

TOWN OF EMMITSBURG

300A South Seton Avenue
Emmitsburg, Maryland 21727
301-600-6300 fax 301-600-6313

Mayor
Donald N. Briggs
Town Manager
David Haller
Town Clerk
Cathy Willets

Board of Commissioners
Timothy O'Donnell, President
Clifford L. Sweeney
Glenn Blanchard
Jennifer Mellor
Joseph Ritz III

TOWN MEETING AGENDA September 21, 2015

I. CALL MEETING TO ORDER (7:30PM)

A. PLEDGE OF ALLEGIANCE TO THE FLAG

B. NEXT MEETINGS:

Town Meeting, **October 5** @ 7:30 pm

Citizens Advisory Committee Meeting, **October 20** @ 7:30 pm

Planning Commission Meeting, **October 26** @ 7:30 pm

Parks Committee Meeting, **November 17** @ 7:30 pm

C. APPROVE MINUTES FROM SEPTEMBER 8, 2015 TOWN MEETING

D. POLICE REPORT

E. TOWN MANAGER'S REPORT

F. TOWN PLANNER'S REPORT

G. COMMISSIONER COMMENTS

H. MAYOR'S COMMENTS

I. PUBLIC COMMENTS

J. ADMINISTRATIVE BUSINESS (see attached)

K. CONSENT AGENDA (see attached)

II. AGENDA ITEMS:

1. A review and discussion of snow emergency plan
2. A noise and disruptive ordinance - review and discussion
3. Employment Change – proposed hiring

III. SET AGENDA ITEMS FOR OCTOBER 5, 2015 TOWN MEETING

IV. SIGN APPROVED TEXT AMENDMENTS AND/OR RESOLUTIONS

ITEM C

APPROVE MINUTES FROM SEPTEMBER 8, 2015 TOWN MEETING

**MINUTES
TOWN MEETING
September 8, 2015
Emmitsburg Town Office**

Present: Mayor Donald Briggs; Commissioners Clifford Sweeney, Joseph Ritz III, Jennifer Mellor, Glenn Blanchard and Tim O'Donnell, President.
Staff present were Sue Cipperly, Town Planner; Dave Haller, Town Manager; Amy Naill, Parking Enforcement; and Cathy Willets, Town Clerk.

Absent:

I. Call to Order

Commissioner Tim O'Donnell, President of the Board of Commissioners, called the September 8, 2015 Town Meeting to order at 7:30 p.m. Pledge of Allegiance was recited.

Announcement of a Closed Session

President O'Donnell announced the need for a closed executive session following adjournment of this meeting as permitted by the *Annotated Code of Maryland, State Government Article: Section 10-508 (a) Closed Meetings, Item 14* to discuss confidentiality for bidding purposes for the Doughboy repair. See attached announcement. Motion by Commissioner Blanchard, second by Commissioner Mellor, carried 5-0 in favor.

Approval of Minutes

The Minutes of the August 3, 2015 Town Meeting were approved as presented/corrected. Motion to accept minutes by Commissioner Sweeney and second by Commissioner Mellor. Vote 5-0 passed.

Commissioner Comments

Commissioner(s) cited attendances, recognitions and announcements. Commissioner Ritz and Sweeney attended back to school night at Christ Community Church. They both thanked them for a great night and a big thank you to all that donated supplies, food, etc. Commissioner Sweeney commented that they are in need of book bags for students. Anyone interested in making a donation please contact Pastor John Talcott. Commissioner Blanchard recognized Susan Allen who was founder of Emmitsburg Food Bank. She recently passed away. Commissioner O'Donnell met with Government Liaison at MSM to discuss what is going on at the University. There may be a request for a speed limit change outside of town - will bring up later. Commissioner O'Donnell requested people send emails with a name so he can proceed with an open dialogue.

Mayor's Comments

October 3, 4, 5th is National Fallen Firefighters weekend. Congratulations to all our baseball teams and the youth from our town for their great jobs. Swimming season and pool parties were good. Thanked all for their donations and food. He also attended back to school night - over 400 people attended. Grieve share, a 13 week share program which is run by Toms Creek Church, began on August 21st at Christ Community Church. Anyone interested can join anytime. Doughboy - state approved conservators report and put out to bid. Trying to keep on schedule- pre-bid meeting on the 16th, sealed bids due October 1st. Hoping to have to Board by mid-October. He will be meeting with boy scouts about the camping on Scott road farm.

Public Comments - Deborah Gonyea, 12 Heritage Lane, Emmitsburg, MD. Ms. Gonyea spoke about Silo Hill - lived here 16 years. There used to be a snow emergency route but signs taken down about 5 years ago. Vehicles block the driveway and no clearance for snow removal. Asking that the Town put back in snow emergency signs. Michelle Metz, 19 Heritage Lane, Emmitsburg, MD, Ms. Metz spoke about her concern about snow removal. It

is helpful when cars are not parked on the street. The stop sign in Robindale near the playground. No one stops at the sign. Have the sign removed. Have it replaced with a sign that would allow "yield." Lisa Mehaffie, 35 Robindale Dr., Emmitsburg, MD. Very difficult to clear off sidewalks because the snow removal piles up on the aprons of the sidewalk making it very difficult to clear. Garbage pick-up and recycling dates. Mr. Haller advised Board that the snow removal plan was going to be requested to put on the next agenda.

Administrative Business -

Camping Scott Road Farm: the Scouts do have the option of camping on Scott Road Farm and have done so in the past. The Mayor will be meeting with the Scouts about camping. Town land and scouting - Commissioner O'Donnell was approached by an Eagle Scout candidate about blazing the multi-user trail. Colors will designate the different trail levels. Work will be done on Sundays pursuant to hunting season and should be completed by the end of October. Town Board gave consent without objection to the blazing of the trails.

SHA money for square project - Town Board gave consent without objection to move forward with budget transfer.

Parks and Rec minutes - Commissioner Mellor gave the Parks and Rec Committee meeting minutes. Several people have come forward to be members of the Parks and Rec Committee. The Southgate community would like to be a part of determining location of the dog park. The upcoming gym meeting and ideas for making it more available. Discussion of the open field use and high school students attending parks and rec meetings.

Doughboy - Commissioner O'Donnell clarifies the doughboy is not being moved. The sealed bids will be reviewed and staff will present to the Board all recommended bids. Mr. Haller advised since there is money involved in the repair, a closed session will make sure there are no unfair practices or advantages.

Commissioner Blanchard - one of the speed bump signs was hit and leaning again a light pole. Stavros restaurant - any word on opening? Mayor Briggs said there was an ad offering sale of equipment or lease of property.

Consent Agenda - none

Reports:

Cash Activity Report – Commissioner Blanchard reviewed the treasurer's report. Exhibit attached to the agenda packet.

Planning Commission Report - none given

II. Agenda Items

Update and hearing on status of Comprehensive Plan - Ms. Cipperly announced the planning commission has been doubling up on meetings this summer. On August 31, 2015 the Planning Commission voted to adopt the 2015 Comprehensive Plan and referred it to the Board. The State comments from SHA, DNR, Dept. of Planning, and Frederick County were very supportive. Ms. Cipperly noted she tabbed 12 pages where things were added that she reviewed with the Board. Commissioner Sweeney stated the Commission agreed with all the changes and approved it is sent to the Board. Mr. Haller advised Board to look through the Plan and if any questions please send to himself or Ms. Cipperly. The public hearing will be October 5th and has to be advertised.

Set Agenda Items for September 21, 2015 Town Meeting

1. A review and discussion of snow emergency plan.
2. A noise and disruptive ordinance - review and discussion.

Consent agenda item - appoint members to the Parks Committee and Citizen Advisory Committee (Mellor and Ritz will email names)

III. SIGN APPROVED TEXT AMENDMENTS AND/OR RESOLUTIONS

IV Adjournment

With no further business, the September 8, 2015 Town Meeting was adjourned at 9:13 p.m.

Respectfully submitted,

Cathy Willets
Town Clerk

Approved:

ITEM D

Police Report – to be presented at meeting

ITEM E

Town Manager's Report

Town Manager's Report
AUGUST 2015
Prepared by David Haller

Streets:

- Staff repaired a number of streetlights.
- Staff sealed a number of cracks in the street..
- Staff cleaned East and West Main Street.
- Staff weed killed a number of streets around town.

Water:

- Rainbow Lake is now 3 inches below the spillway level.
- The roughing filters are being backwashed one time a day and the DE filters are being done once per week.
- Our wells are now on average 9.8' below their May 2011 levels.
- Water production and consumption. We produced and purchased an average of 315,795 GPD. We consumed an average of 312,471 GPD.

The difference is "Backwash Water" ... (1.2%). We purchased 429,650 gallons of water from MSM this month.

- 44.2% of this water came from wells.
- 4.4% of this water came from Mt. St. Mary's.
- 51.4% of this water came from Rainbow Lake.

Wastewater:

- The overland flow treatment system is shut down.
- We received about 2.0" of precipitation this month (the average is 3.4").
 - We have a precipitation **SURPLUS** of 8.7" over the last six months. The average precipitation for the period from March 1 thru August 31 is 23.9". We have received 32.6" for that period.
- Wastewater Treatment:
 - We treated an average of 291,000 GPD (consumed 312,471 GPD) which means that 0.0% of the wastewater treated this month was "wild water".
 - We had no spills of untreated sewerage in the month of August
 - We exceeded the plant's design capacity on one day in the month of August.

08/20 946,000 GPD

Trash: Trash pickup will remain Mondays for the remainder of the month of September.

For more information go to www.emmitsburgmd.gov

Parks:

- Staff 'power washed' the graffiti off the restroom building in Memorial Park.
- Staff rotor tilled and raked the volleyball court in Community Park.
- Staff 'weed killed' the weeds and poison ivy along the walking trail in Community Park.
- Staff has mowed and trimmed all parks.

I Recently Attended the Following Meetings:

- 08/05 Met with the Powerstar contractors
- 08/05 Met with staff to review all ongoing projects.
- 08/19 Met with the Powerstar contractors and staff
- 08/20 Met with the Mayor and representatives of the Fallen Firefighters organization.
- 08/28 Attended the Frederick County Chapter of the MML meeting

PARKING ENFORCEMENT REPORT

Date: August 2015

Overtime Parking: 68

Restricted Parking Zone: 5

Parked in Crosswalk:

Parked on Sidewalk:

Parked Blocking Road:

Parked by Fire Hydrant:

Parked on Highway:

Failure to Park between Lines:

Other Violation:

Left Side Parking: 1

Meter Money: \$1,212.78

Parking Permits: \$115.00

Meter Bag Rental: \$16.00

Parking Ticket Money: \$ 130.00

Funerals: 1

Total: \$ 1,473.78

Zoning/Code Enforcement Report

August 2015

1. Met with Town Manager and Mayor regarding Power Star contract. Contacted Todd Otis to arrange a meeting at the pump station with Dan
2. Follow up with Dollar General on bond release and screening.
3. Checked on status of the TAC submittal. No change yet.
4. Met with Town Planner and surveyor regarding the site plan submittal for 514 E Main St.
5. Provide deed research for POS grant.
6. Continued to coordinate the mailings and receipts of Right of Entry Agreements for a new SHA sidewalk project on South Seton. Trying to arrange a site walk with SHA and Public Works.
7. Researched SHA money for the Square project with Town Clerk and Accountant.
8. Updated electrical usage charts.
9. Conducted an on-site pre-bid meeting for renovations at 140 South Seton Avenue. Went over received bid with town Manager and Planner.
10. Met with the SHA Flat Run project team and Town Manager to review the status of the project.
11. Followed up on the TAP funding grants timing with SHA. Confirmed initial award can be used for design.
12. Met with Frederick County and the Mount to discuss next steps in Emmitsburg Road project.
13. Arranged a meeting in September with SHA to review the status of the Square project.
14. Met with Town staff to discuss Grand Opening for the WWTP and Solar Fields. Provided some contact information.
15. Met with the Mayor, Town Manager and Clerk regarding the Doughboy RFP.
16. Begin application for MD Dept. of Planning Sustainable Growth Award.
17. Look into the application process for becoming a Groundwater Guardian Community.
18. Tour town for Code Enforcement.

Zoning permits and/or zoning letters issued

| Date | Address | Type | Fee |
|----------|----------------------|--------------|-------------------|
| 08-10-15 | 3 E Main St | Porch Reno | NC (Legacy Grant) |
| 08-10-15 | 514 E Main St | Fence | \$39 |
| 08-10-15 | 501 E Main St | Propane Tank | \$35 |
| 08-17-15 | 316 Mountaineers Way | Solar Panels | \$ 69 |
| 08-17-15 | 15 Robindale Dr. | Fence | \$ 47 |

ITEM F

Planner's Report

August 2015

Susan H. Cipperly, Town Planner

Meetings attended:

- August 3 - Town Meeting
- August 17 - Planning Commission
- August 31 - Planning Commission

1. 2015 Comprehensive Plan.

-- Reviewed comments from State Highway Administration and Dept. of Natural Resources and adjusted Comp Plan as needed. Conferred with SHA staff. Reviewed these changes at August 17 PC meeting.

-- Made copies of the 2004 Catoctin Mountain Scenic Byways Plan for the PC to review. SHA comment recommended that Town Board adopt the plan and include the resolution in the Comp Plan. At August 17 meeting, PC recommended that the Town Board consider doing so.

-- Reviewed MD Dept. of Planning and Frederick County Planning Office comments and incorporated recommendations where appropriate. Conferred with State and County staff as needed. Provided changes to PC at August 31 meeting.

-- 2015 Comprehensive Plan was approved by Planning Commission on August 31, and sent to Town Board.

2. Community Legacy Program.

-- Created powerpoint presentation for August 3 Town Board meeting & made presentation.

-- Followed up on applications submitted.

-- Agreement created & signed for 200 So. Seton painting project.

-- Coordinated with EPlus Copying for 2 CL yard signs and 6 laminated posters. Installed the yard signs at 2 locations.

-- Processed reimbursement request for 309 W. Main painting project.

-- Met with DHCD representative, Garland Thomas, and toured completed projects as part of FY2016 application review process.

-- Coordinated with DHCD re MHT reviews and time frame.

3. Provided information re local brick colors and Dollar General brick color to SHA per their request. MD 140/Flat Run bridge will incorporate brick into the design.

4. Met with C. Gauss and Jerry Muir regarding sketch for 514 E. Main commercial site plan.

5. Supervised Code Enforcement and Zoning activity. Covered this function for 1 week while Jerry Muir was on vacation.

6. Coordinated TAC signage application for Antique Mall at request of Mayor Briggs & John Fieseler (Frederick Co. Tourism Council)

ITEM J

Administrative Business

Proclamation National Fallen Firefighters Month

Proclamation

The Mayor and Board of Commissioners' Recognition of National Fallen Firefighters

WHEREAS, the United States Congress and the President of the United States have designated the day of the annual National Fallen Firefighters Memorial Service as a day to honor who have sacrificed their lives to save others by lowering the American flag on all federal buildings to half-staff; and

Whereas, an average of 100 firefighters courageously make the ultimate sacrifice in the line of duty each year; and

WHEREAS, the events of September 11, 2011, brought national attention to the duties, responsibilities, hazards, and sacrifices by fire services personnel on a daily basis; and

WHEREAS, firefighters play an essential role in the protection of lives and property in our local community; and

WHEREAS, it is of major importance that we recognize the service and sacrifice of our local firefighters; and

THEREFORE, BE IT RESOLVED that the Mayor and Board of Commissioners for the Town of Emmitsburg, Maryland do hereby proclaim the month of October, 2015 as National Fallen Firefighters month. We call upon all citizens of the Town of Emmitsburg to remember all fire service personnel who have made the ultimate sacrifice to their community and to pay respect to the survivors of our fallen heroes. We further call upon all citizens of the Town of Emmitsburg to take a moment to thank a firefighter for his/her service.

ADOPTED this _____ day of _____, 2015.

Donald N. Briggs, Mayor

Tim O'Donnell, President
Board of Commissioners

ITEM K

CONSENT AGENDA

- 1.** Appoint members to the Parks Committee
 1. Dwight Baumgardner
 2. David Maze
 3. Shannon Cool
 4. Cynthia Canadas
 5. Matt Myers
 6. Jen Myers
 7. TJ Burns

- 2.** Appoint member to Citizen Advisory Committee

AGENDA ITEMS

ITEM 1

A review and discussion of snow emergency plan.

Proposed "NO PARKING" during Snow Emergency Plan in all cul-de-sacs listed:

1. Southgate – two cul-de-sacs
2. Northgate – five cul-de-sacs
3. Emmit Gardens – one cul-de-sac
4. Silo Hill – entire area
5. Brookfield – four cul-de-sacs
6. Warthens Way – one cul-de-sac
7. Waycross Ct. – one cul-de-sac
8. Creamery Way – entire area

ORDINANCE SERIES: 2015
ORD. NO. 15-06

PAGE 1 OF 2

AN ORDINANCE TO AMEND
TITLE 10
OF THE CODE OF EMMITSBURG
ENTITLED
VEHICLE 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 10.12.120 of the Emmitsburg Municipal Code, be amended 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~~.

10.12.120 Parking prohibited during snow emergency – Designated roads

A. Definitions. As used in this section, the following terms shall have the meanings indicated:

“Snow Emergency” means when Frederick County proclaims that the snow emergency plan is in effect all streets within the Town of Emmitsburg’s corporate limits are subject of this snow emergency plan.

B. Parking Prohibited. The parking of vehicles on streets designated (by street signs) as a snow emergency route is prohibited when the snow emergency plan is in effect, and parking of vehicles shall continue to be prohibited until the accumulation has been cleared.

C. Removal of Vehicles. The ~~police are~~ **TOWN IS** authorized and empowered to take possession of and to remove and/or issue a citation for any parked vehicles that interfere with the clearance of snow and/or issue a citation for any parked vehicles or abandoned vehicles that obstruct traffic or interfere with the clearance of snow and/or ice along streets within the corporate limits of the town at the owner’s expense.

D. Emergency Hours. If the snow emergency plan goes into effect after six p.m., no vehicles will be towed away, and/or issued a citation until after eight a.m. of the following day.

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.

PASSED this _____ day of _____, 2015 by a vote of _____ for, _____ against, _____ absent, and _____ abstain.

ATTEST: EMMITSBURG BOARD OF COMMISSIONERS

By: _____
Cathy Willets, Town Clerk

_____ Timothy O'Donnell, President

ORDINANCE SERIES: 2015
ORD. NO. 15-06

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MAYOR
_____ APPROVED _____ VETOED
this _____ day of _____, 2015.

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: _____

Cathy Willets, Town Clerk

10.12.130 - Violations—Penalties.

- A. Violation of any of the sections enumerated in subsection (B) of this section shall be a municipal infraction.
- B. Fines, pursuant to a parking citation policy to be established and from time to time updated by the mayor and board of town commissioners, shall be assessed against the operators and/or owners of automobiles who violate certain provisions of [Chapter 10.12](#).
1. Parking within fifteen (15) feet of a fire hydrant; every twenty-four (24) hours in violation of the section counts as a separate offense and may be fined accordingly;
 2. Parking in restricted zone; every twenty-four (24) hours in violation of this section counts as a separate offense and may be fined accordingly;
 3. Failure to park between lines; every twenty-four (24) hours in violation of this section counts as a separate offense and may be fined accordingly;
 4. Parking in crosswalk; every twenty-four (24) hours in violation of this section counts as a separate offense and may be fined accordingly;
 5. Parking on sidewalk; every twenty-four (24) hours in violation of this section counts as a separate and may be fined accordingly;
 6. Parked blocking driveway; every twenty-four (24) hours in violation of this section counts as a separate offense and may be fined accordingly;
 7. Parking so as to obstruct street or highway; every twenty-four (24) hours in violation of this section counts as a separate offense and may be fined accordingly;
 8. Overtime parking; every two hours in violation of this section counts as a separate offense and may be fined accordingly;
 9. Parking on any street for a period of twenty-four (24) consecutive hours; every twenty-four (24) hours in violation of this section counts as a separate offense and may be fine accordingly.
- C. A police officer, or municipal code enforcer, upon observing a vehicle parked in violation of any of the sections of [Chapter 10.12](#) enumerated in subsection (B) of this section, shall attach to such vehicle a citation informing the owner or operator of the violation, setting forth the amount of the fine and instructing the owner or operator of the vehicle to pay the fine at the town hall within twenty (20) days from the issuance of the citation or to notify the town clerk within fifteen (15) days from the issuance of the citation of his or her intent to stand trial for the infraction.
- D. Amounts of fines according to the parking citation policy:
1. Parking during a **snow emergency** in violation of [Section 10.12.120](#).

AGENDA ITEMS

ITEM 2

A noise and disruptive ordinance - review and discussion.

ORDINANCE SERIES: 2015
ORD. NO 15-05

PAGE 1 OF 3

AN ORDINANCE TO AMEND
TITLE 8
OF THE CODE OF EMMITSBURG
ENTITLED
HEALTH AND SAFETY

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 8 ; Section Health and Safety of the Emmitsburg Municipal Code, be amended 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 8 - HEALTH AND SAFETY

Chapter 8.20 - Nuisances, Property

Section 8.20.010 Definitions.

In this Chapter "Nuisance" means:

A. A property to which police or other law enforcement agencies have responded to complaints or calls for service 3 or more times within any 12 month period and that:

1. Tends to negatively impact the well-being of other persons; and
2. Is injurious to public health, safety, or welfare, or obstructs the reasonable use of property;

B. A property where the tenant, owner, or other occupant has been convicted of violations of [§ 10-201](#) or [§ 10-202 of the Criminal Law Article](#), Annotated Code of Maryland for conduct occurring on, in, or in relation to the property;

C. A property where the tenant, owner, or other occupant has been convicted of violations of any criminal law occurring on, in, or in relation to the property and is related to the activities of a criminal gang as defined in [§ 9-801 of the Criminal Law Article](#), Annotated Code of Maryland.

Section 8.20.020 Notice of Nuisance

A. After police or other law enforcement agencies have responded to complaints or calls for service to a property 3 or more times within any 12 month period, the Mayor or Town Manager shall notify the owner and the tenant and/or occupant of the property of the dates, times and nature of the service calls, and inform them that an additional service call

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ORD. NO 15-05

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within the 12 month period shall constitute a nuisance after which legal action may be taken as permitted by this Chapter.

B. Upon the existence or occurrence of a nuisance on a property, the Mayor or Town Manager shall notify the tenant, occupant and/or owner of the property that a nuisance exists or occurred and that legal action may be taken if the nuisance is not abated. The notice shall specify the nature of the alleged nuisance, the date and time of day the nuisance was first discovered, the address or other location of the property where the nuisance exists or occurred, and, if the nuisance is based upon repeated complaints or calls for service to the property, the dates and nature of each service call.

C. The notice shall inform the tenant, occupant and/or owner that the nuisance is to be abated within thirty (30) days of the receipt of the notice. If the public health, safety and/or welfare require an abatement of the nuisance in a shorter period of time, the notice may require such shorter period of time as may be required to protect public health, safety and/or welfare. The Mayor may authorize an extension of time to abate the nuisance where the tenant, occupant and/or owner are proceeding in good faith to abate the nuisance but, because of the nature of the nuisance, additional time is needed to complete the abatement.

D. The notice shall be delivered to the tenant, occupant and/or owner in accordance with Rule 2-121 of the Maryland Rules of Procedure, and a copy shall be posted in a conspicuous location on the property.

Section 8.20.030 Action to Abate Nuisance

When a nuisance which has not been abated within the time period required or, when the nuisance is based upon the number of complaints or service calls, upon the happening of another complaint or service call, the Town Attorney may bring an action to abate the nuisance under this Chapter and under Section [4-401 of the Courts and Judicial Proceedings Article](#), Annotated Code of Maryland. The Town Attorney may also seek injunctive and other equitable relief in the District Court of Maryland for Frederick County for abatement of a nuisance upon showing that the notice requirements under Section 8.20.020 have been satisfied and that the nuisance has not been abated.

Section 8.20.040 Remedies as against Landlords and Tenants - Orders to vacate property

A. Notwithstanding any other provision of law, and in addition to or as a component of any remedy ordered under Section 8.20.030, the court, after a hearing, may order a tenant who knew or should have known of the existence of the nuisance to vacate the property within 72 hours. If the owner and tenant are both parties to the action, the court, after a hearing, may grant a judgment of restitution or the possession of rental property to the owner, and the court shall immediately issue its warrant to the sheriff or constable commanding execution of the warrant within 5 days after issuance of the warrant.

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ORD. NO 15-05

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B. In addition to or as a part of any injunction, restraining order, or other relief ordered, the court may order the owner of the property to submit for court approval a plan of correction to ensure, to the extent reasonably possible, that the property will not again

be used for a nuisance if the owner is a party to the action and the owner knew or should have known of the existence of the nuisance.

Section 8.20.050 Legal rights or remedies otherwise available

A. This section may not be construed to abrogate any equitable or legal right or remedy otherwise available under the law to abate a nuisance.

B. Provisions of Title 8, Real Property Article, Annotated Code of Maryland applicable to actions between a landlord and a tenant are not applicable to actions brought against a landlord or a tenant under 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.

PASSED this _____ day of _____, 2015 by a vote of _____ for, _____ against, _____ absent, and _____ abstain.

ATTEST: EMMITSBURG BOARD OF COMMISSIONERS

By: _____
Cathy Willets, Town Clerk Timothy O'Donnell, President

MAYOR

_____ APPROVED _____ VETOED

this _____ day of _____, 2015.

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: _____
Cathy Willets, Town Clerk

AGENDA ITEMS

ITEM 3

Employment Change

Receptionist – Terri Ray

IV) SET AGENDA ITEMS FOR OCTOBER 5, 2015 TOWN MEETING

1.

2.

3.

4.

5.

6.

V) SIGN APPROVED TEXT AMENDMENTS AND/OR RESOLUTIONS