

Mayor and Town Council of Mountain Lake Park
Nuisance Ordinance No. 2006-06

TOWN OF MOUNTAIN LAKE PARK

ORDINANCE NO. 2006-06

Filed and recorded
December 15, 2006.

NUISANCE ORDINANCE

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF MOUNTAIN LAKE PARK PROHIBITING THE CREATION OR MAINTENANCE OF CONDITIONS, ACTIONS OR ACTIVITIES WHICH CONSTITUTE A NUISANCE WITHIN THE TOWN.

WHEREAS, the Mayor and Town Council of Mountain Lake Park is authorized by Article 23A and Article 66B 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,

WHEREAS, the Mayor and Town Council have had many complaints from residents and Town employees regarding the use of property and activities in the Town which unnecessarily interfere with the rights of others and/or the performance of their duties by Town employees, the Mayor and Town Council find it necessary to enact an ordinance to prohibit the creation or maintenance of such conditions, actions or activities which constitute a nuisance within the Town and which thereby negatively impact the residents and visitors to the Town as well as properties and property values;

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

ARTICLE ONE

DEFINITION OF NUISANCE & NON-EXCLUSIVITY

For the purpose of this ordinance, "nuisance" is generally defined to mean a use of property or course of conduct that interferes with the rights of others by causing damage, annoyance, or inconvenience.

A "nuisance", as regulated by this ordinance, includes, but is not limited to, the list of "Nuisances Enumerated" as set forth in Article Two hereunder. Certain conditions or activities, such as dangerous buildings, noise and open burning, are in the nature of a nuisance, however, these activities, among others, are regulated under separate ordinances. Additionally, certain conditions or activities which are within the general definition of "nuisance" fall under the ambit of Article Two, Paragraph T, as non-enumerated activities which can be regulated hereunder.

ARTICLE TWO

NUISANCES ENUMERATED

Each of the following conditions, actions or activities, unless otherwise permitted by law, is declared to constitute a public nuisance, and is subject to enforcement and penalties as provided hereunder:

- A. The existence of any offensive or dangerous accumulation of weeds, trash, dirt, filth, waste shrubs, lawn or yard trimmings, the carcass of any animal or other offensive matter, to

include untrimmed weeds or grass as defined by the Debris, Trash and Rubbish Ordinance.

- B. The existence of any dead, diseased, infested or dying tree or vegetation including any such tree or vegetation that may constitute a danger to street trees, streets, utilities or portions thereof.
- C. The existence of any tree, shrub or foliage, unless by consent of the Town, which is apt to destroy, impair, interfere with or restrict:
 - (1) Streets, sidewalks, sewers, utilities or other public improvements.
 - (2) Visibility on, or free use of, or access to such improvements.
- D. The existence of any tree, shrub or foliage growing on, over, around or in front of any hydrant, curb box, water system connection or any other appliance or facility provided for fire protection purposes in such a way as to obscure the view thereof or impair the access thereto.
- E. The existence of any accumulation of materials or objects in a location when the same endangers property, safety or constitutes a fire hazard.
- F. The existence of any materials or objects which discharge into the atmosphere gases, vapors or odors beyond the property line in such a manner that noxious odors or air pollution is created.
- G. The existence of lighting fixtures or other light sources which emit flashing or excessively bright light beyond the property line which is likely to, or does, impair the vision of, or annoy, persons on neighboring properties or of passersby.
- H. The existence of a sidewalk or a portion of a sidewalk adjacent to any premises which is out of repair, and in a condition to endanger persons or property, or in a condition to interfere with the public convenience in the use of such sidewalk.
- I. Littering, dumping or otherwise unlawfully depositing refuse, trash, debris or any other material without a permit.
- J. The existence of any obstruction to a street, alley, crossing or sidewalk, and any excavation in or under any street, alley, crossing or sidewalk, which is by ordinance prohibited, or which is made without lawful permission, or which, having been made by lawful permission, is kept and maintained after the purpose thereof has been accomplished.
- K. The erecting, maintaining, using, placing, depositing, leaving or permitting to be or remain in or upon any private lot, building, structure or premises, or in or upon any street, alley, sidewalk, park, parkway or other public or private place in the Town, any one or more of the following disorderly, disturbing, unsanitary, fly-producing, vermin-harboring, disease-causing places, conditions or things:
 - (1) Any putrid, unhealthy or unwholesome bones, meat, hides, skins, the whole or any part of any dead animal, fish or fowl, or waste parts of fish, vegetable or animal

matter in any quantity, but nothing in this subsection shall prevent the temporary retention of waste in approved covered receptacles or composting of vegetative matter using accepted practices of containment and storage.

- (2) Any vaults, cesspools, sumps, pits or like places which are not securely protected from flies and rats, or which are foul or malodorous.
 - (3) Any filthy, littered or trash-covered dwellings, cellars, house yards, barnyards, stable yards, factory yards, vacant areas in the rear of stores, vacant lots, houses, buildings or premises.
 - (4) Any poison oak or poison ivy, Russian thistle, hogweed or other noxious weeds, whether growing or otherwise, but nothing in this subsection shall prevent the temporary retention of such weeds in approved covered receptacles.
 - (5) Any inherently offensive or dangerous accumulation of bottles, cans, glass, ashes, paper or paper products, small pieces of scrap iron, wire, metal articles, household appliances, bric-a-brac or cement, broken concrete, broken glass, broken plaster and all such trash or abandoned material unless it is kept in approved covered bins or appropriate containers.
 - (6) Any trash, litter, rags, accumulations of empty barrels, boxes, crates, packing cases, mattresses, bedding, excelsior, packing hay, straw or other packing materials, lumber not neatly piled, scrap iron, tin or other metal not neatly piled, or anything whatsoever in which flies, mosquitoes or vermin may breed or multiply or which may be a fire hazard.
- L. The depositing, or causing to be deposited in any street, alley, sidewalk, park, parkway or other public place which is open to travel, of any yard clippings, hay, straw, paper, wood, boards, boxes, leaves, manure or other rubbish or material.
- M. The storage or keeping on any premises in public view for more than 30 days of any used or unused building materials, provided that nothing in this subsection shall:
- (1) Prohibit such storage when done in conjunction with a construction project, so long as the construction project is being prosecuted diligently to completion, and a zoning and/or building permit for the construction project, if required, has been issued.
 - (2) Prohibit such storage on the premises of a bona fide lumberyard, dealer in building materials, or other commercial enterprise when the same is permitted under the Zoning Ordinance and other applicable laws.
 - (3) Make lawful any such storage or keeping when it is prohibited by other ordinances or laws.
- N. The existence of any fence or other structure or thing on private property abutting or fronting upon any public street, sidewalk or place which is in a sagging, leaning, fallen, decayed or otherwise dilapidated or unsafe condition.

- O. The existence or maintenance on any premises of a storage area, junkyard or dumping ground for the wrecking or disassembling of automobiles, trucks, trailers, house trailers, boats, tractors or other vehicle or machinery of any kind, or for the storing or leaving of worn out, wrecked, inoperative or abandoned automobiles, trucks, trailers, house trailers, boats, tractors or other vehicle or machinery of any kind or of any major parts thereof.
- P. The existence on any premises of any abandoned or unused well, cistern or storage tank without first demolishing or removing from the Town such storage tank or securely closing and barring any entrance or trap door thereto or without filling any well or cistern or capping the same in accordance with law.
- Q. The existence on any premises, in a place accessible to children, of any unattended and/or discarded icebox, refrigerator, or other large appliance.
- R. The existence of any drainage, outfall or sump pump outflow onto or over or onto any sidewalk or public way.
- S. The plowing, shoveling, blowing or removal of snow from private property onto any public street, alley, crossing or sidewalk.
- T. Any other condition, action or activity that presents a risk to public health, safety or welfare as determined by the Mayor, Town Administrator, Code Enforcement Officer or other agent as designated by the Mayor or Town Council.

ARTICLE THREE

ENFORCEMENT

Section 1. The maintaining of any of the conditions, actions or activities which are defined or identified hereunder as a nuisance is a violation of this ordinance and a municipal infraction 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 FOUR

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 FIVE

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.

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 2nd day of November, 2006, at 6:00 P. M., at the Town Hall located at 1007 Allegheny Drive, Mountain Lake Park, Maryland 21550.

INTRODUCED this 5th day of October, 2006.

SECOND READING AND ADOPTION this 2nd day of November, 2006.

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

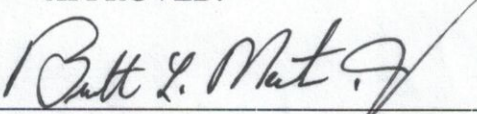
THIS ORDINANCE IS SUBJECT TO REFERENDUM AS OUTLINED IN ARTICLE 23A, SECTIONS 11 THROUGH 17.

ATTEST:

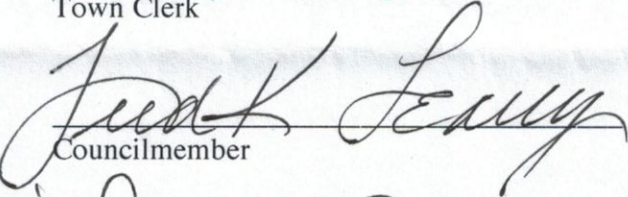
APPROVED:



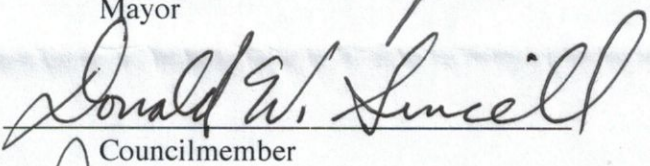
Town Clerk



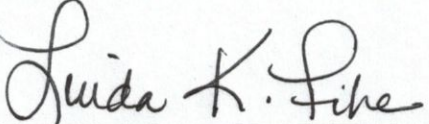
Mayor



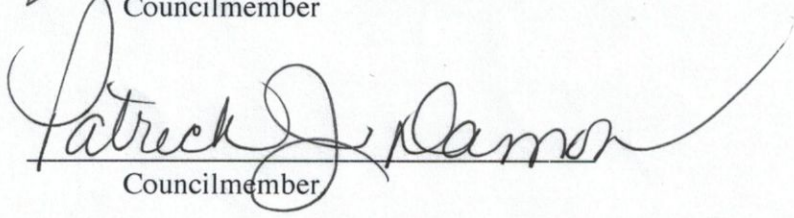
Councilmember



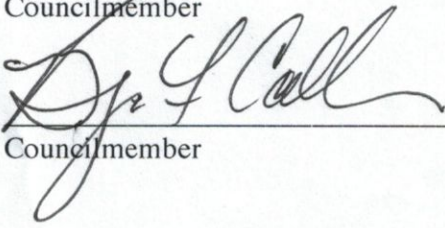
Councilmember



Councilmember



Councilmember



Councilmember

Councilmember

TOWN OF MOUNTAIN LAKE PARK ORDINANCE CHECKLIST

1. 10/5/06 Introduce proposed ordinance to governing body. (Constitutes first reading)
2. 11/2/06 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. 11/2/06 Conduct public hearing, second reading and adoption of Ordinance.
4. 11/2/06 Ordinance will become effective immediately upon adoption.
5. 12/12/06 Wait 40 days to allow time for petition to ordinance referendum.
6. 12/13/06 If no petition, is received, promptly register the ordinance with the county, Clerk of Courts.

[Handwritten signature]

TOWN OF MOUNTAIN LAKE PARK
ORDINANCE CHECKLIST

Introduce proposed ordinance to governing body. (Constitutes first reading)

10/2/06

Publish public hearings and time and a fair summary of proposed ordinance
days after introduction for hearing)

11/2/06

ORDINANCES & RESOLUTIONS

Filed and recorded December 15, 2006, in
O & R Record, Liber D.K.M., No. 005,

11/2/06

11/2/06

folio 709, one of the Records in the

12/13/06

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

12/13/06

by:

David K. [Signature]

, CLERK