

AN ORDINANCE TO AMEND
TITLE 10
OF THE CODE OF EMMITSBURG
ENTITLED
VEHICLES AND TRAFFIC

BE IT RESOLVED, ENACTED AND ORDAINED by the Mayor and Board of Commissioners of the Town of Emmitsburg, Maryland, pursuant to the authority granted to them by the laws of Maryland and the Charter of the Town of Emmitsburg, that Title 10; Section 10.12.070 Obstructing thoroughfares as follows.

The amended section of this regulation reads as follows with new wording indicated in **BOLD, CAPITAL** letters and deleted words in ~~strike-out~~.

TITLE 10 – VEHICLES AND TRAFFIC

Chapter 10.12.070 Obstructing thoroughfares.

- A. It is unlawful to obstruct any part of any street, highway, crosswalk, sidewalk, or driveway within the town.

- B. **IT IS UNLAWFUL FOR ANY PERSON OWNING PROPERTY IN THE TOWN OF EMMITSBURG TO PERMIT ANY TREE, SHRUB OR PLANT GROWING ON THEIR PROPERTY TO HANG OVER OR BRANCH IN SUCH A WAY AS TO OBSTRUCT OR OBSCURE STREET LIGHTS, TRAFFIC SIGNS, TRAFFIC SIGNALS OR PEDESTRIAN OR VEHICULAR ACCESS ON PUBLIC RIGHTS OF WAY, OR OBSTRUCT THE VIEW OF ANY STREET INTERSECTION. ALL SUCH TREES, SHRUBS OR PLANTS SHALL BE KEPT TRIMMED BY THE PROPERTY OWNER.**

- C. **THE TOWN MANAGER OR HIS DESIGNEE HAS THE AUTHORITY TO ORDER THE PRUNING OR REMOVAL OF TREES OR SHRUBS ON PRIVATE PROPERTY WHICH ENDANGER THE LIFE, HEALTH, SAFETY OR PROPERTY OF THE PUBLIC. PRUNING OR REMOVAL SHALL BE DONE BY SAID OWNERS AT THEIR OWN EXPENSE, WITHIN THE TIME PERIOD SPECIFIED BY THE TOWN, AND TO THE SATISFACTION OF THE TOWN. IN THE EVENT OF FAILURE OF THE OWNERS TO COMPLY, THE TOWN OF EMMITSBURG SHALL HAVE THE AUTHORITY TO PRUNE OR REMOVE SUCH TREES OR SHRUBS, AND CHARGE THE COSTS OF REMOVAL TO THE OWNER. IN ADDITION, THE COSTS AND EXPENSES OF CORRECTING THE VIOLATION MAY BE ASSESSED AS A LIEN AGAINST THE SUBJECT PROPERTY AND BE COLLECTED IN THE SAME MANNER AS PROPERTY TAXES.**

- D. WHENEVER ANY CONDITION PROHIBITED BY THIS SECTION SHALL BE FOUND TO EXIST WITHIN THE TOWN, THE TOWN MANAGER OR HIS DESIGNEE SHALL GIVE NOTICE TO THE OWNER OR OCCUPANT OF THE PREMISES OR THE PERSON RESPONSIBLE FOR SUCH CONDITION TO ABATE SUCH CONDITION WITHIN SUCH REASONABLE TIME AS MAY BE SPECIFIED IN SUCH NOTICE. TIME ALLOTTED TO CORRECT THE VIOLATION MAY VARY FROM SITUATION TO SITUATION DEPENDING ON THE TYPE AND MAGNITUDE OF THE VIOLATION. NOTICE SHALL BE MADE BY MAILING SUCH NOTICE TO THE PROPERTY ADDRESS AND TO THE ADDRESS OF THE OWNER AS LISTED ON THE PROPERTY TAX RECORDS. NOTICE MAY ALSO BE MADE BY POSTING SAID NOTICE ON THE FRONT DOOR OR OTHER PROMINENT LOCATION ON THE PROPERTY.**
- E. IF THE OWNER AND/OR OCCUPANT OF THE PROPERTY FAILS OR REFUSES TO ABATE THE CONDITION WITHIN THE TIME STATED IN THE NOTICE, THEN THE OWNER AND/OR OCCUPANT OF THE PROPERTY SHALL BE DEEMED IN VIOLATION OF THIS SECTION AND A CITATION FOR THE INFRACTION MAY BE ISSUED TO THE OWNER AND/OR OCCUPANT OF THE PROPERTY. EACH DAY THAT THE CONDITION CONTINUES SHALL BE A SEPARATE INFRACTION FOR WHICH A SEPARATE CITATION MAY BE ISSUED.**
- F. A VIOLATION OF THIS SECTION SHALL BE A MUNICIPAL INFRACTION PUNISHABLE BY A FINE OF SEVENTY-FIVE DOLLARS (\$75.00) AND SHALL BE ENFORCEABLE PURSUANT TO THE APPLICABLE PROVISIONS OF TITLE 1 OF THE CODE. IN ADDITION THERETO, THE TOWN MAY PURSUE ANY OTHER REMEDY AVAILABLE TO IT, AT LAW OR IN EQUITY, INCLUDING INJUNCTIVE RELIEF, TO ENFORCE THIS SECTION OR TO CORRECT VIOLATIONS OF THIS SECTION.**

BE IT FURTHER RESOLVED, ENACTED AND ORDAINED that this Ordinance shall take effect on the date on which the Mayor approves the Ordinance after passing by the Board of Commissioners or on the date on which the Board of Commissioners pass the Ordinance over the veto of the Mayor.

ORDINANCE SERIES 2014
ORDINANCE NO. 14-09

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PASSED this 2nd day of December, 2014 by a vote of 5 for, 0 against, 0 absent, and 0 abstain.

ATTEST: EMMITSBURG BOARD OF COMMISSIONERS

By: Vickie Felix, Recording Secretary

Timothy O'Donnell, President

MAYOR

XX APPROVED _____ VETOED

this 2nd day of December, 2014.

Donald N. Briggs, Mayor

I hereby certify that the foregoing Ordinance has been posted as required by Chapter 2.04 of the Emmitsburg Municipal Code.

Date: 01/05/15 Cathy Willets, Town Clerk