

Part 3.

Regulations, Drummond and First Addition to Drummond. [Note]

Section 1

Preamble:

In pursuance of the provisions of an act of the Maryland Legislature, approved by the Governor, April 16, 1914; The Drummond Citizens' Committee provided for in said act, having received the approval of the County Commissioners therefor, does hereby set forth and establish the following Rules and Regulations for the welfare and government of the village of Drummond, and the First Addition to Drummond, Maryland, and certain provisions necessary thereto, and it shall be incumbent upon any and all residents of the said village of Drummond and the First Addition to Drummond, Maryland, and upon any and all persons who may be in, or about, or passing through the said Village, to abide by and be subject to the aforesaid Rules and Regulations, and Provisions.

Section 2

Limits of Jurisdiction:

To the intent that the limits of the jurisdiction may be known wherein and throughout which the said Regulations shall be in effect, the boundaries of Drummond and the First Addition to Drummond, Montgomery County, Maryland, are hereby set forth:

"The Subdivision in said Montgomery County called Drummond, as per Plat No. 48 recorded in Plat Book No. 1, one of the Land Records of said Montgomery County, and the adjoining Subdivision called First Addition to Drummond, as per Plat No. 89, recorded in Plat Book No. 1, one of the said Land Records of the said Montgomery County, Maryland."

Section 3

It shall be unlawful for any vehicle to be propelled, driven, or ridden by any person or persons, or for any animal to be ridden or driven on any street, avenue, road or highway, except as provided below:

In that part of the thoroughfare known as the roadway within the gutters or curbs.

Section 4

It shall be unlawful for any person or persons to throw, cast, deposit, scatter, drop, or leave in or upon any street, parking, parkway, avenue, road or highway, or upon any vacant lot, or unoccupied property any dirt, ashes, sawdust, shavings, hay, straw, offal, vegetable matter, garbage, trees, brush, paper or refuse matter of any kind whatsoever, except that deposited for public collection as provided for by public notice of the Committee; and any person or persons guilty thereof shall be subject to the expense necessary to remove said matter, as well as to complaint or punishment as provided for hereafter.

Section 5

It shall be unlawful for any person or persons to keep or harbor cows, cattle or goats, or cause the same to be kept or harbored; or for any person or persons to permit any fowl to run at large; and any person or persons guilty thereof shall be subject to complaint or punishment as provided for hereafter.

Section 6

If any owner or possessor of a fierce or dangerous dog shall permit the same to go at large in the Village of Drummond, or the First Addition to Drummond, knowing said dog to be fierce or dangerous, to the danger or annoyance of the inhabitants of said Village, he shall, upon conviction thereof, be punished by a fine not exceeding TWENTY-FIVE (\$25.00) DOLLARS, or imprisonment in the jail of Montgomery County, Maryland, not to exceed THIRTY (30) DAYS, or both, in the discretion of the court before whom the case is tried; that if any such animal shall attack or bite any person, the owner or possessor thereof, shall, on conviction, be punished by a fine not exceeding FIFTY (\$50.00) DOLLARS, or imprisonment as aforesaid, and in addition to such imprisonment the court before whom the said case is tried shall adjudge and order that such animal be forthwith delivered to the police to dispose of such dog as provided for by any and all general or local laws in force and effect in Montgomery County, Maryland.

Section 7

It shall be unlawful for the owner of any horse, mule, swine, cow or other cattle to permit such animal or animals to run at large within the limits of the taxable area of Drummond and the First Addition of Drummond, or to tether said animal or animals within said limits as to permit it or them to go upon the public streets or roads therein. Every person or persons so offending shall be fined not less than FIVE (\$5.00) DOLLARS nor more than TEN (\$10.00) DOLLARS for each offense.

Section 8

It shall be unlawful for any person or persons to keep and maintain within the limits of the taxable area of Drummond and the First Addition to Drummond any hogs, pigs or swine of any character. Any person or persons violating this section shall be fined not less than TEN (\$10.00)

DOLLARS for each offense, and each day such swine is kept within said limits as aforesaid shall constitute a new offense.

Section 9

It shall be unlawful for any person or persons to kill, trap, maim or destroy, or take or pursue with intent to kill, trap, maim or destroy, or take by any means or contrivance or means whatsoever any song bird or other harmless bird; and any person or persons guilty thereof shall be subject to complaint or punishment as provided for hereafter.

Section 10

It shall be unlawful for any person or persons to leave any obstruction or excavation on the sidewalk or street, avenue, road or parkway, after sunset and before sunrise without having such obstruction or excavation denoted by at least two red lights placed in such a manner as to show the extent of such obstruction or excavation. And it shall be unlawful for any person or persons to permit an automobile to be on any sidewalk, street, avenue, road or parkway between the house of sunset and sunrise without the customary head and rear running lights. Any person or persons guilty of the foregoing shall be subject to complaint and punishment as provided for hereinafter.

Section 11

Penalties and Punishments:

Any person or persons guilty of violating any of the restrictions in or provisions of Sections Three (3), Four (4), Five (5), Nine (9), and Ten (10) of these regulations shall, upon conviction, be subject to a fine of not less than FIVE (\$5.00) DOLLARS nor more than TEN (\$10.00) DOLLARS for each offense.

Section 12

Building Restrictions:

It shall be unlawful for any person or persons to erect any building, or to make any material alterations or additions thereto, or to make any alterations to additions to any existing building except under the building restrictions which are or may be incorporated in deeds of conveyance within the jurisdiction of these regulations. These restrictions are as follows:

That all houses upon the premises hereby conveyed shall be built and used for residence purposes exclusively, except stables, carriage-houses, sheds or other outbuildings, for use in connection with such residences, and that no trade, business, manufacture or sales, or nuisances of any kind shall be carried on or permitted upon said premises.

In the case of corner lots any and all lines bordering upon a street, avenue, or parkway shall be considered a front line.

That no structure of any description shall be erected within Thirty (30) feet of the front line of said premises.

That any house erected on said premises shall be designed for the occupancy of a single family, and no part of any house or of any structure appurtenant thereto shall be erected or maintained within Seven (7) feet of the side or rear lines of premises hereby conveyed, nor within Fourteen (14) feet of the nearest adjacent house.

That no permit shall issue for the construction of any dwelling upon a lot having a frontage of less than Sixty (60) feet, provided, however, that this limitation shall not apply to any lot having a frontage of less than Sixty (60) feet that may be embraced in any subdivision of lots heretofore recorded; nor shall any permit issue for the construction of any dwelling the rear of which shall face upon any public highway, street, or avenue; nor shall any permit issue for the construction of any dwelling unless it shall be located to conform to the requirements and covenants of deeds of conveyance of lots on which located.

That no building shall be erected within the confines of the Village of Drummond, and no modification may be made in the exterior appearance of any portion of a building fronting Drummond Avenue until a permit for this work shall have been secured from the Drummond Citizens' Committee.

That the Drummond Citizens Committee constitutes a Board before which the elevations of any proposed dwelling must be presented for approval before a permit shall issue, and the said Board reserves the right to refuse to issue a permit unless the changes it proposes in these elevations be made.

Any person or persons violating these restrictions shall be subject to complaint and punishment as follows:

Any person or persons violating or failing to comply with the building regulations in whole or in part shall make or cause to be made such alterations or removals or work commenced or finished as may be necessary to remedy a condition which violates the regulations, and if such remedy is not completed within one month from the date of notification of violation, unless the Drummond Citizens' Committee by a carried motion permits a longer time, the Drummond Citizens' Committee may by contract or otherwise remove or demolish such structure or parts thereof which infringe upon these regulations, and the cost of such work and the damages resulting therefrom shall be charged against the property and collected as a tax in a manner similar to other taxes.

Section 13

*Building and Demolition Permits:**

***Editor's note**—Building permit regulations were recommended to Council by the Village of Drummond on April 24, 2006, and approved by Council Resolution 15-1540 adopted July 18, 2006. Subsequently, building permit regulations were amended by the Village of Drummond on April 14, 2008, and approved by Council Resolution 16-649 adopted July 15, 2008. The editor assigned the building permit regulation to "Section 13".

1. *Building or Demolition Permit Required.* No building shall be erected, removed, or demolished within the Village of Drummond, nor any modification made in the exterior of any portion of a building which requires a building permit from Montgomery County, until a permit therefor is approved and issued by the Village of Drummond.

2. *Approval.* An application for a building permit or demolition permit shall be submitted to the Drummond Citizens Committee ("Committee") containing the following information. Additional information may be requested by the Committee. The Committee may prepare and require an application form. The Committee may establish by Resolution a fee to be charged to all applicants. The Committee from time-to-time may change the fee by Resolution, but the fee shall not exceed \$100. An application may be denied for failure to provide the requested information.

The application shall include:

- a. The signature of the owner and/or his authorized agent;
- b. The street address, plat number and date of subdivision plat recordation of the lot upon which the proposed work is to be performed;
- c. The full name and address of each owner;
- d. A brief description of the work to be performed for which the building permit or demolition permit is requested;
- e. A copy of the building or demolition plans and all other documents submitted or anticipated to be submitted to Montgomery County as part of the application for a building or demolition permit for the identical work issued by Montgomery County; and,
- f. A certification by the applicant that the applicant provided to the owners of adjoining and confronting property within the Village of Drummond, and to the occupants of said property if the owners are not the occupants, a reasonable opportunity to inspect the building or demolition permit plans and notice of the anticipated date of the hearing before the Committee. The certification shall include an explanation of the steps taken to comply with these requirements and to identify those persons who have inspected the plans.

3. *Criteria for Issuance of Permit.* The Committee shall consider, in approving or disapproving an application, such factors as:

- a. Whether the application is complete and conforms to the requirements of this Regulation;
- b. Whether the proposed work complies with the provisions of Chapter 8 of the Montgomery County Code;
- c. Whether the proposed work complies with all applicable subdivision and zoning requirements; and
- d. Whether the proposed work complies with all other applicable Village of Drummond Regulations, County, State and Federal laws.

4. *Permit Contingent on County Permit.* Village of Drummond Building and Demolition Permits are effective and valid only for the identical work authorized by a valid Building or Demolition Permit issued by Montgomery County and only for that time period for which the Montgomery County permit is valid.

5. *Liability for Damage to Village of Drummond Property.* As a condition for the grant of a permit, the permit holder shall be liable for any damages to Village of Drummond property including rights of way, 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 Committee may, by contract or otherwise, cause any necessary repairs to be made, and the cost of such work and the damages resulting therefrom shall be charged against the permit holder or against the property and collected as a tax in a manner similar to other taxes.

6. *Stop Work Order.* Whenever the Chair of the Committee, or his or her delegate, may determine that actions are being taken in violation of the provisions of this Regulation, he or she may order such work to be stopped immediately. A Stop Work Order shall be issued in writing and served upon the owner of the property or the owner's agent, or the person doing the work. It shall be unlawful for any person to continue to permit continuation of work in or about the property after having been served with a Stop Work Order. The permit holder may appeal such Order to the Committee, which, upon request, shall hold a hearing within fourteen (14) days.

7. *Revocation of Permit.* The Committee may revoke, after a hearing, a permit issued under this Regulation in the case of any false statements or misrepresentations of fact in the application or on the plans upon which the permit was based, or in the case of any violation of this Regulation or violation of any condition upon which the permit was issued.

8. *Penalty for Violation of Regulation.* Any person failing to comply with this Regulation shall make or cause to be made such corrections, abatements, restorations, alterations or removals of work commenced or finished as may be necessary to remedy a condition that violates this Regulation, and if such remedy is not completed within thirty (30) days from the date of notification of violation, the Committee may by contract or otherwise, remove, demolish, or restore such structure or parts thereof that violate this Regulation, or otherwise correct or abate the violation, and the cost of such work and the damage resulting therefrom shall be charged against the property and collected as a tax in a manner similar to other taxes.

Section 14

Wherever the words "person or persons" occur in these regulations, they may be construed as including firms or corporations.

Additional Regulations:

1. No motorized vehicle shall enter any unimproved property in the Village of Drummond except by way of a paved area at least six feet wide extending from a cut in the curbstone through the sidewalk except when necessary for the maintenance of or construction on such property.

2. No temporary structure may be erected on unimproved property in the Village of Drummond except in connection with the construction of a permanent structure thereon.

3. No vehicle may be parked or any object stored on any unimproved property in the Village of Drummond except when necessary for the construction of a permanent structure thereon.

Section 15

*Regulations - Streets:**

***Editor's note**—Street regulations were recommended to Council by the Village of Drummond on July 2, 2014, and approved by Council Resolution 17-1162 and adopted on July 15, 2014. The editor assigned the street regulations to "Section 15".

1. *Street Work Permit Required.* No construction, reconstruction, repair, grading, improvement, or maintenance activity or other work in, on, above, or below the surface of any public road, street, sidewalk, green space, or other public right-of-way within the Village of Drummond ("Drummond") may commence unless a Street Work Permit ("Permit") has been obtained under this regulation.

2. *Street Work Permit Application.* Application for a Permit must be made on a form prescribed by the Citizens Committee of the Village of Drummond ("Committee"). The Committee may charge a fee for an application which fee shall not exceed Two Hundred Dollars (\$200). The Committee may require a performance bond. An application may be denied for failure to provide the requested information.

The Permit application shall include such information as:

- a. the signature of the applicant and/or the applicant's authorized agent;
 - b. the full name and address of the applicant and/or the applicant's authorized agent;
 - c. a description of the work to be performed for which the Permit is requested (the "Work"), including:
 - i. the name(s) and address(es) of any contractors which will perform the Work;
 - ii. the specific location of the Work;
 - iii. the anticipated duration of the Work including days and hours;
 - iv. any effect on ingress/egress and vehicular parking on the street, including that of residents, guests, and emergency vehicles, and measures to reduce or prevent any such effect;
 - v. any effect on residents' access to driveways; and
 - vi. any other adverse effects to property adjoining or confronting the street right-of-way;
 - vii. adverse impact, actual or reasonably foreseeable, upon any grass, plants, or trees in or near the street right-of-way, and any measures to be taken to prevent or minimize such impact.
 - d. a description of the applicant's plans for repair and/or restoration of the street surface, curbs, gutters, driveway aprons, sidewalks, or other areas disturbed by the Work, including construction standards, materials to be used, and replacement of grass, plants, and trees;
 - e. a copy of any approved permit(s) required by Montgomery County;
 - f. a certification by the applicant that the applicant provided reasonable notice to the owners of adjoining and confronting property within Drummond that the applicant is requesting a Permit from the Committee for the Work, as well as a brief description of the Work and any impact the Work may have on such adjoining and confronting owners and their property. Such notice shall include the anticipated date of the hearing on the Permit before the Committee. The certification shall further include an explanation of the steps taken to comply with these notice requirements and the identity of those persons who have been notified.
3. *Permit Contingent on County Permit.* Any Permit issued under this Regulation is effective and valid only for the identical work authorized by a valid Montgomery County permit which may be required for the Work, and only for that time period for which the County permit is valid. If no County permit is required, then a Permit issued under this Regulation shall be effective and valid for such time as designated by the Permit.
4. *Extension of Permit Duration.* The Committee shall have the authority in its discretion to extend the duration of any Permit issued under this Regulation upon a showing of good cause.
5. *Criteria for Permit.* The Committee, in approving or disapproving an application:
- a. shall consider such factors as:
 - i. whether the application is complete and conforms to the requirements of this Regulation;
 - ii. whether the proposed Work complies with applicable Federal, State and local laws and regulations;
 - iii. the need for such Work;
 - iv. the effect of the Work upon the health, safety, and welfare of the residents of Drummond and persons using the street and the street right-of-way;
 - v. the effect of such Work on safe and adequate egress/ingress by residents, guests, and emergency vehicles;

- vi. interference with residents' use of the street right-of-way by the Work; and
 - vii. damage to public and private property, including harm to grass, plants and trees by the Work, and the applicant's proposed measures and standards for repair, restoration, and/or replacement.
- b. may place conditions on the issuance of the Permit so as to:
- i. protect the health, safety, and welfare of the residents of Drummond and persons using the street and the street right-of-way;
 - ii. minimize the disruption of vehicular and pedestrian use of the street and the right-of-way;
 - iii. provide for adequate and proper repairs or restoration of the street surface, curbs, gutters, driveway aprons, or other structures or improvements in the right-of-way;
 - iv. provide adequate and proper protection or restoration of grass, plants, trees in or near the right-of-way;
 - v. provide for the protection of property adjoining or confronting the street right-of-way;
 - vi. provide for the posting of a bond or other surety to cover the cost of repairs and restoration.

6. *Liability for Damage to Village of Drummond Property.* As a condition for the grant of a Permit, the Permit Holder shall be liable for any damages to streets, sidewalks, curbs, gutters, grass, plants, and trees within the street right-of-way. A Permit Holder shall be subject to the expense necessary to repair such damage or for restoration as close to the original condition as possible. The Committee may, by contract or otherwise, cause any necessary repairs to be made, and the cost of such repairs and the damages resulting therefrom charged to the Permit Holder.

7. *Stop Work Order.* Whenever the Committee or its delegates may determine that actions are being taken in violation of the conditions of the Permit or provisions of this Regulation, a Stop Work Order ("Order") may be issued in writing and served upon the Permit Holder, the Permit Holder's agent, or the person(s) performing the Work. It shall be unlawful for any person to continue with any of the Work after having been served with such an Order. The Permit Holder may appeal to the Committee, which, upon request, shall hold a hearing on the Order within fourteen (14) days.

8. *Revocation of Permit.* The Committee may revoke, after a hearing, a Permit issued under this Regulation due to any false statement or misrepresentation of fact in the application or on the plans upon which the Permit was based, or due to any violation of this Regulation or violation of any condition upon which the Permit was issued.

9. *Penalty for Violation of Regulation.* Any Permit Holder failing to comply with this Regulation shall make or cause to be made such corrections, abatements, restorations, alterations or removals of any materials or equipment, as may be necessary to remedy a condition that violates this Regulation. If such remedy is not completed within thirty (30) days from the date of notification of violation, the Committee may by contract or otherwise, complete, make such correction, abatement, restoration, alterations, or removals, and the costs of the damages resulting therefrom shall be charged against the Permit Holder.

Notes

[Note] *Editor's note-A County resolution adopting this regulation has not been furnished by the Drummond Citizens' Committee.
Cross reference-Drummond Charter, ch. 65.