

## VILLAGE OF DRUMMOND BUILDING RESTRICTIONS and PERMIT REGULATIONS

Montgomery County Code, Appendix M, Part 3 (Regulations, Drummond and First Addition to Drummond):

### **Section 12**

Building Restrictions:

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

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

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

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

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

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

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

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

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

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

### **Section 13**

#### *Building and Demolition Permits:*

1. *Building or Demolition Permit Required.* No building shall be erected, removed, or demolished within the Village of Drummond, nor any modification made in the exterior of any portion of a building which requires a building permit from Montgomery County, until a permit therefor is approved and issued by the Village of Drummond.
2. *Approval.* An application for a building permit or demolition permit shall be submitted to the Drummond Citizens Committee ("Committee") containing the following information. Additional information may be requested by the Committee. The Committee may prepare and require an application form. The Committee may establish by Resolution a fee to be charged to all applicants. The Committee from time-to-time may change the fee by Resolution, but the fee shall not exceed \$100. An application may be denied for failure to provide the requested information.

The application shall include:

- a. The signature of the owner and/or his authorized agent;
- b. The street address, plat number and date of subdivision plat recordation of the lot upon which the proposed work is to be performed;
- c. The full name and address of each owner;
- d. A brief description of the work to be performed for which the building permit or demolition permit is requested;
- e. A copy of the building or demolition plans and all other documents submitted or anticipated to be submitted to Montgomery County as part of the application for a building or demolition permit for the identical work issued by Montgomery County; and,

- f. A certification by the applicant that the applicant provided to the owners of adjoining and confronting property within the Village of Drummond, and to the occupants of said property if the owners are not the occupants, a reasonable opportunity to inspect the building or demolition permit plans and notice of the anticipated date of the hearing before the Committee. The certification shall include an explanation of the steps taken to comply with these requirements and to identify those persons who have inspected the plans.
3. *Criteria for Issuance of Permit.* The Committee shall consider, in approving or disapproving an application, such factors as:
  - a. Whether the application is complete and conforms to the requirements of this Regulation;
  - b. Whether the proposed work complies with the provisions of Chapter 8 of the Montgomery County Code;
  - c. Whether the proposed work complies with all applicable subdivision and zoning requirements; and
  - d. Whether the proposed work complies with all other applicable Village of Drummond Regulations, County, State and Federal laws.
4. *Permit Contingent on County Permit.* Village of Drummond Building and Demolition Permits are effective and valid only for the identical work authorized by a valid Building or Demolition Permit issued by Montgomery County and only for that time period for which the Montgomery County permit is valid.
5. *Liability for Damage to Village of Drummond Property.* As a condition for the grant of a permit, the permit holder shall be liable for any damages to Village of Drummond property including rights of way, sidewalks, curbs, streets and green space. Permit holders shall be subject to the expense necessary to repair such damage as close to the original condition as possible. The Committee may, by contract or otherwise, cause any necessary repairs to be made, and the cost of such work and the damages resulting therefrom shall be charged against the permit holder or against the property and collected as a tax in a manner similar to other taxes.
6. *Stop Work Order.* Whenever the Chair of the Committee, or his or her delegate, may determine that actions are being taken in violation of the provisions of this Regulation, he or she may order such work to be stopped immediately. A Stop Work Order shall be issued in writing and served upon the owner of the property or the owner's agent, or the person doing the work. It shall be unlawful for any person to continue to permit continuation of work in or about the property after having been served with a Stop Work Order. The permit holder may appeal such Order to the Committee, which, upon request, shall hold a hearing within fourteen (14) days.
7. *Revocation of Permit.* The Committee may revoke, after a hearing, a permit issued under this Regulation in the case of any false statements or misrepresentations of fact in the application or on the plans upon which the permit was based, or in the case of any violation of this Regulation or violation of any condition upon which the permit was issued.

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

## **Section 14**

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

Additional Regulations:

1. No motorized vehicle shall enter any unimproved property in the Village of Drummond except by way of a paved area at least six feet wide extending from a cut in the curbstone through the sidewalk except when necessary for the maintenance of or construction on such property.
2. No temporary structure may be erected on unimproved property in the Village of Drummond except in connection with the construction of a permanent structure thereon.
3. No vehicle may be parked or any object stored on any unimproved property in the Village of Drummond except when necessary for the construction of a permanent structure thereon.

## **VILLAGE OF DRUMMOND CONSTRUCTION TREE PROTECTION PLAN**

The Village trees are an important common asset. In order to preserve the health of the trees and maintain a consistent "site-line", the Village maintains, prunes, removes and replaces trees that lie between the sidewalk and the street and within five feet in from the sidewalk.

Renovation and construction pose significant risks to the health of trees and, importantly, their root systems. Approximately 90 percent of a tree's root system is in the top three feet of soil, and more than half is in the top one foot. Tree roots need loose soil to grow, obtain oxygen, and absorb water and nutrients. Soil compaction can be as harmful as severing roots. Stockpiled building materials, heavy machinery, and excessive foot traffic all damage soil structure. Thus, "construction fences" must be built around Village trees that are in close proximity to construction pathways. (Construction fences are recommended for other trees on the homeowner's lot.)

Fences may be made of wire, wood or plastic, provided that workers respect the fence boundaries. The fences should be placed as far out from the trunks of the trees as is

possible. To the extent feasible, allow one foot of space from the trunk for each inch of diameter. Construction plans should identify existing Village trees and the borders of the construction fences, which are required for issuance of a Village construction permit.

Although the Village ordinarily maintains the sidewalks and driveway aprons, homeowners are responsible for repair or replacement of sidewalks and aprons damaged by construction. New sidewalks and aprons must be concrete, and new aprons should be no wider than the existing apron or 12 feet, whichever is wider.

Questions concerning compliance with the fencing requirement or the permit process should be directed to the Mayor.

Drummond Citizens Committee Village of Drummond