

Introduction – November 12, 2014

Adopted – November 19, 2014

Effective – December 10, 2014

ORDINANCE NO. 458

AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF ST. MICHAELS; CHAPTER 285 TO AMEND THE TITLE TO INCLUDE ALLEYS , TO AMEND ARTICLE II (CONSTRUCTION STANDARDS), TO INCLUDE A NEW SECTION 285-6.1 (PUBLIC ALLEYS) AND TO AMEND CHAPTER 243 (PROPERTY MAINTENANCE AND LITTERING) ARTICLE II (LITTER AND WEED CONTROL) PARAGRAPH 10 (ENFORCEMENT) PARAGRAPH (C) TO REPEAL SUB-PARAGRAPHS (1) AND (2) IN THEIR ENTIRETY AND REPLACE WITH NEW SUB-PARAGRAPHS (1) AND (2) SPECIFIC TO PENALTIES FOR NON-COMPLIANCE, OF THE CODE OF THE TOWN OF ST. MICHAELS AND GENERALLY RELATING TO ALLEYS AND COMPLIANCE REQUIREMENTS IN THE TOWN OF ST. MICHAELS

WHEREAS, it is the desire of the Commissioners of the Town of St. Michaels (the “Commissioners”) to amend Chapters 285 and 243 of the Code of the Town of St. Michaels by making textual changes to clarify responsibilities for damage to public alleys and to clarify and assure consistency when dealing with penalties for non-compliance with orders to abate violations.

WHEREAS, the Commissioners have determined the textual changes to Chapters 285 and 243 do not require Planning Commission Review; and

WHEREAS, The Commissioners of St. Michaels (The Commissioners) are authorized by Md. Code Ann., Local Gov’t §5-202 to enact such ordinances as it deems necessary to assure the good government of the Town, and to protect the health, comfort and convenience of the citizens of the Town; and

WHEREAS, during their meeting held on November 12, 2014 the Commissioners did discuss and accept public comments on the aforesaid amendments and introduced the matter into the record, and

WHEREAS, for the reasons stated above the Commissioners deem it in the interest of the public health, welfare and safety of the citizens of the Town, and for the good government of the Town, to enact the following Ordinance.

SECTION 1. NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE COMMISSIONERS OF ST. MICHAELS that the Title of Chapter 285) be amended to include “Alleys” and to include a new Section 285-6.1 (Public Alleys) in the Code of the Town of St. Michaels as follows, with new language shown in *italics* and underlined and deleted language shown in ((double parentheses)) and as a ~~strikethrough~~:

Chapter 285 STREETS, ((~~AND~~)) SIDEWALKS AND ALLEYS

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§285-6.1 Public Alleys

It shall be unlawful for any person to alter the condition of the Town's public alleys by allowing for the delivery of construction/landscaping materials or the delivery of other items or services in such a manner as to damage the driving surface of the alley; requiring action be taken to restore the alley to its pre occurrence condition. The determination of impact and remediation will be determined by the St. Michaels' Director of Public Works.

Responsibility for such repairs will be borne by the property owner to whom such deliveries or services were rendered.

Failure to pay for such restoration, after due notice has been provided, shall be subject to the provisions as set out in §285-5 of this Chapter.

SECTION 2. NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE COMMISSIONERS OF ST. MICHAELS that Chapter 243 Property Maintenance and Littering) Article II (Litter and Weed Control) Paragraph 10 (Enforcement) to amend Sub-Paragraph (C) by repealing (2) in its entirety and Re-enacting (2) as follows with new language shown in *italics* and underlined and deleted language shown in ((double parentheses)) and as a ~~strikethrough~~:

§243-10 Enforcement

C. Failure to correct. If within seven days after the mailing of notice the violation has not been corrected, the Town shall effect correction of the violation, either by contracting with a third party or by employing Town personnel. The owner shall be billed for the cost of the work plus a service charge of \$100.00. If the full amount billed to the owner and due the Town is not paid within 30 days:

(1) The Codes Enforcement Officer shall cause to be recorded in the Town office a sworn statement showing the cost and expense incurred by the Town for the work, the date the work was done, and the location of the property on which the work was done. (~~The sworn statement shall be included among the tax records;~~) and

~~((2) — The cost and expense plus the service charge of \$100 shall be entered on the property's next regular real property tax bill sent by the Town, and shall be due at the time of payment of that tax bill, and shall be collected in the same manner as Town real property taxes assessed on and billed to the owner of such property.))~~

(2) If the owner or owners of record of any lot or premises shall fail to pay or repay the costs of any work authorized by this section after due notice has been provided by the delivery of certified mail or the posting of the subject property, The Commissioners of St. Michaels may assess the cost of the work and all costs of collection against the property which shall constitute a lien thereon and collect the same in the same manner that other taxes are collected.

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SECTION 3

AND BE IT FURTHER ORDAINED AND ENACTED, that this Ordinance shall take effect twenty (20) days from the date of its enactment. having been read at two (2) meetings of The Commissioners of St. Michaels and having been passed by a yea and nay vote of The Commissioners of St. Michaels.

HAVING BEEN INTRODUCED, read for the first time and ordered posted on the Town bulletin board at the Public Meeting of The Commissioners of St. Michaels held on the 12th day of November, 2014 , at 5:00 o'clock p.m., in the meeting room at the Edgar M. Bosley, Jr. Building (Town Office), St. Michaels, Maryland.


JEAN R. WEISMAN
Town Clerk\Manager

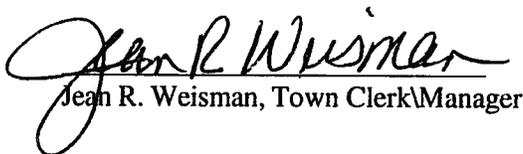
HAVING BEEN READ for the second time and passed by a yea and nay vote of The Commissioners of St. Michaels at a Public Meeting of The Commissioners of St. Michaels held on this 19th day of November, 2014, at 5:00 o'clock p.m., in the meeting room of the Edgar M. Bosley, Jr. Building (Town Office) , St. Michaels, Maryland.

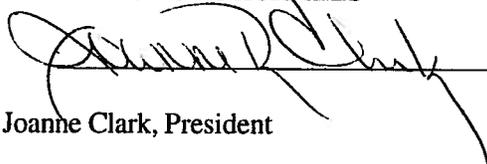
BORDERS	-	___yea___
CLARK	-	___yea___
HARROD-		___yea___
MYERS	-	___yea___
WINDON	-	___yea___

I HEREBY CERTIFY that the above Ordinance No. 458 was passed by a yea and nay vote of The Commissioners of St. Michaels on the 19th day of November, 2014.

ATTEST:

THE COMMISSIONERS OF ST. MICHAELS


Jean R. Weisman, Town Clerk\Manager

By:  (Seal)
Joanne Clark, President

I HEREBY CERTIFY that an exact copy of this Ordinance was posted from the 20th day of November, 2014, at 8:30 o'clock a.m. to the 9th day of December, 2014, at 4:30 o'clock p.m., on the bulletin board at the Town Office in St. Michaels, Maryland, and that a summary of the aforesaid Ordinance No. 458, the date of its passage, its effective date and the fact that the entire text of the Ordinance may be read on the bulletin board of the Town Office, St. Michaels, Maryland, for at least twenty (20) days following the passage, has been published at least once each week for two (2) consecutive weeks following the passage of said Ordinance in a newspaper having general circulation in the Town of St. Michaels.

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Jean R. Weisman, Town Clerk/Manager