearing, that the regulation would create an unusual practical difficulty or undue hardship, based on an extraordinary condition of the subject property.

B. Permit Fee; Performance Bond. The fee for a street and sidewalk permit under this Section shall be in the amount set forth on a fee schedule approved by the Town Council from time to time, except that there shall be no fee for a street and sidewalk permit if the applicant files an application for such permit in connection with an application for a building permit under Article 3, Section 3.1 of this Code for which an application fee is paid. The Town Council, in its discretion, may require as a precondition to issuance of a permit a liability insurance policy, naming the Town as an additional insured, and the posting of a bond or other security in a form and amount satisfactory to the Mayor (which amount shall not exceed twice the estimated cost of construction or repair of damage caused to Town of Glen Echo property and/or public rights-of-way, and improvements thereon), to be applied toward the cost of construction or repair of damage caused to Town of Glen Echo property and/or public rights-of-way, and improvements thereon.

1. Permit Fee for Connection to Natural Gas Line. No connection from a gas main in, on, or under a street or right-of-way in the Town to a private property shall be constructed or installed without a permit. The fee for this permit shall be in the amount set forth on a fee schedule approved by the Town Council from time to time. An application for a permit shall be made by the property owner or his or her agent on the application form provided by the Town.

C. Enforcement and Penalties.

1. Violation of any requirement of this Article shall constitute a municipal infraction. Any person, including an owner of property, any authorized or unauthorized agent, any contractor for such owner, and any person performing work on or about the owner's property, that violates a provision of this Article shall be subject to a fine of Five Hundred Dollars (\$500.00) for each violation.

2. Any person violating any of the provisions of this Article shall additionally be subject to the penalties and remedies stipulated under Article 21.

D. Misdemeanor. It shall be a misdemeanor, subject to the provisions of Article 21 of this Code, to commit any act in violation of this Article with respect to any structure for which a street and sidewalk permit was sought and denied; to commit any act in violation of this Article with respect to any structure for which a street and sidewalk permit is pending; to fail to comply with any condition of a permit or a stop work order issued by the Town; and, to commit any other violation of this Article with actual knowledge that such act violates this Article.

(Ord. No. 06-02, effective 11/7/06; Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18; Ord. No. 19-04, effective 6/30/19)

Section 17.3 Accumulations of Earth, Soil, or Foreign Materials on Streets and Other Public Space Prohibited

Any person who by his action or the action of his agents, servants, or employees, causes or permits earth, soil, mud or other foreign material to be deposited in any sidewalk or parking area, or to be deposited in any drain or ditch designated to carry surface water from or within any public place, whether such material is spilled, dropped, placed, washed or tracked from the wheels of vehicles, shall remove immediately from such public place, drain, or ditch all materials so deposited.

Any person owning or occupying land contiguous to any public place in the Town, including any public street, sidewalk or parking area or contiguous to any drain or ditch designed to carry surface water from or within any public place, who knows or should be aware that earth, soil, mud or any other foreign material has been spilled, dropped, washed or tracked from such land onto such public place, or into such drain or ditch, shall remove immediately from such public place, drain or ditch the material so deposited. Any such person shall, in addition, be responsible for promptly correcting the condition(s) on his property that caused, contributed to or made possible the depositing of earth, soil, mud or any other foreign material on the public place, drain or ditch of the Town.

(Ord. No. 16-02, effective 1/30/17)

Section 17.4 Connection with Sewer and Water Mains

Connections with sanitary sewer mains and water mains in the streets or other public place of the Town shall be made under the supervision and direction of the Washington Suburban Sanitary Commission.

(Ord. No. 16-02, effective 1/30/17)

Section 17.5 Obstruction in Public Place

A. It shall be unlawful to permit any gate to swing across a sidewalk or other public way so as to in any way cause an obstruction or menace to any passerby or to the passage of any motor vehicle.

B. It shall be unlawful for any person to place or allow any obstruction to remain upon any street, sidewalk, or other public way of the Town. Play or sporting equipment, and wheeled play devices such as bicycles, scooters and roller skates are obstacles under the intent of this section.

C. All lots abutting sidewalks above the grade of the street and/or sidewalk shall be kept in suitable ground cover, at all times.

(Ord. No. 94-01; effective 12/30/94; Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

Section 17.6 Obstruction of Streets

In addition to requirements contained elsewhere in this Article, it shall be unlawful for any person, other than the Town, to obstruct or close any street, sidewalk or other public right-of-way without obtaining a permit from the Town Clerk or Mayor. The Town Clerk or Mayor may condition such permit upon such terms or restrictions as the Town Clerk or Mayor deem necessary to protect the public health, safety or welfare, including, but not limited to requiring a bond or other security to ensure the restoration or repair of any damage to the public rights-of-way, sidewalks, curbs, or roadways and compliance with the terms of the permit issued in connection therewith. An application for the obstruction or closure of a street, sidewalk or other public right-of-way shall be submitted to the Town Clerk along with an application fee in the amount set forth on the fee schedule approved by the Town Council from time to time.

(Ord. No. 16-02, effective 1/30/17); Ord. No. 18-02, effective 6/3/18; Ord. No. 19-05, effective 2/5/20)

Section 17.7 Pre-Existing Structures and Shrubbery

Nothing in this Article shall be deemed to require the removal of currently existing private structures or shrubbery on public place in the Town as of the date of this ordinance, except as provided in Article 5; provided, that the Town Council may require the future removal and relocation of any such private structures or shrubbery should said Council deem it necessary to utilize such space for a public purpose.

(Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

Section 17.8 (Reserved)

(Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

Section 17.9 Penalties

Any person violating any of the provisions of this Article shall be subject to the penalties stipulated under Article 21, in addition to any remedy available to the Town as provided in any specific provision of this Article.

(Ord. No. 06-02, effective 11/7/06; Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

Section 17.10 Snow Removal

A. Removal Required. The owners of real property abutting a public sidewalk shall remove or cause to be removed snow and ice from the abutting sidewalk to the extent necessary to provide reasonably safe pedestrian use. Such removal shall be completed within 24 hours after the Town's snow plow or contractor has plowed the Town street adjacent to the sidewalk, unless such removal is impracticable. If such removal is impracticable, the abutting owner shall spread sufficient sand on the snow and ice during the above-referenced 24-hour period to provide reasonably safe pedestrian use.

B. Should the sidewalk not be cleared or treated as required by, and within the time period set forth in Subsection A the Town, at the Town's option, may:

1. Without advance notice, remove the snow or ice or treat the sidewalk and collect from the abutting property owner the cost of removal or treatment, together with interest as stipulated under Article 21; and/or

2. Enforce the violation as a municipal infraction, pursuant to penalties and remedies stipulated under Article 21.

(Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

ARTICLE 18
(Reserved)

(Ord. No. 16-02, effective 1/30/17)

ARTICLE 19 VEHICLE CONTROL

Section 19.1 Scope

The provisions of this Article supplement the vehicle control laws of Montgomery County and the State of Maryland.

(Ord. No. 00-01, effective 6/5/00; Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

Section 19.2 Definitions

The following terms shall ~~within the meaning of this Article~~ be defined as follows, when used in this Article:

Official Sign: A sign posted by authority of the Town Council for the purpose of guiding, warning, regulating, limiting or otherwise controlling the movement, stopping, standing, or parking of motor vehicles upon the streets and roadways of the Town.

Recreational vehicle: A duly registered vehicle, with or without motor power, which is solely intended for the leisure use of the operator and guests, including a (i) motor home; (ii) travel trailer; (iii) camper or camping trailer; or a (iv) non-freight trailer, as defined by the State Motor Vehicle Administration, used to transport other leisure equipment such as a boat, horse, motorcycle, show car, race car, snowmobile, or bicycle.

Vehicle Control Officer: A member of the Town Council duly and properly appointed by the Council to assist the Mayor and the Town Clerk in the enforcement of this Article.

(Ord. No. 00-01, effective 6/5/00; Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

Section 19.3 Authority for Establishing Traffic and Parking Control Measures

A. Whenever it is necessary in the judgment of the Town Council to ensure the public and pedestrian safety, control vehicular traffic, limit or channel vehicle movement or speed, or control parking on streets and other public space, that body is empowered to provide for the preparation and placement of appropriate signs, markings, speed bumps, speed humps, parking meters and other physical devices which limit access, channel vehicle movement, reduce vehicle speed, or otherwise divert, slow, regulate or control traffic or parking. The permanent removal of existing or erection of additional official signs, markings, or devices shall be authorized by the Town Council by resolution before such action is taken.

B. The Mayor, the Town Clerk and the Vehicle Control Officer shall all have authority to temporarily remove, cover or erect vehicle control signs in the event where such action is determined to be in the immediate public interest or safety. No such temporary measure shall

remain in effect for more than 30 days without official authorization by the Council. It shall be the duty of all persons to comply with all official signs, markings, or devices within the Town.

(Ord. No. 00-01, effective 6/5/00; Ord. No. 16-02, effective 1/30/17; Ord. No. 18-01, effective 0/00/18)

Section 19.4 Violations

A. It shall be unlawful for any person to operate, drive, stop, stand, or park any vehicle within the Town in violation of any provision of this Article or any official sign, marking, or other traffic control device installed or maintained by the Town.

B. The fines for violations of this Article will be in such amounts as may be established from time to time by resolution of the Town Council.

C. Any person violating any of the provisions of this Article shall additionally be subject to the penalties and remedies stipulated under Article 21.

(Ord. No. 00-01, effective 6/5/00; Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

Section 19.5 Driving Over Curbs, Sidewalks or Drainage Structures

It shall be unlawful for any person to drive or cause to be driven any motor vehicle on or over any curb, sidewalk or drainage structure without a special permit to do so from the Mayor or Town Clerk; provided, that this Section shall not apply to sidewalk that is part of a driveway or in emergencies where suitable provision is made, by the laying of planking or otherwise, for the bridging of such curb, sidewalk or drainage structure in such a way that no damage will be done thereto.

(Ord. No. 00-01, effective 6/5/00; Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

Section 19.6 Parking of Unregistered Motor Vehicles or Trailers

It shall be unlawful to park any unregistered motor vehicle or trailer upon the streets and roadways of the Town at any time.

(Ord. No. 00-01, effective 6/5/00; Ord. No. 16-02, effective 1/30/17)

Section 19.7 Parking of Recreational Vehicles

It shall be unlawful to park any recreational vehicle upon the streets and roadways of the Town at any time, except that the owner or operator of any recreational vehicle described in this Section may make an application to the Mayor, the Town Clerk or the Vehicle Control Officer to

park such recreational vehicle upon the streets and roadways of the Town for no more than seven (7) days, which application may be granted upon good cause shown.

(Ord. No. 00-01, effective 6/5/00; Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

Section 19.8 Parking Vehicles; Impeding Traffic, Threatening Public Safety

No vehicle shall stop, stand or park upon any street or roadway of the Town so as to impede the movement of traffic or constitute a threat to public safety.

(Ord. No. 00-01, effective 6/5/00; Ord. No. 16-02, effective 1/30/17)

Section 19.9 Establishment of Emergency or Temporary No Parking Zones

The Mayor, the Town Clerk and the Vehicle Control Officer are all authorized and empowered at any time to designate any street or roadway within the Town as an emergency or temporary no parking zone, or temporarily to prohibit vehicular and pedestrian traffic on such streets and roadways in the event of emergency such as fires, riots, accidents or other events likely to attract large crowds, for the purposes of street maintenance or for any other public purpose. When and in the event such streets and roadways are so designated, parking of vehicles and vehicular and pedestrian traffic in such streets and roadways is prohibited.

(Ord. No. 00-01, effective 6/5/00; Ord. No. 16-02, effective 1/30/17; Ord. No. 18-04, effective 6/3/18)

Section 19.10 Parking Over 15 Days Prohibited

The continuous and uninterrupted parking of motor vehicles and trailers upon the streets and roadways of the Town for a period longer than fifteen (15) consecutive days is hereby prohibited. In those cases where it is necessary for the owner or operator of a vehicle to park for a longer period, he may make application to the Mayor, the Town Clerk or the Vehicle Control Officer for use of public space set aside for extended parking, which application may be granted upon good cause shown.

(Ord. No. 00-01, effective 6/5/00; Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

Section 19.11 Parking within Twenty (20) Feet of Crosswalks, or within Fifteen (15) Feet of Fire Hydrants

The parking of vehicles or trailers at any time on any street or roadway within a distance of less than fifteen (15) feet of a fire hydrant, or within a distance of less than twenty (20) feet from a marked crosswalk is prohibited.

(Ord. No. 00-01, effective 6/5/00; Ord. No. 16-02, effective 1/30/17)

Section 19.12 Parking within Thirty (30) Feet of Intersections or Stop Signs

The parking of vehicles or trailers at any time on any street or roadway within a distance of less than thirty (30) feet from the nearest curb line of an intersecting street or roadway is prohibited; provided, if there is a stop sign within the space where such parking is prohibited, then the prohibition shall extend to all space within thirty (30) feet of the stop sign.

(Ord. No. 00-01, effective 6/5/00; Ord. No. 16-02, effective 1/30/17)

Section 19.13 Obstructing Entrances to Public or Private Driveways

The parking of vehicles at any time on the streets and roadways of the Town in such a manner that any part of the vehicle is within five (5) feet of either curb edge of any opening to any public or private driveway or otherwise overlaps or obstructs such an opening is prohibited; except that an owner or occupant of a private residence may obstruct his own private residence driveway.

(Ord. No. 00-01, effective 6/5/00; Ord. No. 16-02, effective 1/30/17)

Section 19.14 Repair of Vehicles in Public Space Prohibited

It shall be unlawful for any person to perform service or repairs on a vehicle parked on a public street, roadway, parking lot, or other public property, within the Town, provided however, that this Section shall not apply to emergency service or repair, or to a vehicle owner performing minor service or repairs on their vehicle provided the vehicle is otherwise legally parked, registered, and operative.

(Ord. No. 00-01, effective 6/5/00; Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

Section 19.15 Impounding Illegally Parked Vehicles

A. Any vehicle parked in violation of this Article or otherwise parked so as to constitute a hazard to public safety or is so parked, stopped or standing so as to impede or obstruct a normal movement of traffic or pedestrians, may be impounded by the Mayor, the Town Clerk, the Vehicle Control Officer or their duly designated agents.

B. In any case involving the impoundment of a vehicle pursuant to this Section, an administrative cost shall be charged to the owner of the vehicle, in such amount as the Council may establish by resolution from time to time, in addition to all outstanding fines and penalties assessed pursuant to violations of this Article, plus any towing or storage charges incurred.

C. All such fines, penalties, cost and charges shall be paid to the Town or the towing operator before the owner may reclaim or secure the release of the vehicle.

D. A vehicle impounded under this Section for which the requisite fines, penalties costs and charges remain unpaid for more than thirty (30) days after impoundment may be disposed of in accordance with the abandoned vehicle procedures set forth in Section 19.17.

(Ord. No. 00-01, effective 6/5/00; Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

Section 19.16 Non-Street Parking Restrictions

It shall be unlawful to park, store, or leave any vehicle, whether attended or not; or for the owner of any vehicle to allow, permit, or suffer the same to be parked, stored, or left, whether attended or not, upon any public or private property in the Town, other than public streets and roadways, without the consent of the owner of such public or private property. The Mayor, the Town Clerk and the Vehicle Control Officer and their duly designated agents are all authorized to remove and impound any vehicle parked, stored, or left in violation of this Section and to keep the same impounded until the owner thereof, or other duly authorized person, shall deposit collateral in the amount and in the manner hereinafter provided for in the case of violations of this Article, and shall have paid to the Town Clerk or the towing operator, an amount equal to the towage and any and all reasonable storage charges incurred by the Town in impounding such vehicle. In any prosecution under this Section proof that a vehicle was parked, stored or left on public or private property shall be prima facie evidence that the vehicle was so parked, stored or left without the consent of the owner of such public or private property. A vehicle impounded under this Section and for which the requisite collateral has not been deposited within thirty (30) days of impoundment may be deemed an abandoned vehicle and disposed of in accordance with the abandoned vehicle procedures set forth in Section 19.17.

(Ord. No. 00-01, effective 6/5/00; Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

Section 19.17 Unattended or Abandoned Vehicles

A. Whenever any vehicle is left unattended upon any street or roadway, sidewalk or other public property for an unreasonable length of time so as to impede traffic flow, constitute a safety or health hazard, or impair the aesthetic values of the community, the Mayor, the Town Clerk and the Vehicle Control Officer and their duly designated agents are all authorized to impound and remove such vehicle and charge the owner thereof the costs of towing, storage, and any other charges incurred in connection therewith. If the owner fails to claim the vehicle for a period of thirty (30) days after it comes into the custody of the Town, it may be disposed of by the Town Council through its designated agent(s) at public sale, provided that an advertisement of the time, place and terms of sale, together with a description of the vehicle shall be published in at least one newspaper of general circulation in Montgomery County at least once each week for two successive weeks prior to the sale; provided, further, that a notice by registered mail shall be sent at least ten (10) days prior to the sale to the owner, at the address in the records of the Maryland Motor Vehicle Administration.

B. The certificate of the Town Council or its agent(s) that it has sold any motor vehicle at public auction to a purchaser shall constitute sufficient evidence of title to any motor vehicle so sold in order to enable any such purchaser to obtain a title and registration from the Maryland Motor Vehicle Administration.

C. In the event that any vehicle is sold pursuant to the provisions of Sub-Section (A) of this Section, the payment of the expenses of any such sale, the amount of storage, charges for towing, and any repair charges incurred by the Town on account of the disposition of such vehicle shall be paid first from the proceeds of such sale. Any excess received as a result of such sale shall then be applied to the payment of all liens filed against the vehicle or part thereof and the balance, if any, received by the Town at any such sale shall be held by the Town Clerk for a period of one (1) year from the date of the sale. The Town Clerk shall pay such balance to any person who shall file a verified claim establishing the right thereto prior to the expiration of such year. If no such claim is filed within such period, the balance shall be transferred to the General Fund of the Town.

D. It shall be unlawful to park, store or leave any vehicle or part thereof in a wrecked, junked, unregistered, or abandoned condition, whether attended or not, upon any privately-owned property within the Town. The Mayor, the Town Clerk and the Vehicle Control Officer are all authorized to seize, remove and impound such vehicle or part thereof and charge the owner thereof the cost of towing, storage or any other charges incurred in connection therewith. If at the time of removal the owner fails to redeem the impounded property under the provisions of Sub-Section (E) of this Section, such vehicle or part thereof shall be disposed of by the Town Council through its designated agent(s) at public sale as set forth in Sub-Section (A) of this Section.

E. The Town Clerk shall keep a record of all vehicles or parts thereof which are impounded and shall be able at all times to furnish the owner with information as to the place of impoundment and the charges incurred, and shall be authorized to release such vehicle or part thereof to such owner upon payment of such charges and assurance to the Town that such vehicle or part thereof will not thereafter be left upon any public or private property within the Town in violation of any ordinance. Any impounded vehicle or part thereof shall remain impounded until disposition under this Section.

(Ord. No. 00-01, effective 6/5/00; Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

Section 19.18 Speed Limit

It shall be unlawful for any person to operate any vehicle upon the streets of the Town at a rate of speed in excess of twenty (20) miles per hour.

(Ord. No. 00-01, effective 6/5/00; Ord. No. 16-02, effective 1/30/17)

Section 19.19 Throwing Objects at Vehicles Prohibited

It shall be unlawful for any person to throw, propel or cause to be thrown any object, substance or missile at, against or into any vehicle within the Town; provided that the loading of vehicles is not prohibited.

(Ord. No. 00-01, effective 6/5/00; Ord. No. 16-02, effective 1/30/17)

Section 19.20 Speed Humps and/or Raised Crosswalks

The Town is authorized to construct and maintain speed humps and/or raised crosswalks in any location designated by the Town Council.

(Ord. No. 00-01, effective 6/5/00; Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

Section 19.21 Bicycle Safety Regulations

It shall be unlawful for any person to ride or operate a bicycle or similar vehicle upon any street or road within the Town after sunset unless such bicycle has a reflector on the rear and an operating light on the front thereof.

(Ord. No. 00-01, effective 6/5/00; Ord. No. 16-02, effective 1/30/17)

Section 19.22 Stop Signs

All motor vehicles on the following streets moving in the following directions shall come to a full stop before proceeding across an intersections where a stop sign has been installed or posted.

(Ord. No. 00-01, effective 6/5/00; Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

Section 19.23 One-Way Streets

Vehicle movement on Vassar Circle in a clockwise direction is prohibited. Appropriate official signs sufficient to implement this Section are authorized and shall be posted if not already in place.

(Ord. No. 00-01, effective 6/5/00; Ord. No. 16-02, effective 1/30/17)

Section 19.24 No-Parking Zones

Parking shall be prohibited at all times in any location designated by the Town Council, and as indicated where a no parking sign has been installed or posted.

(Ord. No. 00-01, effective 6/5/00; Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

Section 19.25 Snow Emergency Traffic Control

A. The Town Council hereby designates the following Town streets as snow emergency routes, which may be marked by snow emergency route signs:

1. Oxford Road between MacArthur Boulevard and University Avenue;
2. Wellesley Circle, except for the small dead end section above University Avenue;
3. Vassar Circle between upper Cornell and University Avenues; and
4. Cornell Avenue between MacArthur Boulevard and Vassar Circle.

B. Upon the declaration of a snow emergency by the Mayor or Town Clerk in Mayor's absence, by such public notice within the discretion of the Mayor or Town Clerk as it is practical to give under the circumstances, the following traffic and parking regulations shall be in effect and shall continue in effect until the end of the emergency as determined by the Mayor or Town Clerk in Mayor's absence. Such emergency may exist by reason of imminent or actual snow or ice conditions.

1. No person shall operate any vehicle upon a snow emergency route unless at least two (2) power wheels of such vehicle are equipped with snow tires or tire chains in a good state of repair, or the vehicle is equipped with four-wheel or all-wheel drive. For the purpose of this Section, snow tires and chains shall mean those tires and chains which are designated and approved by the state. It shall be the duty of all persons within the Town to observe all snow emergency signs and orders during periods of emergency declared under this Section.

2. It shall be unlawful for any vehicle to be parked and left unattended during a snow emergency in any of the following locations:

- a. the north side of University Avenue;
- b. the east side of Oxford Road between MacArthur Boulevard and University Avenue;
- c. the inner side of Wellesley Circle, except for the small "dead-end" section above University Avenue;
- d. the inner side of Vassar Circle; or
- e. the west side of Cornell Avenue between MacArthur Boulevard and Vassar Circle.

3. The Mayor may further temporarily restrict or limit the parking of vehicles on Town streets for the purposes of facilitating snow and ice removal, providing such restrictions are declared and posted by suitable public notice on the day before they go into effect or earlier, and commerce no earlier than 8:00 a.m. on the effective date.

C. Any vehicle parked and left unattended in violation of this Section may be impounded and removed by the Mayor, the Town Clerk, the Vehicle Control Officer or their duly authorized agents, and all costs of towing, storage or impounding shall be charged to the owner of the vehicle. All such charges including any fine or penalty shall be paid to the Town before the owner may reclaim the vehicle.

(Ord. No. 00-01, effective 6/5/00; Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

Section 19.26 Enforcement

Violations of the provisions of this Article may be enforced by the Town or any law enforcement officer of the State of Maryland or Montgomery County.

(Ord. No. 00-01, effective 6/5/00; Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

Section 19.27 (Reserved)

(Ord. No. 00-01, effective 6/5/00; Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

(Note: Municipal infractions are processed according to the requirements of State law (MD Code Annotated, Local Government Article, Section 6-101))

Section 19.28 (Reserved)

(Ord. No. 00-01, effective 6/5/00; Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

Section 19.29 Presumption Reference to Illegal Parking

In any prosecution charging a violation of any provision of this Article governing the stopping, standing or parking of a vehicle, proof that the particular vehicle described in the notice of violation was in violation of such provision together with proof that the defendant named in the notice of violation was at the time of such the registered owner of such vehicle shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who placed such vehicle at the point where, and for the time during which, such violation occurred.

(Ord. No. 00-01, effective 6/5/00; Ord. No. 16-02, effective 1/30/17)

Section 19.30 Severability Clause

If any word, phase, clause, item, sentence, paragraph, section or part in or of this Article shall judicially be declared to be unconstitutional or the applicability thereof to any person or circumstances held invalid, the constitutionality of the remainder of this Article and the applicability thereof to other persons and circumstances shall not be affected thereby.

(Ord. No. 00-01, effective 6/5/00; Ord. No. 16-02, effective 1/30/17)

ARTICLE 20
(Reserved)

(Ord. No. 16-02, effective 1/30/17)

ARTICLE 21 PENALTIES

A. Any person, firm or corporation violating any of the provisions of this Code of Ordinances for the Town of Glen Echo shall be deemed liable for a municipal infraction or guilty of a misdemeanor.

B. Unless otherwise specified, violation of any provision or requirement of this Code shall constitute a municipal infraction. Upon citation for a municipal infraction for which a penalty is not assigned elsewhere, any person, including an owner of property, any authorized or unauthorized agent, any contractor for such owner, and any person performing work on or about the owner's property, that violates a provision of the Code, and any property owner who allows a violation of any provision of the Code on his or her property, shall be subject to a fine of One Hundred Dollars (\$100.00) for a first violation and Two Hundred Dollars (\$200.00) for a second or subsequent violation of the same provision of this Code within a twelve (12) month period.

C. Each violation shall constitute a separate infraction. Each day that a violation exists shall constitute a separate violation.

D. Any person or persons guilty of violating any provision of the Code for which such violation is declared a misdemeanor shall be subject to a fine, or imprisonment, or both, in such maximum amount and term allowed by law.

E. Notwithstanding the above and the declaration of any violation of this Code to be a misdemeanor, the Town may prosecute any violation of any provision of the Code as a municipal infraction, in the Mayor's discretion, after consultation with the Town Council, and, except as otherwise specified in the Code, such violations shall be punishable by a fine not to exceed One Hundred Dollars (\$100.00) for a first violation and Two Hundred Dollars (\$200.00) for a second or subsequent violation of the same provision of this Code within a twelve (12) month period.

F. In addition to any other fine, penalty, or remedy, the Town may seek in a court of competent jurisdiction; to enjoin any violation of this Section and may recover from any violator the costs of such action, including reasonable attorney's fees.

G. In addition to any other fine, penalty, or remedy, any person or persons violating or failing to comply with any provision of the Code, in whole or in part, shall take such action as may be necessary to remedy a condition which violates the provisions, and if such remedy is not completed within ten (10) days from the date of notification of violation, or such other period as the Council or Code may specify, the Council may by contract or otherwise remove the violation and the cost thereof shall be paid immediately by such person or persons upon request of the Council. The Town may collect the cost, together with interest at 6% per annum: (1) as a lien against the land on the property tax bill; (2) in an action at law; or (3) in any other way legally available for collection of debts owed to the Town.

(Ord. No. 06-02, effective 11/7/06; Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

ARTICLE 22
(Reserved)

(Ord. No. 16-02, effective 1/30/17)

**ARTICLE 23
PURCHASING AND CONTRACTS - BID PROCEDURES**

Section 23.1 Scope

A. Expenditures Generally: Pursuant to Section 622 of the Charter of the Town of Glen Echo, all budgeted expenditures shall be made in the manner set forth in this Section 23. Any expenditure of less than \$1,000 may be made by the Mayor without approval of the Town Council; provided, however that the Mayor may not, on the authority of this sentence, expend more than \$5,000 in any calendar quarter without approval of the Town Council. Any expenditure of \$1,000 but less than \$5,000 may be made by the Mayor subject to the consent of the Town Council. All expenditures of \$5,000 or more shall be made pursuant to the following provisions for competitive bidding.

B. Expenditures Not Subject to Competitive Bidding. Expenditures for contracts for (i) professional services customarily negotiated, (ii) goods or services which are only available from one source or manufacturer, (iii) cooperative procurements undertaken with other government agencies, and (iv) expenditures for contracts that provide for automatic renewal with terms substantially similar to the prior contract, shall not require competitive bidding. Competitive bidding shall not be required should the Town at any time in its discretion determine to employ its own forces for the construction or reconstruction of public improvements. Nor shall competitive bidding be required for expenditures for contracts relating to providing natural gas service by Washington Gas to the Town of Glen Echo.

C. Emergency. Competitive bidding shall not be required in any emergency declared by the chief executive office of the state, Montgomery County, or Mayor and Town Council to protect and preserve inhabitants or property within the Town. In the event of such an emergency, the Mayor and Town Council are authorized to expend any available funds for this purpose without the use of competitive bidding.

(Ord. No. 06-01, effective 5/12/06; Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18; Ord. No. 19-04, effective 6/30/19)

Section 23.2 Advertisement

Prior to any expenditure requiring competitive bidding, the Town Clerk shall cause a notice to be placed on the Town's internet website and shall distribute copies to not less than three (3) suppliers of the types of goods or services being purposed. The Mayor and Town Council may direct the use of additional or alternate methods of advertising, and may, upon the unanimous vote of the Town Council that it is in the best interest of the Town to do so, elect to award a contract without the use of advertising.

(Ord. No. 06-01, effective 5/12/06; Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

Section 23.3 Content

The advertisement shall inform bidders of the terms of the contract or where such terms may be obtained and shall provide that the bids are to be sealed and are to be opened at a specific place and time, which time shall be not less than 15 days after the date of the advertisement. At the request of a bidder, bids may be submitted to the Town clerk by such other method as is mutually acceptable to the bidder and Town Clerk, in which event, the Town Clerk shall place the bid in an envelope, marking the envelope with the date and time received and, upon sealing the envelope the Town Clerk shall place his or her signature upon the seal.

(Ord. No. 06-01, effective 5/12/06; Ord. No. 16-02, effective 1/30/17)

Section 23.4 Award

The contract award shall be awarded to the bidder who offers, in the sole discretion of the Town Council, the lowest responsible bid, taking into consideration such factors as the quality of goods and work, reputation and past performance, financial capability, and time of delivery or completion.

(Ord. No. 06-01, effective 5/12/06; Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

Section 23.5 Rejection of Bids

The Council may reject any or all bids and readvertise, or, if, in the opinion of the Town Council, readvertisement is unlikely to result in an acceptable contract, the Town Council may solicit bids in any manner deemed appropriate that will provide an acceptable contract.

(Ord. No. 06-01, effective 5/12/06; Ord. No. 16-02, effective 1/30/17)

Section 23.6 Bonds, etc.

The contract may be protected by such bonds, penalties and conditions as the Town may require.

(Ord. No. 06-01, effective 5/12/06; Ord. No. 16-02, effective 1/30/17)

**ARTICLE 24
CABLE TELEVISION**

Section 24.1 Applicability of Montgomery County Code

Except as otherwise stated herein, the Montgomery County, Maryland, Cable Communications Law, Chapter 8A, titled “Cable Communications” of the Montgomery County Code, as amended, is hereby incorporated herein by reference.

(Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

Section 24.2 Modification of Montgomery County Code Provisions

Section 8A-3(d) is hereby amended as follows:

(d) “County means Montgomery County, Maryland, in its present incorporated form, or in any form which may subsequently be adopted, except for the territory located in the municipalities of Barnesville, Brookeville, Chevy Chase Village, Chevy Chase Sec. 4, Gaithersburg, Garrett Park, [Glen Echo], Kensington, Laytonsville, Poolesville, Rockville, Somerset, Takoma Park and Washington Grove, Montgomery County, Maryland. Unless otherwise clear from the context, where the “County” is designated, it shall mean the County Executive or his designee.

(Ord. No. 16-02, effective 1/30/17)

ARTICLE 25

SMALL WIRELESS TELECOMMUNICATIONS FACILITIES

Section 25.1 Intent and Purpose

It is the intent of the Town Council to promote the Town's public health, safety, and general welfare by providing regulatory requirements for the installation and maintenance of small wireless telecommunications facilities in the public rights-of-way. The purpose of this Article is to regulate the same to enhance vehicular and pedestrian safety and avoid interference with motorist and pedestrian sightlines; to minimize damage to trees; to reduce visual clutter and prevent unsightly or out-of-character deployments; to preserve the value of property and the character of the neighborhood; and to otherwise protect the health, safety, and general welfare of the town and its residents, and the public at large.

(Ord. No. 19-01, effective 3/3/19)

Section 25.2 Definitions

“Base Station” means a structure or equipment at a fixed location that enables wireless communications between user equipment and a communications network. The term does not include a Tower or any equipment associated with a Tower.

“Collocate” means to install or mount a Small Wireless Facility in the public right-of-way on an existing Support Structure, an existing Tower, or on an existing Pole to which a Small Wireless Facility is attached at the time of the application. *“Collocation”* has a corresponding meaning.

“Communications Facility” means, collectively, the equipment at a fixed location or locations within the public right-of-way that enables Wireless Services, including: (i) radio transceivers, antennas, coaxial, fiber-optic or other cabling, power supply (including backup battery), and comparable equipment, regardless of technological configuration; and (ii) all other equipment associated with any of the foregoing. The term does not include the Pole, Tower, or Support Structure to which the equipment is attached.

“Pole” means a legally constructed pole, such as a utility, lighting, traffic, or similar pole made of wood, concrete, metal or other material, located or to be located within a public right-of-way. The term does not include a Tower or Support Structure.

“Small Wireless Facility” means a Wireless Facility that meets all of the following conditions:

- (1) The structure on which antenna facilities are mounted (i) is fifty (50) feet or less in height, including existing antennas, or (ii) is no more than ten (10) percent taller than other adjacent structures, or (iii) is not extended to a height of more than fifty (50) feet or by more than ten (10) percent above its preexisting height, whichever is greater; and

- (2) Each antenna associated with the deployment, excluding the associated equipment, is no more than three (3) cubic feet in volume; and
- (3) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than twenty-eight (28) cubic feet in volume; and
- (4) The facility does not require antenna structure registration under Federal law; and
- (5) The facility does not result in human exposure to radiofrequency radiation in excess of applicable safety standards under Federal law.

“*Support Structure*” means a structure in a public right-of-way other than a Pole or a Tower to which a Wireless Facility is attached at the time of the Application.

“*Tower*” means any structure in a public right-of-way, within or outside the boundaries of the Town, built for the sole or primary purpose of supporting a Wireless Facility. A Tower does not include a Pole or a Support Structure.

“*Wireless Facility*” means the equipment at a fixed location or locations in the public right-of-way that enables Wireless Services. A Small Wireless Facility is a type of a Wireless Facility. The term does not include the Pole, Tower, or Support Structure on, under, or within which the equipment is located or collocated, or the coaxial, fiber-optic, or other cabling between Communications Facilities or Poles, or that is otherwise not immediately adjacent to or directly associated with a particular antenna.

“*Wireless Service Provider*” means a person who provides Wireless Services.

“*Wireless Services*” means any wireless services using licensed or unlicensed spectrum, whether at a fixed location or mobile, provided to the public.

(Ord. No. 19-01, effective 3/3/19)

Section 25.3. Permit and Access Agreement Required

- (a) No person shall construct, install, maintain, or perform any work in the public right-of-way related to a Communications Facility or any Tower, without first receiving a Permit and paying any applicable fee, as required under this Article. No permit shall be issued until the applicant has entered into a Right-of-Way Access Agreement in a form approved by the Town, according to this Article. A permit shall not be required for ordinary maintenance and repair, as determined by the Town.
- (b) The Right-of-Way Access Agreement shall set forth, at a minimum, the following: (a) the maximum term of the agreement and the bases for termination; (b) the scope of the authority; (c) the operator’s maintenance obligations; (d) the operator’s indemnification and insurance requirements; (e) emergency contacts and required response to emergencies related to facilities; and (f) the Town’s right to access and inspect the operator’s books and records.

(Ord. No. 19-01, effective 3/3/19)

Section 25.4. Permit Application Requirements

- (a) An application for a permit under this Article must contain or be submitted with the following:
 - (1) The applicant's name, address, telephone number, and e-mail address, including emergency contact information for the Applicant;
 - (2) The names, addresses, telephone numbers, and e-mail addresses of all consultants, if any, acting on behalf of the Applicant with respect to the filing of the Application;
 - (3) A description of the proposed work and the purposes and intent of the proposed facility sufficient to demonstrate compliance with the provisions of this Article;
 - (4) If applicable, a copy of the authorization for use of the property from the Pole, Tower, or Support Structure owner on or in which the Communications Facility will be placed or attached;
 - (5) Detailed construction drawings regarding the proposed facility;
 - (6) A structural report performed by a duly licensed engineer evidencing that the Pole, Tower or Support Structure can adequately support the Collocation (or that the Pole, Tower, or Support Structure will be modified to meet structural requirements) in accordance with applicable code;
 - (7) A certification by a radiofrequency engineer that the Communications Facility will comply with the radiofrequency radiation emission standards adopted by the Federal Communications Commission; and
 - (8) The applicable application fee, bond, Right-of-Way Access Agreement, and right-of-way access fee, as may be adopted and amended by resolution of the Town Council.
- (b) The Town may require the posting of a bond to guarantee the prompt and proper restoration of the public right-of-way. The bond may be in such amount as the Town Manager deems necessary, in the Town Manager's discretion.
- (c) In exchange for the privilege of non-exclusive use of the public right-of-way, the applicant shall pay the Town such access fee as may be established and amended by the Town by resolution from time to time.
- (d) Any permit issued under this Article shall be valid for a period of twelve (12) months after issuance, and may be extended by the Town Manager for up to an additional twelve (12) months upon written request of the applicant, prior to permit expiration, if the failure to complete construction is as a result of circumstances beyond the reasonable control of the applicant.
- (e) No work may be performed except in strict accordance with applicable law and the Town permit and all approved plans and specifications.
- (f) No permit shall be issued except to a Wireless Service Provider with immediate plans for use of the subject Communications Facility. A permit issued under this Article may not be assigned or transferred.

(Ord. No. 19-01, effective 3/3/19)

Section 25.5. Standards for Deployment in the Public Right-of-Way

- (a) *No Interference with Right-of-Way.* No person shall locate or maintain a Communications Facility, Pole, Support Structure, or any Tower, so as to interfere with the use of the public right-of-way by the Town, the general public, or other persons authorized to use or be present in or upon the public right-of-way, or otherwise hinder the ability of the Town to improve, modify, relocate, abandon or vacate a public right-of-way or any portion thereof. Unless otherwise approved by the Town, any Communications Facility must be located no closer than: (i) two (2) feet from any curb, sidewalk, or other improvement within the right-of-way; and (ii) five (5) feet from any driveway apron, and be otherwise located to avoid interference with pedestrian and motorist sightlines and use.
- (b) *Compliance with Design Standards; Unsightly or Out-of-Character Deployments.* Unless otherwise approved by the Town in order to prevent an effective prohibition of service, in violation of applicable law, no person shall locate or maintain a Communications Facility, Pole, or any Tower except in accordance with the following design standards:
1. All Communications Facilities shall be located and designed so as to minimize visual impact on surrounding properties and from public rights-of-way, and so as to not interfere with motorist and pedestrian sightlines, especially at intersections.
 2. All radio transceivers, antennas, power supply (including backup battery), and comparable equipment installed on a Tower, Pole, or other Support Structure shall be installed at a height of at least fifteen (15) feet above ground level.
 3. No Tower may be located closer than one thousand (1,000) feet of another Tower.
 4. No more than five (5) antennas may be located on any single Tower, Pole, or Support Structure.
 5. All coaxial, fiber-optic, or other cabling and wires shall be contained inside the Tower, Pole, or other Support Structure or shall be flush-mounted and covered with a metal, plastic or similar material matching the color of the Tower, Pole, or other Support Structure on which it is installed.
 6. All Communications Facilities shall comply with such additional design standards as may be set forth in administrative regulations issued by the Town.
- (c) *Protection of Trees.* Unless otherwise approved by the Town in order to prevent an effective prohibition of service, in violation of applicable law, no person shall locate or maintain a Communications Facility, Pole, Support Structure, or any Tower, so as to interfere with the health of a tree.

- (d) *Location Underground.* [Reserved].
- (e) *Modification of Wireless Facilities.* The Town shall approve any request for a modification of an eligible existing Tower or base station that does not substantially change the physical dimensions of such Tower or base station, in accordance with Federal law.
- (f) *Restoration of Public Right-of-Way.* The applicant shall restore, repair, and/or replace any portion of the public right-of-way that is damaged or disturbed by the applicant's work, to the satisfaction of the Town. Such restoration work shall be completed no later than thirty (30) days following completion of the project, or termination of the Right-of-Way Access Agreement, and shall be warranted by the applicant for a period of one (1) year to be free from defects in materials and workmanship.
- (g) *Removal, Relocation, and Abandonment.* Within thirty (30) days following written notice from the Town, or such other time as the Town may require, the Town may terminate a Right-of-Way Access Agreement or require other action in connection therewith, and the owner shall, at its own cost and expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any of its Communications Facilities, Poles, Support Structures or Towers within the public right-of-way, and restore the right-of-way as required by the Town, whenever either: (i) the terms of the Right-of-Way Access Agreement have been violated; (ii) the Communications Facility has not been used for a period of ninety (90) days, or has otherwise been abandoned or not maintained, or (iii) the Town has determined in its sole discretion that such action is necessary for the construction, installation, repair, or maintenance of any public improvement or otherwise necessary for the public health, safety, or welfare. If the owner fails to take action as required by this section, the Town or its contractor may do so and the owner shall be responsible for all costs and expenses incurred by the Town related to such work.

(Ord. No. 19-01, effective 3/3/19)