

**TOWN OF MOUNTAIN LAKE PARK**

**ORDINANCE NO. 2004-4**

**DEBRIS, TRASH AND RUBBISH**

**AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF MOUNTAIN LAKE PARK REGULATING THE ACCUMULATION OF DEBRIS, TRASH AND RUBBISH IN THE TOWN OF MOUNTAIN LAKE PARK; REPEALING ALL OTHER ORDINANCES AND RESOLUTIONS PERTAINING TO DEBRIS, TRASH AND RUBBISH; 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.

**WHEREAS**, the Mayor and Town Council of Mountain Lake Park has received complaints about the accumulation of debris, trash and rubbish within the Town of Mountain Lake Park and finds that such debris, trash and rubbish is a hazard to the health, safety, and welfare of the residents of the Town of Mountain Lake Park;

**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**

Section 406, Specific Prohibitions-All Districts of the Town's Zoning Ordinance and any and all other ordinances and resolutions enacted and adopted by the Mayor and Town Council of Mountain Lake Park pertaining to debris, trash, and or rubbish, prior to the enactment of this ordinance, are hereby repealed.

**ARTICLE TWO**

**DEFINITIONS**

Section 1. "Building" shall mean a structure enclosed by four walls and having a roof. Buildings include, but are not limited to residences, garages, storage buildings, business structures, or any other structure permitted in the Town's Zoning Ordinance.

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Section 2. "Debris, trash, and rubbish" shall mean discarded materials or refuse of any kind, except normal household refuse placed in a proper container awaiting removal by Town trash collectors; used lumber, construction materials, discarded or inoperable machinery, car or vehicle parts, tires, refrigerators, bathroom fixtures, or household accessories or appliances of any kind; furniture other than useable lawn and garden furniture; brush; yard waste; tall grass and weeds 12 inches high or more; anything that is broken or dismantled; the remnants of anything which is broken or dismantled, or any parts or pieces thereof; pieces of broken trees, bushes, or shrubbery; anything which is not intended for use out of doors and which is left out of doors more than twenty-four (24) hours unless awaiting pickup by Town trash collectors; animal excrement, filth, any other item determined to be debris, trash, or rubbish by the Mayor or his or her authorized representative.

Section 3. "Person" shall mean any natural person, firm, partnership, association, corporation or organization of any kind.

Section 4. "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. Debris, trash, and rubbish shall be prohibited from being located within the Town of Mountain Lake Park unless stored in a building, out of sight.

Section 2. Debris, trash, and rubbish awaiting pickup by the Town or by Town trash collectors must be placed at the edge of the Town right-of-way not more than 24 hours before the scheduled pickup period.

Section 3. Nothing herein shall prohibit the storage of debris, trash, and rubbish by a properly licensed salvage yard as long as such salvage yard is in compliance with the Garrett County Junk Ordinance or by a Junk Ordinance enacted by the Mayor and Town Council of Mountain Lake Park.

### **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.



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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 approval 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 upon adoption.



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

**ATTEST:**

*Judy A. Haugh*  
Clerk Treasurer  
*Patrick J. Damon*  
Councilmember  
*Paul Levey*  
Councilmember  
*Russ K. Sike*  
Councilmember

**APPROVED:**

*Pat G. Metz*  
Mayor  
*Jan L. Call*  
Councilmember  
*Ronald W. Sincell*  
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 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 than 60  
days after introduction for hearing.)  
6/17/04
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.

Clerk  
Derek K. Hester



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ORDINANCE CHECKLIST

- 1. Introduce proposed ordinance to governing body. (C. Ordinance first reading) 8/3/04
- 2. Publish public hearing date and time in the newspaper of proposed ordinance for two week intervals. 8/10/04
- 3. Ordinance will be on file in the office of the Clerk of the Circuit Court for Garrett County, Maryland, and compared by: 8/10/04
- 4. Ordinance will be on file in the office of the Clerk of the Circuit Court for Garrett County, Maryland, and compared by: 8/10/04
- 5. Ordinance will be on file in the office of the Clerk of the Circuit Court for Garrett County, Maryland, and compared by: 8/11/04

**ORDINANCES & RESOLUTIONS**

Filed and recorded August 11, 2004,

in O & R Record, Liber D.K.M., No. 005,

folio 020, one of the Records in the

Office of the Clerk of the Circuit Court

for Garrett County, Maryland, and compared

by:

*David K. Minter*, CLERK