

ORDINANCE NO. 2005-03

DEBRIS, TRASH AND RUBBISH

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF FRIENDSVILLE REGULATING THE ACCUMULATION OF DEBRIS, TRASH AND RUBBISH IN THE TOWN OF FRIENDSVILLE; REPEALING ALL OTHER ORDINANCES AND RESOLUTIONS PERTAINING TO DEBRIS, TRASH AND RUBBUSH; AND MAKING THE VIOLATION OF THIS ORDINANCE A MUNICIPAL INFRACTION.

WHEREAS, the Mayor and Town Council of Friendsville is authorized by Article 23A of the Maryland Annotated Code and by the Friendsville Charter to enact ordinances to protect the health, safety and welfare of residents of and visitors to Friendsville;

WHEREAS, the Mayor and Town Council of Friendsville has received complaints about the accumulation of debris, trash and rubbish within the Town of Friendsville and finds that such debris, trash and rubbish is a hazard to the health, safety and welfare of the residents of the Town of Friendsville;

NOW, THEREFORE, THE MAYOR AND TOWN COUNCIL OF FRIENDSVILLE, DOES ORDAIN AND RESOLVE THE FOLLOWING:

ARTICLE ONE

REPEAL OF PRIOR ORDINANCES AND RESOLUTIONS

All other Ordinances and resolutions enacted and adopted by the Mayor and Town Council of Friendsville pertaining to debris, trash and or rubbish, prior to the enactment of this ordinance, are hereby repealed.

ARTICLE TWO

DEFINITIONS

Section 1. "Building" shall mean a structure enclosed by four walls and having a roof. Buildings include, but are not limited to residences, garages, storage buildings, business structures, or any other structure permitted in the Town's Zoning Ordinance.

Section 2. "Debris, trash and rubbish" shall mean discarded material or refuse of any kind, except normal household refuse placed in a proper container awaiting removal by town trash collectors; used lumber, construction materials, discarded or inoperable machinery, car or vehicle parts, tires,

refrigerators, bathroom fixtures, or household accessories or appliance of any kind; furniture other than useable lawn and garden furniture; brush; yard waste; tall grass and weeds 12 inches high or more; anything that is broken or dismantled; the remnants of anything which is broken or dismantled; or any parts or pieces thereof; pieces of broken trees, bushes or shrubbery; anything which is not intended for use out of doors and which is left out of doors more than twenty-four (24) hours unless awaiting pickup by town trash collectors; animal excrement, filth, any other item determined to be debris, trash or rubbish by the Mayor or his or her authorized representative.

Section 3. "Person" shall mean any natural person, firm, partnership, association, corporation or organization of any kind.

Section 4. "Town" shall mean the Town of Friendsville, a municipal corporation organized under the laws of the State of Maryland, and includes the Mayor and Town Council of Friendsville.

ARTICLE THREE

PROHIBITIONS

Section 1. Debris, trash and rubbish shall be prohibited from being located within the Town of Friendsville unless stored in a building, out of sight.

Section 2. Debris, trash and rubbish awaiting pick-up by the Town or by Town trash collectors must be placed at the edge of the Town right-of-way not more than 24 hours before the scheduled pick-up period.

Section 3. Nothing herein shall prohibit the storage of debris, trash and rubbish by a properly licensed salvage yard as long as such salvage yard is in compliance with the Garrett County Junk Ordinance or a Junk Ordinance enacted by the Mayor and Town Council of Friendsville.

Section 4. No lot, plot or parcel of land in one ownership (hereafter "lot") or qualifying portion thereof will be held to be in violation of the prohibition against "tall grass and weeds 12 inches high or more," as set forth under Article Two, "Definitions", Section 2 defining "Debris, trash and rubbish" when the subject property or qualifying portion of the subject property meets one of the following criteria:

(a). Wooded or Forested Lot. Whether or not contiguous with or adjacent to other property of the same owner, any property or that portion thereof which is mature forest or woodlands, substantially in its natural state, such that concentrations of tall grass and weeds are suppressed by the naturally occurring detritus and undergrowth; or,

(b). Vacant Lot. Unless contiguous with or adjacent to other property of the same owner which has been improved with a building (as defined in the Town Zoning Ordinance), any property which does not qualify as an exemption under section (a) of this Section 4, so long as the subject property or portion thereof is mowed or otherwise cleared at least once annually and the grass and weeds are not allowed to exceed 30 inches in height.

ARTICLE FOUR

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 Friendsville 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 FIVE

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 SIX

SEPARABILITY

Section 1. It is the intention of the Mayor and Town of Friendsville 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 Friendsville 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 Friendsville, and a public hearing on this Ordinance shall be held on the 18th day of October, 2005, at 7:00 P.M., at the Town Hall located at 313 Chestnut Street, Friendsville, Maryland 21531.

INTRODUCED this 3rd day of October, 2005.

SECOND READING AND ADOPTION this 18th day of October, 2005.

AND BE IT FURTHER RESOLVED, this Ordinance shall be effective as of the 7th day of November, 2005.

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

ATTEST:

Karen S. Benedict
Karen S. Benedict, Clerk/Treasurer

APPROVED:

Spencer R. Schlosnagle
Spencer R. Schlosnagle Mayor

Herschel H. Allen, III
Herschel H. Allen, III Council member

Thomas L. Fike
Thomas L. Fike Council member

Agnes C. Lichtner
Agnes C. Lichtner Council member

Joseph E. Sessa
Joseph E. Sessa Council member

Robert G. Sines
Robert G. Sines Council member

Alice M. Spear
Alice M. Spear Council member