

BOARD OF GARRETT COUNTY COMMISSIONERS
PUBLIC MEETING
Monday, October 7, 2024

Meeting was also Live Streamed at <https://www.facebook.com/garrettcountygovernment/>

IN ATTENDANCE

Chairman Paul C. Edwards
Commissioner Ryan S. Savage
Commissioner S. Larry Tichnell

County Administrator Kevin G. Null

ADMINISTRATIVE SESSION

- ❖ **BOARD APPOINTMENTS:** The Board of County Commissioners, on a motion by Commissioner Savage, which was seconded by Commissioner Tichnell, and made unanimous by Chairman Edwards, appointed the following individuals:
 - Garrett County Commission for Women – Bevia Hensley – 3-year term
 - Garrett County Department of Social Services Advisory Board – Torey Moats – fulfilling the unexpired term of Alisha Martin’s term ending on June 30, 2025.

An Official letter will be sent to each appointee under the signature of Chairman Edwards outlining the terms of the appointment.

- ❖ Mr. Null reviewed a number of administrative and managerial matters under his authority and jurisdiction with the Board of County Commissioners.

CALL TO ORDER OF PUBLIC SESSION at 4:07 PM

PRAYER & PLEDGE OF ALLEGIANCE – Invocation by Commissioner Tichnell

PUBLIC SESSION

1. Mr. Null indicated there was no addition or deletion to the Public Meeting Agenda. The Board of County Commissioners, on a motion by Commissioner Savage, which was seconded by Commissioner Tichnell, and made unanimous by Chairman Edwards, approved the Public Meeting Agenda for October 7, 2024.
2. The Board of County Commissioners, on a motion by Commissioner Tichnell, which was seconded by Commissioner Savage, and made unanimous by Chairman Edwards, approved the Public Meeting Minutes of September 17, 2024.
3. Chairman Edwards announced that prior to the Public Meeting on this date, the Board of County Commissioners on a motion by Commissioner Savage, which was seconded by Commissioner Tichnell and made unanimous by Chairman Edwards, met in Executive Session under General Provisions Article 3-305(b) of the Maryland Open Meetings Law to discuss personnel matters. The Executive Session ended at 3:15 PM.
4. **PROCLAMATIONS:** *I Can Swim* Month – October 2024
Garrett County Economic Development Week – October 21-25, 2024

5. **APPROVAL:**

The Board of County Commissioners, on a motion by Commissioner Savage, which was seconded by Commissioner Tichnell, and made unanimous by Chairman Edwards, approved the following (attached):

- ❖ Resolution 2024 – 9: Deep Creek Watershed Zoning Ordinance Amendment – Farm Winery
- ❖ Resolution 2024 – 10: Sale of Property – Keyser’s Ridge Business Park
- ❖ Resolution 2024 – 11: Covenants – Keyser’s Ridge Business Park
- ❖ Resolution 2024 – 12: Garrett County Procurement – Bids and Contracts Ordinance
- ❖ Resolution 2024 – 13: Garrett County Multi-Jurisdictional Hazard Mitigation Plan 2024

The Board of County Commissioners, on a motion by Commissioner Tichnell, which was seconded by Commissioner Savage, and made unanimous by Chairman Edwards, approved the following (attached):

- ❖ Resolution 2024 – 14: Ethics Ordinance 2024
- ❖ ORDINANCE – Building Code Ordinance 2024
- ❖ ORDINANCE – Mechanical Code Ordinance 2024

6. The Garrett County Department of Financial Services - Purchasing Division presented the following recommendations for Bid Awards:

- ❖ **Garrett County Airport Rehabilitation Terminal Apron Project Contract No. 2024 – 01 Grant No.:3-24-0023-021-2024**

One (1) Bid response was received for this Bid: Carl Belt, Inc. - \$822,555.00.

After reviewing the Bids for compliance with administrative requirements and based on the feedback from the Garrett County Airport and funding approval from the Federal and Maryland Aviation Administrations, the Garrett County Department of Financial Services – Purchasing Division recommended awarding the Bid to Carl Belt, Inc. for \$822,555.00.

This project is funded by the Federal/Maryland Aviation Administrations with an approximately 6% or \$49,353.30 local match requirement.

- ❖ **Bid #24-0919W – Winter Abrasives and Road Salt**

Eleven (11) Bid responses were received for this Bid:

George’s Creek Stone & Gravel, Inc.	Maryland Minerals, Inc.
Keystone Lime Company, Inc. - Eichorn	Cargill, Inc.
Keystone Lime Company, Inc. – Cranesville	Morton Salt, Inc.
Arcosa Aggregates	Allegany Aggregates, Inc.
Fairfax Concrete Products	Belmont Aggregates
Government MLO Supplies USA	

After reviewing the Bids for compliance with administrative requirements and based on feedback received from the Garrett County Department of Public Works – Roads Division, the Purchasing Division recommended accepting the bids from the following vendors:

George’s Creek Stone & Gravel, Inc.	Maryland Minerals, Inc.
Keystone Lime Company, Inc. - Eichorn	Cargill, Inc.
Keystone Lime Company, Inc. – Cranesville	Allegany Aggregates, Inc.
Arcosa Aggregates	Belmont Aggregates
Fairfax Concrete Products	

The Roads Division will determine the quarry to purchase winter abrasives and road salt based on garage location, hauling cost, and availability. Specifics of the award for type of product and vendor are on file with the Purchasing Department.

❖ **Bid #24-0919 – Puzzley Run Water Treatment Plant Improvements**

Two (2) Bid responses were received for this Bid: Ferri Contracting Co., Inc (\$167,000.00) and Beitzel Corporation (\$198,160.00).

After reviewing the Bids for compliance with administrative requirements and based on the feedback from the Garrett County Department of Public Works, the Garrett County Department of Financial Services – Purchasing Division recommended awarding the Bid to Ferri Contracting Co., Inc. for \$167,000.00.

The Board of County Commissioners, on a motion by Commissioner Savage, which was seconded by Commissioner Tichnell, and made unanimous by Chairman Edwards, approved all the Bid Awards as recommended.

7. ANNOUNCEMENTS:

- ❖ The Board of Garrett County Commissioners announced that the next Public Meeting will be held on Tuesday, October 22, 2024, at 4:00 p.m. at the Garrett County Courthouse.

ADJOURNMENT: The Board of County Commissioners, on a motion by Commissioner Tichnell, which was seconded by Commissioner Savage, and made unanimous by Chairman Edwards, adjourned the Public Meeting at 4:30 P.M.

Attest:

KEVIN G. NULL
County Administrator

By Order of the Board,

PAUL C. EDWARDS, Chairman
Board of County Commissioners

THE BOARD OF GARRETT COUNTY COMMISSIONERS

203 South Fourth Street - Courthouse - Room 207 Oakland, Maryland 21550

www.garrettcounty.md.gov countycommissioners@garrettcounty.md.gov

301-334-8970

301-895-3188

FAX 301-334-5000

Board of CommissionersPaul C. Edwards
Ryan S. Savage
S. Larry Tichnell**County Administrator**

Kevin G. Null

County Attorney

Gorman E. Getty III

RESOLUTION 2024 – 9**DEEP CREEK WATERSHED ZONING ORDINANCE AMENDMENTS - FARM WINERY**

WHEREAS, the Land Use Article of the Maryland Annotated Code empowers the County to prepare, enact, amend, and provide for the administration and enforcement of a Zoning Ordinance within its territorial limits; and

WHEREAS, the Garrett County Planning Commission, acting with the advice and assistance of the citizens of the County has caused to be prepared a "Deep Creek Watershed Zoning Ordinance" which The Board of County Commissioners formally adopted and became effective on June 1, 1997; and

WHEREAS, said Zoning Ordinance may be amended from time to time to ensure that the intended standards are relevant to the changing physical and economic environment of Garrett County; and

WHEREAS, the Board of Garrett County Commissioners acting with the advice and assistance of the Planning Commission and citizens of the County has considered certain amendments to the Deep Creek Watershed Zoning Ordinance as proposed by the Garrett County Planning Commission; and

WHEREAS, said Ordinance amendments have been subject to public review and to public hearings pursuant to the Land Use Article of the Maryland Annotated Code.

NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners of Garrett County, Maryland does hereby enact the following text amendments to the Deep Creek Watershed Zoning Ordinance as set forth in Exhibit A of this Resolution. Said Amendments were duly adopted by a unanimous vote of the Board of County Commissioners of Garrett County, Maryland this 7th day of October 2024.

BE IT FURTHER RESOLVED that the Garrett County Planning Commission shall cause said amendments to be filed with the Clerk of the Circuit Court of Garrett County.

DULY ADOPTED BY A UNANIMOUS VOTE OF THE BOARD OF COUNTY COMMISSIONERS OF GARRETT COUNTY MARYLAND THIS 7th DAY OF OCTOBER 2024.



PAUL C. EDWARDS, Chairman



RYAN S. SAVAGE, Commissioner



S. LARRY TICHNELL, Commissioner

I certify that the foregoing resolution was duly passed and adopted by the Board of County Commissioners at a regular meeting held September 3, 2024; I further certify that this is the original resolution; that I am the County Administrator for the said County Commissioners charged with the responsibility of keeping and recording all minutes, records and acts of the said County Commissioners; and I further certify Paul C. Edwards, Ryan S. Savage, and S. Larry Tichnell to be the appropriate officials to sign the said resolution.



KEVIN G. NULL

County Administrator

Exhibit A

DEEP CREEK WATERSHED ZONING ORDINANCE AMENDMENTS

1. Add a new Definition to read as follows: 157.007.B.(29)B "*FARM WINERY* – A winery operation having an approved Maryland Class 3 or 4 winery license and conducted on property classified as agricultural by the Maryland Department of Assessments and Taxation. A Farm Winery may conduct wine tastings that include accessory food sales and have retail sales of wine and winery-related products."
2. Amend Section 157.024 Table of Use Regulations by adding a new Section 157.024(E)29 "Farm Winery, subject to the following provisions:
 - a) A maximum of 500 square feet of floor area may be devoted to retail sales of wine and winery-related products.
 - b) At least two acres of the ingredients used in the production of beverages must be grown on- site. The growing area must be established within two years of approval."

The use shall be permitted by Special Exception in all zoning districts

3. Amend Section 157.041 Table of Dimensional Requirements by adding a new section "157.041.E.4 Farm Winery (Minimum Yard Widths shall be for any structures used for retail sales or tastings)". The Table columns shall be completed as follows: Zoning District: Anywhere Permitted; Minimum Total Lot or Land Area Per Use: 20 acres; Minimum Average Lot Area Per Dwelling Unit: Blank; Minimum Lot Width: Blank; Minimum Front Yard Width: 75; Minimum Side Yard Width: 100; Minimum Rear Yard Width: 100.

LIBER009 PAGE 0498

THE BOARD OF GARRETT COUNTY COMMISSIONERS

203 South Fourth Street - Courthouse - Room 207 Oakland, Maryland 21550

www.garrettcounty.md.gov countycommissioners@garrettcounty.md.gov

301-334-8970

301-895-3188

FAX 301-334-5000

Board of Commissioners

Paul C. Edwards

Ryan S. Savage

S. Larry Tichnell

County Administrator

Kevin G. Null

County Attorney

Gorman E. Getty III

RESOLUTION NO. 2024 - 10

CIR CT GARRETT CO, MD
2024 OCT 8 AM 10:56

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF GARRETT COUNTY, MARYLAND, A BODY POLITIC AND CORPORATE AND A POLITICAL SUBDIVISION OF THE STATE OF MARYLAND (THE "COUNTY"), AUTHORIZING THE SALE OF REAL PROPERTY KNOWN AS LOT NO. 3-A, OF THE KEYSERS RIDGE BUSINESS PARK, CONSISTING OF 2.0 ACRES, MORE OR LESS, SITUATE IN ELECTION DISTRICT NO. 3, GARRETT COUNTY, MARYLAND, (THE "PROPERTY"), TO DEEP CREEK MOUNTAIN UTILITIES, LLC, A MARYLAND LIMITED LIABILITY COMPANY HAVING A PRINCIPAL PLACE OF BUSINESS IN GARRETT COUNTY, MARYLAND ("DC MOUNTAIN UTILITIES"), FOR THE SUM OF THIRTY THOUSAND DOLLARS AND NO CENTS (\$30,000.00) AND AUTHORIZING THE COUNTY TO ENTER INTO A CONTRACT OF SALE AND RIGHT OF ENTRY AGREEMENT WITH DC MOUNTAIN UTILITIES WITH RESPECT TO THE SALE OF THE REAL PROPERTY.

Explanation

The Board of County Commissioners of Garrett County, Maryland, a body politic and corporate and a political subdivision of the State of Maryland (the "County"), desires to sell the real property known and identified as Lot No. 3-A, of the Keyzers Ridge Business Park, consisting of 2.0 acres, more or less, situate in Election District No. 3, Garrett County, Maryland, as shown on a Plat entitled Preliminary, Final, and Record Plat of Major Subdivision Prepared for Board of County Commissioners of Garrett County, Maryland, dated August 2023, and recorded September 11, 2023, in Plat Case WLB 2, File 32, among the Plat Records of Garrett County, Maryland, a copy of which Plat is attached hereto, incorporated herein, and marked as Exhibit No. 1 (the "Property"), to Deep Creek Mountain Utilities, LLC, a Maryland limited liability company having a principal place of business in Garrett County, Maryland ("DC Mountain Utilities"), for the sum of Thirty Thousand Dollars and No Cents (\$30,000.00) (the "Purchase Price"). The specific terms and conditions of the agreement between the County and DC Mountain Utilities are set forth in a form Contract of Sale and Right of Entry Agreement, a copy of which is attached hereto, incorporated herein, and marked as Exhibit No. 2.

In accordance with the provisions of Title 5, Subtitle 3, Sections 5-301 through 5-332, inclusive, of the Economic Development Article of the Annotated Code of Maryland (the "State Act"), the County has caused this Resolution to be prepared to reflect the terms and conditions relating to the County's authorization to sell the Property to DC Mountain Utilities.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Garrett County, Maryland, as follows:

1. The Explanation set forth above is incorporated as a substantive provision of this Resolution.
2. The County authorizes the sale of the Property to DC Mountain Utilities for the sum of Thirty Thousand Dollars and No Cents (\$30,000.00).
3. The County authorizes its entry into a Contract of Sale and Right of Entry Agreement with DC Mountain Utilities (Exhibit 2).

- 4. The Chairman of the Board of County Commissioners of Garrett County, Maryland, be and is hereby authorized to execute any and all documents as may be necessary or required in conjunction with the sale of the Property.
- 5. This Resolution shall be effective upon its adoption.

ADOPTED this 7th day of October 2024, by the Board of County Commissioners of Garrett County, Maryland, by its Chairman, Paul C. Edwards, and attested by Kevin G. Null, County Administrator.

ATTEST:

**THE BOARD OF COUNTY COMMISSIONERS
OF GARRETT COUNTY, MARYLAND**



KEVIN G. NULL
County Administrator



By **PAUL C. EDWARDS** (SEAL)
Chairman

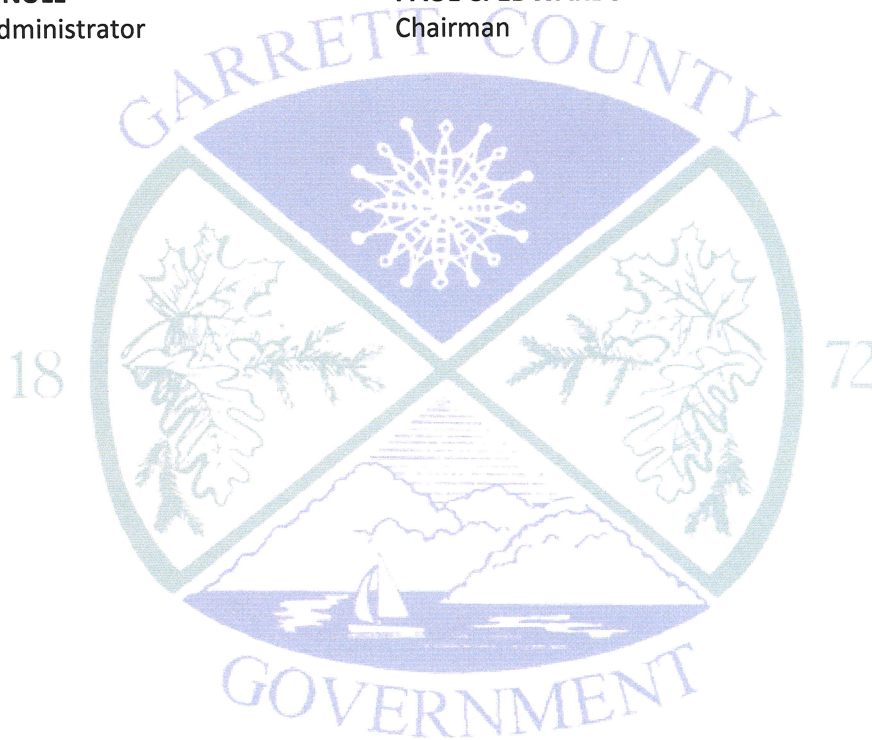
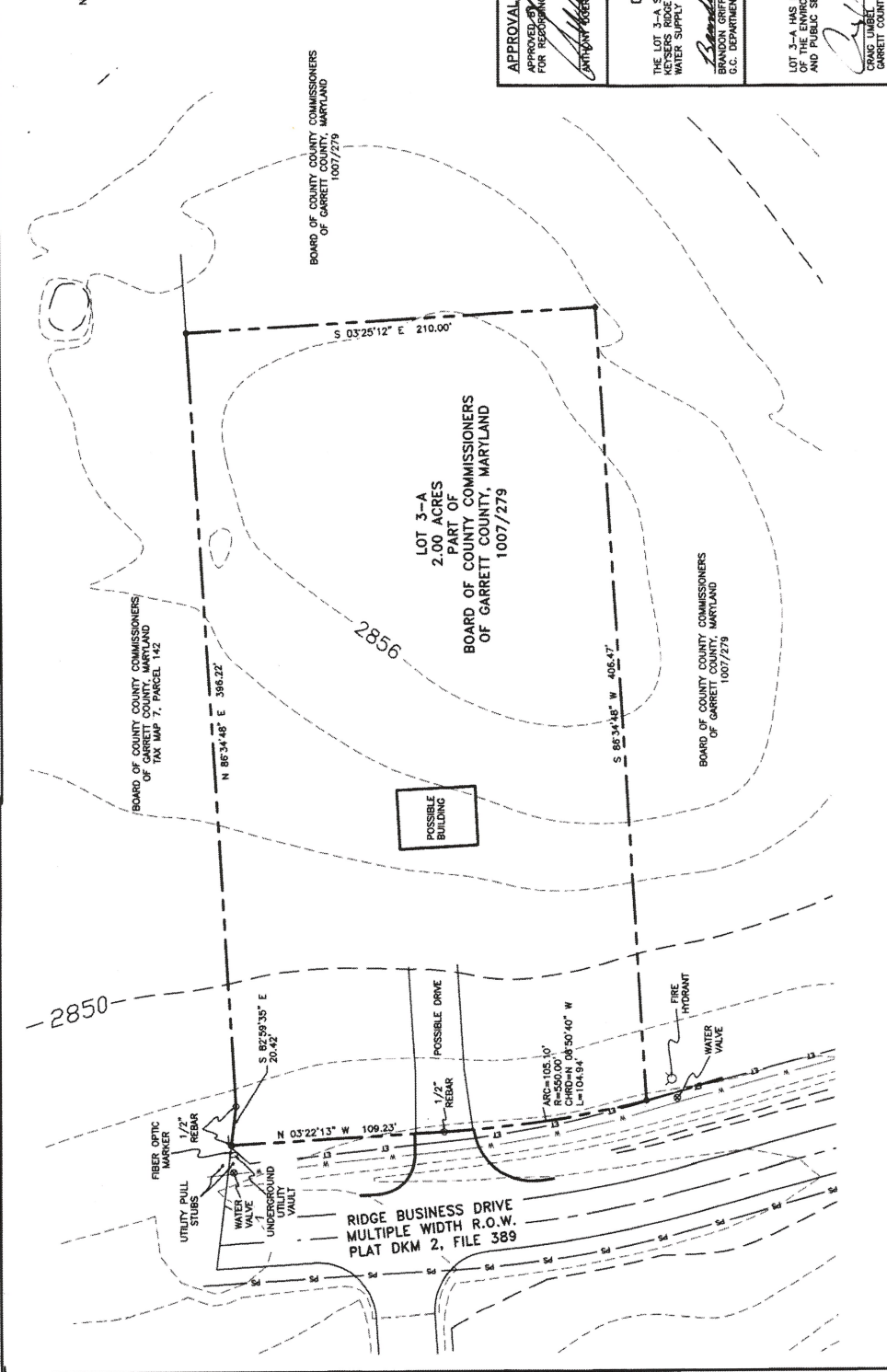


EXHIBIT 1

AT THE REQUEST OF HIGHLAND ENGINEERING & SURVEYING, INC. THIS PLAT WAS FILED THE SURVEYING DAY OF 09/10/2023 IN PLAT CASE WLB FILE 389

NOTES:

1. THERE ARE NO EXISTING OR PROPOSED WELLS OR SEWAGE DISPOSAL AREAS WITHIN 100 FEET OF THE SUBDIVISION BOUNDARY UNLESS OTHERWISE SHOWN.
2. IT IS THE OWNER'S RESPONSIBILITY TO SECURE ALL NECESSARY PERMITS RELATED TO WELLS, FLOOD PROTECTION, AND CONSTRUCTION FROM APPROPRIATE AGENCIES.
3. NO PART OF THIS PROPERTY, LESS WITHIN ANY DESIGNATED 100 YEAR FLOOD PLAIN AS SHOWN ON ANY FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD PLAN MAP.
4. PART OF TAX MAP 7, PARCEL 148.
5. LAND CLASSIFICATION- E0- EMPLOYMENT CENTER
6. MINIMUM LOT AREA REQUIRED: 10,000 SF. MINIMUM LOT WIDTH REQUIRED: 75 FEET.
7. TOTAL ACREAGE - 2.000 ACRES. NUMBER OF LOTS - 1.
8. DEVELOPER: BOARD OF GARRETT COUNTY COMMISSIONERS 203 SOUTH FOURTH STREET - ROOM 207 OAKLAND, MARYLAND 21550
9. NO NATURAL SLOPES OVER 30% PRESENT.



APPROVAL/REVIEW BLOCK.
 APPROVED BY THE GARRETT COUNTY PLANNING COMMISSION AND ACCEPTED FOR RECORDING: *[Signature]* DATE: 9/6/23
 ANTHONY ROBER, CHAIRPERSON

GARRETT COUNTY DEPARTMENT OF PUBLIC UTILITIES
 THE LOT 3-A SHOWN ON THIS PLAN IS APPROVED FOR SERVICE BY THE SEWER, ROSE WATER TREATMENT FACILITY AND THE NEVENS RIDGE WATER SUPPLY SYSTEM.
[Signature] DATE: 9-6-23
 BRANDON GRIFFITH, UTILITY DIVISION CHIEF
 S.C. DEPARTMENT OF PUBLIC WORKS

GARRETT COUNTY HEALTH DEPARTMENT APPROVAL
 LOT 3-A HAS BEEN CHECKED FOR CONFORMANCE TO MARYLAND DEPARTMENT OF HEALTH REGULATIONS FOR SEWAGE TREATMENT SUPPLY AND PUBLIC SEWAGE DISPOSAL SYSTEM FOR ONE COMMERCIAL LOT.
[Signature] DATE: 9/10/23
 CRAIG LIMBET, GARRETT COUNTY ENVIRONMENTAL HEALTH DIRECTOR

OWNER'S STATEMENT
 WE, THE OWNERS OF THE LAND INVOLVING THE ACCOMPANYING PLANS, STATE THAT WE ARE THE MAJORITY OWNERS OF THE PROPERTY AND OFFICERS OF THE CORPORATION THAT ARE THE MAJORITY OWNERS OF THIS PROPERTY, IN PEACEFUL POSSESSION OF IT, AND THAT THERE ARE NO SUITS, ACTIONS, CLAIMS, OR DEMANDS OF ANY KIND, KNOWN TO US, PENDING OR ENDED, THAT AFFECT THE ACCOMPANYING PLANS AND THAT WE WILL PROPRIETOR A RECORD PLAN FOR RECORDING (AS APPLICABLE), AFTER RECEIVING ALL REQUIRED MUNICIPAL APPROVALS.
 PAUL C. EDWARDS, CHAIRMAN
 BOARD OF COUNTY COMMISSIONERS OF GARRETT COUNTY, MARYLAND
 09/10/2023

PRELIMINARY, FINAL, AND RECORD PLAT OF MAJOR SUBDIVISION PREPARED FOR BOARD OF COUNTY COMMISSIONERS OF GARRETT COUNTY, MARYLAND
 ELECTION DISTRICT NO. 3, GARRETT COUNTY, MARYLAND
 SCALE: 1" = 40'
 DATE: AUGUST 2023

SURVEYOR'S CERTIFICATE
 I hereby certify that the property surveyed; I have been found and that property corners marked thus: ● have been 1/2" rebar with cap set or marginal with washer set and that property corners marked thus: ○ are calculated points according to field survey in conjunction with the land records of said county and are correct to the best of my knowledge and belief, said locations are subject to change upon discovery of new and superior evidence.



EXHIBIT 2

CONTRACT OF SALE AND RIGHT OF ENTRY AGREEMENT

THIS CONTACT OF SALE AND RIGHT OF ENTRY AGREEMENT (this “Agreement”), made this _____ day of _____, 2024, by and between the BOARD OF COUNTY COMMISSIONERS OF GARRETT COUNTY, MARYLAND, a body politic and corporate and a political subdivision of the State of Maryland (the “Seller”), and DEEP CREEK MOUNTAIN UTILITIES, LLC, a Maryland limited liability company, having a principal place of business in Garrett County, Maryland (the “Buyer”).

Explanation

Seller owns certain real property known and identified as Lot No. 3-A, of the Keysers Ridge Business Park, consisting of 2.0 acres, more or less, situate in Election District No. 3, Garrett County, Maryland, as shown on a Plat entitled Preliminary, Final, and Record Plat of Major Subdivision Prepared for Board of County Commissioners of Garrett County, Maryland, dated August 2023, and recorded September 11, 2023, in Plat Case WLB 2, File 32, among the Plat Records of Garrett County, Maryland (the “Property”), a copy of which plat is attached hereto, incorporated herein, and marked as Exhibit A. Buyer wishes to buy, and Seller wishes to sell, the Property, subject to the terms of this Agreement. In addition, Buyer and Seller wish to provide Buyer with access to the Property prior to closing. The parties enter into this Agreement for the purpose of memorializing the terms and conditions of their agreements.

NOW, THEREFORE, WITNESSETH, that for and in consideration of the agreements hereinafter set forth, Seller and Buyer agree as follows:

1. Explanation. The Explanation set forth above is hereby incorporated as a substantive provision of this Agreement.
2. Property to be Sold. Seller agrees to sell and convey, and Buyer agrees to purchase, the Property.
3. Liens and Encumbrances. Seller shall convey the Property free and clear of all liens and encumbrances.

4. Purchase Price. The purchase price of the Property is THIRTY THOUSAND DOLLARS AND NO CENTS (\$30,000.00) (the "Purchase Price").

5. Payment of Purchase Price. The Purchase Price of the Property shall be paid in full by Buyer to Seller at closing.

6. Commencement of Construction and Right of Repurchase. Buyer shall commence site preparation and construction of the improvements on the Property within one (1) year of the date of closing. In the event Buyer fails to commence site preparation and construction of the improvements within one (1) year, then and in that event Buyer grants to Seller the right to repurchase the Property at the original Purchase Price, to be exercised by Seller in its sole discretion. Repurchase of the Property by Seller in exercise of its rights under the terms of this provision shall be effected by the execution of a deed from Buyer to Seller and cancellation by Seller of the Deed of Trust Note.

7. Covenants and Restrictions. Buyer acknowledges and agrees that the Property is, and will be conveyed, subject to a Declaration of Covenants, Conditions, and Restrictions for the Keyzers Ridge Business Park dated May 10, 2013, and recorded May 23, 2013, in Liber No. 1738 at Page 0497, and a Supplemental Declaration of Covenants, Conditions, and Restrictions for the Keyzers Ridge Business Park dated April 19, 2016, and recorded April 20, 2016, in Liber No. 1931 at Page 0027, both of which documents are recorded among the Land Records of Garrett County, Maryland.

8. Transfer Costs, Taxes, and Assessments. Buyer and Seller shall each be responsible for payment of one-half (1/2) of the recordation taxes and state and local transfer taxes relating to the conveyance of the Property to Buyer. State and county real estate taxes and similar public charges against the Property that are payable on an annual basis shall be prorated between Buyer and Seller as of the date of closing and assumed and paid thereafter by Buyer. Seller shall be responsible for the preparation of the deed of conveyance and documents of transfer. Buyer shall be responsible for the cost of examination of title, preparation of any mortgage or lien documents, and for recording fees associated with those documents.

9. Closing. Closing shall be on the _____ day of _____, 2024, or on such earlier date as may be agreed between Buyer and Seller (the "Closing Date). At closing, Seller shall deliver a fully executed and acknowledged deed conveying the Property to Buyer.

10. Right of Entry. Upon the execution of this Agreement, Buyer, and its representatives and agents, shall have reasonable access to the Property and the right to conduct, at Buyer's sole cost and expense, reasonable inspections, and investigations of the Property.

11. Construction of Improvements Prior to Closing. Buyer may, at any time or times before closing, enter upon the Property for the purpose of commencing construction of improvements and associated activities on the Property. Entry onto the Property by Buyer prior to closing shall be at Buyer's sole risk and expense. If Buyer exercises its rights under this paragraph, Buyer agrees to restore the Property to its prior condition to the extent of any changes made by its agents or representatives in the event closing does not take place. Buyer agrees to indemnify, hold harmless, and defend Seller from and against any and all claims, demands, actions, or causes of action arising out of or related to Buyer's use and occupancy of the Property prior to closing, including any claims arising out of the construction of improvements on the Property. Buyer shall be solely responsible for and shall pay, when and as due, all costs associated with Buyer's improvement to the Property. In the event Buyer makes improvements to the Property prior to closing, Buyer shall notify all third parties that any work performed relating to the Property shall not entitle the person performing such work to any mechanic's lien, or other lien, on the Property.

12. Valid Agreement. This Agreement has been duly authorized and executed by Seller and Buyer and constitutes a valid and binding agreement, enforceable in accordance with its terms, and neither the execution and delivery of this Agreement, nor the consummation of the transactions contemplated herein, will constitute a violation or breach by Buyer of any provision of any agreement or other instrument to which it is a party, or to which it may be subject although not a party, or will result in or constitute a violation or breach of any judgment, order, writ, injunction, or decree issued against it.

13. Binding Agreement. This Agreement shall be binding upon, and inure to, the benefit of the heirs, executors, administrators, successors, and assigns of the respective parties.

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14. Governance and Interpretation. This Agreement shall be governed by and interpreted in accordance with the laws of the State of Maryland.

15. Entire Agreement. This Agreement contains the entire agreement of the parties and there are no other representations or agreements between the parties, whether oral or written. This Agreement may not be modified or terminated, except by an instrument, in writing, signed by both Seller and Buyer.

16. Notice. Any notice required under the terms of this Agreement may be delivered personally or by mail addressed to the parties at their respective addresses as set forth on Exhibit B, attached hereto and made a part hereof, postage-prepaid, certified with a return receipt requested.

WITNESS the execution of this Agreement by the authorized representatives of each of the respective parties the day and year first above written.

BUYER:

ATTEST:

DEEP CREEK MOUNTAIN UTILITIES, LLC

By _____ (SEAL)

Steven R. Stuck,
Managing Member

SELLER:

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF GARRETT COUNTY, MARYLAND

By _____ (SEAL)

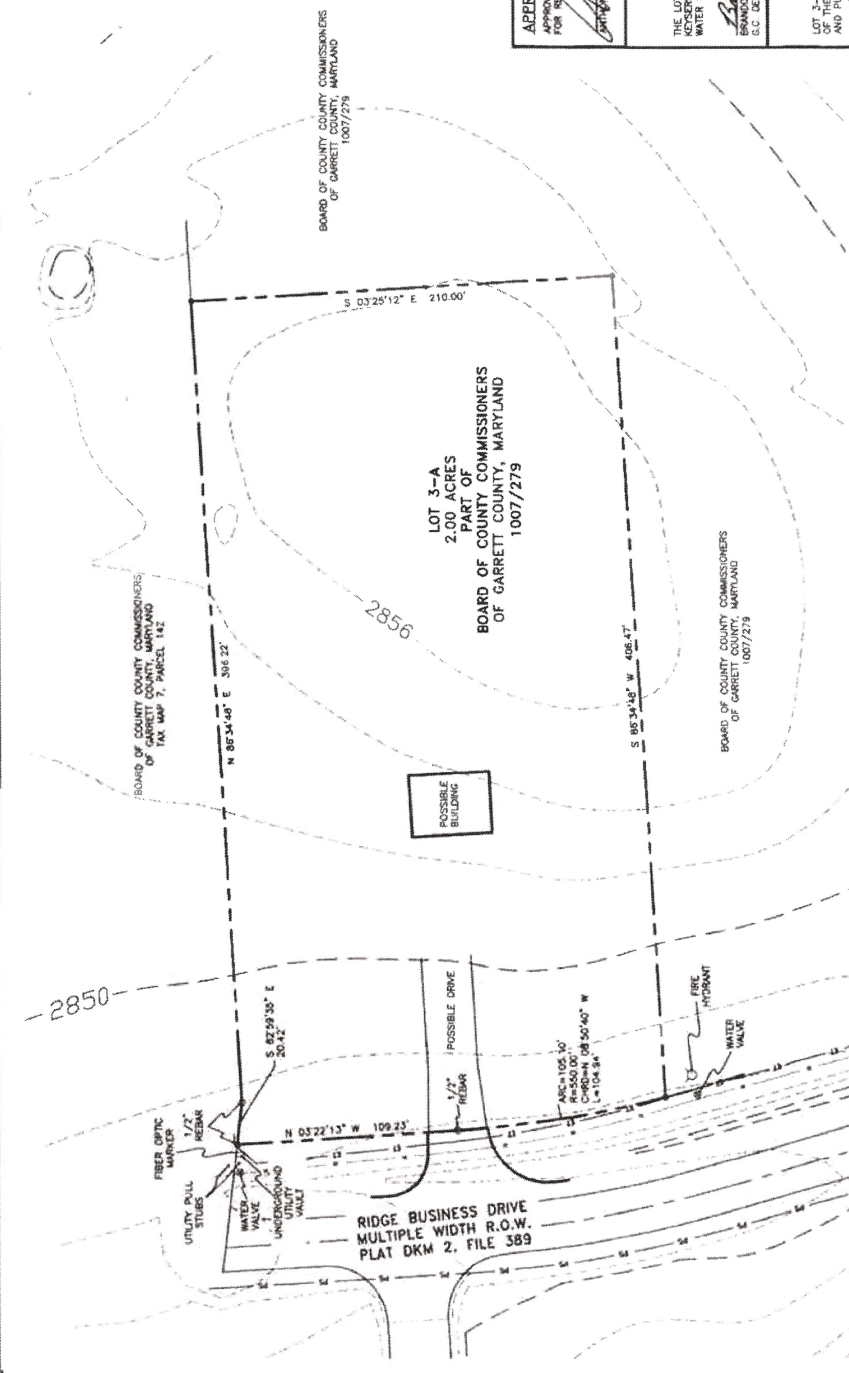
Kevin G. Null,
County Administrator

Paul C. Edwards,
Chairman

AT THE REQUEST OF HIGHLAND ENGINEERING & SURVEYING, INC THIS PLAT WAS FILED THE DAY OF 24 SEP BY 242131 IN PLAT CASE WLB 2 FILE 372

NOTES:

1. THERE ARE NO EXISTING OR PROPOSED WELLS OR SEWAGE DISPOSAL AREAS WITHIN 100 FEET OF THE SUBDIVISION BOUNDARY UNLESS OTHERWISE SHOWN.
2. IT IS THE OWNER'S RESPONSIBILITY TO SECURE ALL NECESSARY PERMITS RELATED TO WETLANDS, FLOOD PLAINS, AND OTHER REGULATORY AGENCIES PRIOR TO CONSTRUCTION FROM APPROPRIATE AGENCIES.
3. NO PART OF THIS PROPERTY LIES WITHIN ANY DESIGNATED 100 YEAR FLOOD PLAIN AS SHOWN ON ANY FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD PLAIN MAP.
4. PART OF TAX MAP 7, PARCEL 146
5. LAND CLASSIFICATION- EC- EMPLOYMENT CENTER
6. MINIMUM LOT AREA REQUIRED 10,000 SF
7. MINIMUM LOT WIDTH REQUIRED 75 FEET.
8. TOTAL ACRES - 5.000 ACRES.
9. NUMBER OF LOTS - 11.
10. DEVELOPER: BOARD OF GARRETT COUNTY COMMISSIONERS OAKLAND, MARYLAND 21550
11. NO NATURAL SLOPES OVER 5% PRESENT.



APPROVAL/REVIEW BLOCK.
 APPROVED BY THE GARRETT COUNTY PLANNING COMMISSION AND ACCEPTED FOR RECORDING: 24/23
 [Signature]

GARRETT COUNTY DEPARTMENT OF PUBLIC UTILITIES
 THE LOT 3-A SHOWN ON THIS PLAN IS APPROVED FOR SERVICE BY THE EXISTING WATER TREATMENT FACILITY AND THE KETSERS RIDGE WATER SUPPLY SYSTEM.
 [Signature] DATE: 24-23

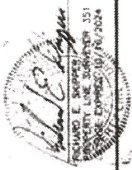
GARRETT COUNTY HEALTH DEPARTMENT APPROVAL
 LOT 3-A HAS BEEN REVIEWED BY THE HEALTH DEPARTMENT OF THE ENVIRONMENT SUBDIVISION REGULATIONS FOR PUBLIC WATER SUPPLY AND PUBLIC SEWAGE DISPOSAL SYSTEM FOR ONE COMMERCIAL LOT.
 [Signature] DATE: 24/23

GARRETT COUNTY ENVIRONMENTAL HEALTH DIVISION
 [Signature] DATE: 24/23



PRELIMINARY, FINAL, AND RECORD
 PLAT OF MAJOR SUBDIVISION PREPARED FOR
**BOARD OF COUNTY COMMISSIONERS
 OF GARRETT COUNTY, MARYLAND**
 ELECTION DISTRICT NO. 3 GARRETT COUNTY, MARYLAND
 SCALE: 1" = 40' DATE: AUGUST 2023

SURVEYOR'S CERTIFICATE: I, hereby certify that I have personally surveyed and plotted the above described land and that the property corners marked thereon have been found and that property corners marked with 1/2" rebar with cap set or magnum with washer set and that property corners marked with 3/4" rebar with cap set or magnum with washer set are calculated points according to field survey in conjunction with the land records of said county and are correct to the best of my knowledge and belief, said locations are subject to change upon discovery of new and superior evidence.



OWNER'S STATEMENT
 WE, THE OWNERS OF THE LAND INVOLVING THE ACCOMPANYING PLANS, STATE THAT WE HAVE READ AND UNDERSTAND THE CONTENTS OF THIS PLAT AND THE ACCOMPANYING PLANS AND THAT WE ARE THE MAJORITY OWNERS OF THE PROPERTY, IN PEACEFUL POSSESSION OF IT, AND THAT THERE ARE NO SUITS, CLAIMS, OR LITIGATION PENDING IN ANY COURT OF RECORD THAT AFFECTS THE ACCOMPANYING PLANS AND THAT WE WILL PRODUCE A RECORD PLAN FOR RECORDING (AS APPLICABLE), AFTER RECEIVING ALL REQUIRED MUNICIPAL APPROVALS.
 PAUL C. ENNAWSE, CHAIRMAN DATE: 23.08.2023
 BOARD OF COUNTY COMMISSIONERS OF GARRETT COUNTY, MARYLAND

LIBER009 20250506

EXHIBIT B

Notice to Buyer shall be mailed to : Deep Creek Mountain Utilities, LLC
Steven R. Stuck, Managing Member
25227 Garrett Highway
McHenry, Maryland 21541

Notice to Seller shall be mailed to : The Board of County Commissioners
of Garrett County, Maryland
Attention: Kim E. Durst
Manager of Business Development
Department of Business Development
Frederick A. Thayer, III Courthouse
203 South Fourth Street, Room 208
Oakland, Maryland 21550

With a copy to : Gorman E. Getty, III, Esquire
Getty Law Offices, P.A.
Post Office Box 1485
23 Washington Street
Cumberland, Maryland 21501-1485

THE BOARD OF GARRETT COUNTY COMMISSIONERS

203 South Fourth Street - Courthouse - Room 207 Oakland, Maryland 21550
www.garrettcounty.md.gov countycommissioners@garrettcounty.md.gov
301-334-8970 301-895-3188 FAX 301-334-5000

Board of Commissioners

Paul C. Edwards
Ryan S. Savage
S. Larry Tichnell

County Administrator

Kevin G. Null

County Attorney

Gorman E. Getty III

CIR CT GARRETT CO, MD
2024 OCT 15 AM 9:19

RESOLUTION NO. 2024 -11

THE RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF GARRETT COUNTY, MARYLAND, REPEALING, REVOKING, AND CANCELING THE DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR THE KEYSER’S RIDGE BUSINESS PARK DATED MAY 10, 2013, AND RECORDED MAY 13, 2013, IN LIBER NO. 1738 AT PAGE 0497, (THE “ORIGINAL DECLARATION”) AND THE SUPPLEMENTAL DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR THE KEYSER’S RIDGE BUSINESS PARK DATED APRIL 19, 2016, AND RECORDED APRIL 20, 2016, IN LIBER NO. 1931 AT PAGE 0027, (THE “SUPPLEMENTAL DECLARATION”), BOTH RECORDED AMONG THE LAND RECORDS OF GARRETT COUNTY, MARYLAND; AND ADOPTING AND RESTATING THE COVENANTS, CONDITIONS, AND RESTRICTIONS FOR THE KEYSERS RIDGE BUSINESS PARK IN A NEW DOCUMENT ENTITLED THE “RESTATED DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR THE KEYSERS RIDGE BUSINESS PARK,” WHICH SHALL BE RECORDED AMONG THE LAND RECORDS OF GARRETT COUNTY, MARYLAND (THE “NEW DECLARATION”). A COPY OF THE NEW DECLARATION IS ATTACHED HERETO, INCORPORATED HEREIN, AND MARKED AS EXHIBIT 1.

EXPLANATION

THE BOARD OF COUNTY COMMISSIONERS OF GARRETT COUNTY, MARYLAND, a body politic and corporate, and a political subdivision of the State of Maryland (the “County”), passed and adopted the Original Declaration for the Keyser’s Ridge Business Park (the “Park”) and the Supplemental Declaration imposing certain restrictions on the development of the property which comprises the Park (the “Covenants”).

The County has determined that certain Covenants may unintentionally impair the marketability of property that comprises the Park (the “Property”), and that repealing, revoking, and canceling the Original Declaration and the Supplemental Declaration, and adopting the New Declaration would be in keeping with the general purpose and common scheme for development of the Park. At the time of this Resolution, the County is the sole owner of the Property that comprises the Park.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Garrett County, Maryland, as follows:

1. That the Explanation set forth above is incorporated as a substantive portion of this Resolution; and

2. That the Board of County Commissioners hereby repeals, revokes, and cancels the Original Declaration and the Supplemental Declaration in their entirety; and
3. That the Board of County Commissioners hereby adopts the New Declaration as and for the covenants, conditions, and restrictions that apply to the Property and the Park and that the New Declaration shall be deemed to be covenants that run with the land that comprises the Property and the Park.

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon its adoption.

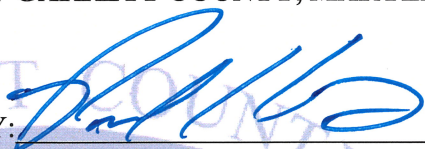
PASSED AND ADOPTED this 7th day of **OCTOBER, 2024**.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
OF GARRETT COUNTY, MARYLAND**



KEVIN G. NULL
County Administrator



BY: **PAUL C. EDWARDS** (SEAL)
Chairman

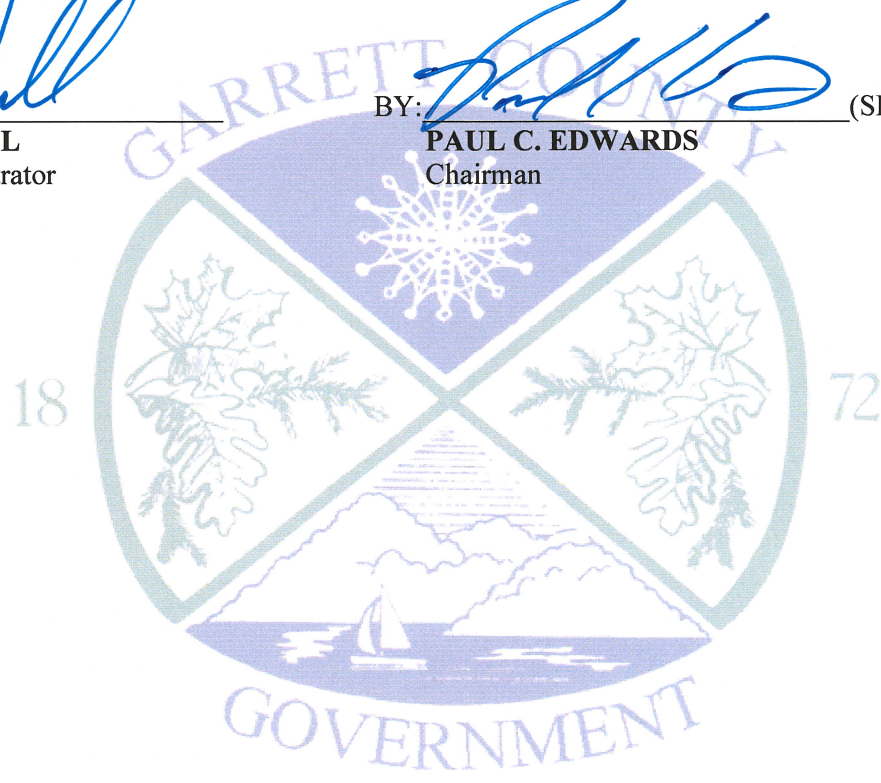


EXHIBIT 1 TO RESOLUTION NO. 2024-11

**RESTATED DECLARATION OF
COVENANTS, CONDITIONS, AND RESTRICTIONS
FOR THE KEYSERS RIDGE BUSINESS PARK**

THIS RESTATED DECLARATION of Covenants, Conditions, and Restrictions for the Keyzers Ridge Business Park (the "Declaration") is made this _____ day of _____, 2024, by the BOARD OF COUNTY COMMISSIONERS OF GARRETT COUNTY, MARYLAND, a body politic and corporate and a political subdivision of the State of Maryland (the "Declarant" or the "County"), whose address is 203 South Fourth Street, Room 207, Oakland, Maryland 21550.

EXPLANATION

Declarant owns property in Election District No. 3, Garrett County, Maryland, more particularly described in the following deeds: (1) a deed from the Maryland Economic Development Corporation to the Board of County Commissioners of Garrett County, Maryland, dated April 24, 2013, and recorded May 1, 2013, in Liber No. 1736 at Page 0088, among the Land Records of Garrett County, Maryland (the "Land Records"); (2) a deed from the American Woodmark Corporation to The Board of County Commissioners of Garrett County, Maryland, dated April 4, 2016, and recorded May 13, 2016, in Liber No. 1930 at Page 0056, among the Land Records; and (3) a deed from the State of Maryland, to the use of the Department of Natural Resources, to the Board of County Commissioners of Garrett County, Maryland, dated October 10, 2003, and recorded October 28, 2003, in Liber No. 1007 at Page 0279, among the Land Records (the "Property"). The Property is designed as the Keyzers Ridge Business Park (the "Park").

Declarant previously executed a Declaration of Covenants, Conditions, and Restrictions for the Park dated May 10, 2013, and recorded May 13, 2013, in Liber No. 1738 at Page 0497, among the Land Records (the "Original Declaration") and a Supplemental Declaration of Covenants, Conditions, and Restrictions for the Keyser's Ridge Business Park dated April 19, 2016, and recorded April 20, 2016, in Liber No. 1931 at Page 0027, among the Land Records (the "Supplemental Declaration"). The Original Declaration and the Supplemental Declaration are collectively the "Original Documents." On October 7, 2024, the County repealed the Original Documents and adopted this Declaration.

NOW, THEREFORE, Declarant declares that the Property shall be held, transferred, sold, conveyed, and occupied subject to the conditions, covenants, restrictions, and reservations set forth in Exhibit A to this Declaration (the "Covenants") together with easements of record, shall run with the land and be binding upon all parties having any right, title, or interest in the Property, their heirs, successors, and assigns, and shall inure to the benefit of each owner thereof.

DECLARANT further declares that all current and subsequent owners and developers, and/or their heirs, successors, and assigns, agree that they will provide any and all services without discrimination to all persons without regard to their age, race, religion, color, sex, handicap, or national origin.

EXHIBIT 1 TO RESOLUTION NO. 2024-11

IN WITNESS WHEREOF, Declarant has caused this declaration to be signed and executed the day and year first above written.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF GARRETT COUNTY, MARYLAND

KEVIN G. NULL,
County Administrator

By _____ (SEAL)
PAUL C. EDWARDS,
Chairman

STATE OF MARYLAND,
COUNTY OF GARRETT, TO-WIT:

I HEREBY CERTIFY, that on this _____ day of OCTOBER, 2024, before me, the undersigned officer, a Notary Public in and for the aforesaid State and County, personally appeared PAUL C. EDWARDS, known to me, or satisfactorily proven to be, the Chairman of the BOARD OF COUNTY COMMISSIONERS OF GARRETT COUNTY, MARYLAND, a body politic and corporate and a political subdivision of the State of Maryland, and that he, as such Chairman, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing, in my presence, the name of the corporation by himself as Chairman.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public

My Commission Expires:

I HEREBY CERTIFY that the within instrument was prepared by, or under the supervision of, the undersigned, an attorney duly admitted to practice before the Court of Appeals of Maryland.

GORMAN E. GETTY, III

EXHIBIT 1 TO RESOLUTION NO. 2024-11

EXHIBIT A

**RESTATED DECLARATION OF
COVENANTS, CONDITIONS, AND RESTRICTIONS
FOR THE KEYSERS RIDGE BUSINESS PARK (the “RESTATED
DECLARATION”)**

Section I – Property Subject to this Declaration

These Covenants apply to the Property and the Park. They are effective upon passage of a Resolution by the County adopting this Restated Declaration (the “County’s Resolution” and upon recordation of the County’s Resolution and this Restated Declaration among the Land Records.

All Property sold by Declarant will be subject to such other conditions and restrictions as are agreed to by the parties, including, but not limited to, specific usage plans, construction plans, and implementation timetables. Such additional conditions will be incorporated in any option or sales contract related to such land with such provisions intended to survive the delivery of a deed of conveyance. These Covenants do not, in any way, release the Owner or Tenant of any Building Site located on the Property from the provisions of any local, state, or federal rules, regulations, statutes, or ordinances and codes which may be applicable to the Property or any improvements to the Property.

Section II – Definition of Terms

All terms not otherwise defined shall be as defined by the County’s Resolution.

“Building Site” shall mean any piece, parcel, or plot of land lying within the limits of the Park, which is occupied or designed to be occupied by an individual, business, or technology building or buildings and accessory structures, or by such other buildings or uses which are in conformance with the requirements of these Covenants, together with open spaces arranged, designed, and improved to be used in connection with such buildings or uses.

“Park” shall mean the Keyzers Ridge Business Park.

“Covenants” shall mean the restated covenants, conditions, and restrictions set forth in this Restated Declaration.

“Declarant” shall mean the Board of County Commissioners of Garrett County, Maryland.

“Improvements” shall mean and include any building or buildings, out-buildings appurtenant thereto, parking areas, loading areas, signs, fences, walls, hedges, lawns and plantings, and any structures of any type or kind located above the ground.

“Owner” shall mean any private entity owning a Building Site within the Park.

EXHIBIT 1 TO RESOLUTION NO. 2024-11

“Propane Distribution System” shall mean the captive propane distribution system located within the Park and owned by Deep Creek Mountain Utilities, LLC, its successors and assigns.

“Tenant” shall mean any tenants of an Owner of a Building Site located in the Park.

Section III – General Purpose of Covenants

The Property is subject to the terms of this Restated Declaration and the Covenants set forth herein to insure proper use and appropriate development and improvement of each Building Site located on or within the Park in order to protect the Owners of each and all of the Building Sites against improper use of surrounding Building Sites as will depreciate the value of their property; to guard against the erection thereof of structures built of improper or unsuitable materials; to insure adequate and reasonable development of said Building Sites; to encourage the erection of attractive improvements thereon, with appropriate locations thereof on Building Sites; to prevent haphazard and inharmonious Improvements of Building Sites; to secure and maintain proper setbacks from streets, adequate free spaces between structures, and for the landscaping, planting, and maintenance of said open spaces; to provide adequately for off-street parking and for loading and storage of vehicles; to control, through performance standards, the undesirable aspects of industrial operations; and in general, to provide for superior development of said Building Sites; and to insure that the use of Building Sites shall not adversely affect the interest of Declarant for Owners of Building Sites in the Park, nor the health and safety of employees or workers thereon, and will not be detrimental to the use or development of adjacent property of the general neighborhood.

Section IV -General Provisions

1. To Run With Land: Except as otherwise set forth herein, the Covenants herein set forth shall run with the land and shall bind the Owner, its successors and assigns, and all parties claiming by, through, or under them shall be taken to hold, agree, and covenant with the Owner, its successors and assigns, and with each of them to conform to and observe such restrictions as to the use of Building Sites and the construction of Improvements thereon.

2. Life: Each of the Covenants set forth herein shall continue and be binding upon the Owners of all Building Sites, their successors and assigns, and upon each of them and all parties and all persons claiming under them for a period of fifty (50) years from the aforementioned Effective Date.

3. Separability: Invalidation of any of these Covenants or any part thereof by judgment or court orders shall in no way affect any of the other provisions, which shall remain in full force and effect.

Section V – Enforcement

Violation or breach of any Covenant herein contained shall give to Declarant and every Owner or Tenant of a Building Site, subject to these Covenants, the right to seek such remedies at

law or in equity by proceeding at law or in equity against the person, persons, firms, or corporations who have violated or are attempting to violate any of these Covenants to enjoin or prevent them from doing so, to cause said violation to be remedied or to recover damages for said violation.

The result of every action or omission whereby any Covenant herein contained is violated, in whole or in part, is hereby declared to be and to constitute a nuisance, and every remedy allowed by law or equity against an Owner or Tenant, either public or private, shall be applicable against every such result and may be exercised by Declarant or by any Owner or Building Site subject to these restrictions.

In any legal or equitable proceeding for the enforcement or to restrain the violation of these Covenants or any provision hereof, the losing party or parties shall pay the attorney's fees of the prevailing party or parties, in such amount as may be fixed by the court in such proceedings. All remedies provided herein or at law or in equity shall be cumulative and not exclusive.

Section VI – General Development Standards

1. Permitted Land Uses: Only businesses engaged in light manufacturing, distribution, professional, technical, and energy production services, or such other services as are authorized by the County, in its sole discretion, are permitted to operate within the Park. Approval by the County shall be presumed in the initial sale of a Building Site by the County.

2. Improvement Schedule: An Owner shall obtain a building permit and construct an Improvement upon the Building Site within eighteen (18) months of the initial transfer of a Building Site by Declarant. If Owner fails to obtain a building permit and to construct an Improvement on the Building Site within eighteen (18) months of the initial transfer of a Building Site by Declarant, Declarant has the option to repurchase said Building Site at Owner's original purchase price. If Declarant elects to repurchase the Building Site, it may do so at any time within the 24-month period following the expiration of the eighteen (18) months following the date of the initial transfer of the Building Site.

3. Off-Street Parking and Loading: No parking of any vehicle shall be permitted upon any street or roadway within the Park.

4. Outside Storage: All outside storage of materials, in raw, in process, or finished state, and all outside waste and rubbish storage facilities, will be provided with adequate screening as determined by Declarant, in its sole discretion.

5. Landscaping: All open portions of any lot improved for parking, loading, driveways, and/or walkways shall be adequately drained or graded, shall be suitably landscaped with trees, shrubs, or planted ground cover or such other suitable means, and shall be maintained in a neat and attractive condition at all times thereafter. Based upon an approved plan, landscaping shall be completed within one (1) year after substantial completion or occupancy of the Improvements to the Building Site.

6. Utilities: Declarant and/or its designee reserves the right to have constructed, without expense to an Owner, utility lines, pipes, and conduits underground through an area of sufficient width across the real estate covered by these Covenants, and each Owner or Tenant shall execute any all instruments necessary and reasonable for further development of the Park, including the granting of easements for gas lines, sanitary sewers, storm sewers, communication lines, entrance and access roads, and electrical lines, provided Owner shall have the right to designate the location of the easements contemplated by this covenant.

7. No Offensive Uses: No noxious, illegal, hazardous, dangerous, or offensive trade, services, or activities shall be conducted on any Building Site, nor shall anything be done thereon which may be or become an annoyance or nuisance to the Owners, Tenants, or guests of other Building Sites within the Park by reason of unsightliness or the excessive emission of fumes, odors, glare, heat, vibration, gases, vapors, chemicals, radiation, dust, liquid waste, smoke, or noise.

8. Propane System: The provision of utility service within the Park shall remain subject to the control and direction of Declarant, provided, however, that Deep Creek Mountain Utilities, LLC (“Deep Creek Utilities”) shall be the only propane distribution facility to be located within the Park. The Deep Creek Utilities’ propane distribution facilities shall be deemed a captive system and has been or will be constructed by Deep Creek Utilities with the assistance of the County in order to provide gas facilities to each Building Site. All Owners and Tenants of Building Sites within the Park are required to utilize Deep Creek Utilities for all gas services in the Park or on a Building Site. Owners and Tenants of Building Sites within the Park are not permitted to have individual propane tanks on their Building Sites.

Section VII – Procedures for Declarant Review and Approval

1. No building, fence, wall, sign, advertising devise, roadway, loading facility, outside storage facility, parking area, site grading, planting, landscaping, facility for industrial waste or sewage disposal, or any other improvement shall be commenced, erected, or constructed, nor shall any change in the use of any premises be made, until the plans and specifications therefore, showing the nature, kind, shape, heights, materials, color scheme, lighting, and location on the lot of the proposed Improvements, grading, landscaping, or alterations and the proposed use or change in the use of the premises shall have been submitted to and approved in writing by Declarant and a copy of such plans and specifications as finally approved lodged permanently with Declarant. Declarant shall have the right to refuse to approve any such plans or specifications or proposed use of the premises for any reason which Declarant, in its sole discretion, may deem in the best interests of the Park and the Owners or Tenants or prospective Owners or Tenants of other Building Sites therein. No change in grade, elevation, or size of land shall be made without written approval from Declarant.

2. Declarant shall not arbitrarily or unreasonably withhold its approval of such plans and specifications. If Declarant fails to approve or disapprove such plans and specifications within thirty (30) days after the same has been formally submitted to it, without Declarant having given notice of the reason for its inability to so act, it shall be conclusively presumed that Declarant has approved said plans and specifications, subject, however, to the Covenants contained herein.

THE BOARD OF GARRETT COUNTY COMMISSIONERS

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Board of Commissioners

Paul C. Edwards

Ryan S. Savage

S. Larry Tichnell

County Administrator

Kevin G. Null

County Attorney

Gorman E. Getty III

RESOLUTION NO. 2024 - 12

CIR CT GARRETT CO, MD
2024 OCT 15 AM 9:19

GARRETT COUNTY PROCUREMENT BIDS AND CONTRACTS ORDINANCE

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF GARRETT COUNTY, MARYLAND, A BODY POLITIC AND CORPORATE AND GOVERNING BODY OF GARRETT COUNTY, MARYLAND ("GARRETT COUNTY"), INCORPORATING A REVISED GARRETT COUNTY PROCUREMENT - BIDS AND CONTRACTS ORDINANCE.

Explanation

Increasing the minimum dollar amount of contracts for which the County Commissioners, or any employee of Garrett County, are required to advertise for bids; exempting certain contracts for professional services from a requirement to advertise for bids; authorizing certain contracts to be solicited by written bids; and generally relating to procurement in Garrett County.

NOW, THEREFORE, BE IT RESOLVED, By Garrett County as follows:

1. The Explanation set forth above is incorporated as a substantive provision of this Resolution.
2. Effective upon passage of this Resolution, Garrett County incorporates the Garrett County Procurement - Bids and Contracts Ordinance, a copy of which is attached hereto and made a part of this Resolution.
3. This Resolution shall be effective upon its passage.

ADOPTED this 7th day of October 2024, by the Board of County Commissioners of Garrett County, Maryland, by its Chairman, Paul C. Edwards, and attested by Kevin G. Null, County Administrator.

BOARD OF COUNTY COMMISSIONERS
OF GARRETT COUNTY, MARYLAND

(SEAL)

By  (SEAL)
PAUL C. EDWARDS
Chairman

ATTEST:



KEVIN G. NULL
County Administrator

GARRETT COUNTY CODE OF ORDINANCE
PROCUREMENT – BIDS AND CONTRACTS ORDINANCE

AN ACT CONCERNING the Garrett County Code; **FOR THE PURPOSE** of increasing the minimum dollar amount of contracts for which the Board of County Commissioners, or any employee of Garrett County, are required to advertise for bids; exempting certain contracts for professional services from a requirement to advertise for bids; authorizing certain contracts to be solicited by written bids; and generally relating to procurement in Garrett County. Garrett County Code of Ordinances, §30.21 **BIDS AND CONTRACTS**.

- (1) Except for transactions under division (D) of this section, **PROFESSIONAL SERVICES REQUIRED TO BE LICENSED BY THE STATE OF MARYLAND**, or as otherwise authorized by law, the Board of County Commissioners, or any employee of Garrett County, may not enter into any contract of sale or purchase to which the county is a party where the amount involved under the contract exceeds [25,000] \$50,000 without advertising for bids in one or more newspapers circulated in the county. **PROFESSIONAL SERVICES REQUIRED TO BE LICENSED BY THE STATE OF MARYLAND MAY BE SOLICITED BY WRITTEN BIDS.**
- (2) The advertisement for bids shall appear at least a week prior to the date on which bids are to be filed.
- (3) Any contract of sale shall be awarded to the highest responsible bidder, and any contract of purchase shall be awarded to the lowest responsible bidder, but the Board of County Commissioners shall have the right to reject any and all bids.
- (4) Any contract entered into in violation of the provisions of this section shall be null and void. The provisions of this section shall not apply to necessary repairs made in case of emergency. Ch. 693 2024 LAWS OF MARYLAND
- (5) If any County Commissioner shall violate any provisions of this division, the Commissioner shall be liable to indictment, and, upon conviction, shall forfeit the office.

THE BOARD OF GARRETT COUNTY COMMISSIONERS

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Board of Commissioners

Paul C. Edwards
Ryan S. Savage
S. Larry Tichnell

County Administrator
Kevin G. Null

County Attorney
Gorman E. Getty III

Garrett County Government

CIR CT GARRETT CO, MD
2024 OCT 15 AM 9:19

RESOLUTION 2024 - 13

GARRETT COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN 2024

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF GARRETT COUNTY, MARYLAND ADOPTING THE GARRETT COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN, UPDATED 2024.

WHEREAS, the Board of County Commissioners of Garrett County, Maryland recognizes the threat that natural hazards pose to people and property within Garrett County; and

WHEREAS, the County has prepared a multi-hazard mitigation plan, hereby known as the Garrett County Multi-Jurisdictional Hazard Mitigation Plan, updated in 2024, in accordance with federal laws, including the Robert T. Stafford Disaster Relief and Emergency Act, as amended; the National Flood Insurance Act of 1968, as amended; and the National Dam Safety Program Act, as amended; and

WHEREAS, the mitigation plan identifies mitigation goals and actions to reduce or eliminate long-term risk to people and property in the County from the impacts of future hazards and disasters; and

WHEREAS, the adoption by the Board of County Commissioners of Garrett County, Maryland, demonstrates its commitment to hazard mitigation and achieving the goals outlined in the Garrett County Multi-Jurisdictional Hazard Mitigation Plan, updated 2024.

NOW THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Garrett County, Maryland formally adopts the Garrett County Multi-Jurisdictional Hazard Mitigation Plan – updated 2024. While the content related to the County may require revisions to meet the plan approval requirements, changes occurring after adoption will not require the Board of County Commissioners to re-adopt any further iterations of the Plan. Subsequent Plan updates following the approval period for the Plan will be require separate adoption resolutions.

ADOPTED this 7th day of **OCTOBER, 2024**, by the Board of County Commissioners of Garrett County, Maryland, signed by its Chairman, Paul C. Edwards, and attested by Kevin G. Null, County Administrator.

ATTEST:

**THE BOARD OF COUNTY COMMISSIONERS
OF GARRETT COUNTY, MARYLAND**



KEVIN G. NULL
County Administrator

By  (SEAL)

PAUL C. EDWARDS
Chairman

10009 10518

THE BOARD OF GARRETT COUNTY COMMISSIONERS

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Board of Commissioners

Paul C. Edwards
Ryan S. Savage
S. Larry Tichnell

County Administrator
Kevin G. Null

County Attorney
Gorman E. Getty III

CIR CT GARRETT CO, MD
2024 OCT 15 AM 9:18

RESOLUTION NO. 2024 -14

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF GARRETT COUNTY, MARYLAND, A BODY POLITIC AND CORPORATE AND GOVERNING BODY OF GARRETT COUNTY, MARYLAND (“GARRETT COUNTY”), AMENDING AND RESTATING THE PROVISIONS OF CHAPTER 34 OF THE CODE OF PUBLIC LOCAL LAWS OF GARRETT COUNTY, MARYLAND (THE “COUNTY CODE”).

Explanation

The Board of County Commissioners of Garrett County, Maryland, amend and restate the provisions of Chapter 34 of the Code of Public Local Laws of Garrett County, Maryland (the “County Code”), to conform the Code provisions and requests of the State of Maryland.

NOW, THEREFORE, BE IT RESOLVED, by Garrett County, as follows:

1. The Explanation set forth above is incorporated as a substantive provision of this Resolution.
2. The Garrett County Public Ethics Ordinance, a copy of which is attached hereto and incorporated, be and is hereby enacted, adopted and restated, in its entirety.
3. Except as specifically set forth, Garrett County ratifies and confirms all other provisions of Chapter 34 of the County Code.
4. This Resolution shall be effective upon its passage.

ADOPTED this 7th day of October 2024, by the Board of County Commissioners of Garrett County, Maryland, by its Chairman, Paul C. Edwards, and attested by Kevin G. Null, County Administrator.

**BOARD OF COUNTY COMMISSIONERS
OF GARRETT COUNTY, MARYLAND**

(S E A L)

By  (SEAL)
PAUL C. EDWARDS
Chairman

ATTEST:



KEVIN G. NULL
County Administrator

CHAPTER 34 — ETHICS PROVISIONS

Section 1. Short title.

This chapter may be cited as the Garrett County Public Ethics Ordinance.

Section 2. Applicability.

- (a) The provisions of this chapter apply to all Garrett County elected officials, employees, and appointees to boards and commissions of Garrett County, Maryland (the “County”).
- (b) “Designated second home” means:
 - (1) If an individual owns one second home, the individual’s second home; or
 - (2) If an individual owns more than one second home, any one second home the individual identifies to the Commission as the individual’s designated second home.
- (c) “Home address” means the address of an individual’s:
 - (1) Principal home; and
 - (2) Designated second home, if any.
- (d) “Principal home” means the sole residential property that an individual occupies as the individual’s primary residence, whether owned or rented by the individual.
- (e) “Quasi-governmental entity” means an entity that is created by state statute, that performs a public function, and that is supported in whole or in part by the state but is managed privately.
- (f) “Second Home” means a residential property that:
 - (1) An individual occupies for some portion of the filing year; and
 - (2) Is not a rental property or a time share.

Section 3. Ethics Commission.

- (a) There is a Garrett County Ethics Commission that consists of 3 members appointed by the County.
- (b) The Commission shall:
 - (1) Devise, receive, and maintain all forms required by this chapter;
 - (2) Develop procedures and policies for advisory opinion requests and provide published advisory opinions to persons subject to this chapter regarding the applicability of the provisions of this chapter to them;
 - (3) Develop procedures and policies for the processing of complaints to make appropriate determinations regarding complaints filed by any person alleging violations of this chapter; and
 - (4) Conduct a public information program regarding the purposes and application of this chapter.
- (c) The County Attorney shall advise the Commission.
- (d) The Commission shall certify to the State Ethics Commission on or before October 1 of each year that the County is in compliance with the requirements of General Provisions Article, Title 5, Subtitle 8, Annotated Code of Maryland, for elected local officials.
- (e) The Commission shall determine if changes to this chapter are required to be in compliance with the requirements of General Provisions Article, Title 5, Subtitle 8, Annotated Code of Maryland, and shall forward any recommended changes and amendments to the County for enactment.
- (f) The Commission may adopt other policies and procedures to assist in the implementation of the Commission’s programs established in this chapter.

Section 4. Conflicts of interest.

- (a) In this section, “qualified relative” means a spouse, parent, child, or sibling.
- (b) All County elected officials, officials appointed to County boards and commissions subject to this chapter, and employees are subject to this section.
- (c) Participation prohibitions. Except as permitted by Commission regulation or opinion, an official or employee may not participate in:
 - (1) Except as permitted by Commission regulation or opinion, an official or employee may not participate in:
 - (i) Except in the exercise of an administrative or ministerial duty that does not affect the disposition or decision of the matter, any matter in which, to the knowledge of the official or employee, the official or employee, or a qualified relative of the official or employee has an interest;
 - (ii) Except in the exercise of an administrative or ministerial duty that does not affect the disposition or decision with respect to the matter, any matter in which any of the following is a party;
 - (A) A business entity in which the official or employee has a direct financial interest of which the official or employee may reasonably be expected to know;
 - (B) A business entity for which the official, employee, or a qualified relative of the official or employee is an officer, director, trustee, partner, or employee;
 - (C) A business entity with which the official or employee or, to the knowledge of the official or employee, a qualified relative is negotiating employment or has any arrangement concerning prospective employment.
 - (D) If the contract reasonably could be expected to result in a conflict between the private interests of the official or employee and the official duties of the official or employee, a business entity that is a party to an existing contract with the official or employee, or which, to the knowledge of the official or employee, is a party to a contract with a qualified relative;
 - (E) An entity, doing business with the County, in which a direct financial interest is owned by another entity in which the official or employee has a direct financial interest, if the official or employee may be reasonably expected to know of both direct financial interests; or
 - (F) A business entity that:
 - 1. The official or employee knows is a creditor or obligee of the official or employee or a qualified relative of the official or employee with respect to a thing of economic value; and
 - 2. As a creditor or obligee, is in a position to directly and substantially affect the interest of the official or employee or a qualified relative of the official or employee.
 - (2) A person who is disqualified from participating under paragraphs (1)(i) or (ii) of this subsection shall disclose the nature and circumstances of the conflict and may participate or act if:
 - (i) The disqualification leaves a body with less than a quorum capable of acting;
 - (ii) The disqualified official or employee is required by law to act; or
 - (iii) The disqualified official or employee is the only person authorized to act.
 - (3) The prohibitions of paragraph 1(i) or (ii) of this subsection do not apply if participation is allowed by regulation or opinion of the Commission.

- (4) A former regulated lobbyist who is or becomes subject to this chapter as an employee or official, other than an elected official or an appointed official, may not participate in a case, contract, or other specific matter as an employee or official, other than an elected official or appointed official, for one calendar year after the termination of the registration of the former regulated lobbyist if the former regulated lobbyist previously assisted or represented another party for compensation in the matter.
- (d) Employment and financial interest restrictions.
- (1) Except as permitted by regulation of the Commission when the interest is disclosed or when the employment does not create a conflict of interest or appearance of conflict, an official or employee may not:
- (i) Be employed by or have a financial interest in any entity:
- (A) Subject to the authority of the official or employee or the County agency, board, commission with which the official or employee is affiliated; or
- (B) That is negotiating or has entered a contract with the agency, board, or commission with which the official or employee is affiliated; or
- (ii) Hold any other employment relationship that would impair the impartiality or independence of judgment of the official or employee.
- (2) This prohibition does not apply to:
- (i) An official or employee who is appointed to a regulatory or licensing authority pursuant to a statutory requirement that persons subject to the jurisdiction of the authority be represented in appointments to the authority;
- (ii) Subject to other provisions of law, a member of a board or commission in regard to a financial interest or employment held at the time of appointment, provided the financial interest or employment is publicly disclosed to the appointing authority and the Commission;
- (iii) An official or employee whose duties are ministerial, if the private employment or financial interest does not create a conflict of interest or the appearance of a conflict of interest, as permitted by and in accordance with regulations adopted by the Commission; or
- (iv) Employment or financial interests allowed by regulation of the Commission if the employment does not create a conflict of interest or the appearance of a conflict of interest or the financial interest is disclosed.
- (e) Post-employment limitations and restrictions.
- (1) A former official or employee may not assist or represent any party other than the County for compensation in a case, contract, or other specific matter involving the County if that matter is one in which the former official or employee significantly participated as an official or employee.
- (2) A former elected official may not assist or represent another party for compensation in a matter that is the subject of legislative action for one calendar year after the elected official leaves office.
- (f) Contingent compensation. Except in a judicial or quasi-judicial proceeding, an official or employee may not assist or represent a party for contingent compensation in any matter before or involving the County.
- (g) Use of prestige of office.

- (1) (i) An official or employee may not intentionally use the prestige of office or public position:
 - (A) For the private gain of that official or employee or the private gain of another; or
 - (B) To influence, except as part of the official duties of the official or employee or as a usual and customary constituent service without additional compensation, the award of a state or local contract to a specific person.
- (ii) An official may not directly or indirectly initiate a solicitation for a person to retain the compensated services of a particular regulated lobbyist or lobbying firm.
- (2) This subsection does not prohibit the performance of usual and customary constituent services by an elected local official without additional compensation.
- (3) (i) An official, other than an elected official, or employee may not use public resources or the title of the official or employee to solicit a contribution as that term is defined in the Election Law Article.
- (ii) An elected official may not use public resources to solicit a contribution as that term is defined in the Election Law Article.

(h) Solicitation and acceptance of gifts.

- (1) An official or employee may not solicit any gift.
- (2) An official or employee may not directly solicit or facilitate the solicitation of a gift, on behalf of another person, from an individual regulated lobbyist.
- (3) An official or employee may not knowingly accept a gift, directly or indirectly, from a person that the official or employee knows or has the reason to know:
 - (i) Is doing business with or seeking to do business with the County office, agency, board, or commission with which the official or employee is affiliated;
 - (ii) Has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the official duties of the official or employee;
 - (iii) Is engaged in an activity regulated or controlled by the official's or employee's governmental unit;
 - (iv) Is a lobbyist with respect to matters within the jurisdiction of the official or employee; or
 - (v) Is an association, or any entity acting on behalf of an association that is engaged only in representing counties or municipal corporations.
- (4) Paragraph (5) of this subsection does not apply to a gift:
 - (i) That would tend to impair the impartiality and the independence of judgment of the official or employee receiving the gift;
 - (ii) Of significant value that would give the appearance of impairing the impartiality and independence of judgment of the official or employee; or
 - (iii) Of significant value that the recipient official or employee believes or has reason to believe is designed to impair the impartiality and independence of judgment of the official or employee.
- (5) Notwithstanding paragraph (3) of this subsection, an official or employee may accept the following:
 - (i) Meals and beverages consumed in the presence of the donor or sponsoring entity;
 - (ii) Ceremonial gifts or awards that have insignificant monetary value;

- (iii) Unsolicited gifts of nominal value that do not exceed \$20 in cost or trivial items of informational value;
 - (iv) Reasonable expenses for food, travel, lodging, and scheduled entertainment of the official or the employee at a meeting which is given in return for the participation of the official or employee in a panel or speaking engagement at the meeting;
 - (v) Gifts of tickets or free admission extended to an elected local official to attend a charitable, cultural, or political event, if the purpose of this gift or admission is a courtesy or ceremony extended to the elected official's office;
 - (vi) A specific gift or class of gifts that the Commission exempts from the operation of this subsection upon a finding, in writing, that acceptance of the gift or class of gifts would not be detrimental to the impartial conduct of the business of the County and that the gift is purely personal and private in nature;
 - (vii) Gifts from a person related to the official or employee by blood or marriage, or any other individual who is a member of the household of the official or employee; or
 - (viii) Honoraria for speaking to or participating in a meeting, provided that the offering of the honorarium is not related in any way to the official's or employee's official position.
- (i) Disclosure of confidential information. Other than in the discharge of official duties, an official or employee or former official or employee may not disclose or use confidential information, that the official or employee acquired by reason of the individual's public position or former public position official's and that is not available to the public, for the economic benefit of the official or employee or that of another person.
 - (j) An official or employee may not retaliate against an individual for reporting or participating in an investigation of a potential violation of the local ethics law or ordinance.

Section 5. Financial disclosure — local elected officials and candidates to be local elected officials.

- (a)
 - (1) This section applies to all local elected officials and candidates to be local elected officials.
 - (2) Except as provided in subsection (b) of this section, a local elected official or a candidate to be a local elected official shall file the financial disclosure statement required under this section:
 - (i) On a form provided by the Commission;
 - (ii) Under oath or affirmation; and
 - (iii) With the Commission.
 - (3) Deadlines for filing statements.
 - (i) An incumbent local elected official shall file a financial disclosure statement annually no later than April 30 of each year for the preceding calendar year.
 - (ii) An individual who is appointed to fill a vacancy in an office for which a financial disclosure statement is required and who has not already filed a financial disclosure statement shall file a statement for the preceding calendar year within 30 days after appointment.
 - (iii)
 - (A) An individual who, other than by reason of death, leaves an office for which a statement is required shall file a statement within 60 days after leaving the office.
 - (B) The statement shall cover:
 - 1. The calendar year immediately preceding the year in which the individual left office, unless a statement covering that year has already been filed by the individual; and

2. The portion of the current calendar year during which the individual held the office.

(b) Candidates to be local elected officials.

- (1) Except for an official who has filed a financial disclosure statement under another provision of this section for the reporting period, a candidate to be an elected local official shall file a financial disclosure statement each year beginning with the year in which the certificate of candidacy is filed through the year of the election.
- (2) A candidate to be an elected local official shall file a statement required under this section:
 - (i) In the year the certificate of candidacy is filed, no later than the filing of the certificate of candidacy;
 - (ii) In the year of the election, on or before the earlier of April 30 or the last day for the withdrawal of candidacy; and
 - (iii) In all other years for which a statement is required, on or before April 30.
- (3) A candidate to be an elected official:
 - (i) May file the statement required under §5(b)(2)(i) of this chapter with the County Administrator or Board of Election Supervisors with the certificate of candidacy or with the Commission prior to filing the certificate of candidacy; and
 - (ii) Shall file the statements required under §5(b)(2)(ii) and (iii) with the Commission.
- (4) If a statement required to be filed by a candidate is overdue and not filed within 8 days after written notice of the failure to file is provided by the County Administrator or Board of Election Supervisor, the candidate is deemed to have withdrawn the candidacy.
- (5) The County Administrator or Board of Election Supervisors may not accept any certificate of candidacy unless a statement has been filed in proper form.
- (6) Within 30 days of the receipt of a statement required under this section, the County Administrator or Board of Election Supervisors shall forward the statement to the Commission or the office designated by the Commission.

(c) Public record.

- (1) The Commission or office designated by the Commission shall maintain all financial disclosure statements filed under this section.
- (2) Financial disclosure statements shall be made available during normal office hours for examination and copying by the public subject to reasonable fees and administrative procedures established by the Commission.
- (3) If an individual examines or copies a financial disclosure statement, the Commission or the office designated by the Commission shall record:
 - (i) The name and home address of the individual reviewing or copying the statement; and
 - (ii) The name of the person whose financial disclosure statement was examined or copied.
- (4) Upon request by the official or employee whose financial disclosure statement was examined or copied, the Commission or the office designated by the Commission shall provide the official with a copy of the name and home address of the person who reviewed the official's financial disclosure statement.
- (5) For statements filed after January 1, 2019, the Commission or the office designated by the Commission may not provide public access to an individual's home address that the individual has designated as the individual's home address.
- (6) The Commission or office designated by the Commission shall not provide public access to information related to consideration received from:

- (i) The University of Maryland Medical System;
 - (ii) A governmental entity of the State or a local government in the State; or
 - (iii) A quasi-governmental entity of the State or local government in the State.
- (d) Retention requirements. The Commission or the office designated by the Commission shall retain financial disclosure statements for four years from the date of receipt.
- (e) An individual who is required to disclose the name of a business under this section shall disclose any other names that the business is trading as or doing business as.
- (f) Contents of statement.
- (1) Interests in real property.
 - (i) A statement filed under this section shall include a schedule of all interests in real property wherever located.
 - (ii) For each interest in real property, the schedule shall include:
 - (A) The nature of the property and the location by street address, mailing address, or legal description of the property;
 - (B) The nature and extent of the interest held, including any conditions and encumbrances on the interest;
 - (C) The date when, the manner in which, and the identity of the person from whom the interest was acquired;
 - (D) The nature and amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired;
 - (E) If any interest was transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and the identity of the person to whom the interest was transferred; and
 - (F) The identity of any other person with an interest in the property.
 - (2) Interests in corporations and partnerships.
 - (i) A statement filed under this section shall include a schedule of all interests in any corporation, partnership, limited liability partnership, or limited liability corporation, regardless of whether the corporation or partnership does business with the County.
 - (ii) For each interest reported under this paragraph, the schedule shall include:
 - (A) The name and address of the principal office of the corporation, partnership, limited liability partnership, or limited liability corporation;
 - (B) The nature and amount of the interest held, including any conditions and encumbrances on the interest;
 - (C) With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and, if known, the identity of the person to whom the interest was transferred; and
 - (D) With respect to any interest acquired during the reporting period:
 - 1. The date when, the manner in which, and the identity of the person from whom the interest was acquired; and
 - 2. The nature and the amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.

- (iii) An individual may satisfy the requirement to report the amount of the interest held under item (ii)(B) of this paragraph by reporting, instead of a dollar amount:
 - (A) For an equity interest in a corporation, the number of shares held and, unless the corporation's stock is publicly traded, the percentage of equity interest held; or
 - (B) For an equity interest in a partnership, the percentage of equity interest held.
- (3) Interests in business entities doing business with the County.
 - (i) A statement filed under this section shall include a schedule of all interests in any business entity that does business with the County, other than interests reported under paragraph (2) of this subsection.
 - (ii) For each interest reported under this paragraph, the schedule shall include:
 - (A) The name and address of the principal office of the business entity;
 - (B) The nature and amount of the interest held, including any conditions to and encumbrances on the interest;
 - (C) With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received in exchange for the interest, and, if known, the identity of the person to whom the interest was transferred; and
 - (D) With respect to any interest acquired during the reporting period:
 1. The date when, the manner in which, and the identity of the person from whom the interest was acquired; and
 2. The nature and the amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.
- (4) Gifts.
 - (i) A statement filed under this section shall include a schedule of each gift in excess of \$20 in value or a series of gifts totaling \$100 or more received during the reporting period from or on behalf of, directly or indirectly, any one person who does business with the County, or from an association, or any entity acting on behalf of an association that is engaged only in representing counties or municipal corporations.
 - (ii) For each gift reported, the schedule shall include:
 - (A) A description of the nature and value of the gift; and
 - (B) The identity of the person from whom, or on behalf of whom, directly or indirectly, the gift was received.
- (5) Employment with or interests in entities doing business with the County.
 - (i) A statement filed under this section shall include a schedule of all offices, directorships, and salaried employment by the individual or member of the immediate family of the individual held at any time during the reporting period with entities doing business with the County.
 - (ii) For each position reported under this paragraph, the schedule shall include:
 - (A) The name and address of the principal office of the business entity;
 - (B) The title and nature of the office, directorship, or salaried employment held and the date it commenced; and
 - (C) The name of each County agency with which the entity is involved.

- (6) Indebtedness to entities doing business with or regulated by the individual's County unit or department.
- (i) A statement filed under this section shall include a schedule of all liabilities, excluding retail credit accounts, to persons doing business with or regulated by the individual's County unit or department owed at any time during the reporting period:
 - (A) By the individual; or
 - (B) By a member of the immediate family of the individual if the individual was involved in the transaction giving rise to the liability.
 - (ii) For each liability reported under this paragraph, the schedule shall include:
 - (A) The identity of the person to whom the liability was owed and the date the liability was incurred;
 - (B) The amount of the liability owed as of the end of the reporting period;
 - (C) The terms of payment of the liability and the extent to which the principal amount of the liability was increased or reduced during the year; and
 - (D) The security given, if any, for the liability.
- (7) A statement filed under this section shall include a schedule of the immediate family members of the individual employed by the County in any capacity at any time during the reporting period.
- (8) Sources of earned income.
- (i) A statement filed under this section shall include a schedule of the name and address of each place of employment and of each business entity of which the individual or a member of the individual's immediate family was a sole or partial owner and from which the individual or member of the individual's immediate family received earned income, at any time during the reporting period.
 - (ii) A minor child's employment or business ownership need not be disclosed if the agency that employs the individual does not regulate, exercise authority over, or contract with the place of employment or business entity of the minor child.
 - (iii) For a statement filed on or after January 1, 2019, if the individual's spouse is a lobbyist regulated by the County, the individual shall disclose the entity that has engaged the spouse for lobbying purposes.
- (9) Relationship with University of Maryland Medical System, State or Local Government, or Quasi-Governmental Entity.
- (i) An individual shall disclose the information specified in General Provisions Article §5-607(j)(l), Annotated Code of Maryland, for any financial or contractual relationship with:
 - (A) The University of Maryland Medical System;
 - (B) A governmental entity of the State or a local government in the State; or
 - (C) A quasi-governmental entity of the State or local government in the State.
 - (ii) For each financial or contractual relationship reported, the schedule shall include:
 - (A) A description of the relationship;
 - (B) The subject matter of the relationship; and
 - (C) The consideration.

- (10) A statement filed under this section may also include a schedule of additional interests or information that the individual making the statement wishes to disclose.
- (g) For the purposes of §5(f)(1), (2), and (3) of this chapter, the following interests are considered to be the interests of the individual making the statement:
- (1) An interest held by a member of the individual's immediate family, if the interest was, at any time during the reporting period, directly or indirectly controlled by the individual.
 - (2) An interest held, at any time during the applicable period, by:
 - (i) A business entity in which the individual held a 10% or greater interest;
 - (ii) A business entity described in item (i) of this subsection in which the business entity held a 25% or greater interest;
 - (iii) A business entity described in item (ii) of this subsection in which the business entity held a 50% or greater interest; and
 - (iv) A business entity in which the individual directly or indirectly, though an interest in one or a combination of other business entities, holds a 10% or greater interest.
 - (3) An interest held by a trust or an estate in which, at any time during the reporting period:
 - (i) The individual held a reversionary interest or was a beneficiary; or
 - (ii) If a revocable trust, the individual was a settlor.
- (h)
- (1) The Commission shall review the financial disclosure statements submitted under this section for compliance with the provisions of this section and shall notify an individual submitting the statement of any omissions or deficiencies.
 - (2) The County Ethics Commission may take appropriate enforcement action to ensure compliance with this section.

Section 6. Financial disclosure — employees and appointed officials.

- (a) This section only applies to the following appointed officials and employees:

- (1) County Commissioners
 - (2) County Administrator
 - (3) County Attorney
 - (4) County Health Officer
- Directors/Division Chiefs/Managers of:
- (5) Department of Emergency Services
 - (6) Department of Financial Services
 - Purchasing Division Chief
 - (7) Department of Human Resources
 - (8) Department of Community Development
 - Airport Division Chief
 - Business Development Manager
 - Planning Assistant Director
 - (9) Department of Public Works
 - Capital Projects Division Chief
 - Engineering Division Chief
 - Facilities & Maintenance Division Chief
 - Roads Division Chief
 - Utilities Division Chief
 - Solid Waste & Recycling Division Chief
 - (10) Department of Technology & Communications
 - (11) Ruth Enlow Library of Garrett County

- (b) A statement filed under this section shall be filed with the Commission under oath or affirmation.
- (c) On or before April 30 of each year during which an official or employee holds office, an official or employee shall file a statement disclosing gifts received during the preceding calendar year from any person that contracts with or is regulated by the County, including the name of the business entity in which the individual directly or indirectly, though an interest in one or a combination of other business entities, holds a 10% or greater interest. The donor of the gift and the approximate retail value at the time of receipt.
- (d) An official or employee shall disclose employment and interests that raise conflicts of interest or potential conflicts of interest in connection with a specific proposed action by the employee or official sufficiently in advance of the action to provide adequate disclosure to the public.
- (e) An individual who is required to disclose the name of a business under this section shall disclose any other names that the business is trading as or doing business as.
- (f) Relationship with University of Maryland Medical System, State or Local Government, or Quasi-Governmental Entity.
 - (1) An individual shall disclose the information specified in General Provisions Article §5-607(j)(1), Annotated Code of Maryland, for any financial or contractual relationship with:
 - (i) The University of Maryland Medical System;
 - (ii) A governmental entity of the State or a local government in the State; or
 - (iii) A quasi-governmental entity of the State or local government in the State.
 - (2) For each financial or contractual relationship reported, the schedule shall include:
 - (i) A description of the relationship;
 - (ii) The subject matter of the relationship; and
 - (iii) The consideration.
- (g) The Commission shall maintain all disclosure statements filed under this section as public records available for public inspection and copying as provided in §5(c) and (d) of this chapter.

Section 7. Lobbying.

- (a) A person shall file a lobbying registration statement with the Commission if the person:
 - (1) personally appears before a County official or employee with the intent to influence that person in performance of the official duties of the official or employee; and
 - (2) in connection with the intent to influence, expends or reasonably expects to expend in a given calendar year in excess of \$500 on food, entertainment, or other gifts for officials or employees of the County.
- (b) A person shall file a registration statement required under this section on or before the later of January 15 of the calendar year or within 5 days after first performing an act that requires registration in the calendar year.
- (c)
 - (1) The registration statement shall identify:
 - (i) The registrant;
 - (ii) Any other person on whose behalf the registrant acts; and
 - (iii) The subject matter on which the registrant proposes to make appearances specified in subsection (a) of this section.
 - (2) The registration statement shall cover a defined registration period not to exceed one calendar year.
- (d) Within 30 days after the end of any calendar year during which a person was registered under this section, the person shall file a report with the Commission disclosing:

- (1) The value, date, and nature of any food, entertainment, or other gift provided to a County official or employee; and
 - (2) If a gift or series of gifts to a single official or employee exceeds \$500 in value, the identity of the official or employee.
- (e) The Commission shall maintain the registrations and reports filed under this section as public records available for public inspection and copying for four years after receipt by the Commission.

Section 8. Exemptions and modifications.

The Commission may grant exemptions and modifications to the provisions of §§4 and 6 of this chapter to employees and to appointed members of County Boards and Commissions, when the Commission finds that an exemption or modification would not be contrary to the purposes of this chapter, and the application of this chapter would:

- (a) Constitute an unreasonable invasion of privacy; and
- (b) Significantly reduce the availability of qualified persons for public service.

Section 9. Enforcement.

- (a) The Commission may:
 - (1) Assess a late fee of \$5 per day up to a maximum of \$500 for a failure to timely file a financial disclosure statement required under §5 or 6 of this chapter;
 - (2) Assess a late fee of \$10 per day up to a maximum of \$1,000 for a failure to file a timely lobbyist registration or lobbyist report required under §7 of this chapter; and
 - (3) Issue a cease and desist order against any person found to be in violation of this chapter.
- (b) (1) Upon a finding of a violation of any provision of this chapter, the Commission may:
 - (i) Issue an order of compliance directing the respondent to cease and desist from the violation;
 - (ii) Issue a reprimand; or
 - (iii) Recommend to the appropriate authority other appropriate discipline of the respondent, including censure or removal if that discipline is authorized by law.
- (2) If the Commission finds that a respondent has violated §7 of this chapter, the Commission may:
 - (i) Require a respondent who is a registered lobbyist to file any additional reports or information that reasonably related to the information that is required under §7 of this chapter;
 - (ii) Impose a fine not exceeding \$5,000 for each violation; and
 - (iii) Suspend the registration of an individual registered lobbyist if the Commission finds that the lobbyist has knowingly and willfully violated §7 of this chapter or has been convicted of a criminal offense arising from lobbying activities.
- (c) (1) Upon request of by the Commission, the County Attorney may file a petition for injunctive or other relief in the Circuit Court of Garrett County, or in any other court having proper venue for the purpose of requiring compliance with the provisions of this chapter.
- (2) (i) The court may:
 - (A) Issue an order to cease and desist from the violation;
 - (B) Except as provided in subparagraph (ii) of this paragraph, void an official action taken by an official or employee with a conflict of interest prohibited by this chapter when the action arises from or concerns the subject matter of the conflict and if the legal action is brought within 90 days of the occurrence

of the official action, if the court deems voiding the action to be in the best interest of the public; or

- (C) Impose a fine of up to \$5,000 for any violation of the provisions of this chapter, with each day upon which the violation occurs constituting a separate offense.
 - (ii) A court may not void any official action appropriating public funds, levying taxes, or providing for the issuance of bonds, notes, or other evidences of public obligations.
- (d) In addition to any other enforcement provisions in this chapter, a person who the Commission or a court finds has violated this chapter:
 - (1) Is subject to termination or other disciplinary action; and
 - (2) May be suspended from receiving payment of salary or other compensation pending full compliance with the terms of an order of the Commission or a court.
- (e) A County official or employee found to have violated this chapter is subject to disciplinary or other appropriate personnel action, including removal from office, disciplinary action, suspension of salary, or other sanction.
- (f) Violation of §7 of this chapter shall be a misdemeanor subject to a fine of up to \$10,000 or imprisonment of up to one year.
- (g) A finding of a violation of this chapter by the Commission is public information.

THE BOARD OF GARRETT COUNTY COMMISSIONERS

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Board of Commissioners

Paul C. Edwards

Ryan S. Savage

S. Larry Tichnell

County Administrator

Kevin G. Null

County Attorney

Gorman E. Getty III

CIR CT GARRETT CO, MD

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BUILDING CODE ORDINANCE

Adoption of the 2021 International Building Code, the 2021 International Residential Code,
and the 2021 International Energy Conservation Code.

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF GARRETT COUNTY, MARYLAND, A BODY POLITIC AND CORPORATE AND A POLITICAL SUBDIVISION OF THE STATE OF MARYLAND, PURSUANT TO THE PROVISIONS OF PUBLIC SAFETY ARTICLE 12 SUB-SECTIONS 501-507 OF THE ANNOTATED CODE OF MARYLAND (THE "STATE CODE") REPEALING AND ADOPTING THE 'GARRETT COUNTY BUILDING CODE' (THE "CODE") PURSUANT TO THE PROVISIONS OF THE GARRETT COUNTY CODE, THE SAME BEING ARTICLE 12, OF THE CODE OF PUBLIC LOCAL LAWS OF THE STATE OF MARYLAND, REGULATING AND PROVIDING FOR MINIMUM STANDARDS GOVERNING THE DESIGN, CONSTRUCTION, ALTERATION, ENLARGEMENT, REPAIR, DEMOLITION, REMOVAL AND USE OF CERTAIN BUILDINGS AND STRUCTURES; REGULATING THE FABRICATION, ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR AND USE OF ONE AND TWO FAMILY DWELLINGS, THEIR APPURTENANCES AND ACCESSORY STRUCTURES; AND PROVIDING FOR THE ISSUANCE OF BUILDING PERMITS, REVIEW OF CONSTRUCTION DRAWINGS, INSPECTIONS OF THE WORK, ISSUANCE OF CERTIFICATES OF USE AND OCCUPANCY PERMITS AS REQUIRED, AND THE COLLECTION OF PERMIT AND ASSOCIATED FEES; AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

EXPLANATION

WHEREAS, Pursuant to Public Safety Article Subtitle 12, Chapter 51, the State of Maryland has adopted a uniform building code known as the Maryland Building Performance Standards and directed that local jurisdictions are responsible for the implementation and enforcement of the Maryland Building Performance Standards within their jurisdiction; and

WHEREAS, the Maryland Building Performance Standards specifies that the building codes in the State of Maryland shall be the International Building Code 2021 (IBC-21), the International Residential Code 2021 (IRC-21) and the International Energy Conservation Code 2021 (IECC-21) (the "2021 Building Codes"); and

WHEREAS, the Board of County Commissioners of Garrett County, Maryland (the "County") has determined that the adoption and implementation of these Building Codes is necessary to promote the health, safety and welfare of the citizens of Garrett County; and

WHEREAS, the County has determined what local amendments to the Maryland Building Performance Standards are necessary or desirable for Garrett County and have reviewed the comments on these amendments received in writing and at public hearing.

NOW, THEREFORE, be it enacted and ordained by the Board of County Commissioners of Garrett County, Maryland, a body politic and Corporate and a political subdivision of the State of Maryland that the Building Code Ordinance effective July 1, 2015 and adopted by the Board of County Commissioners and incorporated within the County Code of Ordinance Title XV, Chapter 150, Section 150.02, 150.03, and 150.04, is hereby repealed in its entirety; and the 2021 Building Codes, subject to the local amendments be and are hereby adopted as follows;

NOW THEREFORE, be it enacted and ordained that the Board of County Commissioners do hereby enact the following ordinance with amendments to be included within the County Code of Ordinance, Title XV, Chapter 150, Sections 150.02, 150.03 and 150.04.

ARTICLE I. ADOPTION OF THE INTERNATIONAL BUILDING CODE BY REFERENCE

The International Building Code **2021** (hereinafter referred to as the Code) published by the International Code Council, Inc, is hereby adopted and by reference thereto is made a part of this chapter with the same force and effect as though set out in full herein, save and except such changes, amendments, revisions, deletions, substitutions and/or additions as are specified in this chapter. If conflicts arise between this code and other codes adopted by the State of Maryland or Garrett County, the more restrictive provisions shall govern.

At least one copy of this code and supplements thereto shall be on file and open for public use, examination, and inspection in the offices of the Garrett County Department of Community Development Permits & Inspections Division.

Section 1. Modifications to the International Building Code

1. **Chapter 1, Section 101.1 Title** is hereby amended by inserting "GARRETT COUNTY" as the "[NAME OF JURISDICTION]".
2. **Chapter 1, Section 103.1 Creation of enforcement agency** shall be amended to read as follows: "The Garrett County Department of Community Development, Permits & Inspections Division shall be responsible for administration and enforcement of this code. The *building official* shall be the staff person(s) designated within the Permits & Inspections Division responsible for enforcing the provisions of the code.
3. **Chapter 1, Section 104.10.1 Flood hazard areas** is deleted and replaced with the following: "**Flood hazard areas**. Modifications to any provisions required in flood hazard areas shall only be granted in compliance with Appendix G of this chapter."
4. **Chapter 1**, Add a new Section to read as follows: "**104.12 Withholding of Permits**: Whenever the building official shall find that any person, agent, firm or corporation, whether as owner, lessee or occupant is in violation of the provisions of this code or of the rules and regulations of any other department or agency of Garrett County in connection with the erection, or repair of buildings, structures, lands, or equipment then or therein, they may refuse to grant any further permits or inspections until all violations have been corrected and approved."
5. **Chapter 1, Section 105.2 Work exempt from permit exemption 1.** is hereby amended by deleting "120 square feet" and inserting "240 square feet".
6. **Chapter 1, Section 105.2 Work exempt from permit** is amended by adding the following exemption: "14. Agricultural structures: The provisions of this Code shall not apply to the construction, maintenance or alternation of buildings or structures on farms which are zoned or assessed agricultural and used only for agricultural pursuits if such buildings and/or structures are not intended for, nor used for, human occupancy."
7. **Chapter 1, Section 105.3 Application for permit** is hereby amended by deleting the words "file an application therefor in writing on a form furnished by the department of building safety for that purpose" and inserting "make application to the Permits & Inspections Division".
8. **Chapter 1, Section 105.5 Expiration** is hereby amended by deleting "180 days" and inserting "one year" in all instances.
9. **Chapter 1, Section 107.1 General** is hereby amended by deleting "a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed" in the second sentence and inserting "a Maryland licensed architect and/or structural engineer".
10. **Chapter 1, Section 107.1 General** is amended by adding the following "**Exception 2**. The building official is authorized to waive the requirement that construction documents be submitted by a Maryland licensed architect and/or structural engineer if the submitted construction documents are found to sufficiently

illustrate compliance with all pertinent code requirements. Documents should include a detailed floor plan and show footings and foundations; means of egress; framing and structural elements; and insulation values as applicable to the project.

11. **Chapter 1, Section 107.2.2 Fire protection system shop drawings** is amended by inserting "to the Maryland State Fire Marshal" after the word "submitted".
12. **Chapter 1, Section 107.2.6 Site Plan** is hereby amended by deleting the first word "The" and inserting the following phrase in lieu thereof "In those instances when a proposed building project is commercial, industrial, multi family, and/or located within an area of the County or municipality where zoning regulations require a site plan,".
13. **Chapter 1, Section 109.2 Schedule of permit fees** is amended by deleting "the applicable governing authority" and inserting "resolution of the Board of County Commissioners."
14. **Chapter 1, Section 109.6 Refunds** is deleted, and the following is inserted in lieu thereof: "109.6 Refunds: Where no work has been done under a permit issued under this chapter, the holder of the permit may deliver the permit to the Permits & Inspections Division, and upon cancellation thereof shall be refunded 50% of the fee paid therefore provided that the application for the refund is made within 12 months of permit issuance. When a permit is disapproved or withdrawn, the applicant shall be refunded 50% of the fee paid. In either case, no refund shall be made until all plan examination fees, permit processing fees, and all penalties which may have been imposed on the permit holder under the requirements of this Code shall first be collected."
15. **Chapter 1, SECTION 111 CERTIFICATE OF OCCUPANCY** Add a new Section 111.3.1 to read as follows "**111.3.1 Partial occupancy.** Upon request of the holder of a permit, the building official shall issue a partial occupancy permit for a part of the building or structure before the entire work covered by the permit shall have been completed if that part of the building may be occupied safely prior to full completion of the building or structure without endangering life or public welfare. Partial occupancy permits shall be reviewed by the building official every twelve months from date of issue to ascertain the status of the full completion of the building or structure. If no substantial work is accomplished on the building or structure within 12 months after the partial occupancy permit date of issue, the original building permit will be invalid and to complete the building or structure another building permit must be obtained. This section is not intended to displace persons residing within the structure pending the completion of the structure approved under the original permit."
16. **Chapter 1, Section 113.3 Qualifications** is deleted and the following inserted in lieu thereof: "**113.3 Qualifications.** The Board of Appeals shall consist of five individuals, one from each of the following professions or disciplines:
 1. Registered design professional who is an architect or engineer.
 2. Home builder with at least five years of experience.
 3. General contractor for commercial/industrial construction with at least five years of experience.
 4. Electrical contractor duly certified by the appropriate jurisdiction with at least five years of experience.
 5. Plumbing contractor duly certified by the appropriate jurisdiction with at least five years of experience.
17. **Chapter 1, Section 114 Violation penalties** is amended by adding "**Section 114.4.1 Construction without a building permit.** Any person who shall attempt to erect, construct, alter, repair, or move a structure, make a change in occupancy, or install or alter any equipment which is regulated by this code without a valid permit issued by the building official shall be guilty of a misdemeanor punishable by a fine of \$250 for the first offense, \$500 for the second offense and \$1000 for the third offense and each succeeding offense. Each day that construction continues after due notice has been served the party in violation shall be subject to the fine for the applicable offense.
18. **Chapter 1, Section Violation penalties** is amended by adding **Section 114.4.2 Other code violations:** Any person who shall violate a provision of this code other than the violation defined in 114.4.1 above or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of \$250 for the first offense, \$500

for the second offense and \$1000 for the third offense and each succeeding offense, or by imprisonment not exceeding thirty 30 days or both such fine and imprisonment and regardless of the penalty duly adjudged shall be required to correct the violation. Each day that a violation continues after due notice has been served shall be deemed a separate offense."

19. **Chapter 1, SECTION 114 VIOLATIONS** is amended by adding "**Section 114.5 Enforcement, suspension, or revocation of permits, inspections, and use and occupancy permits.**
- A. Enforcement procedure.
1. When the building official, or his representative, determines that a violation of the Building Code, standard construction controls, or the provisions of this chapter has occurred, the on-site general contractor or building permittee shall be notified in writing of the violation and of the required corrective action and the time period in which to have the violation corrected.
 2. If the violation persists after the date specified for corrective action in the notice of violation, the Permits & Inspections Division shall stop work on the site by the issuance of a stop work order pursuant to Section 115 of this chapter.
 3. If reasonable efforts to correct the violation are not undertaken in a timely manner, the Permits & Inspections Division may refer the violation for legal action.
 4. The Permits & Inspections Division may deny or recommend denial of the issuance of any permit to an applicant when it determines that the applicant is not in compliance with the Building Code, standard construction controls, or the provisions of this Chapter on any site.
 5. Any step in this enforcement process may be taken at any time, depending upon the severity of the violation.
- B. Suspension or revocation of permits, inspections and use and occupancy certificates by the building official after notice.
1. Uncorrected violations of the Building Code, standard construction controls, or the provisions of this Chapter or any other applicable law, ordinance, rule or regulation relating to the work involving any Permits & Inspections Division or agency of Garrett County may result in the suspension or revocation of permits, inspections or licenses.
 2. Existence of any condition or the doing of any act constituting or creating a nuisance, hazard, or endangerment of human life or property of others may result in the suspension or revocation of permits, inspections or licenses.
- C. If conditions warrant, no notice of violation is necessary and the Permits & Inspections Division, may proceed directly with
1. a stop work order,
 2. legal action; or
 3. suspension or revocation of permits, inspections and/or use and occupancy certificates.
20. **Chapter 1, Section 115.4 Failure to comply** is hereby amended by deleting "subject to fines established by the authority having jurisdiction" and inserting "subject to a fine of \$250 for the first offense, \$500 for the second offense and \$1000 for the third offense and each succeeding offense."
21. **Chapter 3, Section 305.2 Group E, day care facilities** is amended by deleting "five children" and inserting "eight children".
22. **Chapter 3, Section 308.5 Institutional Group I-4, day care facilities** is amended by deleting "five persons" and inserting "eight persons".
23. **Chapter 3, Section 308.5.1 Classification as Group E** is amended by adding the following: "Exception: A childcare facility may be classified as I-4 when the facility is classified as a day care occupancy under the State Fire Prevention Code."
24. **Chapter 3, Section 310.4.1 Care facilities within a dwelling** is amended by deleting "five or fewer persons" and inserting "eight or fewer persons".

25. **Chapter 4, Section 401.1 Detailed occupancy and use requirements**, is amended by adding the following: "The construction, location, anchorage and tie down of mobile units will be governed by Appendix AE of the International Residential Code."
26. **Chapter 4, Section 406.2.7 Electric vehicle charging stations and systems**, is amended by deleting the final sentence "Accessibility to electric vehicle charging stations shall be provided in accordance with Section 1107".
27. **Chapter 4, Section 411.5 Puzzle room exiting** is amended by deleting item 3 and replacing it with "3. All exits and exit access doors from each puzzle room shall be open and readily available upon activation by the automatic fire alarm system, automatic sprinkler system, a manual control at a constantly attended location and shall have a readily accessible control located inside each puzzle room."
28. **Chapter 5, Section 510.2 Horizontal building separation allowance** is amended by deleting condition 4. Condition 7 is amended by replacing "grade plane" with "lowest level of fire department vehicle access".
29. **Chapter 9, Section 901.1 Scope** is amended by adding the following: "Fire protection system requirements of Chapter 9 may be concurrently covered in the State Fire Prevention Code, Public Safety Article Title 6 and Title 9, Annotated Code of Maryland, and COMAR 29.06.01. The State Fire Prevention Code is enforced by the State Fire Marshal or authorized fire official."
30. **Chapter 9, Section 907.2.1.1 System initiation in Group A occupancies with an occupant load of 1,000 or more** is amended by replacing "1,000" with "300"
31. **Chapter 10, Section 1001.1 General** is amended by adding the following: "Means of egress requirements of Chapter 10 may be concurrently covered in the State Fire Prevention Code, Public Safety Article, Title 6, Annotated Code of Maryland, and COMAR 29.06.01. The State Fire Prevention Code is enforced by the State Fire Marshal or authorized fire official."
32. **Section 1004.8 Concentrated business use areas** is amended by adding "nail salons," after "call centers," and before "trading floors".
33. **Chapter 11 Accessibility** is hereby replaced with the Maryland Accessibility Code, as set forth in COMAR 09.12.53.
34. **Chapter 16, Section 1608.2 Ground snow loads** is amended by adding the following sentence to the end of the section: "The minimum ground snow load for Garrett County shall be 40 lbs. per sq. ft."
35. **Chapter 16, Section 1612 Flood Loads** is deleted, and the following is inserted in lieu thereof: "1612 All buildings and structures erected in areas prone to flooding shall be regulated by Appendix G of this chapter."
36. **Chapter 17, Section 1705.1.1, Special Cases** is hereby amended by adding a new example: "#4: In damaged structures, reuse of fire damaged wood is acceptable if the damage does not significantly reduce its load bearing capacity. A special inspection shall be required to identify and verify all remaining wood members to be used in reconstruction. All remaining charred or smoked wood members, whether structural or not, shall be thoroughly cleaned and sealed to prevent deterioration and control odor."
37. **Chapter 18, Section 1805.1 General** is deleted, and the following is inserted in lieu thereof: "**1805.1 Where required.** Walls or portions thereof that retain earth shall be waterproofed and damp-proofed in accordance with this section. Ventilation for crawlspaces shall comply with Section 1202.4."
38. **Chapter 18, Section 1809.5 Frost protection method #1** is hereby amended by adding "which shall be thirty-six (36) inches for Garrett County, Maryland" after the word "locality".
39. **Chapter 24 GLASS AND GLAZING, Section 2401.1 Scope** is amended by adding the following: "The requirements for safety glazing set forth in Public Safety Article, Title 12, Subtitle 4 of the Annotated Code of Maryland, are in addition to Chapter 24, Section 2406 of the IBC related to safety glazing. In the event of a conflict between Chapter 24 of the IBC and the Annotated Code of Maryland, the requirements of the Annotated Code of Maryland prevail."

40. **Chapter 27 ELECTRICAL, Section 2701.1 Scope** is amended by adding the following: "For the applicable electrical requirements, refer to the Garrett County Electrical Code Ordinance and the National Electrical Code as adopted and enforced by the State Fire Marshal pursuant to the provisions of the Public Safety Article, Title 12, Subtitle 6, Annotated Code of Maryland."
41. **Chapter 28 MECHANICAL SYSTEMS, Section 2801.1 Scope** is amended by adding the following: "For the applicable requirements concerning mechanical systems, refer to the Garrett County Mechanical Code and the mechanical code adopted pursuant to the Business Regulation Article, 9A-205, Annotated Code of Maryland."
42. **Chapter 29 PLUMBING SYSTEMS, Section 9801.1 Scope** is amended by adding the following: "For the applicable requirements concerning plumbing systems, refer to the Garrett County Plumbing Code Ordinance and the plumbing code adopted pursuant to the Business Occupations and Professions Article, Title 12, Annotated Code of Maryland."
43. **Chapter 30, ELEVATORS AND CONVEYING SYSTEMS, Section 3001.1 Scope** is amended by adding the following: "The provisions of this chapter relate to elevators and conveying systems and are in addition to, and not instead of, the requirements set forth in the Public Safety Article, Title 12, Subtitle 8, Annotated Code of Maryland. In the event of a conflict between the IBC and the Annotated Code of Maryland, the provisions of the Annotated Code of Maryland prevail."
44. **Chapter 31, Section 3103.1.2 Permit Required** is deleted and the following inserted in lieu thereof: "**3103.1.2 Permit required:** All temporary structures that cover an area in excess of 750 sq. ft. shall not be erected, operated, or maintained for any purpose without obtaining a permit from the Code Official. Exception: Tents used exclusively for recreational camping purposes shall be exempt from the above requirements."
45. **Chapter 31, Section 3109.1 General** is amended by adding the following after the words Spa Code: "as adopted & amended by the State of Maryland in COMAR 09.12.56"
46. **Appendix G, FLOOD RESISTANT CONSTRUCTION**, is hereby deleted and the Garrett County Floodplain Management Ordinance is inserted in lieu thereof and incorporated into this Ordinance.
47. **Appendix H SIGNS** is hereby incorporated into this Ordinance.

Section 2. Status of building permits applied for prior to the effective date of this Ordinance

"This Ordinance shall not apply to buildings for which a permit is applied for prior to the effective date of this Chapter."

ARTICLE II. ADOPTION OF THE INTERNATIONAL RESIDENTIAL CODE BY REFERENCE

The International Residential Code, **2021** (hereinafter referred to as the Code) published by the International Code Council, Inc, is hereby adopted and by reference thereto is made a part of this chapter with the same force and effect as though set out in full herein, save and except such changes, amendments, revisions, deletions, substitutions and/or additions as are specified in this chapter. If conflicts arise between this code and other codes adopted by the State of Maryland or Garrett County, the more restrictive provisions shall govern.

At least one copy of this code and supplements thereto shall be on file and open for public use, examinations, and inspections in the offices of the Garrett County Department of Community Development - Permits & Inspections Division

Section 1. Modifications to International Residential Code:

1. **Chapter 1, Section R101.1 Title** is amended by inserting "GARRETT COUNTY" as the "[NAME OF JURISDICTION]".
2. **Chapter 1, Section R101.2 Scope, Exception 3, 4 and 5** are each amended by deleting "five or fewer persons" and inserting "eight or fewer persons".

3. **SCOPE AND ADMINISTRATION** is hereby deleted and replaced with the following: **“SCOPE AND ADMINISTRATION.** Chapter 1 of the International Building Code as amended within this ordinance shall apply to the administration of the International Residential Code.”
4. **Chapter 3, Table R301.2 CLIMATE AND GEOGRAPHIC DESIGN CRITERIA** is to be completed by inserting the data listed below and keyed to the table headings.
 - a. Ground snow load: 40 psf
 - b. Wind speed: 115 (mph)
 - c. Topographic effects: No
 - d. Special wind region: No
 - e. Wind-borne debris zone: No
 - f. Seismic design category: A
 - g. Weathering: Severe
 - h. Frost line depth: 36 inches
 - i. Termite: Moderate to Heavy
 - j. Ice barrier underlayment required: Yes
 - k. Flood Hazards: 3/2/89 – 10/2/2013. FIRM Panel #'s available upon request
 - l. Air freezing index: 1309
 - m. Mean annual Temp: 47.6
 - n. Elevation: 1948
 - o. Altitude correction factor: 0.98
 - p. Coincident wet bulb: 70
 - q. Indoor winter design dry-bulb temperature: 70
 - r. Outdoor winter design dry-bulb temperature: 5
 - s. Heating temperature difference: 65
 - t. Latitude: 38 Degrees North
 - u. Daily Range: M
 - v. Indoor summer design relative humidity: 50%
 - w. Summer design gains: 26
 - x. Indoor summer design dry-bulb temperature: 75
 - y. Outdoor summer design dry-bulb temperature: 83
 - z. Cooling temperature difference: 8
5. **Chapter 3, Table R302.6 DWELLING GARAGE SEPARATION** is amended by deleting “½-inch gypsum board” in all applicable sections and inserting “5/8-inch Type X gypsum board” in lieu thereof.
6. **Chapter 3, Section R309.1 Floor surface** is amended by adding a new sentence at the end as follows: "No point on the finish garage floor of an attached garage shall be closer than four (4) inches to the finish floor level of the dwelling."
7. **Chapter 3, Section R310.1 Emergency escape and rescue opening required** is amended by deleting Exception 2.
8. **Chapter 3, Section R310.5 Replacement windows for emergency escape and rescue openings** is deleted in its entirety.
9. **Chapter 3, Section 310.6 Dwelling additions** Exception 3 is deleted in its entirety.
10. **Chapter 3, Section R310.7 Alterations or repairs of existing basement** Exception is deleted in its entirety.
11. **Chapter 3, Section R310.7.1 Existing emergency and escape rescue openings** is deleted in its entirety.
12. **Chapter 3, Section R313.2 One- and two-family dwelling automatic sprinkler systems** is amended by adding the following additional exception: “Exception 2. An automatic residential fire sprinkler system shall not be required in one- and two-family dwellings for a property not connected to an electrical utility.”

13. **Chapter 3, Section R317.1 Location required** is amended by deleting from subsection 2 the words "and are less than 8 inches (203 mm) from exposed ground" and by deleting from subsection 3 the words "unless separated from such slab by an impervious moisture barrier."
14. **Section R322.1 General** is deleted and replaced with the following: "**General.** Buildings and structures constructed in whole or in part in flood hazard areas shall comply with the Garrett County Floodplain Management Ordinance". Sections R322.1.1 through R322.1.10 are deleted.
15. **Chapter 3, Section R327.1 General** is hereby amended by adding the following after the words Spa Code: "as adopted & amended by the State of Maryland in COMAR 09.12.56"
16. **Chapter 4, Section R401.3 Drainage** is amended by deleting the last sentence and inserting the following in lieu thereof: "The grade away from the foundation shall fall a minimum of 3 inches (77 mm) within the first 5 feet (1524 mm), a slope of 5 percent." The Exception which follows is amended by deleting the words, "6 inches (152 mm) of fall within 10 feet (3048 mm)" and inserting the following in lieu thereof. "3 inches (77 mm) of fall within 5 feet (1524 mm)."
17. **Chapter 4, Figure R403.1(2) PERMANENT WOOD FOUNDATION BASEMENT WALL SECTION** is amended by deleting the note "FINISH GRADE SLOPE ½" PER FOOT MIN. 6 FT. FROM WALL" and inserting the following note in lieu thereof "MINIMUM FINISH GRADE SLOPE 3" IN 5' FROM WALL"
18. **Chapter 4, Figure R403.1(3) PERMANENT WOOD FOUNDATION CRAWL SPACE SECTION** is amended by deleting the note, "FINISH GRADE SLOPE ½ IN. PER FOOT MIN. 6 FT. FROM WALL" and inserting the following note in lieu thereof "MINIMUM FINISH GRADE SLOPE 3" IN 5' FROM WALL."
19. **Chapter 4, Section R405.1 Concrete or masonry foundations** is amended by deleting the following from the first sentence: "and enclose habitable or usable spaces located below grade."
20. **Chapter 4, Section R406.1 Concrete and masonry foundation dampproofing** is amended by deleting "and enclose interior spaces and floors below grade" from the first sentence and by deleting the last sentence and inserting the following in lieu thereof "Concrete walls shall be dampproofed by applying any one of the above listed dampproofing materials, any one of the waterproofing materials listed in Section R406.2, or any other industry accepted product to the exterior of the wall."
21. **Chapter 4, Section R406.2 Concrete and masonry foundation waterproofing** is amended by adding a new sentence as follows, "Other industry accepted products which offer comparable waterproofing performance may also be used."
22. **Chapter 5, Section R502.1 General** is amended by adding the following exception: "Exception: Lumber sold by sawmills must be visually graded structural lumber evidenced by a stamp or certificate of inspection showing species, grade, and moisture content."
23. **Chapter 5, Section R507.3 Footings** is amended by deleting Exception 2.
24. **Chapter 6, Section R602.1 General** is amended by adding the following exception: "Exception: Lumber sold by sawmills must be visually graded structural lumber evidenced by a stamp or certificate of inspection showing species, grade, and moisture content"
25. **Chapter 8, Section R802.1 General** is amended by adding the following exception: "Exception: Lumber sold by sawmills must be visually graded structural lumber evidenced by stamp or certificate of inspection showing species, grade, and moisture content."
26. **Chapter 11, ENERGY EFFICIENCY** is prefaced by the following note: "This Chapter is subject to the amendments adopted in Public Safety Article Subtitle 12, Chapter 51, Maryland Building Performance Standards."

27. **Part V-Mechanical, Chapters 12-23** are hereby prefaced by the following statement: "For the applicable requirements concerning mechanical systems, refer to the Garrett County Mechanical Code and the mechanical code adopted pursuant to the Business Regulation Article, 9A-205, Annotated Code of Maryland."
28. **Chapter 24 Fuel Gas** is hereby prefaced by the following statement: "For the applicable requirements concerning fuel gas, also refer to the Garrett County Plumbing Code Ordinance and the plumbing code adopted pursuant to the Business Occupations and Professions Article, Title 12, Annotated Code of Maryland."
29. **Chapter 24, Section G2420.3.2 (409.3.2) Individual buildings** is deleted and replaced with the following: "**Individual buildings.** A shutoff valve shall be installed outdoors, above ground and within 10 feet of each building, including at each building in a common system serving more than one building. Such shutoff valves shall be readily accessible and visible to emergency personnel."
30. **Part VII Plumbing, Chapters 25 through 33** are hereby prefaced by the following statement: "For the applicable requirements concerning plumbing systems, refer to the Garrett County Plumbing Code Ordinance and the plumbing code adopted pursuant to the Business Occupations and Professions Article, Title 12, Annotated Code of Maryland."
31. **Part VIII-Electrical, Chapters 34-43** are hereby prefaced by the following statement: "For the applicable electrical requirements, refer to the Garrett County Electrical Code Ordinance and the National Electrical Code as adopted and enforced by the State Fire Marshal pursuant to the provisions of the Public Safety Article, Title 12, Subtitle 6, Annotated Code of Maryland."
32. **Chapter 35 SERVICES, Section E3601.1 Scope** Add a new as follows: "**Section E3601.1.1 Additional references:** The installation of electrical services shall also be subject to the regulations of the power company serving the area in which the service is to be installed".
33. **APPENDIX AC EXIT TERMINALS OF MECHANICAL DRAFT AND DIRECT-VENT VENTING SYSTEMS** is hereby incorporated into this Ordinance.
34. **APPENDIX AE MANUFACTURED HOUSING USED AS DWELLINGS** is hereby incorporated into this Ordinance.
35. **APPENDIX AE, Section AE101.1 General** is amended by deleting "(non-rental)" and inserting the words "or rental" in lieu thereof.
36. **APPENDIX AE, Section AE103 DEFINITIONS** is amended by adding a new definition as follows: "RENTAL LOT. A parcel of real estate inside a manufactured home rental community or other privately owned land where the land and the manufactured home to be installed are not held in common ownership."
37. **APPENDIX AQ TINY HOUSES** is hereby incorporated into this Ordinance.

Section 2. Status of building permits applied for prior to the effective date of this Ordinance

"This Ordinance shall not apply to buildings for which a permit is applied for prior to the effective date of this Chapter."

ARTICLE III. ADOPTION OF THE INTERNATIONAL ENERGY CONSERVATION CODE BY REFERENCE

The International Energy Conservation Code, 2021 (hereinafter referred to as the Code) published by the International Code Council, Inc, is hereby adopted and by reference thereto is made a part of this chapter with the same force and effect as though set out in full herein, save and except such changes, amendments, revisions, deletions, substitutions and/or additions as are specified in this chapter. If conflicts arise between this code and other codes adopted by the State of Maryland or Garrett County, the more restrictive provisions shall govern.

At least one copy of this code and supplements thereto shall be on file and open for public use, examinations, and inspections in the offices of the Garrett County Department of Community Development Permits & Inspections Division.

Section 1. Modifications to the International Energy Conservation Code

1. The Code is prefaced by the following note: "This Code is subject to the amendments adopted in Public Safety Article Subtitle 12, Chapter 51, Maryland Building Performance Standards."
2. **Chapter 1 [CE], Section C101.1 Title** is amended is amended by inserting "GARRETT COUNTY" as the "[NAME OF JURISDICTION]".
3. **Chapter 1 [CE], PART 2 - ADMINISTRATION AND ENFORCEMENT** is hereby deleted. (Refer to the provisions within Chapter 1, International Building Code, as amended within this ordinance, for administration of the International Energy Conservation Code).
4. **Chapter 1 [RE], Section R101.1 Title** is amended is amended by inserting "GARRETT COUNTY" as the "[NAME OF JURISDICTION]".
5. **Chapter 1 [RE], PART 2 - ADMINISTRATION AND ENFORCEMENT** is hereby deleted. (Refer to the provisions within Chapter 1, International Building Code, as amended within this ordinance, for administration of the International Energy Conservation Code).

Section 2. Status of building permits applied prior to the effective date of this Ordinance

"This Ordinance shall not apply to buildings for which a permit is applied for prior to the effective date of this Chapter."

ARTICLE IV. SAVING CLAUSE

Nothing in this Ordinance or in the Code hereby adopted shall be construed to affect any suit or proceedings impending in any Court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed, nor shall any just or legal right or remedy of any character be lost, impaired or effected by this ordinance.

NOW, THEREFORE, be it further enacted that this act shall become effective on the 1st day of November 2024.

WITNESS the corporate name of the **BOARD OF COUNTY COMMISSIONERS OF GARRETT COUNTY, MARYLAND**, by Paul C. Edwards, its Chairman, attested to by Kevin G. Null, its County Administrator, this 7th day of October, 2024.

**BOARD OF COMMISSIONERS OF
GARRETT COUNTY, MARYLAND**



PAUL C. EDWARDS, Chairman



RYAN S. SAVAGE, County Commissioner



S. LARRY TICHNELL, County Commissioner

(SEAL)

ATTEST:



KEVIN G. NULL
County Administrator

THE BOARD OF GARRETT COUNTY COMMISSIONERS

203 South Fourth Street - Courthouse - Room 207 Oakland, Maryland 21550

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Board of Commissioners

Paul C. Edwards

Ryan S. Savage

S. Larry Tichnell

County Administrator

Kevin G. Null

County Attorney

Gorman E. Getty III

CIR CT GARRETT CO. MD

2024 OCT 15 AM 9:18

MECHANICAL CODE ORDINANCE

Adoption of the 2018 International Mechanical Code & establishment of Mechanical Permits and Inspections.

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF GARRETT COUNTY, MARYLAND, A BODY POLITIC AND CORPORATE AND A POLITICAL SUBDIVISION OF THE STATE OF MARYLAND, CREATING THE GARRETT COUNTY MECHANICAL CODE (THE "MECHANICAL CODE") TO THE PROVISIONS OF THE GARRETT COUNTY, MARYLAND CODE OF ORDINANCES; REGULATING AND PROVIDING MINIMUM STANDARDS GOVERNING THE INSTALLATION OF HEATING, VENTILATION, AIR CONDITIONING AND REFRIGERATION SYSTEMS; PROVIDING FOR THE ISSUANCE OF MECHANICAL PERMITS, FEES AND INSPECTIONS; AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

EXPLANATION

WHEREAS, Title 9A of the Maryland Business Regulations has created a State Board of Heating, Ventilation, Air-Conditioning, and Refrigeration Contractors and established a licensing program and standards for individuals who provide or assist in providing heating, ventilation, air-conditioning, and refrigeration services, and

WHEREAS, the Code of Maryland Regulations, Subtitle 15, Chapter 09.15.05 specifies that the Mechanical Code in the State of Maryland shall be the 2018 International Mechanical Code (IMC-18), and

WHEREAS, the Board of County Commissioners of Garrett County, Maryland (the "County") has determined that the adoption and implementation of this Mechanical Code is necessary to promote the health, safety and welfare of the citizens of Garrett County; and

WHEREAS, the County has determined what local amendments to the 2018 International Mechanical Code are necessary or desirable for Garrett County and have reviewed the comments on these amendments received in writing and at public hearing.

NOW, THEREFORE, be it enacted and ordained by the Board of County Commissioners of Garrett County, Maryland, a body politic and Corporate and a political subdivision of the State of Maryland do hereby enact the following ordinance with amendments to be included within the County Code of Ordinance, Title XV, Chapter 150, Section 150.07.

ARTICLE I. ADOPTION OF THE INTERNATIONAL MECHANICAL CODE BY REFERENCE

The International Mechanical Code 2018 (herein referred to as the "Code") published by the International Code Council is hereby adopted and by reference thereto is made a part of this chapter with the same force and effect as though set out in full herein save and except such changes, amendments, revisions, deletions, substitutions and/or additions as are specified in this chapter. If conflicts arise between this Code and other codes adopted by the State or County, the more restrictive provision shall govern. At least one copy of this code and supplements thereto shall be on file and open for public use, examination, and inspection in the Office of the Clerk to the Board of County Commissioners.

Section 1. Modifications to the International Mechanical Code

- (1) **Chapter 1, Section 101.1 Title** is amended to add "Garrett County" as the "[NAME OF JURISDICTION]".
- (2) **Chapter 1, Section 103.1 General** is deleted and the following inserted in lieu thereof: "103.1 General: The code official shall be the authorized employee(s) within the Garrett County Department of Community

Development, Permits & Inspections Division administering and enforcing mechanical codes in Garrett County.”

- (3) **Section 106.4.3 Expiration** is amended by deleting “commenced within 180 days” and inserting “commenced within one year” and by deleting “for a period of 180 days” and inserting “for a period of one year”.
- (4) **Section 106.4.4 Extensions** is amended by deleting “for a period not exceeding 180 days” and inserting “for a period not exceeding one year”
- (5) **Section 106.5.2 Fee schedule** is amended to read as follows “106.5.2 Fee schedule. The fees for mechanical work shall be paid as established by the fee schedule adopted by the Board of Garrett County Commissioners.”
- (6) **Section 106.5.3 Fee refunds** is deleted.
- (7) **Section 108.4 Violation penalties** is deleted and the following inserted in lieu thereof: “Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair mechanical work in violation of the *approved construction documents* or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine established by the fee schedule adopted by the Board of Garrett County Commissioners. Each day that a violation continues after due notice has been served shall be deemed a separate offense.”
- (8) **Section 108.5 Stop work orders** is amended by deleting “of a fine of not less than [AMOUNT] dollars or worth more than [AMOUNT]” and inserting “of a fine established by the fee schedule adopted by the Board of Garrett County Commissioners”
- (9) **Section 109.1 Application for appeal** is amended by replacing “board of appeals” with “the Building Code Board of Appeals as appointed by the Garrett County Commissioners”
- (10) **Section 109.2 Membership of board** regarding Membership of board is deleted in its entirety
- (11) **Section 1101.10 Locking access port caps** is deleted in its entirety.

ARTICLE II. SAVING CLAUSE

Nothing in this Ordinance or in the Code hereby adopted shall be construed to affect any suit or proceedings impending in any Court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed, nor shall any just or legal right or remedy of any character be lost, impaired or effected by this ordinance.

NOW, THEREFORE, be it further enacted that this act shall become effective on the 1st day of November 2024.

WITNESS the corporate name of the **BOARD OF COUNTY COMMISSIONERS OF GARRETT COUNTY, MARYLAND**, by Paul C. Edwards, its Chairman, attested to by Kevin G. Null, its County Administrator, this 7th day of October, 2024.

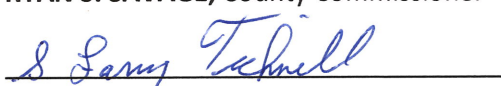
**BOARD OF COMMISSIONERS OF
GARRETT COUNTY, MARYLAND**



PAUL C. EDWARDS, Chairman



RYAN S. SAVAGE, County Commissioner



S. LARRY TICHNELL, County Commissioner

(SEAL)

ATTEST:



KEVIN G. NULL
County Administrator