

**TOWN OF MOUNTAIN LAKE PARK**

**ORDINANCE NO. 2004-3**

**OPEN BURNING ORDINANCE**

**AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF MOUNTAIN LAKE PARK PROHIBITING OPEN BURNING, AND THE MAINTENANCE OF OPEN FIRES WITHIN THE TOWN OF MOUNTAIN LAKE PARK; REPEALING ALL OTHER ORDINANCES AND RESOLUTIONS REGULATING OPEN BURNING; AND MAKING THE VIOLATION OF THIS ORDINANCE A MUNICIPAL INFRACTION.**

**WHEREAS**, the Mayor and Town Council of Mountain Lake Park is authorized by Article 23A of the Maryland Annotated Code and by the Mountain Lake Park Town Charter to enact ordinances to protect the health, safety and welfare of residents of and visitors to Mountain Lake Park; and

**WHEREAS**, the Mayor and Town Council of Mountain Lake Park has received numerous complaints concerning dangers of open burning within the limits of the town; and

**WHEREAS**, the Mayor and Town Council of Mountain Lake Park has determined that open burning within the town represents a fire hazard as well as presenting the hazard of smoke damage, both to people and to property including environmental and health and safety concerns;

**NOW, THEREFORE, THE MAYOR AND TOWN COUNCIL OF MOUNTAIN LAKE PARK, DOES ORDAIN AND RESOLVE THE FOLLOWING:**

**ARTICLE ONE**

**REPEAL OF PRIOR ORDINANCES AND RESOLUTIONS**

Ordinance No. 2001-01 which was, enacted and adopted by the Mayor and Town Council of Mountain Lake Park on March 14, 2001 and all other ordinances and resolutions regulating open burning are hereby repealed.

**ARTICLE TWO**

**DEFINITIONS**

Section 1. "Barbecue" shall mean a fire contained in a charcoal, wood, or gas grill or a fire contained in a masonry, brick, clay, metal, or stone outdoor fireplace. In all cases the purpose of the fire must be to prepare food for human consumption.

Section 2. "Enforcement officer" shall mean any individual described in the Town's

DOC  
3

Section 2. "Enforcement officer" shall mean any individual described in the Town's Enforcement Ordinance who has the authority to enforce Town ordinances.

Section 3. "Open fire" shall include, but is not limited to the burning of piles of bush, leaves, or construction debris; camp fires and bon fires; the burning of trash or other refuse in the open or in a metal barrel or similar container; the burning of tires of any type; and any other burning of any object determined to be a health or safety hazard by an enforcement officer.

Section 4. "Person" shall mean any natural person, firm, partnership, association, corporation or organization of any kind.

Section 5. "Town" shall mean the Town of Mountain Lake Park, a municipal corporation organized under the laws of the State of Maryland, and includes the Mayor and Town Council of Mountain Lake Park.

### **ARTICLE THREE**

#### **PROHIBITIONS**

Section 1. It shall be unlawful for any person to cause or permit an open fire out of doors within the town limits of Mountain Lake Park, or to maintain such a fire except as may be provided for in Section 2 hereof.

Section 2. The following shall be permitted as long as not prohibited by any other law or regulation

(a) Barbecues.

(b) Fires set or permitted by public officers in the performance of their official duties, provided that the same are for the purpose of prevention of a fire hazard, the protection of public health, or instruction in firefighting.

### **ARTICLE FOUR**

#### **ENFORCEMENT**

Section 1. Violation of any provision(s) of this ordinance is a municipal infraction and is subject to the Enforcement Ordinance and the fines or penalties provided in the Resolution of Fines for Municipal Infractions. The Mayor and Town Council may change the amount of fines and penalties in the Resolution of Fines for Municipal Infractions after the changes have been duly posted in accordance with the policy of the Mayor and Town Council of Mountain Lake Park for advertising for the adoption of resolutions.

Section 2. Nothing contained in this ordinance shall prohibit or prevent the Town from seeking other legal remedies, such as injunction, criminal prosecution, or damages in a civil action pursuant to Section 3 of Article 23A, Annotated Code of Maryland as amended.

**ARTICLE FIVE**

**MINORS**

In the event the violator of any provision of this ordinance is a minor, the enforcement provisions in Article Four shall apply with full force and effect upon the parent, parents, guardian, or other such person or persons directly responsible for the conduct of the minor.

**ARTICLE SIX**

**SEPARABILITY**

Section 1. It is the intention of the Mayor and Town Council of Mountain Lake Park that each separate provision of his Ordinance shall be deemed independent of all other provisions herein.

Section 2. It is further the intention of the Mayor and Town Council of Mountain Lake Park that if any provisions of this Ordinance be declared invalid or unconstitutional, all other provisions hereof shall remain valid and enforceable.

**ARTICLE SEVEN**

**ENACTMENT**

**IT IS HEREBY ORDAINED AND RESOLVED**, this ordinance shall be in full force and effect after introduction, advertising, public hearing, and adoption as provided by law.

**BE IT FURTHER RESOLVED**, this ordinance shall be duly advertised in accordance with the Policy for the Adoption of Ordinances by the Mayor and Town Council of Mountain Lake Park, and a public hearing on this Ordinance shall be held on the 1st day of July, 2004, at 6:00 P. M., at the Town Hall located at 1007 Allegheny Drive, Mountain Lake Park, Maryland 21550.

**INTRODUCED** this 3rd day of June , 2004.

**SECOND READING AND ADOPTION** this 1st day of July, 2004.

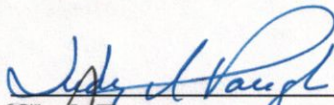
**AND BE IT FURTHER RESOLVED**, this Ordinance shall be effective as of July 1, 2004

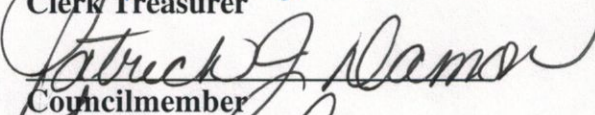
Mayor and Town Council of Mountain Lake Park  
Open Burning Ordinance No. 2004-3

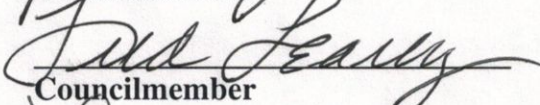
**THIS ORDINANCE IS SUBJECT TO REFERENDUM AS OUTLINED IN  
ARTICLE 23A, SECTIONS 11 THROUGH 17.**

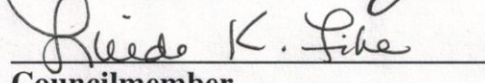
**ATTEST:**

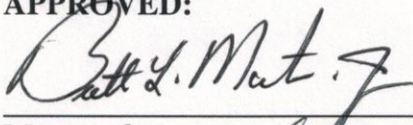
**APPROVED:**

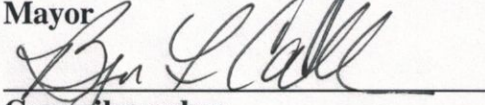
  
 \_\_\_\_\_  
 Clerk Treasurer

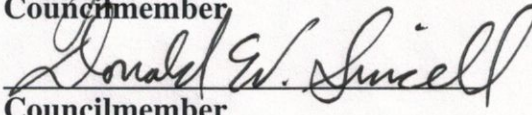
  
 \_\_\_\_\_  
 Councilmember

  
 \_\_\_\_\_  
 Councilmember

  
 \_\_\_\_\_  
 Councilmember

  
 \_\_\_\_\_  
 Mayor

  
 \_\_\_\_\_  
 Councilmember

  
 \_\_\_\_\_  
 Councilmember

## TOWN OF MOUNTAIN LAKE PARK ORDINANCE CHECKLIST

1. 6/3/04 Introduce proposed ordinance to governing body. (Constitutes first reading)
2. 6/10/04  
6/17/04 Publish public hearing date and time and a fair summary of proposed ordinance for two week intervals. (This date must be set at least 6 days but not more that 60 days after introduction for hearing.)
3. 7/1/04 Conduct public hearing, second reading and adoption of Ordinance.
4. 7/1/04 Ordinance will become effective immediately upon adoption.
5. 8/10/04 Wait 40 days to allow time for petition to ordinance referendum.
6. 8/11/04 If no petition, is received, promptly register the ordinance with the county, Clerk of Courts.

*David K. Martin*

TOWN OF MOUNTAIN LAKE PARK  
ORDINANCE CHECKLIST

Introduce proposed ordinance to governing body. (Constitutes first reading)  
Publish public hearing date and time and a full summary of proposed ordinance for two week intervals. (This date must be set at least 6 days but not more than 60 days after introduction)

- 1. 6/3/04
- 2. 6/10/04
- 3. 6/17/04
- 4. 6/24/04
- 5. 8/10/04
- 6. 8/11/04

**ORDINANCES & RESOLUTIONS**

Filed and recorded August 11, 2004,  
in O & R Record, Liber D.K.M., No. 005,

folio 015, one of the Records in the

Office of the Clerk of the Circuit Court  
for Garrett County, Maryland, and compared

by:

David K Martin , CLERK