

Mayor and Town Council of Mountain Lake Park
Town Park Ordinance No. 2010-01

Filed and recorded June 16, 2010.

TOWN OF MOUNTAIN LAKE PARK

ORDINANCE NO. 2010-01

TOWN PARK ORDINANCE

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF MOUNTAIN LAKE PARK FOR THE PURPOSE OF RESCINDING ORDINANCE NO: 2005-01, TOWN PARK ORDINANCE WHICH WAS ADOPTED MARCH 3, 2005, AND ORDINANCE NO: 2006-01, TOWN PARK ORDINANCE AMENDMENT WHICH WAS ADOPTED JANUARY 5, 2006, TOWN PARK AMENDMENT ORDINANCE NO: 2006-05, WHICH WAS ADOPTED NOVEMBER 2, 2006, REGULATING THE USE OF TOWN PARKS, WALKING TRAILS, AND OTHER RECREATION AREAS AND MAKING VIOLATIONS OF THIS ORDINANCE A MUNICIPAL INFRACTION.

WHEREAS, the Mayor and Town Council of Mountain Lake Park have provided parks or playgrounds for the public's use; and,

WHEREAS, the Mayor and Town Council of Mountain Lake Park desires to establish regulations for the use of the Town parks, known as the Veteran's Park and Wooddell Park, walking trails, and other recreation areas.

NOW, THEREFORE, the Mayor and Town Council of Mountain Lake Park hereby ordains and resolves the following:

SECTION ONE

REPEAL OF PRIOR ORDINANCES AND RESOLUTIONS

Ordinance No. 2005-01 which was enacted and adopted on March 3, 2005, Ordinance No. 2006-01 Town Park Ordinance Amendment which was enacted and adopted on January 5, 2006, Town Park Ordinance Amendment No. 2006-05 which was enacted and adopted on November 2, 2006; by the Mayor and Town Council of Mountain Lake Park and all other ordinances and resolutions dealing with Town parks, walking trails, and other recreational areas are hereby repealed.

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SECTION TWO

APPLICABILITY

Unless otherwise expressly excluded herein, all provisions of this Ordinance are applicable to the following Town properties: Wooddell Park, Veterans Park, the Bashford Amphitheater Ticket Office and surrounding Town Property, the Mountain Lake Property and adjacent Town property west of Lake Drive, the Town property formerly known as the "Weeks" or "Liston" field, the property formerly known as the "El Lobo" property, the property formerly owned by the Garrett County Commissioners known as "The Hunting Grounds" along the CSX tracks and US 219. Town owned walking trails and any other recreational areas owned by the Town, now or in the future.

HOURS OF OPERATION

Wooddell Park formerly known as Allegheny Park, Veterans Park, walking trails, and other recreation areas shall be open to the public daily from sunrise to sunset, unless an official sign or notice posted by the Town upon the subject Town property provides otherwise. Wooddell Park and Veterans Park shall be open for winter sports from sunrise to 9:00 PM on nights prior to a no school day. On nights prior to a school day both parks will close at sunset.

SECTION THREE

SUPERVISION

All children twelve (12) years of age or younger must be under the supervision of at least one adult, eighteen (18) years of age or older, to use the parks, walking trails, or other recreation areas.

SECTION FOUR

PROHIBITIONS WITHIN PARKS OR ON WALKING TRAILS OR IN ANY OTHER TOWN RECREATION AREA

- A. Littering.
- B. The possession of illegal drugs and/or alcohol.
- C. The use of threatening, inappropriate or vulgar language.
- D. The operation of any motorized model airplane, model boat, model car, model rocket, or model truck.
- E. The use of any motorized vehicles or bicycles on any grassed area or walking trails.

- F. Parking in a handicapped area without a handicapped permit.
- G. The use of any tobacco product.
- H. Vandalism including writing or putting graffiti on any Town property.

I. The possession of any rifle, hand gun, shotgun, muzzleloader, air rifle, bow, cross bow, compound bow, paintball gun, blow gun, dart gun, or any other mechanism, for the purpose of propelling projectiles, including any sling shot, catapult, or any other similar contrivance or mechanism used for the purpose of propelling arrows, shot, bullets, stones, pebbles, or any other such objects.

J. Loitering - Loitering shall mean remaining idle in essentially on location and shall include the concept of spending time idly; lingering; standing around; and, shall also include the colloquial expression "hanging around", either alone or in a group, in a public place in such manner as to:

1. Cause danger of breach of peace, which would clearly cause an immediate, fearful reaction from a reasonable person;
2. Intimidate, obstruct, molest or interfere with any person lawfully in any public place; or,
3. Establish control or dominance over identifiable areas such that a reasonable person would believe himself or herself to be excluded from entering or using those areas.

K. The use of skateboards shall not be permitted except in Town permitted areas.

L. No person shall project or throw stones or other missiles into or upon any public park, playground, walking trail, recreation area, or any property of the Town or engage in any games or play likely to be dangerous to persons visiting therein.

M. Pets must be kept on a leash at all times. No animals shall be permitted in fenced or gated areas of any playground or within 25 feet of any playground or other park structure or amenity used by the public. Pet owners must clean up after their pets and properly dispose of pet waste. Pet waste may only be disposed of on-site at Town Parks equipped with identified "pet waste disposal containers."

SECTION FIVE

USE OF PAVILIONS

A. Any person or group reserving a pavilion must make an advance reservation at the Town Office and pay a deposit to be set by the Mayor and Town Council and published in the Town's Resolution for Permit Fees. The deposit will be returned at the conclusion of the event as long as the pavilion and immediate area are free of litter, graffiti, and property damage. The deposit will not be returned until an inspection is conducted by Town personnel.

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- B. Reservations cannot be made more than 60 days in advance of the event date.

SECTION SIX

HOLD HARMLESS CLAUSE

Any person or persons using any Town park, walking trail, or other recreational facility holds the Mayor and Town Council of Mountain Lake Park harmless from any injuries to said person or persons while using the Town parks, walking trails, and other recreational facilities.

SECTION SEVEN

ENFORCEMENT

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. 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.

SECTION EIGHT

MINORS

In the event the violator of any provision of this ordinance is a minor, the enforcement provisions in Section Seven shall apply with full force and effect upon the parent, guardian, or other such person or persons directly responsible for the conduct of the minor.

SECTION NINE

SEPARABILITY AND REPEAL

A. 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.

B. 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.

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C. Any ordinance of the Town or any provision of such ordinance which conflicts with any provision of this Ordinance is hereby repealed to the extent of the conflict.

SECTION TEN

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 ORDAINED AND 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 6th day of May, 2010, at 6:00 P. M., at the Town Hall located at 1007 Allegany Drive, Mountain Lake Park, Maryland 21550

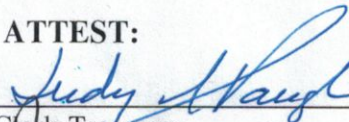
INTRODUCED this 1st day of April, 2010.

SECOND READING AND ADOPTION this 6th day of May, 2010.

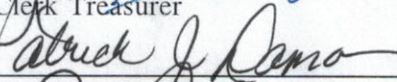
AND BE IT FURTHER RESOLVED, this Ordinance shall be effective as of May 6, 2010.

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

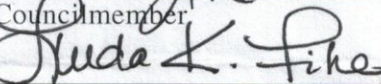
ATTEST:



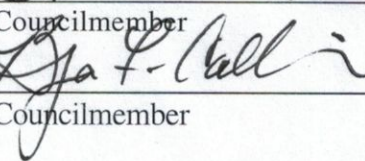
 Clerk Treasurer



 Councilmember

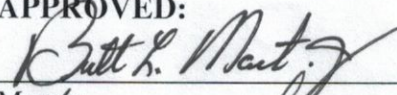


 Councilmember

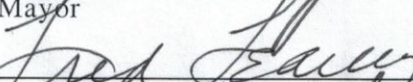


 Councilmember

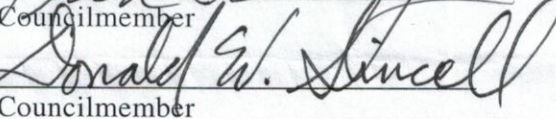
APPROVED:



 Mayor



 Councilmember



 Councilmember

TOWN OF MOUNTAIN LAKE PARK ORDINANCE CHECKLIST

1. 4/1/10 Introduce proposed ordinance to governing body. (Constitutes first reading)
2. 4/8/10 & 4/15/10 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. 5/6/10 Conduct public hearing, second reading and adoption of Ordinance.
4. 5/6/10 Ordinance will become effective immediately upon adoption.
5. 6/15/10 Wait 40 days to allow time for petition to ordinance referendum.
6. 6/16/10 If no petition, is received, promptly register the ordinance with the county, Clerk of Courts.

CLERK *Robert S. Butler*

TOWN OF MOUNTAIN LAKE PARK
ORDINANCE CHECKLIST

- 1. Introduce proposed ordinance to governing body. (Constitutes first reading) 4/1/10
- 2. 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 10 days after introduction for hearing.) 4/12/10

ORDINANCES & RESOLUTIONS

Filed and recorded June 15, 2010,

in O & R Record, Liber S.R.B., No. 006,

folio 619, one of the records in the

Office of the Clerk of the Circuit Court

for Garrett County, Maryland, and compared

by:

Sandra R. Buel, CLERK