

LIBER 006 PAGE 0637

Mayor and Town Council of Mountain Lake Park
Yard Sale Ordinance No. 2010-02

TOWN OF MOUNTAIN LAKE PARK

ORDINANCE NO. 2010-02

YARD SALES

Filed and recorded
September 16, 2010.

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF MOUNTAIN LAKE PARK REGULATING THE CONDUCT OF YARD SALES IN THE TOWN OF MOUNTAIN LAKE PARK AND REPEALING ALL OTHER ORDINANCES AND RESOLUTIONS RELATING TO YARD SALES.

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, Maryland State Law Article 17-1804 (c)(3) stipulates that "a private individual" may sell their "personal effects" on their property but are limited to "1 sale not exceeding 14 consecutive days in a calendar year." If they exceed these limitations, they are deemed to be in business and required to purchase a TRADER LICENSE from the Clerk of the Circuit Court for the location at which they are operating, and

WHEREAS, the Zoning Ordinance of Mountain Lake Park prohibits the operation of businesses in certain areas of the town, including residential area, and

WHEREAS, the Mayor and Town Council and the Mountain Lake Park Planning Commission have determined that regulating such sales is in harmony with the Town's Comprehensive Plan, and

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and Town Council of Mountain Lake Park pertaining to yard sales prior to the enactment of this ordinance, are hereby repealed.

Mayor and Town Council of Mountain Lake Park
Yard Sale Ordinance No. 2010-02

ARTICLE TWO

DEFINITIONS

Section 1. "Yard Sale" shall mean a sale of personal property, conducted on the premises of the property indicated in a yard sale application. Yard sales include, but are not limited to yard sales, lawn sales, garage sales, tag sales, moving sales, auction sales, patio sales, attic sales, basement sales, Spring cleaning sales, junk sales, flea market sales, carport sales, porch sales, indoor sales, and any other sale determined by the Mayor or his or her authorized representative to be a sale governed by this ordinance.

Section 2.. "Person" shall mean any natural person or persons, association, partnership, firm, corporation or other entity. The singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine.

Section 3. "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 4. "Yard Sale Application" shall mean a document used to apply for a Yard Sale Permit.

Section 5 "Yard Sale Permit" shall mean a permit issued by the Mayor and Town Council of Mountain Lake Park allowing the conduct of a yard sale.

ARTICLE THREE

PERMITS

Section 1. Yard sale permits are required for each sale and can be obtained at the Town Hall during normal business hours.

Section 2. The applicant must complete and sign a Yard Sale Application and must be the property owner of the location of the yard sale listed in the application.

Section 3. For yard sales conducted on or at rental properties, the owner of said property shall be the applicant and shall be liable for any and all violations of this Ordinance.

Section 4. The permit must be prominently posted on the site where the yard sale is being conducted for the duration of the sale.

Section 5: If a sale is terminated during the first day of the sale because of inclement weather conditions and a written statement by the permit holder to this effect is submitted to the Town Clerk, another permit may be issued, fee free, for a sale to be conducted at the same location within thirty (30) days from the date when the first sale was to be held. Only one such extension will be permitted per calendar year.

Section 6: A permit fee shall be charged for each yard sale conducted. Such fees shall be published in the Town of Mountain Lake Park's Resolution of Permit Fees.

Section 7. The permit fee is non-refundable and the permit may be revoked, or refused if the application contains false, fraudulent or misleading statements or the yard sale is not conducted in conformance with any provisions of this ordinance.

ARTICLE FOUR

YARD SALE CONDUCT

Section 1. Yard sales are limited to one(1) sale per calendar year, per property location.

Section 2. Multi or multiple family or participant yard sales are not permitted.

Section 3. Personal property from several donors may be sold if a non-profit organization is the applicant and states that it will receive the entire proceeds of the sale and the sale is conducted on property owned by the non-profit organization.

Section 4. Items offered for sale for profit shall be limited to personal property not acquired for resale, owned by the applicant, and who shall be a resident of the dwelling where the sale is to be conducted.

Section 5. Yard sales shall be conducted for no more than three consecutive days during the hours of 9:00 AM and 5:00 PM.

Section 6. The owner of the premises on which a sale is conducted, shall be responsible for the maintenance of good order and decorum on the premises during all hours of the sale.

Section 7. The permit holder shall not permit vehicles to impede the passage of traffic on streets in the area of the yard sale. Vehicle parking shall be conducted in compliance with all applicable laws and ordinances.

Section 8. No music, games or other entertainment or activities may be conducted at the time when and the place where the sale is held and there shall be no unnecessary or excessive noise.

ARTICLE FIVE

SIGNAGE

Section 1. Signs for yard sales are subject to the provisions in Article 7 of the Town's Zoning Ordinance.

Section 2. All signs must be removed by 5:00 PM of the last day of the sale.

Section 3. Illegal yard sales signs shall be confiscated, held as evidence, and then destroyed.

ARTICLE SIX

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.

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 SEVEN

MINORS

In the event the violator of any provision of this ordinance is a minor, the enforcement provisions in Section Six 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 EIGHT

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 are declared invalid or unconstitutional, all other provisions hereof shall remain valid and enforceable.

ARTICLE NINE

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, 2010, at 6:00 P. M., at the Town Hall located at 1007 Allegany Drive, Mountain Lake Park, Maryland 21550.

INTRODUCED this 3rd day of June , 2010.

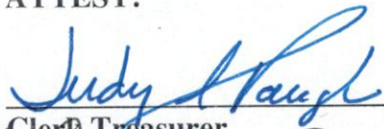
SECOND READING AND PUBLIC HEARING the 1st day of July, 2010.

ADOPTION the 5th day of August, 2010.

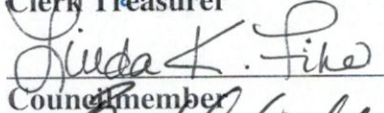
AND BE IT FURTHER RESOLVED, this Ordinance shall be effective as of August 5, 2010.

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

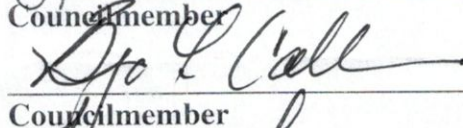
ATTEST:



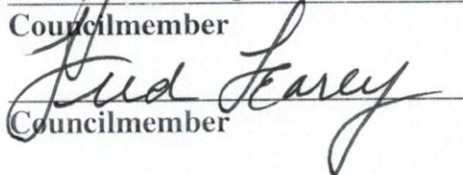
Clerk Treasurer



Councilmember

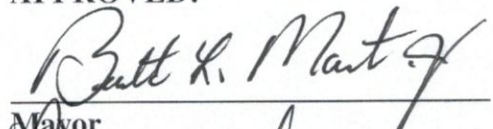


Councilmember

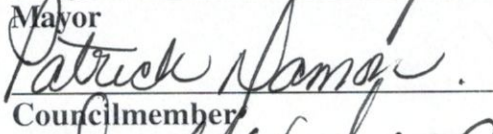


Councilmember

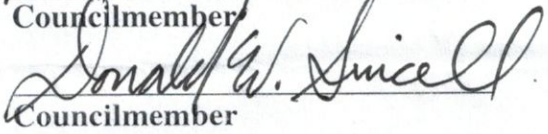
APPROVED:



Mayor



Councilmember



Councilmember

ORDINANCE CHECKLIST
TOWN OF MOUNTAIN LAKE PARK

Mayor + Town Council 8/3/10
P.O. Box 2182 8/10/10
Mtn, Lake Park, MD 8/10/10
21550 8/1/10
8/2/10

ORDINANCES & RESOLUTIONS

Filed and recorded September 16, 2010, 8/2/10
in O & R Record, Liber S.R.B., No. 006, 8/14/10
folio 637, one of the records in the 8/21/10
Office of the Clerk of the Circuit Court
for Garrett County, Maryland, and compared
by:

Sandra R. Beal, CLERK