

# Historic Preservation Commission

Powers & Duties



October 27, 2022



## EXECUTIVE SUMMARY

The Historic Preservation Commission is charged with several diverse functions to encourage preservation of sites, structures, and districts of historic, archeological and architectural significance in the Town. The stated objectives of the Town in establishing this Commission include preserving and enhancing the Town quality of life; safeguarding the Town heritage; stabilizing property values, fostering civic beauty; strengthening the local economy; and promoting an appreciation of Town historic buildings.

The Historic Preservation Commission is established by the Bel Air Board of Town Commissioners under State Law (Land Use Article, Annotated Code of MD, Title 8) and by Chapter 246 of the Town of Bel Air code.

The commission consists of seven members with a majority required to be residents of the Town. The Board of Town Commissioners appoint each member to serve a term of three years. Each member shall demonstrate knowledge in fields related to preservation or history and at least two members must possess professional training in one of these relate fields.

The Historic Preservation Commission Powers are as follows:

- A. To acquire, develop and preserve historic or cultural properties, buildings, fixtures, furnishings, facilities, collections, and appurtenances, with approval of the Board of Town Commissioners.
- B. To acquire and hold real and personal property of historic or cultural significance by purchase, gift, devise, or bequest and to preserve and administer such properties, with approval of the Board of Town Commissioners.
- C. To accept gifts, grants, legacies, bequests, and endowments for any purpose, with approval of the Board of Town Commissioners, as set forth in § 246-1 hereof.
- D. To accept or otherwise acquire historic preservation easements on properties located in or adjacent to a locally designated historic district upon approval by the Board of Town Commissioners.
- E. To direct studies, reports, and surveys to identify historical, archaeological, or architecturally significant sites, structures and districts that exemplify the cultural,

social, economic, political, or architectural history of the Town of Bel Air, State of Maryland or the nation.

- F. To prescribe appropriate rules and regulations for the transaction of business.
- G. To adopt rehabilitation and new construction design guidelines and criteria for construction, alteration, reconstruction, moving and/or demolition of structures and/or districts consistent with those generally recognized by the Maryland Historic Trust. These guidelines shall be used by the Historic Preservation Commission in review of applications.
- H. To perform all the functions and duties as set forth in Article 66B, § 8.01 et seq. of the Maryland Annotated Code, as amended from time to time.
- I. To undertake any action or activity necessary or appropriate to the implementation of its powers and duties and the implementation of the purpose of this chapter.

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## PROCEDURES Historic Preservation Commission

Application for Exterior Modification of a Designated Site and Tax Credit for Restoration/Preservation of a Designated Site shall be made to the Historic Preservation Commission (HPC) in accordance with Article V of the Town of Bel Air Development Regulations.

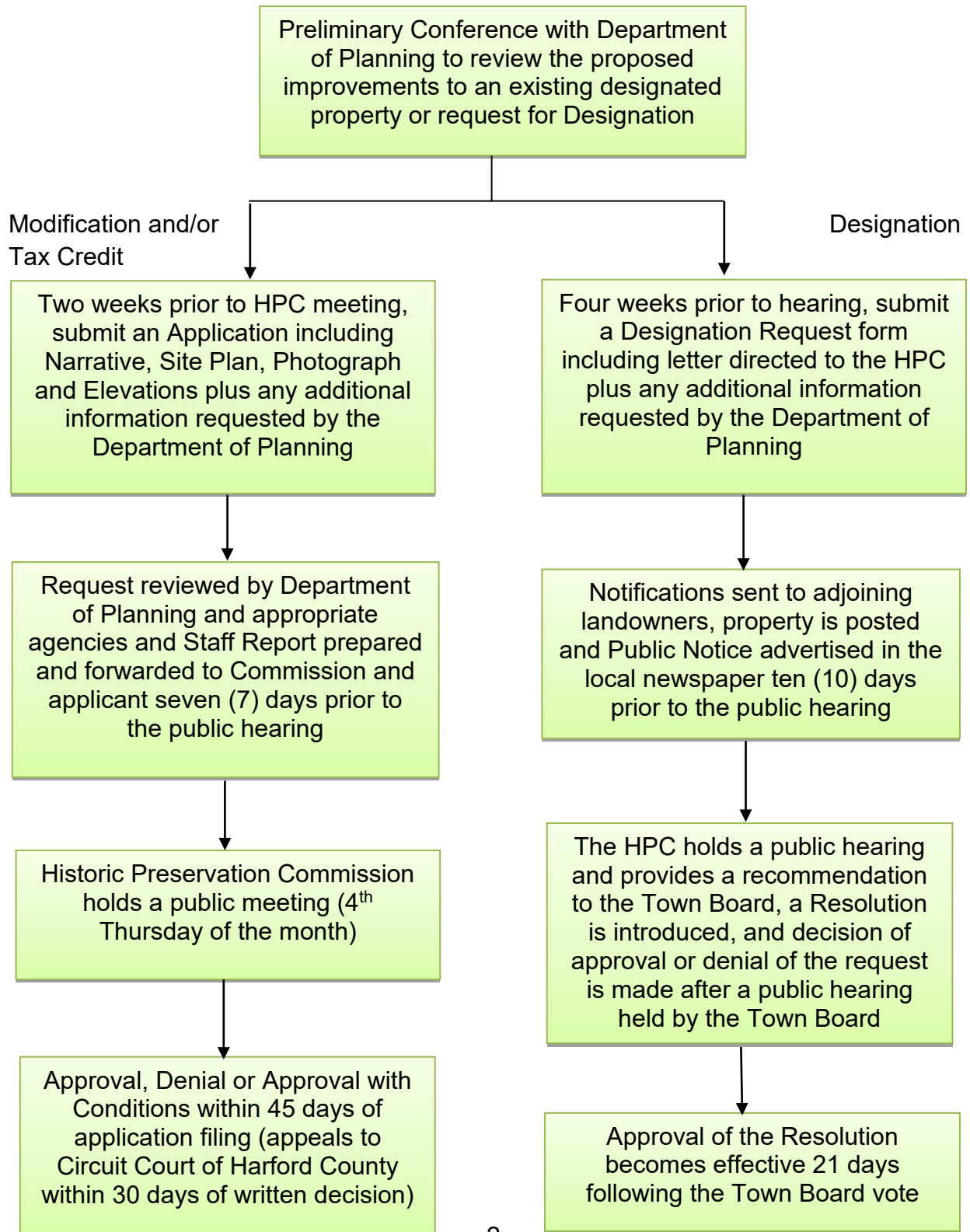
The application for Exterior Modification to a Designated Site must include the following:

- A. A complete and signed Historic Preservation Commission application with description of proposed changes
- B. A Site/Building Plan drawn to scale indicating all pertinent data such as address, parcel/tax map information, zoning, north arrow, date, deed reference, boundary information, utility data, abutting streets, existing structures, current paved areas, existing vegetation and other property information as requested by the Department of Planning
- C. List of adjoining property owner information (included with the application).
- D. Color photographs of the existing conditions and location of proposed improvements
- E. Color Elevations/Renderings of all sides of the structure including the proposed exterior improvements
- F. Material Samples/Information such as manufacturer's literature, shop drawings, etc.
- G. Any other supporting information deemed applicable to the proposed application by the Zoning Administrator
- H. If Tax Credit is requested, estimated cost of improvements
- I. Tax Credit Approval: Receipts of all Improvements

An application for Certificate of Approval must be submitted two (2) weeks prior to hearing date as described above.

Petition for Historic Site Designation must be made four (4) weeks prior to the hearing date. No revisions or additions can be made to the original submission unless approved by the Zoning Administrator or the Chair of the Commission. Changes or additions may result in the removal of the case from the Commission agenda for that month. The request to the Commission will be rescheduled once the requisite information has been received.

## REVIEW PROCESS Historic Preservation Commission





## STATE AND LOCAL REQUIREMENTS

The Title 8 of Land Use Article of the State of Maryland Annotated Code outlines the establishment and composition of the Historic Preservation Commission. In addition, State law provides for the establishment of a Historic Preservation Commission and procedures associated with designation of historic districts or sites. The process and criteria required for historically designated properties to be altered is also delineated.

Chapter 246, Historic Preservation was enacted by the Board of Town Commissioners as Ordinance 576-96 and last revised by Ordinance 664-03. The chapter includes definitions, Commission creation and powers, historic site designation, approval of alterations and appeal procedures. Once a site is designated, an application for approval is required from the Historic Preservation Commission for new construction and for moving, exterior alteration, reconstruction, or demolition of designated historic structures. This consent is called a Certificate of Approval.

In addition, Article I, Section 50-4 found in Chapter 50 in the Town Code reflects Ordinance 662-03 (amended Ordinance 434) which enables the Town to provide for certain tax credits related to restoration and preservation of historically designated structures. A separate approval from the Historic Preservation Commission is required for Tax Credit from the Town of Bel Air for any improvement or update to the exterior of the structure or surrounding structures.

## ROLE OF THE HISTORIC PRESERVATION COMMISSION

The Historic Preservation Commission was established by the Bel Air Board of Town Commissioners to protect and preserve sites, structures and districts of historic, archaeological and architectural significance.

- A. To safeguard the heritage of the Town of Bel Air by preserving the historic buildings and sites which reflect elements of its cultural, social, economic, political or architectural history
- B. To retain and improve property values in such areas
- C. To encourage property owners of historic buildings to repair and maintain their properties in ways sensitive to the building's original style and method of construction

- D. To provide guidelines for the construction of new additions to existing historic structures and for infill development in historic neighborhoods
- E. To preserve, to the extent possible, significant historical or archeological resources
- F. To encourage adaptive reuse of historic properties as part of the Town's sustainable development initiative
- G. To promote the use of historic properties for the education, pleasure and welfare of the community
- H. To foster public awareness of the Town's history and historic structures.

The Commission consists of seven (7) members who serve three (3) year terms. A majority of members must reside in the Town and all must have some expertise or special interest in historic preservation related fields. The Town Board may remove a member for cause (including three or more unexcused absences in a year). Members shall serve without compensation except for expenses related to the performance of their duties or training.

## FUNCTION OF THE HISTORIC PRESERVATION COMMISSION

The Historic Preservation Commission has specific obligations to fulfill found in both State and Local code.

- A. Review and make recommendation to the Board of Town Commissioners regarding the designation of historic sites within Bel Air. This can include initiating contact with property owners of potential sites and coordination with property owners on the benefits of designation.
- B. Certificate of Approval includes the review and approval of applications for construction, alteration, repair, moving or demolition of an historic structure. This is limited to exterior changes and does not include work related to routine maintenance unless the work alters the historic significance of the site.
- C. Review and approve applications for Real Estate Property Tax Credit for improvements associated with a Certificate of Approval. This includes approval of estimates of construction and review of receipts for the completed work. The Zoning Administrator will approve receipts and provide to the Commission for examination.

In some cases, a Certificate of Approval is required even when no building permit is required. For example, a building permit is not required for putting up new siding, new

roofing, or painting a different color, but a Certificate of Approval would be required if the property is a designated historic site and/or within a historic district.

## ADDITIONAL DUTIES OF THE HISTORIC PRESERVATION COMMISSION

The Historic Preservation Commission has responsibilities beyond the designation of historic sites, approval of alteration to a designated property and approval of tax credits. The Commission is obligated to encourage adaptive reuse of historic properties as part of the Town's sustainable development initiative. In addition, the Commission has a mandate to promote the use of historic properties for the education, pleasure and welfare of the community. There is also the need to foster public awareness of Town history and historic structures. To that end, the Historic Preservation Commission is tasked with the following activities:

- A. To inventory existing historic sites in the Town for inclusion the Maryland Inventory of Historic Properties (MIHP). This effort memorializes a property or building and constitutes the first step in designating it as an historic site.
- B. To periodically update inventory files of historic sites in the Town (designated and non-designated properties).
- C. To provide outreach to local schools and related institutions by providing programs designed to educate and inform the public regarding existing cultural and historic resources in Town.
- D. To increase the awareness of Bel Air history through promotions and publicity for local cultural resources, significant past events and influential people.
- E. To ensure the requirements of the Certified Local Government (CLG) program are addressed and all other State and Federal requirements are met regarding the preservation of historic resources.

## OPERATION OF THE HISTORIC PRESERVATION COMMISSION

Title 8, Section 303 of the Land Use Article defines the four criteria all Maryland Historic Preservation Commissions should use in reviewing applications. These criteria constitute a “measuring stick” that Commission members use to determine the appropriateness of proposed changes in a historic district or to a historic site. Commission members should understand the criteria and attempt to apply them consistently in every case:

- A. The historic, archeological, or architectural significance of the site or structure and its relationship to the historic, archeological, or architectural significance of the area
- B. the relationship of the exterior architectural features of a structure to the remainder of the structure and to the surrounding area
- C. the general compatibility of exterior design, scale, proportion, arrangement, texture, and materials
- D. any other factors including aesthetic factors which the Historic Preservation Commission deems pertinent.

The Commission should not disapprove an application except with respect to the factors specified above. Historic Preservation Commission review authority is limited to exterior building changes that are visible from a public way.

Historic Preservation Commissions should be strict in their judgment of plans for buildings of historic or architectural significance or “determined by research to be of historic, archeological significance”. All Historic Preservation Commissions are also instructed to be lenient in reviewing new construction or changes to buildings of little value historically or architecturally unless the changes would harm the character of significant buildings in the surrounding area.

The Historic Preservation Commission should not limit changes or construction to any period or style of architecture such as “Colonial”, “Federal”, or “Victorian”. All changes, additions, or new construction should be dictated by the individual building design and the materials, height, scale, setback, rhythm, etc. of surrounding buildings.

#### INTERPRETATION OF CODE RELATED TO PRESERVATION

The Historic Preservation Commission is obligated to adhere to code requirements from various sources depending on the type of project under review. Both the State and Federal law impact the way in which proposals can be reviewed along with ordinances and guidelines issued by the Town of Bel Air. These requirements are outlined below:

- Secretary of the Interior’s Standards for the Treatment of Historic Properties (1995 revision) – Under the National Historic Preservation Act (NHPA), the Secretary of the Interior is responsible for establishing professional standards and for providing guidance on the preservation of the nation’s historic properties. This document helps the Commission interpret the requirements for preserving, rehabilitating, restoring and reconstructing historic buildings.

- Guidelines for architectural and historical investigations in Maryland (2019 revision) – Maryland Historical Trust has established through this document guidelines for identifying, evaluating, protecting and interpreting the State’s significant historic, cultural and architectural resources. This resource is of particular assistance during the inventory of a potentially historic property.
- Title 8 (Historic Preservation), land Use Article of the annotated Code of Maryland – The State of Maryland established enabling legislation for the creation of Historic Sites and/or Districts by local government. This section of the State code provides for a Historic Preservation Commission and the basic powers and processes designed to preserve historic resources.
- Chapter 246 (Historic Preservation), Town of Bel Air Code – Legal requirements established by the Town of Bel Air to provide for a Historic Preservation Commission and the criteria which it may establish designated sites/districts and approve improvements to those historic resources.
- Article V, Chapter 165, Town of Bel Air Development Regulations – Standards for the review of designated properties and certificates of approval for historic properties in the Town of Bel Air.
- Article I, Chapter 50, Town of Bel Air Code – Establishes the requirements and process for designated properties to obtain a Tax Credit for Real Estate Property Taxes with the Town of Bel Air.
- Town of Bel Air Design Guidelines for Rehabilitation, Maintenance and New Construction (July 2010) – Guidance for historic property owners and tenants to maintain, preserve and enhance the condition of their buildings and property.

## ETHICS

The Historic Preservation Commission is an arm of local government and deals with matters of importance and concern to local citizens. Activities of the Commission come under close public scrutiny. It is therefore vitally important that members perform all activities in a fair and open manner. Standards governing the conduct of the Historic Preservation Commission are contained in Chapter 43, Code of Ethics in the Bel Air Town Code. This Chapter is provided as Appendix C. Commission members should also refer to the Maryland Open Meetings Act as amended which provides guidelines for public access to meetings and official records, as well as guidelines for conduct. The Open Meetings Act can be found in Appendix B. Bel Air Development Regulations are contained in Chapter 165, Parts 2, 3, and 4 of the Town code which outlines the

general procedural requirements. Commission members should be familiar with each of these code sections and refer any questions or concerns to staff or the Town Attorney.

**APPENDIX A**

**ORGANIZATION, PARLIAMENTARY PROCEDURE, RULES AND REGULATIONS  
FOR TOWN OF BEL AIR HISTORIC PRESERVATION COMMISSION**

2021

**HISTORIC PRESERVATION COMMISSION  
TOWN OF BEL AIR, MARYLAND**





## ORGANIZATION, PARLIAMENTARY PROCEDURE, RULES AND REGULATIONS FOR TOWN OF BEL AIR HISTORIC PRESERVATION COMMISSION

The purpose of these rules is to establish procedures for the conduct of business by the Historic Preservation Commission as described in Chapter 165 and Chapter 246 of the Bel Air Town Code. The procedures are supplementary to the processes outlined in the Town Code and shall not be interpreted as superseding any provisions therein.

### Section I. Historic Preservation Commission

- A. Authority. Title 8, of the Land Use Article of the Annotated Code of Maryland outlines powers granted to local government to regulate the preservation of historic structures. Chapter 246 of the Bel Air code and Article V of Chapter 165 further enumerate the regulation of historic resources. In addition, Section 165-18 specifically addresses the Historic Preservation Commission and the administration and enforcement of the code.

### Section II. Board Membership, Appointment, Compensation, Term, Removal and Duties

- A. Membership, Compensation and Term. The Historic Preservation Commission shall consist of seven (7) members. The members shall be appointed by the Board of Town Commissioners and shall serve without compensation. The term of each member shall be three (3) years or until a successor takes office. Members must possess a demonstrated special interest or knowledge in a field related to historic preservation and a minimum of two members must possess professional or academic training in a historic preservation field. Additionally, the Board of Town Commissioners may appoint a member of the Town Board to serve in an ex-officio capacity to attend meetings and report to the Commissioners on official activity.
- B. Removal and Vacancies. After a public hearing, members may be removed by the Town Board of Commissioners for cause. In each case, the Town Board shall file a written statement of reasons for removal. Vacancies occurring otherwise than through expiration of a term shall be filled for the unexpired term by the Board of Town Commissioners.
- C. Officers, Chair and Vice-Chair. A Chair and Vice-Chair shall be elected annually by a majority vote of the Historic Preservation Commission and shall serve for

the calendar year. The Commission shall elect officers at its first regular meeting of each year.

D. Duties. The duties and powers of the officers of the Historic Preservation Commission shall be as follows:

E. Duties of the Chair.

1. Preside at all meetings of the Commission and regulate the course of the meeting rule upon procedural matters and objections made during the meeting
2. Call special meetings of the Commission in accordance with the Rules and Regulations
3. Sign documents of the Historic Preservation Commission
4. See that all actions of the Commission are properly executed
5. Appoint any member to serve as an ex-officio member of any committee formed by the Historic Preservation Commission.
6. Cancel meetings or amend agenda of the Commission when circumstances require, such as inclement weather, incomplete submission, or lack of a quorum
7. Participate in discussions and vote on motions
8. Consult with staff in the preparation of the agenda for all meetings of the Commission

F. Duties of the Vice-Chair. The Vice-Chair shall assume the Chair in the absence, disability, or disqualification of the Chair and shall assume all duties regularly performed by the Chair and be subject to all responsibilities of the Chair including signature of documents.

E. All Members. The duties of all members are to actively participate in the work of the Commission. All members shall:

1. Be familiar with all statutes and laws pertaining to the commission
2. Attend one educational session per year that is approved by the State governing body
3. Make a determined effort to attend all Commission meetings unless absence is forced by family emergency or illness
4. Recuse from review of an application if there is a conflict of interest due to financial interest or personal relationship
5. Refrain from discussing a pending application with any party other than staff or fellow members limited to information or process

6. Adhere to the Code of Ethics (Appendix C) and Open Meetings Act (Appendix B) regarding review of applications

### Section III. Meetings

#### A. Time of Meetings

1. Regular Meetings. Regular meetings of the Historic Preservation Commission shall be held each month on the fourth Thursday at 6:00 p.m. in the Town Hall. The first regular meeting of the year shall constitute the annual organization meeting of the Commission.
2. Special Meetings. Special meetings of the Historic Preservation Commission, when necessary, may be called by the Chair at their discretion, and as the Commission may determine, or upon written notice of three (3) members.

#### B. Notice of Meetings

- a. Notice of Regular Meetings. At least seven (7) days' notice of the time set for regular meetings shall be given to each member.
- b. Notice of Special Meetings. At least seven (7) days' notice of the time set for a special meeting shall be given to each member.
- c. Notice of Affected Parties. At least seven (7) days' notice of the time set forth for such meetings shall be given by first-class mail to each party or person affected in matters scheduled for consideration by the Historic Preservation Commission and the agenda posted at Town Hall and the Town website for public review.

- #### C. Cancellation of Meetings. Whenever there are no matters or other important business to be considered at any regular meeting, the Director of Planning (Zoning Administrator) may dispense with such meeting by notifying the Historic Preservation Commission and any other parties who may have been given notice of such meeting not less than forty-eight (48) hours prior to the time set for the meeting. The Director of Planning will keep the Commission members apprised of pending meetings or meeting cancellations.

- D. Withdrawal of Application. The applicant may withdraw their submission to the Historic Preservation Commission forty-eight (48) hours prior to the meeting for any reason by submitting a request in writing. Should the request come less than 48 hours, the Chair must decide if the agenda item can be removed on such short notice without causing inconvenience to the public and interested persons.
- E. Non-Attendance by Member. Any member of the Historic Preservation Commission who has knowledge of the fact they will not be able to attend a scheduled meeting of the Commission shall notify the Planning Department at the earliest possible opportunity and, in any event, prior to 12:00 p.m. on the date of the meeting. The Director of Planning shall notify the Chair if the projected absence(s) will produce a lack of quorum.
- F. Conduct of Meetings
1. Attendance. All meetings of the Historic Preservation Commission shall be open to the public unless determined by the Commission to meet the requirements of a closed session based on the Maryland Open Meetings Act.
  2. Quorum. A majority of the members of the Historic Preservation Commission entitled to vote shall constitute a quorum for the transaction of business.
  3. Order of Business. The order of business at regular meetings shall be substantially as follows:
    - a. Call to Order
    - b. Approval of Minutes from the previous meeting(s)
    - c. Unfinished Business – Consideration of applications continued from previous meetings
    - d. New Business – Consideration of new development applications
      - (1) Staff Report including entering into the record the following items: The report should include at a minimum, the location of property in question, its level of significance, potential impacts on adjoining property, and visibility of the proposed work from the public right-of-way.
      - (2) Applicant to present the case and answer any questions posed by the Historic Preservation Commission.
      - (3) At its discretion, the Historic Preservation Commission may accept public comment.
      - (4) If public comment is presented, the applicant shall be allowed to provide rebuttal or closing argument.

(5) Historic Preservation Commission members may question proponents, opponents, the public or staff at any time during the proceedings.

(6) Motion, Second, Commissioner discussion and Vote

e. Miscellaneous Business

f. Chair closes meeting

Note: Chair may change agenda items for the expeditious conduct of business

4. Rules. Roberts Rules of Order shall be used as a guideline for conducting the business of the Historic Preservation Commission, subject to the discretion of the Chair. Failure to apply Roberts Rules shall not invalidate any decision made by the Commission.
5. Standing. In addition to the applicant, evidence and testimony may be presented by persons with standing. For purposes of Commission hearings, persons with standing shall be defined as: Owners of property within the Town; Residents of the Town; any other persons not identified above whose personal or property interest may be specifically affected by the granting or denial of the application may participate and have the same rights to present evidence or speak as are afforded to the applicant. This does not confer standing to appeal unless approved by the court.
6. Questions. All speakers and participants shall address questions to the Chair who may respond or request a response from the applicant, Commission members or staff, as appropriate. Any member of the Historic Preservation Commission, with recognition of the Chair, may question any speaker or witness about their testimony.
7. Continuation. A hearing may be recessed or continued, and a decision may be tabled from time to time if not in violation of the Bel Air Town Charter, Bel Air Development Regulations or the Land Use Article of the Annotated Code of Maryland.
8. Voting. On any question put to a vote, each member shall verbally cast a vote unless excused by reason of a personal or private interest in the matter under consideration in which case that member may abstain from voting. Decisions are approved through a majority and a tie vote will result in failure of a motion.
9. Minutes. The recording secretary shall keep minutes of the Historic Preservation Commission proceedings showing the vote of each member upon each question, or if a member is absent or fails to vote, indicating such fact.

The minutes of each proceeding shall be approved by the Commission and shall be signed by the Chair.

10. Conflict of Interest. Any member of the Historic Preservation Commission who feels they have a conflict of interest on any matter that it is on the Commission agenda shall voluntarily recuse themselves, vacate their seat and refrain from discussing and voting on the item(s) as a Historic Preservation Commission member.

#### Section IV. Staff Support to Historic Preservation Commission

- A. Staff shall prepare the agenda for all meetings, provide notice to all members of a pending meeting and keep a record of attendance. A Staff Report shall be provided by the Director of Planning or their designee for every application to the Historic Preservation Commission. Applications involving designation of a historic site, staff shall advertise all cases in a local newspaper of general circulation, notify adjacent property owners and post the property. All other applications do not require public notice. The staff shall insure that a recording secretary is available for all cases before the Commission.
- B. It shall be the charge of the Director of Planning to obtain technical assistance for the Commission, as needed, from other departments and agencies including Harford County Planning & Zoning, Bel Air Department of Public Works and any other agency deemed appropriate, including outside private consultants (i.e. traffic, architecture, etc.)
- C. The recording secretary shall keep a record of all persons who participate; shall record and prepare minutes of the proceedings; shall take note of the person on the Commission making a motion; the person seconding that motion, shall record the votes taken; and shall note the time of opening and adjournment of the Commission. The recording secretary shall provide written minutes of the Commission proceedings prior to the next regularly scheduled meeting.

#### Section V. Determinations

- A. Decision. Within forty-five (45) days of the filing of a complete application, unless an extension is agreed upon in writing by all parties, the Commission shall make its decision and give notice of the decision.

- B. Form of Decision. Final decisions of the Historic Preservation Commission shall be made in writing in the form of a decision duly entered and signed by the Chair, the Vice-Chair, or their designated representative.
- C. Conditions Imposed. Whenever the Historic Preservation Commission imposes any condition of a decision, such condition must be stated in the written order of the Commission. Such written order shall remain valid only if the condition or conditions upon which it was granted exist.
- D. Notice of Decision. All parties in interest shall receive a copy of the written decision of the Historic Preservation Commission.
- E. Appeal. The applicant or any person with standing concerning a case before the Historic Preservation Commission may appeal the decision within thirty (30) days of the written decision.

#### Section VI. Historic Site or District Certificate of Approval

- A. Application.
  - 1. Applications for designation of an Historic Site or District along with applications for Certificate of Approval shall be filed in the Department of Planning & Community Development.
  - 2. Applications shall be accompanied by a site plan, building plans, photographs, drawings, and all applicable information requested by the Commission.
  - 3. An application shall not be dated until it is complete and officially accepted by the Historic Preservation Commission staff.
  - 4. At the time the application is officially accepted, the 45-day review period begins. Applications determined incomplete shall be returned to the applicant as soon as possible, with a detailed list of all needed information.
- B. Notice.
  - 1. Notice of meetings involving applications for Certificate of Approval shall be posted at Town Hall and on the official Town website.

C. Action by the Historic Preservation Commission.

1. Within forty-five (45) days after the filing of a complete application or, in the event the record is left open by the Commission, within fifteen (15) days after the close of the record, the Commission shall make its decision public. No record shall be held open for longer than seven (7) calendar days, without the consent of the applicant. The period for Commission action may be extended with the written consent of the applicant.
2. The voting on such decisions shall be held during public meetings and the Commission shall keep an open record of its resolutions, proceedings, and actions, which shall be available for public inspection.

D. Reconsideration of Applications.

1. The Chair shall entertain a motion from a member of the Commission that the applicant be allowed to present evidence in support of the request for reconsideration. Such evidence shall be limited to that which is necessary to enable the Commission to determine whether there has been a substantial change in the facts, evidence or conditions relating to the application based on testimony by the applicant.
2. After receiving the evidence, the Commission shall proceed to deliberate whether there has been a substantial change in the facts, evidence or conditions relating to the application which would warrant reconsideration. If the Commission finds that there has been such a change, it shall thereupon treat the request as a new application.

Section VII. Approval Authority by Staff

A. Review of Proposed Alteration to a Designated Property

1. Fences on a side and rear lot line and interior location on lot (including fences connecting side lot line to the structure at or behind building line) provided there is no direct view from a public right-of-way, when:
  - a. Constructed of wood.
  - b. generally, similar to a design approved in advance by the Commission (examples and specifications).



- c. Height and location conform to zoning regulations.
2. Walkways on private property when constructed of common red brick or of gravel.
3. Minor projects which do not require building permit because of cost or because they involve nonstructural changes.
4. Signs which do not require a sign permit or are only revising the message.
5. Installing gutters finished to match the house or trim provided no significant architectural features are removed.
6. Construction of a wood deck on rear or side of house when not visible from a public right-of-way.
7. Fieldstone walls not exceeding three feet in height.
8. Bricked-in areas on side or rear of structure at ground level and not visible from right-of-way.
9. Demolition of accessory structure built within the past 50 years.
10. General Policies.
  - a. All approvals by staff shall be reviewed by the Commission at the next meeting.
  - b. Staff shall refer an application to the Commission if any uncertainty exists whether application meets the above criteria.
  - c. Property owner shall always retain right of appeal to Commission, as will property owners within area of notification.
  - d. Staff review is not authorized in connection with any work for which a special use permit is required.

## Section VIII. Review of Historic Resources for Designation as Historic Site or District

### A. Initiation of Review.

1. Historic resources may be evaluated for classification as a Historic Site and/or District to the Bel Air Board of Town Commissioners in the following situations:

- a. Upon the request of the property owner or any public agency.
- b. Upon the decision of the Historic Preservation Commission either at the request of one of its members or of any citizen or group.

B. Application.

1. The Maryland Historical Trust Inventory Form or the National Register of Historic Places Nomination Form shall serve as the initial application form for evaluation of historic and architectural significance.
2. Application should document how the property meets the criteria for evaluation and should include slides, photographs, orientation map, site plan and other drawings as requested.
3. Application for creation of a Historic Site and/or District shall include a map showing proposed boundaries, an accurate description of those boundaries, and a statement of justification for the proposed boundary.
4. Survey work shall be completed by a qualified professional recognized by the Maryland Historical Trust.

C. Public Hearing.

1. Unclassified historic resources shall be evaluated at a public hearing of the Historic Preservation Commission, upon proper notification to the owner, applicant, interested parties and the public.
2. Any public hearing may be adjourned to a specified time and place which is announced or posted at the public hearing.

D. Notice.

1. At least ten (10) days prior to the public hearing, the Historic Preservation Commission shall send written notice of the date, time, and place of the hearing to the owner(s) of the historic resource and to those agencies, organizations, and citizens which the Commission feels may have an interest in the proceedings.

E. Posting.

1. At least fourteen (14) days prior to the scheduled public hearing, the property shall be posted with a sign giving the date, time, and place of the public hearing, and giving instructions for obtaining further information.
2. When the subject of the public hearing is a proposed Historic Site, the signs shall be posted as follows:
  - a. There shall be one (1) sign along each public right-of-way which abuts the property, and if no improved public road abuts thereon, the sign shall be placed to be most readily seen by the public.
  - b. In addition, there shall be one (1) sign posted for 1,000 feet, or part thereof, of lineal frontage on any one road on which the property has frontage.
  - c. When the subject of the public hearing is property within an existing Historic District, the location and number of signs necessary to provide adequate public notice shall be determined by the Historic Preservation Commission.
3. No fee is required for the posting of such signs.

F. Consideration.

1. Criteria for Evaluation must consider the quality of significance in American history, architecture, archeology, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:
  - a. That are associated with events that have made a significant contribution to the broad patterns of our history; or
  - b. That are associated with the lives of persons significant in our past; or
  - c. That embody the distinctive characteristics of a type, period or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
  - d. That have yielded, or may be likely to yield, information important in prehistory or history.
2. Determination of Environmental Setting. During the review process, the relationship of the historic resource to its surrounding setting should be considered. The environmental setting is the area of land to which the historic resource relates visually and historically, and which is essential to protect the integrity of the historic resource. The environmental setting may include or lie within the property boundaries of the historic resource.

G. Action Upon Evaluation of the Historic Resource

1. The Historic Preservation Commission shall determine whether an unclassified historic resource should be classified as a Historic Site and/or District.
2. A decision in favor of classification shall include a statement of how the historic resource meets the criteria in the ordinance.
3. The recommendation of the Historic Preservation Commission shall be forwarded along with background materials to the Bel Air Board of Town Commissioners for final review and determination. The Bel Air Board of Town Commissioners shall determine whether designation is appropriate. A Resolution designating the property as a historic site/district shall be considered by the Town Board within 30 days of the Historic Preservation Commission's final recommendation.

H. Appeal

1. Any person of record may appeal a decision to classify or not classify a historic resource to the Bel Air Board of Appeals or the Harford County Circuit Court. An appeal of the Town Board decision shall be filed within 30 days of service of the decision.

Section IX Properties not listed on the Maryland Inventory of Historic Sites.

- A. The Historic Preservation Commission has the responsibility to maintain and update an inventory of historic resources for possible consideration as Historic Sites and/or Districts.

Section X Review of National Register Nominations.

A. Initiation of Review.

1. Historic resources may be evaluated for nomination to the National Register of Historic Places upon the request of the owner or referral from the Maryland Historical Trust.

B. Application.

1. The National Register of Historic Places nomination form shall be submitted. Applications shall follow National Park Service standards for submittal.
2. It is the responsibility of the applicant to present materials fulfilling those requirements.

C. Staff Review.

1. Upon receipt of a technically sufficient National Register nomination, staff shall review the application and develop a recommendation.

D. Consideration.

1. Criteria for Evaluation.

- a. In reviewing National Register nominations, the Historic Preservation Commission shall use "National Register Criteria for Evaluation".
- b. The Historic Preservation Commission will examine both exterior and interior historic architectural fabric in this review.
- c. When the Historic Preservation Commission considers a National Register nomination which is normally evaluated by a professional in a specific discipline (e.g. archeology), and that professional discipline is not represented on the Commission, the Historic Preservation Commission will seek expertise before rendering its decision through:
  - 1) Hiring an adequately qualified consultant; or
  - 2) using commission staff who meet National Park Service standards; or
  - 3) using a representative of the State Historic Preservation Office (Maryland Historical Trust).

2. Referral to the Town Board. Upon receipt of a technically sufficient nomination, the Historic Preservation Commission will forward the nomination to the Town Board of Commissioners for their recommendation regarding the nomination.

E. Action Upon Evaluation.

1. Within 50 days of the referral from the Historic Preservation Commission, the Town Board of Commissioners will inform the Historic Preservation Commission and the applicant of its recommendation.
2. The recommendations of the Historic Preservation Commission and the Town Board of Commissioners regarding the nomination of the property to the National

Register must include an explicit statement of the reasons for the decision, addressing the National Register criteria.

3. If either the Historic Preservation Commission or the Town Board of Commissioners supports the nomination, the Historic Preservation Commission will forward it to the State Historic Preservation Office (SHPO) (Maryland Historical Trust).
4. The transmittal to the SHPO, together with the affirmative recommendation of the Historic Preservation Commission or the Town Board of Commissioners will constitute a formal request for nomination.
5. If both the Historic Preservation Commission and the Town Board of Commissioners make a negative recommendation, the Historic Preservation Commission will inform the SHPO of their reasons for this decision and the nomination will not be processed.
6. Final recommendations shall be sent to the SHPO and to the property owner/applicant within 60 days of receipt of a sufficient application.

#### Section XI Demolition by Neglect.

- A. Notice. For Designated Historic Sites that are subject to severe neglect resulting in potential injury to the historic nature of the structure, thirty (30) days written notice shall be mailed to the owner(s) of record, all known persons having any right, title, or interest in the subject property, the occupant or other known person responsible for the maintenance of the property, and all citizens and organizations which the Commission reasonably finds may have an interest in the proceedings.
- B. Presiding Officer. The hearing shall be conducted by the Chairman of the Historic Preservation Commission or his/her designee with participation by a quorum of the Historic Preservation Commission.
- C. Appearance. Parties to a hearing may be represented by an attorney or any other person authorized by them to appear in such cases. Where there is more than one party on a side, a spokesman shall be appointed by each side who shall manage the presentation of the case.

## Section XII Tax Credit Review.

### A. Application.

1. Applications for a Tax Credit for exterior restoration, preservation and additions on historically designated properties shall be submitted in accordance with Chapter 50, Article I, Section 50-4 of the Town of Bel Air code.
2. Application shall be accompanied with a complete description of the proposed project and material samples as appropriate.
3. An application shall not be dated until it is complete and officially accepted by the Historic Preservation Commission staff.
4. At the time the application is officially accepted, the forty-five (45) day review period begins. Applications determined incomplete shall be returned to the applicant as soon as possible, with a detailed list of all needed information.

### B. Action Upon Evaluation of Tax Credit Application

1. The Historic Preservation Commission shall determine whether the proposed work is eligible for a tax credit.
2. Upon completion of the work, a final inspection shall be conducted and receipts for restoration and preservation work as originally approved shall be submitted for Historic Preservation Commission review and authorization along with applicable forms affirming that the receipts are for the actual expenditures in connection with the restoration/preservation of the structure.
3. Approved applications shall be forwarded to the Town Finance Department.

## Section XIII Adoption and Amendment of Rules and Procedures

- A. These rules may be amended by a majority of the entire Commission at any meeting of the Commission, after the amendment, in written form, has been introduced at a prior meeting.
- B. These rules shall become effective upon adoption by the Commission.





**APPENDIX B**

OPEN MEETINGS ACT  
(Summary)

2021

HISTORIC PRESERVATION COMMISSION  
TOWN OF BEL AIR, MARYLAND



**COMPLIANCE CHECKLIST  
FOR MEETINGS SUBJECT TO THE MARYLAND OPEN MEETINGS ACT**

Name of public body \_\_\_\_\_ Date of Meeting: \_\_\_\_\_

1. \_\_\_ Did you give “reasonable advance notice” and keep a copy or screenshot?
2. \_\_\_ Did you make an agenda available when notice was posted, or, if not yet determined, as soon as practicable, but at least 24 hours before the meeting?
3. \_\_\_ Did you make arrangements for the public to attend?
4. \_\_\_ Is someone prepared to keep minutes in writing or, otherwise, to run the equipment for minutes in the form of live and archived video or audio streaming?
5. \_\_\_ If part of this meeting might be closed to the public, have you first:
  - \_\_\_ Made sure that the public body has designated a member to take training in the Act?
  - \_\_\_ Made sure that the topic to be discussed falls entirely within one or more of the “exceptions” that allow the closed session? (see the other side for the list)
  - \_\_\_ Given notice of the open meeting to be held right before the closed session, so that the presiding officer can hold the required public vote to close?
  - \_\_\_ Made sure that the initial open meeting will be attended by a member designated to take training in the Act, and, if a designated member cannot attend, made sure that the public body is ready to complete this compliance checklist at the open meeting and keep it to attach to the minutes?
  - \_\_\_ Equipped the presiding officer to prepare a written statement with the required disclosures?
  - \_\_\_ Equipped the presiding officer to limit the closed session discussion to the exceptions and topics cited on the written closing statement?
  - \_\_\_ Arranged for closed-session minutes to be kept and adopted as sealed?
  - \_\_\_ Equipped someone in the closed session to keep a record of each item of information that must be disclosed in the minutes of the next open meeting. (for the list, see the model closing statement).

- \_\_\_ For a meeting recessed to hold a closed administrative session, arranged to disclose, in the minutes of the next open meeting, the date, time, and place, persons present, and subjects discussed?
6. \_\_\_ Have you arranged for the preparation, the adoption as soon as practicable, and posting online if practicable, of minutes of the open meeting, including summaries of any prior closed sessions, and this form (when required), completed on this side?

EXEMPTIONS PERMITTED UNDER STATE LAW  
CLOSED SESSION  
Bel Air Historic Preservation Commission

START TIME: \_\_\_\_\_ END TIME: \_\_\_\_\_

PLACE: \_\_\_\_\_

SUBJECT: \_\_\_\_\_

AUTHORITY: ANNOTED CODE OF MARYLAND, GENERAL PROVISIONS ARTICLE,  
SECTION 3-305(b)

PURPOSE: To Discuss

- \_\_\_\_\_ 1. The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal or resignation of appointees, employees or officials over whom it has jurisdiction; or any other personnel matter that affects 1 or more specific individuals.
- \_\_\_\_\_ 2. To protect the privacy or reputation of individuals with respect to a matter that is not related to public business;
- \_\_\_\_\_ 3. To consider the acquisition of real property for a public purpose and matters directly related thereto;
- \_\_\_\_\_ 4. To consider a matter that concerns the proposal for a business or industrial organization to locate, expand or remain in the state;
- \_\_\_\_\_ 5. To consider the investment of public funds;
- \_\_\_\_\_ 6. To consider the marketing of public securities;
- \_\_\_\_\_ 7. To consult with counsel to obtain legal advice;
- \_\_\_\_\_ 8. To consult with staff, consultants or other individuals about pending or potential litigation;

- \_\_\_\_\_ 9. To conduct collective bargaining negotiations or consider matters that relate to the negotiations;
- \_\_\_\_\_ 10. To discuss public security, if the public body determines that public discussion would constitute a risk to the public or public security, including:
  - a. the deployment of fire and police services and staff; and
  - b. the development and implementation of emergency plans;
- \_\_\_\_\_ 11. To prepare, administer or grade a scholastic, licensing or qualifying examination;
- \_\_\_\_\_ 12. To conduct or discuss an investigative proceeding on actual or possible criminal conduct;
- \_\_\_\_\_ 13. To comply with a specific constitutional, statutory or judicially imposed requirement that prevents public disclosure of a proceeding or matter;
- \_\_\_\_\_ 14. To discuss, before a contract is awarded or bids are opened, to discuss a matter directly related to a negotiation strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.
- \_\_\_\_\_ 15. To discuss cybersecurity, if the public body determines that public discussion would constitute a risk to:
  - a. security assessments or deployments relating to information resources technology;
  - b. network security information, including information that is:
    - i. Related to passwords, personal identification numbers, access codes, encryption, or other components of the security system of a governmental entity;
    - ii. Collected, assembled, or maintained by or for a governmental entity to prevent, detect, or investigate criminal activity; or
    - iii. Related to an assessment, made by or for a governmental entity or maintained by a governmental entity, of the vulnerability of a network to criminal activity; or
  - c. deployments or implementation of security personnel, critical infrastructure, or security devices.

**APPENDIX C**

**CODE OF ETHICS**

2021

**HISTORIC PRESERVATION COMMISSION  
TOWN OF BEL AIR, MARYLAND**





# Chapter 43 Ethics, Code of

[HISTORY: Adopted by the Board of Town Commissioners of the Town of Bel Air 3-19-2012 by Ord. No. 749-12. Amendments noted where applicable.]

## GENERAL REFERENCES

Personnel — See Ch. 82.

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### **§ 43-1 Applicability.**

[Amended 11-5-2012 by Ord. No. 755-12]

The provisions of this chapter apply to all officials, candidates, employees, and appointees to boards and commissions of the Town of Bel Air.

### **§ 43-2 Definitions.**

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

#### **BUSINESS ENTITY**

Any partnership, association, corporation, firm, institution, trust, foundation, sole proprietor, or other organization (except the state and the Town of Bel Air or any agency thereof), whether or not operated for profit.

#### **CANDIDATE**

A person filing for election to a municipal office.

#### **COMPENSATION**

Money or any other valuable thing, regardless of form, received or to be received by a person from an employer for services rendered.

#### **FINANCIAL INTEREST**

Ownership of an interest as the result of which the owner has received within the past three years, is currently receiving, or in the future is entitled to receive, more than \$1,000 per year; or an official, employee or spouse of an official or employee has ownership of more than 3% of a business entity.

#### **GIFT**

The transfer of anything of economic value, regardless of form, without adequate and lawful consideration. A gift does not include the solicitation, acceptance, receipt, or regulation of a political contribution that is regulated in accordance with the Election Law Article of the Annotated Code of Maryland or any other state law regulating the conduct of elections or the receipt of political contributions.

## **INTEREST**

Any legal or equitable economic interest that is owned or held, in whole or in part, jointly or severally, directly or indirectly, whether or not the economic interest is subject to an encumbrance or condition. However, "interest" shall not include an interest held in the capacity of an agent, custodian, fiduciary, personal representative, or trustee, unless the holder has an equitable interest in the subject matter; an interest in a time or demand deposit in a financial institution; an interest in exchange-traded funds (like a mutual fund); an interest in an insurance policy, endowment policy, or annuity contract by which an insurer promises to pay a fixed amount of money in a lump sum or periodically for life or some other specified period; or a common trust fund or a trust that forms part of a pension or a profit-sharing plan that has more than 25 participants and is determined by the IRS to be a qualified trust or college savings plan under the Internal Revenue Code.

[Amended 12-3-2018 by Ord. No. 787-18]

## **OFFICIAL or EMPLOYEE**

Any Town Commissioner of the Town of Bel Air or person employed by and receiving compensation from the Town of Bel Air in any capacity; or on boards or commissions of the Town.

[Amended 11-5-2012 by Ord. No. 755-12]

## **QUALIFYING RELATIVE**

A spouse, parent, child or sibling.

## **REAL PROPERTY**

Land owned, leasehold interest, or option to purchase.

## **TOWN AGENCY**

Any Town office, department, institution, board, commission or corporation which is recognized as a branch or segment of Town government, either by the Town Charter or by any ordinance or resolution of the Town.

[Amended 11-5-2012 by Ord. No. 755-12]

## **TRANSACTION INVOLVING THE TOWN OF BEL AIR**

Any proceeding, application, submission, request for filing or other determination, any contract, claim or case, any sale or purchase, any computer transfer of moneys or information, or other such matter that the Town of Bel Air or any of the agencies, boards, commissions and offices thereof may be a party to or in which the Town of Bel Air may reasonably be expected to be a party.

[Amended 11-5-2012 by Ord. No. 755-12]

## **§ 43-3 Board of Ethics.**

- A. The Board of Ethics is hereby established for the purpose of administering this Code of Ethics and recommending necessary changes to the Board of Town Commissioners from time to time. The Board of Ethics shall consist of five Town of Bel Air residents, not less than 21 years of age, who shall be appointed by the Board of Town Commissioners of Bel Air. Members shall serve staggered four-year terms and shall be removed only for cause. No member of the Board shall be otherwise an official or employee of the Town of Bel Air, nor shall any member receive compensation.
  
- B. The Board of Ethics of Bel Air shall:
  - (1) Devise, receive, and maintain all forms required by this chapter.
    - (a) Forms include:
      - [1] Conflict of interest form.
      - [2] Financial disclosure form.
      - [3] Gifts disclosure form.
      - [4] Lobbying registration form.
    - (b) Completed forms will be received by the Town Clerk and forwarded to the Board of Ethics within 10 days of receipt.
    - (c) All completed forms will be maintained on file at the Town Clerk's office for a period of four years.
  - (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.
  - (4) Conduct a public information program regarding the purposes and application of this chapter.
  
- C. The Town Attorney shall advise the Board of Ethics.

- D. The Board of Ethics shall certify to the State Ethics Commission, on or before October 1 of each year, that the Town is in compliance with the requirements of State Government Article, Title 15, Subtitle 8, Annotated Code of Maryland, for elected local officials.
- E. The Board of Ethics shall determine if changes to this chapter are required to be in compliance with the requirement of State Government Article, Title 15, of the Annotated Code of Maryland, and shall forward any recommended changes and amendments to the Bel Air Board of Town Commissioners for enactment.
- F. The Board of Ethics may adopt other policies and procedures to assist in the implementation of the programs established in this chapter.

### **§ 43-4 Conflicts of interest.**

#### A. Participation prohibitions.

- (1) Except as permitted by the regulations or opinion of the Board of Ethics of the Town of Bel Air, an official or employee may not participate in:
  - (a) 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, except in the exercise of an administrative or ministerial duty that does not affect the disposition or decision of the matter.
  - (b) Any matter in which any of the following is a party, except in the exercise of an administrative or ministerial duty that does not affect the disposition or decision with respect to the matter:
    - [1] 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;
    - [2] 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;
    - [3] A business entity with which the official or employee or, to the knowledge of the official or employee, a qualified relative of the official or employee is negotiating employment or has any arrangement concerning prospective employment;

- [4] 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, 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;
- [5] A business entity doing business with the Town 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
- [6] A business entity:
  - [a] Which the official or employee knows is a creditor or obligee of the official or employee or of a qualified relative of the official or employee with respect to a thing of economic value; and
  - [b] In which a creditor or obligee of the official or employee or of a qualified relative of the official or employee is in a position to directly and substantially affect the interest of the official or employee or of a qualified relative of the official or employee.
- (c) A case, contract, or other specific matter, legislative or otherwise, for one calendar year after terminating their lobbyist registration(s) if they previously assisted or represented another party in the matter. [Added 12-3-2018 by Ord. No. 787-18]
  - [1] Does not apply to uncompensated or minimally compensated elected or appointed officials or employees earning less than \$4,000 in a twelve-month period.
- (2) A person who is disqualified from participating under Subsection A(1)(a) and (b) shall disclose the nature and circumstances of the conflict using a conflict of interest form sufficiently in advance of the action and may participate or act if:
  - (a) The disqualification leaves a body with less than a quorum capable of acting;
  - (b) The disqualified official or employee is required by law to act; or
  - (c) The disqualified official or employee is the only person authorized to act.

- (3) The prohibitions of Subsection A(1)(a) and (b) do not apply if participation is allowed by regulation or opinion of the Board of Ethics.

B. Employment and financial interest restrictions.

- (1) Except as permitted by regulation of the Board of Ethics, 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:

- (a) Be employed by or have a financial interest in an entity: [Amended 11-5-2012 by Ord. No. 755-12]

- [1] Subject to the authority of the official or employee or the Town agency, board or commission with which the official or employee is affiliated; or

- [2] Which is negotiating or has entered a contract with the agency, board or commission with which the official or employee is affiliated; or

- (b) Hold any other employment or relationship which would impair the impartiality or independence of judgment of the official or employee.

- (2) This prohibition does not apply to:

- (a) 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;

- (b) 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 Board of Ethics; [Amended 11-5-2012 by Ord. No. 755-12]

- (c) 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 Board of Ethics; or

- (d) Employment or financial interests allowed by regulation of the Board of Ethics if the employment does not create a conflict of interest or the appearance of a conflict of interest or the financial interest is disclosed.

C. Post-employment limitations and restrictions.

- (1) A former official or employee may not assist or represent any party other than the Town for compensation in a case, contract, or other specific matter involving the Town if that matter is one in which the former official or employee significantly participated as an official or employee.
- (2) Until the conclusion of the next regularly scheduled meeting of the Board of Town Commissioners that begins after the elected official leaves office, a former official or member of the Bel Air Board of Town Commissioners may not assist or represent another party for compensation in a matter that is the subject of legislative action.
- (3) Elected or appointed Town officials and employees may not engage in lobbying legislative matters for one calendar year after leaving office or employment with the Town of Bel Air. [Added 12-3-2018 by Ord. No. 787-18]

D. Contingent compensation. Except in a judicial or quasi-judicial proceeding, an official or employee may not assist or represent a party for contingent compensation (i.e., dependent or conditioned by something happening) in any matter before or involving the Town.

E. Use of prestige of office.

- (1) An official or employee may not intentionally use the prestige of the office or public position for the private gain of that official or employee or the private gain of another.
- (2) This subsection does not prohibit the performance of usual and customary constituent services by an elected official without additional compensation.
- (3) An official or employee may not inappropriately influence the award of a government contract to a specific person. [Added 12-3-2018 by Ord. No. 787-18]
- (4) An official or employee may not initiate a solicitation for a person to retain the compensated services of a particular lobbyist or firm. [Added 12-3-2018 by Ord. No. 787-18]
- (5) An official or employee may not use public resources or title to solicit a political contribution regulated in accordance with the State of Maryland Election Law Article. [Added 12-3-2018 by Ord. No. 787-18]

F. 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:
  - (a) Is doing business with or seeking to do business with the Town office, agency, board or commission with which the official or employee is affiliated; [Amended 11-5-2012 by Ord. No. 755-12]
  - (b) 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;
  - (c) Is engaged in an activity regulated or controlled by the official's or employee's governmental unit; or
  - (d) Is a lobbyist with respect to matters within the jurisdiction of the official or employee.
- (4) Notwithstanding Subsection F(3) of this subsection, an official or employee may accept the following:
  - (a) Meals and beverages consumed in the presence of the donor or sponsoring entity;
  - (b) Ceremonial gifts or awards that have insignificant monetary value;
  - (c) Unsolicited gifts of nominal value that do not exceed \$20 in cost or trivial items of informational value;
  - (d) 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;
  - (e) Gifts or tickets or free admission extended to an elected 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;



- (f) A specific gift or class of gifts that the Board of Ethics 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 Town and that the gift is purely personal and private in nature;
  - (g) 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
  - (h) 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.
- (5) Subsection F(4) does not apply to a gift:
- (a) That would tend to impair the impartiality and the independence of judgment of the official or employee receiving the gift;
  - (b) Of significant value that would give the appearance of impairing the impartiality and independence of judgment of the official or employee; or
  - (c) 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.
- G. Disclosure of confidential information. Other than in the discharge of official duties, an official or employee may not disclose or use confidential information that the official or employee acquired by reason of the official's or employee's public position and that is not available to the public, for the economic benefit of the official or employee or that of another person.
- H. Participation in procurement.
- (1) An individual or a person that employs an individual who assists a Town agency in the drafting of specifications, an invitation for bids, or a request for proposals for a procurement may not submit a bid or proposal for that procurement or assist or represent another person, directly or indirectly, who is submitting a bid or proposal for the procurement.
  - (2) The Board of Ethics may establish exemptions from the requirements of this section for providing descriptive literature, sole-source procurements, and written comments solicited by the procuring agency.

## **§ 43-5 Financial disclosure: elected officials (incumbents) and candidates to be elected officials.**

This section applies to all elected officials and candidates to be elected officials.

- A. Except as provided in Subsection **C** of this section, an elected official or a candidate to be an elected official shall file the financial disclosure form, provided by the Board of Ethics, required under this section:
  - (1) Under oath or affirmation; and
  - (2) With the Board of Ethics.
- B. Deadlines for filing financial disclosure forms.
  - (1) An incumbent elected official shall file a financial disclosure form annually, no later than April 30 of each year for the preceding calendar year.
  - (2) An individual who is appointed to fill a vacancy in an office for which a financial disclosure form is required and who has not already filed the form shall file a financial disclosure form for the preceding calendar year within 30 days after appointment.
  - (3) An individual who, other than by reason of death, leaves an office for which a financial disclosure form is required shall file the complete form within 60 days after leaving the office.
- C. 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.
- D. Candidates to be elected officials.
  - (1) Except for an official who has filed a financial disclosure form under another provision of this section for the reporting period, a candidate to be an elected official shall file a financial disclosure form 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 official shall file a financial disclosure form required under this section:
  - (a) In the year the certificate of candidacy is filed, no later than the filing of the certificate of candidacy; or
  - (b) If the year of the election is different from the year the certificate of candidacy was filed, on or before April 30; and
  - (c) In all other years for which a statement is required, on or before April 30.
- (3) A candidate to be an elected official:
  - (a) May file the required financial disclosure form under Subsection D(2)(a) of this section with the Town Clerk or Board of Ethics with the certificate of candidacy or prior to filing the certificate of candidacy; and
  - (b) Shall file the financial disclosure form required under Subsection D(2)(b) and (c) of this section with the Board of Ethics.
- (4) If a candidate fails to file a financial disclosure form required by this section after written notice is provided by the Town Clerk or Board of Ethics, the candidate is deemed to have withdrawn the candidacy.
- (5) The Town Clerk and Board of Ethics may not accept any certificate of candidacy unless a financial disclosure form has been filed in proper form.
- (6) Within 10 days of the receipt of a financial disclosure form required under this section, the Town Clerk shall forward the statement to the Board of Ethics.

E. Public record.

- (1) The Town Clerk's office shall maintain all completed financial disclosure forms filed under this section.
- (2) Financial disclosure form shall be made available during normal office hours for examination and copying by the public, subject to administrative procedures and reasonable fees, as established in the Town's Fee Schedule passed by the Board of Town Commissioners.
- (3) If an individual examines or copies a financial disclosure form, the Town Clerk shall record:

- (a) The name and home address of the individual reviewing or copying the statement; and
  - (b) The name of the person whose financial disclosure form was examined or copied.
- (4) Upon request by the official or employee whose financial disclosure form was examined or copied, the Board of Ethics shall provide the official with a copy of the name and home address of the person who reviewed the official's financial disclosure form.
- (5) Retention requirements. The Town Clerk's office shall retain financial disclosure forms for four years from the date of receipt.
- (6) The home address of the elected official or candidate to be an elected official, as identified by the individual, shall be redacted prior to making it publicly available. This applies to all disclosure statements, whether posted on the internet or viewable only in the office. [Added 12-3-2018 by Ord. No. 787-18]

F. Contents of financial disclosure forms from incumbents and elected officials.

- (1) Interests in real property. A financial disclosure form filed under this section shall include a schedule of all interests in real property, wherever located. For each interest in real property, this 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) Interest in corporations and partnerships. A financial disclosure form 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 Town.
- (a) Interests reported under this subsection need not include exchange-traded funds (ETF), such as mutual funds. [Added 12-3-2018 by Ord. No. 787-18]
  - (b) For each interest reported under this subsection, the schedule shall include:
    - [1] The name and address of the principal office of the corporation, partnership, limited liability partnership, or limited liability corporation;
    - [2] The nature and amount of the interest held, including any conditions and encumbrances on the interest;
    - [3] 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
    - [4] With respect to any interest acquired during the reporting period:
      - [a] The date when, the manner in which and the identity of the person from whom the interest was acquired; and
      - [b] 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.
  - (c) An individual may satisfy the requirement to report the amount of the interest held by reporting, instead of a dollar amount:
    - [1] 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

- [2] For an equity interest in a partnership, the percentage of equity interest held.
- (3) Interests in business entities doing business with the Town. A financial disclosure form filed under this section shall include a schedule of all interests in any business entity that does business with the Town, other than interests reported under Subsection **F(2)**. For each interest reported under this subsection, 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 in 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. A gift disclosure form filed annually 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 on or before April 30 of each year from or on behalf of, directly or indirectly, any one person who does business with or is regulated by the Town. 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 Town. A financial disclosure form 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 Town. For each position reported under this subsection, the schedule shall include:
  - (a) The name and address of the principal office of the 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 Town agency with which the entity is involved.
- (6) Indebtedness to entities doing business with the Town. A financial disclosure form filed under this section shall include a schedule of all liabilities, excluding retail credit accounts, to persons doing business with the Town 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.
- (7) For each liability reported under this subsection, the financial disclosure form 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.
- (8) A financial disclosure form filed under this section shall include a schedule of the immediate family members of the individual employed by the Town in any capacity at any time during the reporting period.
- (9) Sources of earned income.

(a) A financial disclosure form filed under this section shall include a schedule of:

[1] 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 sole or partial owner and from which the individual or a member of the individual's immediate family received earned income, at any time during the reporting period.

(b) A minor child's employment or business ownership need not be disclosed if the Town does not regulate, exercise authority over, or contract with the place of employment or business entity of the minor child.

(c) An elected or appointed official or employee, or candidate for such position, of the Town of Bel Air, whose spouse is or was a regulated lobbyist, within one calendar year of said position or candidacy, must disclose the entity or entities that engaged the spouse to lobby. [Added 12-3-2018 by Ord. No. 787-18]

(10) A financial disclosure form filed under this section may also include a schedule of additional interests or information that the individual making the statement wishes to disclose.

### **§ 43-6 Financial disclosure: employees and appointed officials.**

A. This section applies to the following employees:

[Amended 11-5-2012 by Ord. No. 755-12]

- (1) Town Administrator.
- (2) All department heads.
- (3) All deputy department heads.
- (4) All information technology personnel.
- (5) Armory Facilities Manager.
- (6) Financial Officer.
- (7) All planners.
- (8) Chief of Operations.
- (9) Facilities Manager.



(10) Assistant Chief of Operations.

(11) Shop Supervisor.

(12) Sanitation Supervisor.

- B. A financial disclosure form under this section shall be filed with the Board of Ethics 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 gift disclosure form disclosing gifts, as defined in § 43-4, that were received during the preceding calendar year from any person that contracts with or is regulated by the Town, including the name of the donor of the gift and the approximate retail value at the time of receipt.
- D. Submitting a conflict of interest form to the Board of Ethics, 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. The Board of Ethics shall maintain all financial disclosure forms filed under this section as public records available for public inspection and copying as provided in § 43-5E, entitled "Public Records," and § 43-5E(5), entitled Retention Requirements, of this chapter.
- F. For the purpose of § 43-5F of this chapter, the following interests are considered to be the interests of the individual completing the financial disclosure form:
- (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 by a business entity in which the individual held a 30% or greater interest at any time during the reporting period.
  - (3) An interest held by a trust or an estate in which, at any time during the reporting period:
    - (a) The individual held a reversionary interest or was a beneficiary; or if a revocable trust, the individual was a settlor.

- (4) An interest disclosed under this subsection need not include exchange-traded funds (ETF), such as mutual funds. [Added 12-3-2018 by Ord. No. 787-18]
- (5) Indebtedness disclosed under this subsection only applies to debts to entities doing business with or regulated by the individual's governmental unit. [Added 12-3-2018 by Ord. No. 787-18]
- G. The Board of Ethics shall review the financial disclosure forms submitted under this section for compliance with the provisions of this section and shall notify an individual submitting the form of any omissions or deficiencies.
- H. The Town Board of Ethics may take appropriate enforcement action to ensure compliance with this section.
- I. The home address of the employee or appointed official, as identified by the individual, shall be redacted prior to making it publicly available. This applies to all disclosure statements, whether posted on the internet or viewable only in the office. [Added 12-3-2018 by Ord. No. 787-18]
- J. An elected or appointed official or employee, or candidate for such position, of the Town of Bel Air, whose spouse is or was a regulated lobbyist, within one calendar year of said position or candidacy, must disclose the entity or entities that engaged the spouse to lobby. [Added 12-3-2018 by Ord. No. 787-18]

### **§ 43-7 Lobbying.**

- A. A lobbyist shall file a lobbying registration form with the Board of Ethics on or before the later of January 15 of the calendar year or within five days after first performing an act that requires registration in the calendar year with the Board of Ethics if the person:
  - (1) Personally appears before a Town official or employee with the intent to influence that person in the 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 \$100 on food, entertainment, or other gifts for officials or employees of the Town.
- B. The lobbying registration form covers a defined registration period, not to exceed one calendar year, and shall identify:
  - (1) The registrant;

- (2) Any other person on whose behalf the registrant acts; and
  - (3) The subject matter on which the registrant proposes to make appearances specified in this section.
- C. Within 30 days after the end of any calendar year during which a person was registered under this section, the person shall file a written report with the Board of Ethics disclosing:
- (1) The value, date, and nature of any food, entertainment or other gift provided to a Town official or employee; and
  - (2) If a gift or series of gifts to a single official or employee exceeds \$100 in value, the identity of the official or employee.
- D. The Board of Ethics shall maintain the registrations and reports filed under this section as public records available for public inspection and copying at the Town Clerk's office for four years after receipt by the Board of Ethics.
- E. A lobbyist who serves on a Town of Bel Air board, commission, or committee must submit financial disclosure forms that mirror the forms for elected officials. [Added 12-3-2018 by Ord. No. 787-18]

### **§ 43-8 Exemptions and modifications.**

[Amended 11-5-2012 by Ord. No. 755-12]

The Board of Ethics may grant exemptions and modifications to the provisions of §§ 43-4 and 43-6 of this chapter to employees and to appointed members of the Town Board and commissions when the Board of Ethics 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.

### **§ 43-9 Enforcement.**

- A. The Board of Ethics may issue a cease-and-desist order against any person found to be in violation of this chapter.
- B. Upon a finding of a violation of any provision of this chapter, the Board of Ethics may:

- (1) Issue an order of compliance directing the respondent to cease and desist from the violation;
  - (2) Issue a reprimand; or
  - (3) Recommend to the appropriate authority other appropriate discipline of the respondent, including censure or removal if that discipline is authorized by law.
- C. If the Board of Ethics finds that a respondent has violated § 43-7 of this chapter, the Board of Ethics may:
- (1) 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 § 43-7 of this chapter;
  - (2) Suspend the registration of an individual registered lobbyist if the Board of Ethics finds that the lobbyist has knowingly and willfully violated § 43-7 of this chapter or has been convicted of a criminal offense arising from lobbying activities.
- D. Upon request of the Board of Ethics, the Town Attorney may file a petition for injunctive or other relief in the Circuit Court of Harford County, or in any other court having proper venue, for the purpose of requiring compliance with the provisions of this chapter.
- E. The court may:
- (1) Issue an order to cease and desist from the violation;
  - (2) 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.
- F. The 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.
- G. In addition to any other enforcement provisions in this chapter, a person who the Board of Ethics 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 Board of Ethics or a court.
- H. The Town 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.
- I. Violation of § 43-7 of this chapter shall be a misdemeanor.
- J. Fines of § 43-5, 43-6, or 43-7 shall be approved by a resolution that is passed by the Board of Town Commissioners.
- K. A finding of a violation of this chapter by the Board of Ethics is public information.



**APPENDIX D**

Title 8  
LAND USE ARTICLE  
Annotated Code of Maryland

2021

HISTORIC PRESERVATION COMMISSION  
TOWN OF BEL AIR, MARYLAND

ORDINANCE NO. 664-03





**2021 Maryland Statutes**  
**Land Use**  
**Division I - Single-Jurisdiction Planning and Zoning**  
**Title 8 - Historic Preservation**

**Subtitle 1 - General Provisions**  
**Section 8-101 - Definitions**

**Universal Citation:** [MD. Land Use Code Ann. § 8-101 \(2021\)](#)

- (a) In this title the following words have the meanings indicated.
- (b) “Appurtenance and environmental setting” includes:
  - (1) paved or unpaved walkways and driveways;
  - (2) trees;
  - (3) landscaping;
  - (4) pastures;
  - (5) croplands;
  - (6) waterways; and
  - (7) rocks.
- (c) “Commission” includes a historic district commission or a historic preservation commission.
- (d) “Demolition” includes any willful neglect in the maintenance and repair of a structure, other than the appurtenance and environmental setting of the structure, that:
  - (1) is not due to a financial inability to maintain and repair the structure; and
  - (2) threatens to result in a substantial deterioration of the exterior features of the structure.
- (e) “District” means a significant concentration, linkage, or continuity of sites, structures, or objects united historically or aesthetically by plan or development.

- (f) “Person” includes a unit of local government.
- (g) “Routine maintenance” means work that:
  - (1) does not alter the exterior fabric or features of a site or structure; and
  - (2) has no material effect on the historical, archaeological, or architectural significance of the site or structure.
- (h) “Site” means the location of:
  - (1) an event of historic significance; or
  - (2) a structure or ruin that possesses historic, archaeological, or cultural significance.
- (i) (1) “Structure” means a combination of material to form a construction that is stable.
  - (2) “Structure” includes:
    - (i) a building;
    - (ii) a stadium;
    - (iii) a reviewing stand;
    - (iv) a platform;
    - (v) staging;
    - (vi) an observation tower;
    - (vii) a radio tower;
    - (viii) a water tank or tower;
    - (ix) a trestle;
    - (x) a bridge;
    - (xi) a pier;
    - (xii) paving;
    - (xiii) a bulkhead;

- (xiv) a wharf;
  - (xv) a shed;
  - (xvi) a coal bin;
  - (xvii) a shelter;
  - (xviii) a fence;
  - (xix) a display sign that is visible or intended to be visible from a public way;
- and
- (xx) a part of a structure.

### **Section 8-102 - Declaration of Public Purpose**

**Universal Citation:** [MD. Land Use Code Ann. § 8-102 \(2021\)](#)

It is a public purpose in the State to preserve sites, structures, and districts of historical, archaeological, or architectural significance and their appurtenances and environmental settings.

### **Section 8-103 - Scope and Construction of Title**

**Universal Citation:** [MD. Land Use Code Ann. § 8-103 \(2021\)](#)

(a) The preservation of a designated structure under this title includes preservation of an associated:

- (1) natural land formation; and
- (2) appurtenance and environmental setting.

(b) This title may not be construed to prevent routine maintenance, customary farming operations, or landscaping that does not have a material effect on the historic, archaeological, or architectural significance of a designated site, structure, or district.

### **Section 8-104 - Regulation of Sites and Structures**

**Universal Citation:** [MD. Land Use Code Ann. § 8-104 \(2021\)](#)

(a) The legislative body of each local jurisdiction, by local law, may regulate:

(1) the construction, reconstruction, alteration, moving, and demolition of sites or structures of historical, archaeological, or architectural significance;

(2) the construction, reconstruction, alteration, moving, and demolition of sites and structures within districts; and

(3) the appurtenances and environmental settings of sites and structures within the limits of the local jurisdiction.

(b) The purpose of a local law adopted under this section is to:

(1) safeguard the heritage of the local jurisdiction by preserving sites, structures, or districts that reflect elements of cultural, social, economic, political, archaeological, or architectural history;

(2) stabilize and improve the property values of those sites, structures, or districts;

(3) foster civic beauty;

(4) strengthen the local economy; and

(5) promote the preservation and appreciation of those sites, structures, and districts for the education and welfare of the residents of each local jurisdiction.

## **Section 8-105 - Designation of Boundaries for Sites, Structures, and Districts**

**Universal Citation:** [MD. Land Use Code Ann. § 8-105 \(2021\)](#)

For the purposes of this title, each local jurisdiction may designate boundaries for sites, structures, and districts that are considered to be of historic, archaeological, or architectural significance, by following the procedures of the local jurisdiction for establishing or changing zoning districts and classifications.

## **Subtitle 2 - Commission**

### **Section 8-201 - Establishment**

**Universal Citation:** [MD. Land Use Code Ann. § 8-201 \(2021\)](#)

A local jurisdiction may create a historic district commission or a historic preservation commission.

### **Section 8-202 - Membership**

**Universal Citation:** [MD. Land Use Code Ann. § 8-202 \(2021\)](#)

(a) (1) A commission shall consist of at least five members.

(2) A majority of the members of a commission shall be residents of the local jurisdiction that created the commission.

(b) (1) Each member of a commission shall have a demonstrated special interest, specific knowledge, or professional or academic training in:

- (i) history;
- (ii) architecture;
- (iii) architectural history;
- (iv) planning;
- (v) archaeology;
- (vi) anthropology;
- (vii) curation;
- (viii) conservation;
- (ix) landscape architecture;
- (x) historic preservation;
- (xi) urban design; or
- (xii) a related discipline.

(2) A local jurisdiction that creates a commission may establish and publicly adopt additional qualifications for a member of the commission.

(c) (1) The term of a member of a commission is 3 years.

(2) The terms of the members shall be staggered.

(3) A member is eligible for reappointment.

(4) The appointing authority shall fill any vacancy on a commission for the unexpired term of the vacant position.

(d) (1) A member of a commission may be removed by the appointing authority for:

- (i) incompetence;
- (ii) misconduct; or
- (iii) in the same manner as for a member of a State board or commission:

1. failure to attend meetings under § 8–501 of the State Government Article;  
or

2. conviction of a crime in accordance with § 8–502 of the State Government Article.

(2) The appointing authority shall provide to the member:

- (i) a written statement of charges stating the grounds for removal; and
- (ii) an opportunity for a public hearing to contest the charges.

(e) (1) Each local jurisdiction may designate one alternate member for the commission who may sit on the commission when any other member of the commission is absent.

(2) When the alternate member is absent, the local jurisdiction may designate a temporary alternate.

### **Section 8-203 - Meetings**

**Universal Citation:** [MD. Land Use Code Ann. § 8-203 \(2021\)](#)

(a) A commission shall adopt rules and regulations necessary for the conduct of its business.

(b) An interested person or representative of an interested person may appear and be heard at a public hearing that a commission conducts.

### **Section 8-204 - Accepting Gifts**

**Universal Citation:** [MD. Land Use Code Ann. § 8-204 \(2021\)](#)

Subject to any requirements of the local jurisdiction that relate to the acceptance and use of gifts by public officials, a commission may accept and use gifts as needed to perform its duties.

### **Section 8-205 - Powers**

**Universal Citation:** [MD. Land Use Code Ann. § 8-205 \(2021\)](#)

(a) (1) Subject to any requirements of the local jurisdiction that relate to the acquisition of easements, a commission may acquire easements in connection with individual sites or structures, or with sites or structures located in or adjacent to a locally designated historic district.

(2) An easement acquired by a commission may grant to the commission, the residents of the historic district, and the public the right to ensure that any site, structure, or surrounding property on which the easement is applied is protected in perpetuity from changes that would affect the historic, archaeological, or architectural significance of the site, structure, or surrounding property.

(b) (1) A commission may designate the Maryland Historical Trust to analyze and make recommendations on the preservation of sites, structures, or districts of historic, archaeological, architectural, or cultural significance within the area the commission serves.

(2) The recommendations of the Maryland Historical Trust may include:

(i) proposed boundaries for sites, structures, and districts; and

(ii) the identification and designation of the sites, structures, and districts to be preserved.

### **Subtitle 3 - Preservation and Permitting**

#### **Section 8-301 - Guidelines for Rehabilitation and New Construction Design**

**Universal Citation:** [MD. Land Use Code Ann. § 8-301 \(2021\)](#)

(a) A local jurisdiction shall adopt guidelines for rehabilitation and new construction design for designated sites, structures, and districts that are consistent with those generally recognized by the Maryland Historical Trust.

(b) The guidelines adopted under this section may include:

(1) design characteristics intended to meet the needs of particular types of sites, structures, and districts; and

(2) identification of categories of changes that are so minimal in nature that they do not:

(i) affect historic, archaeological, or architectural significance; and

(ii) require review by a commission.

## **Section 8-302 - Application for Changes to Sites or Structures -- in General**

**Universal Citation:** [MD. Land Use Code Ann. § 8-302 \(2021\)](#)

(a) A person shall file an application with the commission before constructing, reconstructing, altering, moving, or demolishing a site or structure located within a locally designated district if any exterior changes are involved that would affect the historic, archaeological, or architectural significance of the site or structure, any portion of which is visible or intended to be visible from a public way.

(b) (1) An application filed under subsection (a) of this section shall be considered and approved or rejected by the commission.

(2) The commission may reject an application based only on the considerations listed in § 8–303(a) of this subtitle.

(c) An applicant may not resubmit an application that is identical to a rejected application for 1 year after the rejection.

(d) A local jurisdiction may not grant a permit for a change to a locally designated site or structure, or to a site or structure located in a locally designated district, until the commission has acted on the application in accordance with § 8–303(a) of this subtitle.

## **Section 8-303 - Application for Changes to Sites or Structures -- Review of Application**

**Universal Citation:** [MD. Land Use Code Ann. § 8-303 \(2021\)](#)

(a) In reviewing an application, a commission shall:

(1) use the guidelines adopted under § 8–301 of this subtitle; and

(2) consider:

(i) the historic, archaeological, or architectural significance of the site or structure and its relationship to the historic, archaeological, or architectural significance of the surrounding area;

(ii) the relationship of the exterior architectural features of the structure to the remainder of the structure and to the surrounding area;

(iii) the general compatibility of exterior design, scale, proportion, arrangement, texture, and materials proposed to be used; and

(iv) any other factors, including aesthetics, that the commission considers pertinent.



- (b) A commission shall consider only the exterior features of a structure.

### **Section 8-304 - Plans for Sites or Structures**

**Universal Citation:** [MD. Land Use Code Ann. § 8-304 \(2021\)](#)

(a) A commission shall strictly judge plans for sites or structures determined by research to be of historic, archaeological, or architectural significance.

(b) Unless the plans would seriously impair the historic, archaeological, or architectural significance of the surrounding site or structure, a commission may not strictly judge plans:

- (1) for a site or structure of little historic, archaeological, or architectural significance; or

- (2) involving new construction.

(c) A commission is not required to limit construction, reconstruction, or alteration to the architectural style of any one period.

### **Section 8-305 - Preservation of Sites or Structures**

**Universal Citation:** [MD. Land Use Code Ann. § 8-305 \(2021\)](#)

(a) A commission shall attempt, with the owner of a site or structure, to formulate an economically feasible plan to preserve the site or structure if:

- (1) an application is submitted for construction, reconstruction, or alteration affecting a site or the exterior of a structure or for the moving or demolition of a structure; and

- (2) the commission considers preservation of the site or structure to be of unusual importance to the local jurisdiction, the State, or the nation.

(b) Unless the commission is satisfied that the proposed construction, reconstruction, or alteration will not materially impair the historic, archaeological, or architectural significance of the site or structure, the commission shall:

- (1) reject the application; and

- (2) file a copy of its rejection with the building inspector of the local jurisdiction.

(c) The commission shall have 90 days after the date on which the commission concludes that an economically feasible plan cannot be formulated under this section to

negotiate with the owner and other parties to find a means of preserving the site or structure.

(d) If a site or structure is considered to be valuable for its historic, archaeological, or architectural significance, a commission may approve proposed construction, reconstruction, alteration, moving, or demolition, despite the fact that the changes come within the provisions of this section if:

(1) the site or structure is a deterrent to a major improvement program that will be of substantial benefit to the local jurisdiction; or

(2) the retention of the site or structure would:

(i) cause undue financial hardship to the owner; or

(ii) not be in the best interests of a majority of persons in the community.

### **Section 8-306 - Certificate of Approval, Modification, or Rejection**

**Universal Citation:** [MD. Land Use Code Ann. § 8-306 \(2021\)](#)

(a) (1) A commission shall file with the building inspector of the local jurisdiction a certificate of the commission's approval, approval with conditions, or modification, or written notice of rejection of an application or plan submitted to the commission for review.

(2) An applicant may not begin work on a project submitted to the commission for review until the commission has filed the certificate of approval, approval with conditions, or modification with the building inspector.

(3) The building inspector may not issue a building permit for a change or construction submitted to the commission for review until the building inspector has received the certificate of approval, approval with conditions, or modification from the commission.

(b) If there is no building inspector in the local jurisdiction:

(1) a commission shall issue a certificate of the commission's approval, approval with conditions, or modification, or a written notice of rejection, to the owner, lessee, or tenant of the property that is the subject of the application or plan; and

(2) the owner, lessee, or tenant may not begin the proposed work or change until the commission has issued the certificate of approval, approval with conditions, or modification.

## **Section 8-307 - Failure to Act on Completed Application**

**Universal Citation:** [MD. Land Use Code Ann. § 8-307 \(2021\)](#)

If a commission fails to act on a completed application within 45 days after the date when the completed application was filed, the application shall be considered approved unless:

- (1) the applicant and the commission agree to an extension of the 45-day period;
- or
- (2) the application is withdrawn.

## **Section 8-308 - Appeal of Decision**

**Universal Citation:** [MD. Land Use Code Ann. § 8-308 \(2021\)](#)

Any person aggrieved by a decision of a commission may appeal the decision in the manner provided for an appeal from the decision of the planning commission of the local jurisdiction.

## **Subtitle 4 - Miscellaneous Provisions**

### **Section 8-401 - Conversion of Overhead Facilities**

**Universal Citation:** [MD. Land Use Code Ann. § 8-401 \(2021\)](#)

(a) (1) Each local jurisdiction in which a district is designated may enact local laws requiring that:

(i) utility companies relocate existing overhead lines and facilities underground within the defined part of the district or the entire district; and

(ii) if necessary, private owners who receive service from the relocated lines and facilities place any connection underground.

(2) A local law enacted under this section shall:

(i) require that the estimated cost to property owners for work performed on private property be determined and made available to affected property owners;

(ii) provide financing for these costs to private owners, including financing for any charges for the amortization of bonds issued to initially cover private costs; and

(iii) include any other provisions reasonably related to placing overhead lines and facilities underground and administering underground relocation projects.

(b) (1) Except as otherwise provided in this section, the Public Service Commission shall:

(i) determine the amount of the monthly surcharge required to support the net capital costs of an underground relocation and determine which customers of the applicable utility are subject to the surcharge;

(ii) include the related net capital costs in the rate base; or

(iii) adopt any other method to appropriately apportion the costs.

(2) A utility may not be required to pay more than one-half of the net capital costs of an underground relocation.

(c) A local jurisdiction may appropriate money for underground relocation projects from any federal, State, and local funds the local jurisdiction receives for that purpose.

(d) (1) In implementing subsection (a)(2)(ii) of this section, the local jurisdiction may enter into an agreement with individual property owners under which the local jurisdiction agrees to advance funds to cover the property owners' costs for the relocation of the overhead lines and facilities.

(2) (i) The local jurisdiction may appropriate money, impose taxes, or borrow money to pay and advance the costs of an underground relocation.

(ii) In order to recapture expended costs, the local jurisdiction may:

1. impose a benefit assessment against property in the district on behalf of which the utility is relocated underground; and

2. provide for the collection of the assessment.

## **Subtitle 5 - Enforcement**

### **Section 8-501 - Request for Enforcement**

**Universal Citation:** [MD. Land Use Code Ann. § 8-501 \(2021\)](#)

A commission may request that the appropriate enforcement authority of the local jurisdiction seek any of the remedies and penalties provided by law for any violation of a local law adopted under this title.

**APPENDIX E**

CHAPTER 246  
HISTORIC PRESERVATION  
Town of Bel Air code

2021

HISTORIC PRESERVATION COMMISSION  
TOWN OF BEL AIR, MARYLAND



## Chapter 246 Historic Preservation

**[HISTORY: Adopted by the Board of Town Commissioners of the Town of Bel Air 3-11-1980 by Ord. No. 310 as Ch. 4, Art. 5 of the 1980 Code. Amendments noted where applicable.]**

Tax credit for historic preservation — See Ch. 50.

Building construction — See Ch. 145.

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### § 246-1 **Policy and objectives; assistance from other organizations.**

- A. The preservation of sites, structures and districts of historic, archaeological and architectural significance together with their appurtenances and environmental settings is a public policy of Bel Air. In accomplishing this policy the following objectives are sought to be attained:
- (1) To preserve and enhance the quality of life.
  - (2) To safeguard the historical and cultural heritage of the Town of Bel Air by preserving the sites, structures or districts therein which reflect elements of its cultural, social, economic, political, archaeological or architectural history.
  - (3) To stabilize and improve property values of such sites, structures or districts.
  - (4) To foster civic beauty.
  - (5) To strengthen the local economy.
  - (6) To promote the use, preservation and appreciation of such historic sites, structures and districts for the education, welfare and pleasure of the residents of Bel Air.
- B. The Board of Town Commissioners of the Town of Bel Air and the Historic Preservation Commission may seek and obtain the advice and assistance of the Maryland Historic Trust, the Harford County Historic Preservation Commission, the Historical Society of Harford County, Inc., and other organizations or individuals qualified by interest, training and experience in achieving the purposes of this chapter.

## **§ 246-2 Definitions.**

For the purposes of this chapter the following words and phrases shall have the meanings respectively ascribed to them in this section:

### **ALTERATION**

Any exterior change that would affect the historic, archaeological or architectural significance of a designated site or structure, any portion of which is visible or intended to be visible from a public way, including but not limited to construction, reconstruction, moving or demolition.

### **APPURTENANCES AND ENVIRONMENTAL SETTINGS**

Include but are not limited to walkways and driveways (whether paved or not), trees, landscaping, pasture, cropland, waterways and rocks. When used in this chapter, the word "structure" shall also be determined to include the words "appurtenances and environmental settings."

### **CERTIFICATE OF APPROVAL**

The official form indicating the Historic Preservation Commission's affirmative action on a request to alter, repair, modify, renovate, construct, demolish or otherwise alter all or a portion of a historically designated property or structure.

### **DEMOLITION**

Includes any willful neglect in maintenance and repair of a structure, not including any appurtenances and environmental settings, that does not result from financial inability to maintain and repair the structure and that threatens to result in any substantial deterioration of the exterior features of the structure.

### **EXTERIOR FEATURES**

The architectural style, design and general arrangement of the exterior of a historic structure which includes appurtenances and environmental settings, including the color, nature and texture of building material and the type and style of all windows, doors, light fixtures, signs or similar items found on or related to the exterior of a historic structure.

### **HISTORIC DISTRICT**

A significant concentration, linkage or continuity of sites, structures or objects united historically, architecturally, archaeologically, culturally, or aesthetically by plan or physical development, the preservation of which is deemed to be for the educational, cultural, economic and general welfare of the inhabitants of Bel Air. A historic district shall include all property within its boundaries as defined and designated by resolution of the Board of Town Commissioners.

### **ROUTINE MAINTENANCE**



Work that does not alter the exterior fabric or features of a site, structure, or appurtenances and environmental settings and has no material effect on the historic, archaeological or architectural significance of the historic site or structure.

## **SITE**

The location of an event of historic significance or of a structure, whether standing or ruined, which possesses historic, archaeological or cultural significance.

## **STRUCTURE**

A combination of material to form a construction that is stable, including but not limited to stadiums, reviewing stands, platforms, staging, observation towers, radio towers, buildings, water tanks and towers, trestles, bridges, piers, paving, bulkheads, wharves, sheds, coal bins, shelters, fences and display signs, visible or intended to be visible from a public way. The term "structure" shall be construed as if followed by the words "or part thereof."

### **§ 246-3 Historic Preservation Commission.**

- A. Creation. There is hereby created a commission to be known as the "Historic Preservation Commission."
- B. Membership. The Historic Preservation Commission shall have a membership of not fewer than five nor more than seven persons. A majority of members of the Historic Preservation Commission shall be residents of Bel Air. Each member should possess a demonstrated interest, specific knowledge or professional or academic training in such fields as history, architecture, architectural history, planning, archaeology, anthropology, curation, conservation, landscape architecture, historic preservation, urban design, or related discipline. At least two members of the Historic Preservation Commission shall possess professional or academic training in one or more of the above-listed fields in accordance with the minimum professional requirements of the United States Department of the Interior for certifying local governments under 36 CFR 61.
- C. Historic Preservation Commission membership qualification criteria. The requirement for Historic Preservation Commission membership under the category of demonstrated special interest may be satisfied either by formal training in one or more of the fields listed in Subsection **B** of this section or active membership in a preservation-related organization. The requirement for membership under the category of specific knowledge may be satisfied by formal postsecondary education, employment or practical experience in one or more of the above-listed fields. The requirement for Historic Preservation Commission membership under the category of professional or academic training may be satisfied by, at a minimum, two years' experience as a professional or a bachelor's degree in one or more of the above-listed fields.

- D. Terms. The members shall be appointed by the Board of Town Commissioners for terms of three years, except that in making the initial appointments, some appointments shall be established for less than three years in order that as these initial terms expire all appointments shall be for three years and shall not expire at the same time. Members of the Historic Preservation Commission are eligible for reappointment.
- E. Vacancy. Any vacancy in the membership of the Historic Preservation Commission caused by the expiration of a term, resignation, death, incapacity to discharge duties, removal for cause, or any other reason shall be filled for a new term, or for the remainder of the term for which there is a vacancy, as the case may be, in the same manner as provided herein for the appointment of the initial members of the Historic Preservation Commission. Any vacancy on the Historic Preservation Commission shall be filled by the appointing authority within 60 days. In the case of expiration of term, a member may continue to serve until the member's successor is appointed. Unexcused absence at three or more consecutive meetings shall be cause for removal, and the Board of Town Commissioners may remove a member for cause. **[Amended 11-17-2008 by Ord. No. 715-08]**
- F. Officers. The Historic Preservation Commission shall select from its membership a Chairperson and a Vice Chairperson. The Chairperson and Vice Chairperson shall serve a term of one year, shall perform such duties as the Historic Preservation Commission may prescribe and shall be eligible for reelection.
- G. Compensation. The members of the Historic Preservation Commission shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties.
- H. Meetings. The Historic Preservation Commission shall hold such regular meetings and hearings as necessary to discharge its duties, but not less than quarterly. The Historic Preservation Commission shall hold special meetings at the call of the Chairperson or of any three members of the Historic Preservation Commission.
- I. Rules of procedure; quorum. The rules of procedure shall also be available for public inspection. Three members shall constitute a quorum.

**§ 246-4 Designation of historic site, structure or district.**

**[Amended 11-16-2009 by Ord. No. 728-09]**

The Historic Preservation Commission is authorized and empowered, after consultation with the Department of Planning and Community Development of the Town of Bel Air, and upon making full and proper study, to recommend any property, structure or area within the limits of the Town of Bel Air as a proposed historic site, structure or district

and to determine the boundary lines of any such site, structure or district. The Historic Preservation Commission shall prepare a resolution setting forth its recommended designation of a site, structure or district as historic and shall cause such resolution to be introduced to the Board of Town Commissioners for appropriate action. No property, structure or area shall be deemed to be an historic site, structure or district unless and until it has been so designated by a resolution of the Board of Town Commissioners. The process for designation is as follows:

- A. The criteria for designation as an historic site, structure or district is as follows:
- (1) The Historic Preservation Commission shall conduct a public hearing to consider designation of a site, structure or district. In determining its recommendation for such designation, the Commission shall consider the significance of this site, structure or area in local, regional or American history.
  - (2) In evaluating historical significance, the Commission shall determine whether the site, structure or area is associated with events that have made a significant contribution to the broad pattern of our history, or whether the site, structure or area is associated with the lives of persons significant in the Town's past.
  - (3) In considering architectural significance, the Commission shall determine whether the site, structure or area embodies distinctive characteristics of a type, period or method of construction, or represents the work of a master or possesses high artistic values or represents a significant and distinguishable entity whose components may lack individual distinction. The Commission shall also consider the integrity of design, setting, materials and workmanship of the site structure or area.
  - (4) In considering archeological significance, the Commission shall determine whether the site, structure or area has yielded or may be likely to yield information important in history or prehistory.
- B. At least 10 days prior to a scheduled public hearing, the Historic Preservation Commission shall send written notice of the date, time and place of the hearing to the owner(s) of the proposed historic site, structure or area and to those agencies, organizations and citizens which the Commission determines may have an interest in the proceedings. Further, the historic site, structure or area's property shall be posted at least 14 days prior to the scheduled public hearing with a sign identifying the historic site, structure or area and listing the date, time and place of the public hearing and giving instructions for obtaining further information. A notice of the time and place of the public hearing shall be posted in a newspaper of general circulation in the jurisdiction at least seven days prior to the public hearing. If an

application for historic site designation has been filed, the Commission shall schedule a public hearing and make public its decision. Within 45 days after the filing of an application or, in the event the record is left open by the Commission, within 15 days after the close of the record, the Commission shall make its decision public. No record shall be held open for longer than seven calendar days, without the consent of the applicant. The time period for Commission action may be extended with the written consent of the applicant.

- C. Upon completion of the public hearing process, the Historic Preservation Commission shall determine whether the site, structure or area should be designated as historic. If the decision is favorable, the Historic Preservation Commission shall submit its recommendation to the Bel Air Board of Town Commissioners including its specific reasons for recommendation and provide the Board of Town Commissioners with a proposed resolution for designation of a site, structure or district as historic. The Board of Town Commissioners shall consider approval or denial of the proposed resolution for designation of a site, structure or district based on the Historic Preservation Commission recommendation.

**§ 246-5 Commission powers and duties.**

In addition to the authority to recommend areas for historic preservation designation, the Historic Preservation Commission shall have the following powers and duties:

- A. To acquire, develop and preserve historic or cultural properties, buildings, fixtures, furnishings, facilities, collections and appurtenances, with approval of the Board of Town Commissioners.
- B. To acquire and hold real and personal property of historic or cultural significance by purchase, gift, devise or bequest and to preserve and administer such properties, with approval of the Board of Town Commissioners.
- C. To accept gifts, grants, legacies, bequests and endowments for any purpose, with approval of the Board of Town Commissioners, as set forth in § **246-1** hereof.
- D. To accept or otherwise acquire historic preservation easements on properties located in or adjacent to a locally designated historic district upon approval by the Board of Town Commissioners.
- E. To direct studies, reports and surveys to identify historical, archaeological or architecturally significant sites, structures and districts that exemplify the cultural, social, economic, political or architectural history of the Town of Bel Air, State of Maryland or the nation.
- F. To prescribe appropriate rules and regulations for the transaction of business.

- G. To adopt rehabilitation and new construction design guidelines and criteria for construction, alteration, reconstruction, moving and/or demolition of structures and/or districts consistent with those generally recognized by the Maryland Historic Trust. These guidelines shall be used by the Historic Preservation Commission in review of applications.
- H. To perform all the functions and duties as set forth in Article 66B, § 8.01 et seq. of the Maryland Annotated Code, as amended from time to time.
- I. To undertake any action or activity necessary or appropriate to the implementation of its powers and duties and the implementation of the purpose of this chapter.

**§ 246-6 Certificate of approval.**

- A. Application for certificate. Before the construction, alteration, repair, moving or demolition of a structure is undertaken on any designated site or structure within a designated district, if an exterior change is involved which would affect the historic, archaeological or architectural significance of a designated site within a designated district, any portion of which will be visible from public way, the person, firm, or corporation proposing to make such change shall file with the Historic Preservation Commission, through the Department of Planning and Community Development, an application for a certificate of approval to construct, alter, repair, move or demolish the site or structure. Every such application shall be referred to and considered by the Historic Preservation Commission and accepted or rejected by the Historic Preservation Commission. An application which is substantially identical to a rejected application may not be resubmitted to the Commission within one year after rejection. No permit for any such change may be granted until the Historic Preservation Commission has acted thereon as hereinafter provided.
- B. Application review. In reviewing applications, the Historic Preservation Commission shall give consideration to:
  - (1) The historic, archaeological or architectural significance of the site or structure and its relationship to the historic, archaeological or architectural significance of the surrounding area;
  - (2) The relationship of the exterior architectural features of the structure to the remainder of the structure and to the surrounding area;
  - (3) The general compatibility of the proposed exterior design, scale, proportion, arrangement, texture and materials to the site or structure and to the surrounding area; and

- (4) Any other factors, including aesthetic factors, which the Historic Preservation Commission deems to be pertinent.
- C. The Historic Preservation Commission shall consider only exterior features of a structure and shall not consider any interior arrangements.
- D. The Historic Preservation Commission shall not disapprove an application except with respect to the several factors specified in Subsection **B** above.
- E. The Historic Preservation Commission shall be strict in its judgment of plans for those sites or structures determined by research to be of historic, archaeological or architectural significance. The Historic Preservation Commission shall be lenient in its judgment of plans for sites or structures of little historic, archaeological or architectural significance or for plans involving new construction, unless such plans would seriously impair the historic, archaeological or architectural significance of surrounding sites or structures. The Historic Preservation Commission is not required to limit new construction, alteration, or repairs to the architectural style of any one period.
- F. If an application for a certificate of approval is submitted for construction, reconstruction or alteration affecting a site or the exterior of a structure or for the moving or demolition of a structure, the preservation of which the Historic Preservation Commission considers to be of unusual importance to Harford County or the Town of Bel Air, or unusual importance to the entire state or nation, the Historic Preservation Commission shall attempt with the owner of the structure to formulate an economically feasible plan for the preservation of the site or structure. Unless in these circumstances the Historic Preservation Commission is satisfied that the proposed construction, alteration, or reconstruction will not materially impair the historic, archaeological or architectural significance of the site or structure, the Historic Preservation Commission shall reject the application, filing a copy of its rejection with the Building Official.
- G. If an application for a certificate of approval is submitted for construction, reconstruction or alteration or for moving or demolition of a site or structure that the Historic Preservation Commission considers to be of unusual importance and no economically feasible plan can be formulated, the Historic Preservation Commission shall have 90 days from the time it concludes that no economically feasible plan can be formulated to negotiate with the owner and other parties in an effort to find a means of preserving the site or structure. Where the demolition of a site or structure is approved hereunder, the Historic Preservation Commission may require plans for construction of a replacement building in accordance with powers

granted under this section in order to preserve the historic, architectural and property value of sites or structures of the surrounding area.

- H. In the case of a structure considered to be valuable for its historic, archaeological or architectural significance, the Historic Preservation Commission may approve the proposed construction, reconstruction or alteration, moving or demolition despite the fact that the changes come within the provisions of Subsection **F** above if:
- (1) The site or structure is a deterrent to a major improvement program which will be of substantial benefit to the Town of Bel Air;
  - (2) Retention of the site or structure would cause undue financial hardship to the owners; or
  - (3) The retention of the site or structure would not be in the best interests of a majority of persons in the community.
- I. No construction, reconstruction or alteration of the exterior of any site or structure or the moving or demolition of a site or structure shall be permitted on a property after the Historic Preservation Commission has served notice on the affected property owner that the historic preservation designation process has begun, as defined in this section, without the approval of the Historic Preservation Commission. Application for such approval shall be made to the Historic Preservation Commission. The Historic Preservation Commission shall act on the proposed designation as hereinafter provided. The Historic Preservation Commission shall have 45 days from the date of such application for approval either to grant such approval or to introduce a designation resolution on the proposed historic site or district to the Board of Town Commissioners in accordance with § **246-4** of this chapter. A building permit shall be issued if, at the end of such 45 days, the Historic Preservation Commission has not either granted such approval or submitted said designation resolution. If a designation resolution is introduced to the Board of Town Commissioners during the forty-five-day period, no building permit shall be issued until the Board acts on said resolution. If the Board rejects the resolution, the building permit shall be issued immediately thereafter. If the Board passes the resolution, the applicant shall follow permit requirements for a historic district property as herein described.
- J. The Historic Preservation Commission shall file with the Building Official a certificate of its approval, modification, or rejection of all applications and plans submitted to it for review. Work shall not be commenced on any such project until such a certificate of approval has been filed, and the Building Official shall not issue

a building permit for such change or construction unless and until he has received such a certificate of approval. The failure of the Historic Preservation Commission to act upon an application within 45 days from the date the application was filed with the Historic Preservation Commission shall be deemed to constitute automatic approval of the proposed changes unless an extension of this forty-five-day period is agreed upon mutually by the applicant and the Historic Preservation Commission.

- K. Routine maintenance. Nothing in this chapter shall be taken or construed to prevent routine maintenance that does not alter the exterior fabric or features of a designated site, structure or district, customary farming operations or landscaping which will have no material effect on the historic, archaeological or architectural significance of a designated site, structure or district. Nothing in this chapter affects the right to complete any work covered by a permit or authorization issued prior to the effective date of this chapter.

**§ 246-7 Demolition by neglect.**

- A. In the event of demolition by neglect, the Historic Preservation Commission may request the Department of Planning and Community Development to notify, in writing, the property owner of record, any person having a right, title or interest therein, and the occupant or other person responsible for the maintenance of the property of the deterioration. The notice shall specify the minimum items of repair or maintenance necessary to correct the deterioration or prevent further deterioration.
- B. Prior to the issuance of a written notice, the Historic Preservation Commission may request the Department of Planning and Community Development to establish a record of demolition by neglect. Such a record may include dated materials such as photographs and written reports of the condition of the property so as to record or measure the deterioration.
- C. The notice shall provide that corrective action shall commence within 30 days of the receipt of said notice and be completed within a reasonable time thereafter. The notice shall state that the owner of record of the property, or any person of record with any right, title, or interest therein, may, within 10 days after the receipt of the notice, request a hearing on the necessity of the items and conditions contained in the notice. In the event a public hearing is requested, it shall be held by the Historic Preservation Commission upon 30 days' written notice being mailed to all persons of record with any right, title or interest in the property and to all citizens and organizations which the Historic Preservation Commission determines may have an interest in the proceedings.



- D. If, after the public hearing, the Historic Preservation Commission determines that the corrective actions remain necessary, the Historic Preservation Commission may request that the Department of Planning and Community Development issue a final notice detailing the corrective action which shall commence within 30 days from the date of the hearing decision and be completed within a reasonable time thereafter.
- E. Upon failure, neglect, or refusal of the property owner or other responsible person, duly notified, to take the corrective action specified in the final notice within the time required, the Historic Preservation Commission may request that the Department of Planning and Community Development institute any of the remedies and penalties provided by law for such violations.

**§ 246-8 Maryland Historical Trust report.**

The Historic Preservation Commission may designate the Maryland Historical Trust to make an analysis of and report recommending the preservation of sites, structures, or districts of historic, archaeological, architectural, or cultural significance within the Town of Bel Air. The report may include proposed boundaries of sites, structures, or districts, as well as recommendations for the identification and designation of particular sites, structures, or districts to be preserved.

**§ 246-9 Appeals.**

**[Amended 11-16-2009 by Ord. No. 728-09]**

In the event that any party is aggrieved by a decision of the Historic Preservation Commission, the party has the right to appeal to the Circuit Court of Harford County as authorized by Section 4.08(f) of Article 66B of the Annotated Code of Maryland. An appeal to the Circuit Court shall be taken in accordance with Rules 7-201 through 7-211 of Title 7 Chapter 200 of Maryland Rules of Procedure. In the alternative, the party may appeal to the Bel Air Board of Appeals as authorized by Section 8.15 of Article 66B of the Annotated Code of Maryland. An appeal to the Board of Appeals shall be taken in accordance with Section 15.03.A of the Town of Bel Air Development Regulations. Appeals must be filed within 30 days from the date of the Historic Preservation Commission's decision.

**§ 246-10 Commission meetings.**

All meetings of the Historic Preservation Commission shall be open to the public. Any interested person or his representative is entitled to appear and be heard by the Historic Preservation Commission before it reaches a decision on any matter. The Historic Preservation Commission shall keep an open record of its resolutions, proceedings, and actions which shall be kept available for a period of three years for public inspection during reasonable business hours.

**§ 246-11 Rules and regulations.**

The Historic Preservation Commission shall have the authority to prescribe appropriate rules and regulations in order to carry out the purpose and intent of this chapter.

**§ 246-12 Violations and penalties.**

**[Amended 11-17-2008 by Ord. No. 715-08]**

A violation of this chapter shall be deemed a municipal infraction punishable as provided in Chapter 1, Article II of this Code. Each and every day that the violation continues shall be deemed a separate offense. Violations and fees shall be cumulative.

**APPENDIX F**

CHAPTER 165

ARTICLE V

Town of Bel Air Development Regulations

2021

**HISTORIC PRESERVATION COMMISSION**

**TOWN OF BEL AIR, MARYLAND**



## Article V

### Historic Resource Conservation Regulations

#### § 165-38 **Purpose.**

The Historic Resource Conservation Regulations are established:

- A. To safeguard the heritage of the Town of Bel Air by preserving the historic buildings and sites which reflect elements of its cultural, social, economic, political or architectural history;
- B. To retain and improve property values in such areas;
- C. To encourage property owners of historic buildings to repair and maintain their properties in ways sensitive to the building's original style and method of construction;
- D. To provide guidelines for the construction of new additions to existing historic structures and for infill development in historic neighborhoods;
- E. To preserve, to the extent possible, significant historical or archeological resources;
- F. To encourage adaptive reuse of historic properties as part of the Town's sustainable development initiative;
- G. To promote the use of historic properties for the education, pleasure and welfare of the community; and
- H. To foster public awareness of the Town's history and historic structures.

#### § 165-39 **Boundaries.**

The Historic Resource Conservation District is composed of individually designated historic districts and sites within the Town boundaries. The Official Historic Resource Conservation District Map, which is available for review at the Town Department of Planning and Community Development and Bel Air Town Hall, shows each designated district/site.

#### § 165-40 **Designation of historic structure, site or district.**

At the request of the property owner or any public agency, the Bel Air Historic Preservation Commission reviews and recommends historic designation of a structure, site or district and makes a recommendation to the Board of Town Commissioners for its consideration. Designation is based on the following criteria:

- A. The property must be surveyed in accordance with requirements of the Maryland Inventory of Historic Properties procedures. Further, the property must demonstrate significance in terms of one or more of four broad criteria which are consistent with National Register criteria used to identify and evaluate historic properties. The criteria are as follows:
- (1) The structure, site or district is associated with events that have made a significant contribution to the broad patterns of Bel Air's history.
  - (2) The structure, site or district is associated with the life of a person or persons who were significant in Bel Air's past.
  - (3) The structure, site or district embodies the distinct characteristics of a type, period, or method of construction or possesses high artistic values or represents a significant and distinguishable entity whose components may lack individual distinction.
  - (4) A property with the potential to yield information that will contribute to a better understanding of the community's prehistory or history.
- B. Significance may be evaluated on a national, state or local context. The Historic Preservation Commission shall conduct a public hearing in accordance with Chapter **246** of the Bel Air Town Code. If the property satisfies the requirements for designation, the Historic Preservation Commission shall cause a resolution to be submitted for Board of Town Commissioners consideration to formally designate this structure, site or district. The Board of Town Commissioners has final approval authority for all historic designations.
- C. Once a property is designated, the Historic Preservation Commission reviews and approves all applications for permits for construction, alteration, repair, moving or demolition of a designated site or structure(s) prior to issuance of a demolition or a building permit. Additionally, the Historic Preservation Commission or its designee shall review and approve accessory structures, exterior building features and/or appurtenances.
- D. Applications for review are filed with the Historic Preservation Commission through the Department of Planning and Community Development. Commission approval or approval by its designee is required for any changes which would affect the exterior appearance of a structure visible or intended to be visible from an adjacent public right-of-way in the district.

- E. The Historic Preservation Commission shall review the proposed construction to ensure appropriateness to an historic setting based upon Chapter **246**, Historic Preservation, of the Bel Air Town Code, the Town of Bel Air Design Guidelines for Rehabilitation, Maintenance, and New Construction, Historic Preservation Commission Powers and Duties, and in conjunction with the Secretary of the Interior's Standards for Rehabilitation of Historic Buildings, in addition to requirements of this Part **2**. In the case of a conflict among regulations, the strictest standard shall apply.
- F. A request for amendment to the historic designation shall follow the procedures for change outlined in Article **XIII** of this Part **2**.

§ 165-41 **Special regulations.**

- A. Designated historic districts/sites.
  - (1) No permit for any change may be granted until the Commission has acted thereon as provided in the officially adopted Town of Bel Air "Historic Preservation Commission Powers and Duties."
  - (2) Every attempt shall be made to retain existing architectural character.
  - (3) Every attempt shall be made to retain the structure's compatibility with the surrounding neighborhood.
  - (4) Materials for exterior alterations shall be sensitive to those with materials used in the original method of construction.
  - (5) Proposed construction shall be in harmony with approved plans for the surrounding area, so that existing and future land values within the area will not be depreciated.
  - (6) Demolition of historic structures should be avoided. If no other option is available, the property owner should try to relocate the building. Any new construction should be compatible in color, size, materials and mass with any adjacent historic structures.
  - (7) Additionally, the Town of Bel Air Design Guidelines for Rehabilitation, Maintenance and New Construction, Chapter **246**, Historic Preservation, of the Bel Air Town Code and the Historic Preservation Commission Powers and Duties should be consulted prior to exterior construction, renovation or rehabilitation.
- B. Exemptions. Exemptions from permit requirements are listed in the Historic Preservation Commission Powers and Duties and are incorporated herein by reference.

C. Appeal process.

- (1) In the event that any party is aggrieved by a decision of the Board of Town Commissioners to designate a property as an historic site or part of an historic district, the party has the right to appeal to the Circuit Court of Harford County as authorized by the Land Use Article of the Annotated Code of Maryland. Such appeal shall be petitioned in the same manner as a rezoning decision as specified in Article **XIII**, § **165-101B(8)**, of this Part **2**. An appeal to the Circuit Court shall be taken in accordance with Rules 7-201 through 7-211 of Title 7, Chapter 200, of the Maryland Rules of Procedure. **[Amended 4-3-2017 by Ord. No. 780-17]**
- (2) Following designation, should a party be aggrieved by a decision of the Historic Preservation Commission during its review process, the party may appeal to the Board of Appeals in accordance with Article **XII**, § **165-91**, of this Part **2** and the Land Use Article of the Annotated Code of Maryland. **[Amended 4-3-2017 by Ord. No. 780-17]**
- (3) All appeals must be filed within 30 days of the Board of Town Commissioners or Historic Preservation Commission's decision.



**APPENDIX G**

SAMPLE MOTIONS

2021

HISTORIC PRESERVATION COMMISSION  
TOWN OF BEL AIR, MARYLAND



**MOTION ON CERTIFICATE OF APPROVAL**

I move the application for Certificate of Approval / Tax Credit submitted by \_\_\_\_\_

\_\_\_\_\_

dated \_\_\_\_\_ for the property located at \_\_\_\_\_

be approved based on:

- The application meets criteria found in Chapter 246 (Historic Preservation) and requirements of Article V (Historic Resource Conservation Regulations) of the Town of Bel Air Development Regulations

Approval is conditioned on the following:

- All necessary site and building permits are acquired
- Issuance of a Use & Occupancy Certificate

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Consideration should be given in the following areas when establishing reasons associated with the approval/denial or conditions required:

1. Historic, archeological or architectural significance of the site or structure and its relationship to the historic, archeological or architectural significance of the surrounding area.
2. The relationship of the exterior architectural features of the structure in relation to the entire structure and the surrounding area.
3. The general compatibility of exterior design, scale, proportion, arrangement, texture and materials proposed to be used.
4. To any other factors, including aesthetic factors, which the Historic Preservation Commission deems to be pertinent.

**MOTION TO TABLE DECISION**

I move the decision regarding the Certificate of Approval / Tax Credit submitted by \_\_\_\_\_ be tabled until the next regularly scheduled meeting of the Historic Preservation Commission on \_\_\_\_\_ at 6:00pm in Town Hall in order to make requested changes concerning \_\_\_\_\_

**MOTION TO DENY CERTIFICATE OF APPROVAL OR TAX CREDIT**

I move the Certificate of Approval submitted by \_\_\_\_\_ to permit \_\_\_\_\_ located at \_\_\_\_\_ be denied based on the following:

The proposed alteration does not meet criteria found in: \_\_\_\_\_

The applicant has not satisfied requirements in Chapter 246 (Historic Preservation) and criteria in Article V (Historic Resource Conservation Regulations) of the Town of Bel Air Development Regulations because \_\_\_\_\_

Properties that do not specifically meet criteria in the code:

1. The site or structure is a deterrent to a major improvement program which will be of substantial benefit to the county or municipality;
2. Retention of the site/structure will cause undue financial hardship to the owner;
3. The retention of the site/structure would not be in the best interests of the community.