

Filed and recorded December 6, 2005.

**TOWN OF MOUNTAIN LAKE PARK  
ORDINANCE 2005-10**

**ENFORCEMENT ORDINANCE AMENDMENT**

**AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF MOUNTAIN LAKE PARK AMENDING THE CURRENT ENFORCEMENT ORDINANCE TO REPEAL THE EXISTING PROCEDURES FOR SERVING LEGAL PROCESS UPON, OR WARNING, THE PROPERTY OWNER OR OTHER PERSON OR PERSONS RESPONSIBLE FOR A MUNICIPAL INFRACTION; AND, FOR REENACTING NEW PROCEDURES WHICH MORE FULLY COMPLY WITH ARTICLE 23A, SECTION 3(B)(3)(II) OF THE ANNOTATED CODES OF MARYLAND AND MARYLAND RULE 3-121.**

**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 the town of Mountain Lake Park; and,

On January 8, 2004, the Mayor and Town Council of Mountain Lake Park adopted an enforcement ordinance (amended September 1, 2005) which included a provision that allowed a citation or warning to be delivered personally or posted in a conspicuous place on the property and sent by mail; and,

**WHEREAS**, Article 3, Infractions of the January 8, 2004 enforcement ordinance states:

Section 1. When the Mayor and Town Council of Mountain Lake Park finds that after an investigation, a municipal infraction is believed to exist, the Mayor, or his or her authorized agent shall deliver a citation or a warning to the property owner or other person or persons responsible for the municipal infraction.

Section 2. If the person is unable to be located personally, the Mayor or his or her authorized agent may post the citation or warning in a conspicuous place on the property and mail a copy of same to the person, which shall be sufficient for delivery.

Section 3. The Mayor's authorized agent or agents shall be appointed by the Mayor and approved by a majority vote of the Town Council.

**BE IT ORDAINED AND RESOLVED**, Article 3, Infractions of the Enforcement Ordinance is repealed.

**BE IT FURTHER ORDAINED AND RESOLVED**, Article 3, Infractions of the Enforcement Ordinance as herein reenacted shall read as follows:

Section 1. When the Mayor, or his or her authorized agent, finds that, after an investigation, a municipal infraction is believed to exist, the Mayor, or his or her authorized agent, shall deliver a citation or a warning to the property owner or other person or persons responsible for the municipal infraction.

Section 2. A citation may be served by the Mayor, or his or her authorized agent, upon the person or persons against whom a municipal infraction is alleged by delivery in any of the following manners: by serving the citation personally; by mailing a copy of same to the person by first-class, certified mail, restricted delivery; or, as otherwise provided under Article 23A, Section 3(b)(3)(ii) of the Annotated Codes of Maryland or Maryland Rule 3-121, any of which means of delivery shall be deemed sufficient for service of the citation. A warning may be issued to the person or persons against whom a municipal infraction is alleged by the Mayor, or his or her authorized agent, either verbally or in writing, and if in writing, by personal delivery or by first-class mail.

Section 3. The Mayor's authorized agent or agents shall be appointed by the Mayor and approved by a majority vote of the Town Council.

**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 Adoption of Ordinances by the Mayor and Town Council of Mountain Lake Park. A public hearing on this Ordinance shall be held on December 1, 2005 at 6:00 p.m. at the Town Hall located at 1007 Allegheny Drive, Mountain Lake Park, MD. 21520.

**INTRODUCED** this 3<sup>rd</sup> day of November, 2005.

**SECOND READING AND ADOPTION** the 1<sup>st</sup> day of December, 2005.

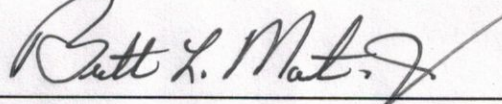
**AND BE IT FIRTHIER RESOLVED,** this Ordinance shall be effective upon adoption.

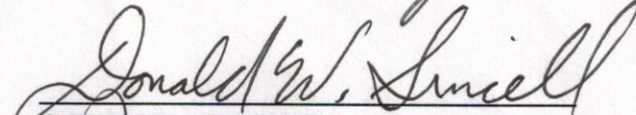
**THIS ORDINANCE AMENDMENT IS SUBJECT TO REFERENDUM AS OUTLINED IN ARTICLE 23A, SECTIONS 11 THROUGH 17.**

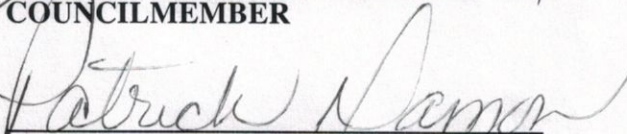
**ATTEST:**

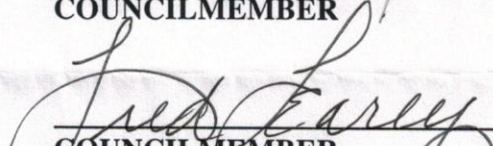
  
\_\_\_\_\_  
**CLERK TREASURER**

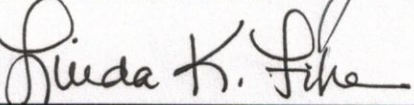
**APPROVED:**

  
\_\_\_\_\_  
**MAYOR**

  
\_\_\_\_\_  
**COUNCILMEMBER**

  
\_\_\_\_\_  
**COUNCILMEMBER**

  
\_\_\_\_\_  
**COUNCILMEMBER**

  
\_\_\_\_\_  
**COUNCILMEMBER**

\_\_\_\_\_  
**COUNCILMEMBER**

## TOWN OF MOUNTAIN LAKE PARK ORDINANCE CHECKLIST

1. 11/3/05 Introduce proposed ordinance to governing body. (Constitutes first reading)
2. 11/10/05 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  
11/17/05 days after introduction for hearing.)
3. 12/1/05 Conduct public hearing, second reading and adoption of Ordinance.
4. 12/1/05 Ordinance will become effective immediately upon adoption.
5. 1/10/06 Wait 40 days to allow time for petition to ordinance referendum.
6. 1/11/06 If no petition, is received, promptly register the ordinance with the county, Clerk  
of Courts.

*[Handwritten signature]*  
CLERK

TOWN OF MOUNTAIN LAKE PARK  
ORDINANCE CHECKLIST

- 1. 11/3/05 Introduce proposed ordinance to governing body. (Ordinance first reading)
- 2. 11/10/05 Publish public hearing date and time and a fair summary of proposed ordinance
- 3. 11/17/05 days after introduction for hearing

**ORDINANCES & RESOLUTIONS**

Filed and recorded December 6, 2005,

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

folio 397, one of the records in the

Office of the Clerk of the Circuit Court

for Garrett County, Maryland, and compared

by:

*David K. Masten*, CLERK

11/3/05  
11/10/05  
11/17/05  
12/1/05  
12/1/05  
1/10/06  
1/10/06