

## TOWN OF MOUNTAIN LAKE PARK

ORDINANCE NO. 2006-04

Filed and recorded July 12, 2006.

### OPEN BURNING ORDINANCE AMENDMENT

**AN AMENDMENT TO THE 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 TO ALLOW THE USE OF CERTAIN WOOD AND CHARCOAL FIRES, NOT CONTAINED IN A BARBEQUE, FOR COOKING PURPOSES.**

**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 wishes to permit the use of certain wood and charcoal fires that are not contained in a barbeque for cooking purposes; and

**WHEREAS**, the Mayor and Town Council of Mountain Lake Park has determined that the use of such fires, as regulated herein, adequately address concerns regarding fire hazard, environmental, health and other safety concerns;

**NOW, THEREFORE, THE MAYOR AND TOWN COUNCIL OF MOUNTAIN LAKE PARK, DOES ORDAIN AND RESOLVE THAT**, whereas Article Three of the Ordinance, "Prohibitions", currently states:

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.

**IT IS HEREBY ORDAINED AND RESOLVED THAT**, Article Three of the Ordinance, "Prohibitions", be and hereby is amended as follows:

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) A wood or charcoal fire for the purpose of preparing food for human consumption, so long as:
  - a. The fire is on property with the express permission of the property owner,
  - b. Contained in an earthen pit or built upon the ground or other fire-proof surface,
  - c. The size of the fire does not exceed that required for the cooking purpose,
  - d. Flammable materials are kept at a safe distance from the fire, and
  - e. The fire is attended at all times by a person of suitable age and responsibility.
- (c) 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.

**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 6<sup>th</sup> day of July, 2006, at 6:00 P. M., at the Town Hall located at 1007 Allegheny Drive, Mountain Lake Park, Maryland 21550.

**INTRODUCED** this 1<sup>st</sup> day of June , 2006.

**SECOND READING AND ADOPTION** the 6<sup>th</sup> day of July, 2006.


**AND BE IT FURTHER RESOLVED**, this Ordinance shall be effective as of July 6,  
2004

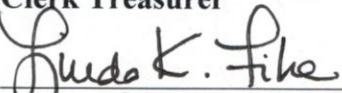
**THIS ORDINANCE IS SUBJECT TO REFERENDUM AS OUTLINED IN**

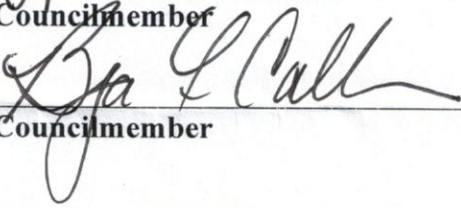
ARTICLE 23A, SECTIONS 11 THROUGH 17.

ATTEST:


APPROVED:

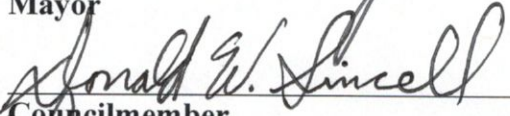
  
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Clerk Treasurer

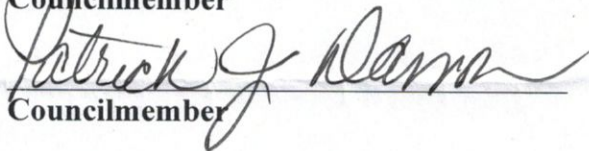
  
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Councilmember

  
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Mayor

  
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Councilmember

  
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Councilmember

## TOWN OF MOUNTAIN LAKE PARK ORDINANCE CHECKLIST

1. 6/1/06 Introduce proposed ordinance to governing body. (Constitutes first reading)
2. 6/8/06  
+  
6/15/06 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. 7/6/06 Conduct public hearing, second reading and adoption of Ordinance.
4. 7/6/06 Ordinance will become effective immediately upon adoption.
5. 8/15/06 Wait 40 days to allow time for petition to ordinance referendum.
6. 8/16/06 If no petition, is received, promptly register the ordinance with the county, Clerk of Courts.

*Daniel R. [unclear]*