

ORDINANCE NO. 78

AN ORDINANCE TO PROVIDE FOR THE CODIFICATION OF THE ORDINANCES OF THE TOWN OF LEONARDTOWN, COUNTY OF ST. MARY'S, INTO A MUNICIPAL CODE TO BE DESIGNATED THE "CODE OF THE TOWN OF LEONARDTOWN"

Be it hereby ordained by the Mayor and Council of the Town of Leonardtown as follows:

ARTICLE I
Adoption of Code

§ 1-1. Adoption of Code.

The ordinances of the Town of Leonardtown, County of St. Mary's, State of Maryland, of a general and permanent nature, adopted by the Mayor and Council of the Town of Leonardtown, as revised, codified and consolidated into chapters and sections by General Code Publishers Corp. and consisting of Chapters 1 through 155, together with an Appendix, are hereby approved, adopted, ordained and enacted as the Code of the Town of Leonardtown, hereinafter known and referred to as the "Code."

§ 1-2. Continuation of existing provisions.

The provisions of the Code, insofar as they are substantively the same as those of ordinances in force immediately prior to the enactment of the Code by this ordinance, are intended as a continuation of such ordinances and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinance. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the Mayor and Council of the Town of Leonardtown, and it is the intention of said Mayor and Council that each such provision contained within the Code is hereby reaffirmed as it appears in the Code.

§ 1-3. Copy of Code on file.

A copy of the Code, in loose-leaf form, has been filed in the office of the Town Clerk of the Town of Leonardtown and shall remain there for use and examination by the public until final action is taken on this ordinance; and, if this ordinance shall be adopted, such copy shall be certified to by the Town Clerk of the Town of Leonardtown by impressing thereon the Seal of the town, and such certified copy shall remain on file in the office of said Town Clerk to be made available to persons desiring to examine the same during all times when said Code is in effect.

§ 1-4. Amendments to Code.

Any and all additions, deletions, amendments or supplements to the Code or any new ordinances, when enacted or adopted in such form as to indicate the intention of the Mayor and Council to be a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code shall be understood and intended to include such additions, deletions, amendments or supplements. Whenever such additions, deletions, amendments or supplements to the Code shall

ORIGINAL

CERTIFICATION

TOWN OF LEONARDTOWN

Office of the Town Clerk

I, MARIANNA ASH, Town Clerk of the Town Leonardtown, hereby certify that the Charter and the chapters contained in this volume are based upon the original ordinances of the Mayor and Council of the Town of Leonardtown, and that said Charter and ordinances, as revised and codified, renumbered as to sections and rearranged into chapters, constitute the Code of the Town of Leonardtown, County of St. Mary's, State of Maryland, as adopted by ordinance of the Mayor and Council on March 14, 1994, as Ordinance No. 78.

Given under my hand and the Seal of the Town of Leonardtown, County of St. Mary's, State of Maryland, this 14th day of March, 1994 at Leonardtown, Maryland.

A handwritten signature in blue ink that reads "Marianna Ash". The signature is written in a cursive style with a large initial "M".

Marianna Ash
Marianna Ash
Town Clerk

Any person, persons, firm or corporation who shall violate the provisions of this chapter shall be, upon conviction, fined not less than twenty-five dollars (\$25.) nor more than one thousand dollars (\$1,000.) for each and every day from the date that the building is commenced.

- (2) In Ch. 97, Open-Air Markets, § 97-8B (Section 7-2 of Ord. No. 42A) is amended to read as follows:

B. To cover the administrative costs involved, a fee as set forth from time to time by the Mayor and Council for each citation issued under the provisions of Subsection A is hereby imposed. Such fee is payable by the person, firm, or corporation receiving the citation within fifteen (15) days, Saturday, Sunday and federal holidays excepted, to the Mayor and Council of Leonardtown. It shall be unlawful for any person, firm or corporation receiving such citation to fail to pay said fee within said fifteen-day period, and such failure shall be considered a misdemeanor punishable upon conviction by a fine of not more than one thousand dollars (\$1,000.) or imprisonment in the county jail for not more than six (6) months, or both.

- (3) In Ch. 107, Plumbing, § 107-26 (Section 30 of Ord. No. 27) is amended to read as follows:

§ 107-26. Violations and penalties.

Any person, persons, firm, corporation or association who or which shall be convicted of violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and shall be fined not less than five dollars (\$5.) nor more than one thousand dollars (\$1,000.) or be imprisoned for a term not to exceed six (6) months, or both. Each violation or each day that a violation is permitted to continue shall be deemed to be a separate violation.

- (4) In Ch. 112, Property Maintenance, § 112-3 (Section 3 of Ord. No. 37A) is amended to read as follows:

§ 112-3. Violations and penalties.

Any person, firm or corporation violating the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not less than fifty dollars (\$50.) and of not more than one thousand dollars (\$1,000.) or be subject to imprisonment for a term not to exceed six (6) months, or both fine and imprisonment.

- (5) In Ch. 116, Refrigerators, Storage of, § 116-2 (the last sentence of Section 1 of Ord. No. 25) is amended to read as follows:

§ 116-2. Violations and penalties.

Any person, firm or corporation violating any of the provisions of this chapter shall, upon conviction, be guilty of an infraction as provided in Section 503 of the Town Charter.

- (6) In Ch. 128, Streets and Sidewalks, the following penalty sections are hereby amended by deleting the fine amounts and imprisonment terms and replacing

them in each case with a “fine of not to exceed one thousand dollars (\$1,000.) or to imprisonment for a term not to exceed six (6) months, or both”:

- (a) Section 128-2 (Section 1 of Ord. No. 3).
- (b) Section 128-4 (Section 1 of Ord. No. 4).
- (c) Section 128-6 (Section 1 of Ord. No. 5).
- (d) Section 128-8 (Section 1 of Ord. No. 7).
- (e) Section 128-10 (Section 1 of Ord. No. 8).
- (f) Section 128-12 (Section 3 of Ord. No. 34).
- (g) Section 128-14 (Section 2 of Ord. No. 35).
- (h) Section 128-26B (Section 10.0 of Ord. No. 51-C).

(7) In Ch. 131, Subdivision Regulations (adopted 6-11-1973):

- (a) Section 131-5 (Article 1) is amended to update the statutory citation so that said section shall read as follows:

§ 131-5. Powers of Commission.

In accordance with Article 66B of the Annotated Code of Maryland, the Planning and Zoning Commission of Leonardtown, Maryland, is hereby enabled to regulate the subdivision of land within the corporate limits of the town.

- (b) Section 131-81 (Article 3, Section 9) is amended to update the statutory citation so that said section shall read as follows:

I. In accordance with Article 66B of the Annotated Code of Maryland, the Planning and Zoning Commission shall approve or disapprove a final plat, if all subdivision regulations have been complied with, within thirty (30) days after the submission thereof to it; otherwise such plat shall be deemed to have been approved, and a certificate to that effect shall be issued by the Commission on demand; provided, however, that the applicant for the Commission's approval may waive this requirement and consent to an extension of such period. The ground of disapproval of any plat shall be stated upon the records of the Commission. Every plat approved by the Commission shall, by virtue of such approval, be deemed to be an amendment of or an addition to or a detail of the plan and a part thereof. Approval of a plat shall not be deemed to constitute or effect an acceptance by the public of any street or other open space shown upon the plat. The Planning and Zoning Commission may, from time to time, recommend to the local legislative body amendments of the Zoning Ordinance or Map or additions thereto to conform to the Commission's recommendations for the zoning regulation of the territory comprised within approved subdivisions.

- (c) Section 131-16 (Article 12) is amended to read as follows:

§ 131-16. Violations and penalties.

Whoever, being the owner or agent of the owner of any land located within a subdivision, transfers or sells or agrees to sell or negotiates to sell any land by reference to or exhibition of or by other use of a plat of a subdivision before such plat has been approved by the Leonardtown Planning and Zoning Commission and recorded or filed in the office of the County Clerk shall forfeit and pay a penalty of not less than two hundred dollars (\$200.) nor more than one thousand dollars (\$1,000.) for each lot or parcel so transferred or sold or agreed or negotiated to be sold; and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided. The Town Commissioners may enjoin such transfer or sale or agreement by action for injunction brought in any court of equity jurisdiction or may recover the said penalty by civil action in any court of competent jurisdiction.

- (8) In Ch. 134, Swimming Pools, § 134-6 (Section 3 of Ord. No. 28) is amended to read as follows:

§ 134-6. Violations and penalties.

Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not exceeding one thousand dollars (\$1,000.) or be imprisoned in the St. Mary's County jail for a period not exceeding six (6) months, or be both so fined and imprisoned. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

- (9) In Ch. 141, Trailers Coaches and Trailer Coach Parks, § 141-9A (Section 9a of Ord. No. 56) is amended to read as follows:

A. Any person, corporation, firm, partnership or association found guilty of violating any article, section or provision of this chapter shall be deemed guilty of a misdemeanor and shall be subject to a fine of not less than five dollars (\$5.) and not more than one thousand dollars (\$1,000.) and/or imprisonment in the county jail of St. Mary's County, Maryland, for not more than six (6) months.

- (10) In Ch. 150, Water and Sewers, § 150-11C (Section 3 of Article 10) is amended to read as follows:

C. Penalty stated. Any person who shall continue any violation beyond the time limit provided for in Subsection B above shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not exceeding one thousand dollars (\$1,000.) or be subject to a term of imprisonment not exceeding six (6) months, or both, for each violation. Each day in which such violation shall continue shall be deemed a separate offense.

- (11) In Ch. 155, Zoning (adopted 6-11-1973):

(a) Section 155-6 (Section 4-2) is amended by adding thereto the words "C-SC Commercial Shopping Center District."

(b) Section 155-100B (Section 25-3) is amended to read as follows:

B. Any person or corporation who shall violate or fail to comply with any of the provisions of this chapter or who shall build or alter any building in violation of any detailed statement of plan submitted and approved hereunder shall be guilty of a misdemeanor. A fine of not more than one thousand dollars (\$1,000.) or imprisonment for a term not to exceed six (6) months, or both, shall be imposed, and each day such violation shall be permitted to exist shall constitute a separate offense. The owner or owners of any building or premises or parts thereof where anything in violation of this chapter shall be placed or shall exist and any architect, builder, contractor, agent, person or corporation employed in connection therewith and who have assisted in the commission of any such violation shall be guilty of a separate offense and, upon conviction thereof, shall be so fined or imprisoned.

(12) The following sections are hereby amended by deleting specific fee amounts and providing that such fees shall be "as set forth from time to time by the Mayor and Council":

- (a) Section 56-2 (Section 2 of Ord. No. 24).
- (b) Section 65-2 (second sentence of Section 1 of Ord. No. 17).
- (c) Section 82-1A (Section IA of Ord. No. 53A).
- (d) Section 82-2B (Section IIB of Ord. No. 53A).
- (e) Sections 107-9 and 107-10 (Sections 10 and 11 of Ord. No. 27).
- (f) Section 141-4B (Section 4b of Ord. No. 56).

§ 1-9. Incorporation of provisions into Code.

The provisions of this ordinance are hereby made Article I of Chapter 1 of the Code of the Town of Leonardtown, and the sections shall be numbered §§ 1-1 through 1-10, inclusive.

§ 1-10. When effective.

The effective date of all provisions of this Code shall be July 1, 1990.

Leonardtown, T.

Code Adoption-7

BE IT FURTHER ORDAINED AND ENACTED that this Ordinance shall take effect on March 14, 1994.

COMMISSIONERS OF LEONARDTOWN

Attest:

James W. Densford III
James W. Densford III, Mayor

Tom M. Shea
Tom M. Shea
Town Administrator

Wayne L. Vincent, Jr.
Wayne L. Vincent, Vice President

Leon Battle, Councilman

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

Paul F. Ludwig
Paul F. Ludwig, Councilman

Karen Abrams
Karen Abrams
Attorney for the Town

Robert C. McCartney
Robert C. McCartney, Councilman

Ruth W. Proffitt
Ruth W. Proffitt, Councilwoman

be enacted or adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf book containing said Code as amendments and supplements thereto.

§ 1-5. Code book to be kept up-to-date.

It shall be the duty of the Town Clerk or such other authorized person to keep up-to-date the certified copy of the book containing the Code of the Town of Leonardtown required to be filed in the office of the Town Clerk for use by the public. All changes in said Code and all ordinances adopted by the Mayor and Council subsequent to the enactment of this ordinance in such form as to indicate the intention of said Mayor and Council to be a part of said Code shall, when finally enacted or adopted, be included therein by temporary attachment of copies of such changes or ordinances until such changes or ordinances are printed as supplements to said Code book, at which time such supplements shall be inserted therein.

§ 1-6. Severability.

A. Each section of the Code and every part of each section is an independent section or part of a section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any section or part thereof.

B. Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

§ 1-7. Inconsistent ordinances repealed.

All ordinances or parts of ordinances inconsistent with the provisions contained in the Code adopted by this ordinance are hereby repealed; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Town of Leonardtown which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.

§ 1-8. Changes in previously adopted ordinances.

A. In compiling and preparing the ordinances of the Town of Leonardtown for adoption and revision as part of the Code, certain grammatical and other minor changes were made in one (1) or more of said ordinances. It is the intention of the Mayor and Council that all such changes be adopted as part of the Code as if the ordinances so changed had been previously formally adopted to read as such.

B. In addition, the following changes, amendments or revisions are made herewith, to become effective upon the effective date of this ordinance. (Chapter and section number references are to the ordinances as they have been renumbered and appear in the Code.)

- (1) In Ch. 48, Building Construction (Ord. No. 16), § 48-3 is amended to read as follows:

§ 48-3. Violations and penalties.