

TOWN OF MOUNTAIN LAKE PARK

ORDINANCE NO. 2004-5

ABANDONED VEHICLES

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF MOUNTAIN LAKE PARK REGULATING ABANDONED VEHICLES IN THE TOWN OF MOUNTAIN LAKE PARK; REPEALING ALL OTHER ORDINANCES AND RESOLUTIONS REGULATING ABANDONED VEHICLES; AND MAKING THE VIOLATION OF THIS ORDINANCE A MUNICIPAL INFRACTION.

WHEREAS, the Mayor and Town Council of Mountain Lake Park is authorized by Article 23 A 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 complaints about abandoned vehicles within the Town of Mountain Lake Park and finds that such abandoned vehicles are a hazzard 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

Any and all other ordinances and resolutions enacted and adopted by the Mayor and Town Council of Mountain Lake Park regulating abandoned vehicles, prior to the enactment of this ordinance, are hereby repealed.

ARTICLE TWO

DEFINITIONS

Section 1. "Abandoned vehicle" shall mean any vehicle which is not in operable condition (not capable of being driven or operated) and has not been in operable condition for more than thirty (30) days; any vehicle which has not been registered with the Maryland Motor Vehicle Administration or the vehicle registration department of any other state of The United States, and for which a valid registration certificate and license tags have not been issued for more than thirty (30) days; any vehicle which is used to scavenge parts or from which any parts have been taken." *W*

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Section 2. "Construction vehicle" shall mean any back hoe, track hoe, bull dozer, loader, grader, roller, construction trailer or any other such vehicle determined by the Mayor of Mountain Lake Park or his or her authorized agent to be a construction vehicle.

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

Section 4. "Trailer" shall mean any vehicle designed to be pulled behind an automobile, truck, bus or construction vehicle or any other vehicle.

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.

Section 6. "Vehicle" shall mean any automobile, truck, bus, trailer, camper, motor home, bicycle, motorcycle, motor scooter, boat, ATV, airplane or construction vehicle; any conveyance used in transporting passengers or merchandise by land, water, or air.

ARTICLE THREE

PROHIBITIONS

Abandoned vehicles shall be prohibited from being located within the Town of Mountain Lake Park unless stored in a garage or storage building, out of sight.

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. (2)

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.

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ARTICLE SIX

SEPARABILITY

Section 1. It is the intention of the Mayor and Town Council of Mountain Lake Park that each separate provision of this 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.

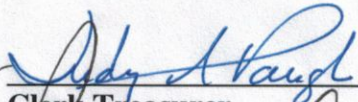
SECOND READING AND ADOPTION this 1st day of July, 2004.

AND BE IT FURTHER RESOLVED, this Ordinance shall be effective upon adoption.

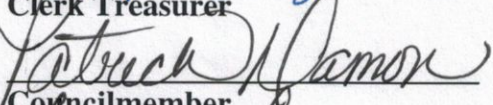
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**THIS ORDINANCE IS SUBJECT TO REFERENDUM AS OUTLINED IN
ARTICLE 23A, SECTIONS 11 THROUGH 17.**

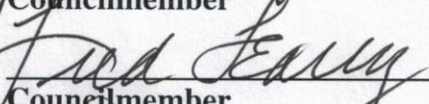
ATTEST:



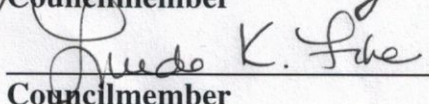
Clerk Treasurer



Councilmember

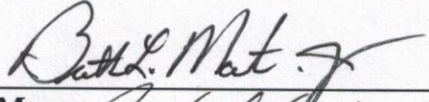


Councilmember

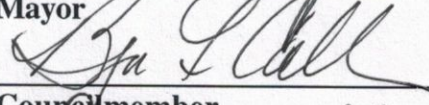


Councilmember

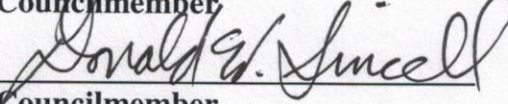
APPROVED:



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 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.)
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.

TOWN OF MOUNTAIN LAKE PARK
ORDINANCE CHECKLIST

ORDINANCES & RESOLUTIONS

Filed and recorded August 11, 2004,
in O & R Record, Liber D.K.M., No. 005,
folio 025, one of the Records in the
Office of the Clerk fo the Circuit Court
for Garrett County, Maryland, and compared
by:

David K Martin, CLERK

1. 8/3/04
2. 8/10/04
3. 8/10/04
4. 8/10/04
5. 8/10/04
6. 8/10/04