

**Town of Glen Echo
Ordinance
(Fences)**

Ordinance No.: 23-03
Introduced: September 11, 2023
Adopted: December 11, 2023
Effective Date: December 31, 2023

SUBJECT: AN ORDINANCE TO AMEND THE CODE OF ORDINANCES TO CLARIFY AND ADD REGULATIONS AND PERMIT REQUIREMENTS FOR FENCES, AND TO REQUIRE A PERMIT FOR A REPLACEMENT FENCE

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

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

WHEREAS, Maryland Code, Land Use Article, Section 20-509 grants to the legislative body of incorporated municipalities in the Maryland-Washington Regional District general power to adopt building regulations for the protection of the public health, safety, and welfare; the preservation, improvement, and protection of lands, water, and improvements in the municipal corporation; and to regulate the construction, repair, or remodeling of buildings on land zoned for single-family residential uses at it relates to fences, walls, hedges, and similar barriers; signs; residential parking; residential storage; the location of structures, including setback requirements; the dimensions of structures, including height, bulk, massing, and design; and lot coverage, including impervious surfaces;

WHEREAS, Sections 413 and 415 of the Charter of the Town of Glen Echo authorize the Town Council to pass ordinances not contrary to the Constitution and laws of the State of Maryland or the Charter of the Town of Glen Echo (the "Town");

WHEREAS, to comply with Maryland Code, Land Use Article, Section 20-509, on the 25th day of October, 2023, a copy of following Ordinance was submitted to the Montgomery County Council for its comments;

WHEREAS, the Montgomery County Council acknowledged receipt of the Ordinance by letter dated 24th day of November, 2023, and provided no comments;

WHEREAS, after proper notice to the public, the Town Council introduced the following Ordinance in an open meeting conducted on the 11th day of September, 2023 and discussed it on the 9th day of October, 2023;

WHEREAS, after proper notice to the public, the Town Council considered the following Ordinance in public session assembled on the 11th day of December, 2023;

WHEREAS, the Town Council finds that the ordinance as hereinafter set forth is necessary in order to assure the good government of the municipality, to protect and preserve the municipality's rights, property, and privileges, to preserve peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort and convenience of the citizens of the Town, and otherwise advantageous and beneficial to the Town.

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

BE IT ORDAINED AND ORDERED, this 11th day of December, 2023, by the Town Council, acting under and by virtue of the authority given it by the Maryland Code and the Town of Glen Echo Charter, the Town Code be and is hereby amended as follows:

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Section 3.0 Definitions

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

* * *

"Building" means a structure having one or more stories and a roof, designed primarily for the shelter, support, or enclosure of persons, animals, or property of any kind.

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"Fence" means a construction measuring one (1) foot or more in height, made of posts or stakes joined together by boards, wire, rails, or other material to enclose or divide an area.

* * *

"Replacement" means replacing fifty (50) percent or more of the exterior surface area of a structure within a two (2) year period.

* * *

“Structure” means a combination of materials that requires permanent location on the ground or attachment to something having permanent location on the ground, including but not limited to, buildings and fences.

* * *

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 the same from the Town Council or Mayor. **Notwithstanding the foregoing, a Town permit shall not be required when a permit from Montgomery County is not required, provided however, a Town permit shall always be required for the replacement of a fence or the construction of an accessory dwelling unit.**

* * *

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 Town Council or Mayor. **If a County permit is required,** 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 Council or Mayor for failure to provide the requested information. The Town Council 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. For a fence, including a replacement fence, a property plat or site plan of the property must be submitted showing the proposed location of the fence. An elevation drawing, specification sheet, cut sheet, or other plan must be submitted depicting the construction and style of the fence. If the fence is proposed to be installed on a property line, the application must be accompanied by signature of acknowledgement from the adjacent property owner.

67. 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;

78. An application fee in the amount set forth on the fee schedule adopted by the Town Council by resolution from time to time; and

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

* * *

D. Permit Contingent on County Permit. If a County permit is required, ~~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 Council or Mayor may grant a request for an extension, upon such terms and conditions as the Town Council 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 adopted by the Town Council by resolution from time to time.

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Section 3.1.1 Setbacks and Building Requirements

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E. Fences.

- 1. A fence can be a maximum height of six and one-half (6.5) feet.**

2. New fences that are not replacements on a corner lot cannot be over three (3) feet above curb level for a distance of fifteen (15) feet from the intersection of the front lot lines.

3. There shall be no permit application fee for a replacement fence, provided the fence to be replaced is replaced. in kind. As used herein, "in kind" means the replacement fence is of the same material, construction style, and height of the fence to be replaced. A replacement fence must be installed in the same location as the fence to be replaced. A photograph of the fence to be replaced must be submitted with the application.

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Bold Underline indicates new language
~~Strikethrough~~ indicates language deleted
Asterisks * * * indicate language unchanged

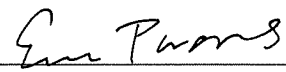
AND BE IT FURTHER ORDAINED AND ORDERED, by the Town Council, acting under and by virtue of the authority granted to it by the Maryland Code and the Town of Glen Echo Charter, that:

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

2. This Ordinance shall take effect, twenty (20) days after passage by the Council and approval of the Mayor.

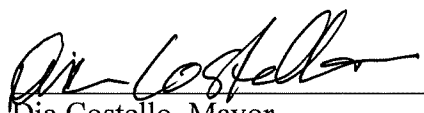
Attest:

I hereby attest that the above Ordinance was duly adopted by the Town Council on the 11th day of December, 2023, by a vote of 3 in favor and 0 in opposition.



Emily Parsons, Town Clerk
Town of Glen Echo

Approved:



Dia Costello, Mayor
Town of Glen Echo

Date: 12/12/2023