

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 October 19, 2015

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

A. PLEDGE OF ALLEGIANCE TO THE FLAG

B. NEXT MEETINGS:

Town Meeting, **November 2** @ 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 OCTOBER 5, 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

K. CONSENT AGENDA

II. AGENDA ITEMS:

1. Presentation related to Doughboy repairs for discussion and potential consideration

2. Final consideration of Snow Emergency Plan for the Town of Emmitsburg

3. Discussion and consideration of noise and nuisance ordinance

III. SET AGENDA ITEMS FOR NOVEMBER 2, 2015 TOWN MEETING

IV. SIGN APPROVED TEXT AMENDMENTS AND/OR RESOLUTIONS

ITEM C

APPROVE MINUTES FROM OCTOBER 5, 2015 TOWN MEETING

**MINUTES
TOWN MEETING
10/05/15
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; Cathy Willets, Town Clerk; and Dave Haller, Town Manager.

Absent:

I. Call to Order

Commissioner Tim O'Donnell, President of the Board of Commissioners, called the 10/05/15 Town Meeting to order at 7:30 p.m. Pledge of Allegiance was recited.

Approval of Minutes

The Minutes of the 09/21/15 Town Meeting were approved as presented/corrected. Motion to accept minutes as presented by Commissioner Ritz III and second by Commissioner Mellor. **Vote 5-0. PASSED**

Commissioner Comments

Commissioner(s) cited attendances, recognitions and announcements. Commissioner Sweeney thanked everyone coming out to vote. Commissioner Blanchard attended Fallen Firefighter ceremony. The Mayor gave the opening remarks at the Memorial Service. He strongly encourages everyone to attend and honor those who gave their lives fighting fires. Commissioner Blanchard attended the Sea Services Mass at the Elizabeth Ann Seton Shrine. Commissioner O'Donnell attended HOA at Pembroke Woods. One issue brought up was the concern of the lean of the signs. He received positive feedback on the new upcoming website. Commissioner O'Donnell thanked the election judges for their help and service. He thanked for those that came out and voted. Commissioner Sweeney, Commissioner Blanchard and Mayor Briggs attended the ribbon cutting on September 25 at the WWTP and Solar Field. Mr. Haller advised we are taking the equivalent of 600 cars off the road. Staff will present a full report in a several months.

Mayor's Comments

Congratulations to Commissioners Sweeney and O'Donnell. Thank you for your sacrifice and your time. He attended the Green Team Meeting and will be attending the upcoming MML meeting. The Town will be awarded the Sustainable Certified Maryland Award. He gave the welcome to the 34th Annual National Fallen Firefighters Memorial service. He also attended the National Fire Heritage Center Board of Director's meeting. The Town was gifted a 1800s survey of a local farm, colored on delicate paper. It was found in a spiral notebook. He did speak with the Boy Scouts – made a presentation to them. Spoke to a parent about the usage of the Scott Road Farm. Conrad Weaver, EBPA, was in attendance. The Mayor recognized him for winning a regional EMMY on a documentary - the Great American Wheat Harvest. Commissioner O'Donnell noted that Mr. Weaver hosted a premiere at the Carriage House as well.

Public Comments - none

Administrative Business – Mayor's Reorganization of the Board. Exhibit A

The Mayor presented his recommendations for the organization of the Board. He recommended no changes to the current Board and the positions. Commissioner O'Donnell

(president), Clifford Sweeney (vice-president/ Planning and Zoning liaison), Glenn Blanchard (treasurer), Jennifer Mellor (Parks and Rec Committee liaison), and Joseph Ritz III (Citizen's Advisory Committee liaison). Motion to accept the Mayor's Board organization by Commissioner Blanchard and second by Commissioner Mellor

Vote 5-0. PASSED.

November 11th is Veterans Day. Commissioner Blanchard asked about the bids for Doughboy. Mr. Haller informed him that we only received one bid. The bid has not been opened. The doughboy statue has been secured at the sewer plant. Mr. Haller advised the Board that we may have to file action in Court due to all the insurance company only acknowledging our claim.

Consent Agenda - none

Reports:

Treasurer's Report - Commissioner Blanchard presented the cash activity report for the month of September 2015. Detailed report at Exhibit A. Commissioner O'Donnell asked about the pool contract. Mr. Haller reported that we are still in the closing process. The Town has paid the pool company up to date. The pool company has yet to complete the contract. There are two payments that have not been made and are not scheduled to be made yet. The pool company is slightly in default of contract as the pool was supposed to be closed no later than today (October 5, 2015).

Planning Commission Report - Commissioner Sweeney advised there was no planning commission meeting.

II. Agenda Items

Swearing in of two Commissioners by the Mayor

The Mayor conducted the swearing in of both re-elected Commissioners. Mayor Briggs congratulated Commissioner O'Donnell on his re-election. Commissioner Sweeney was also congratulated by the Mayor on his seventh term and 18th year. See Exhibit B.

Senator Michael Hough

He congratulated the two Commissioners on re-election. He wanted to make sure everyone knew him and had his information. He represents 11 municipalities in Frederick and Carroll County. He is looking for feedback for the upcoming session. He works closely with the State agencies such as MDE and SHA. The Governor worked towards more Highway User Funds being granted. A \$10,000 grant issued for the Emmitt Gardens park. A bond bill received for the Catocin Zoo. Commissioner Blanchard invited to Senator Hough to Halloween Parade. He informed Senator Hough to MML Christmas party will be at the Carriage House in Emmitsburg this year. Commissioner Blanchard asked for any assistance for education in Frederick County. The Mayor let Senator Hough know the Town received HURs money for 2016 @\$25,000 and for 2017 @\$25,000. The Town has three delegates now due to re-districting. Commissioner O'Donnell would like to see appropriate employers come to Town and asked if there was anything Senator Hough could do to assist. Entrepreneurial efforts are definitely encouraged (technology, bio-tech, etc.).

Vote related to the noise and nuisance disturbance

Mayor did not hear back from two long time residents who own apartments. He would like to put it on hold till more input from the property owners. Mayor received unanimous consent from Board to put this item on hold.

Consideration of snow emergency modification plan – proposed no parking during snow emergency plan in all cul-de-sacs listed

Mr. Haller advised this is a reinstatement of a snow emergency plan that was in place several years ago. It is allowing staff to clean the streets better if these cul-de-sacs are kept open. Mr. Haller advised that Silo Hill would be more than just the cul-de-sacs due to requests made by residents. Commissioner O'Donnell advised the following areas would be affected: Southgate, Northgate, Emmit Gardens, Warthens Way, Creamery Way, Silo Hill, Brookfield and WayCross Ct. Commissioner Mellor inquired about Silo Hill. Mr. Haller advised it would entail all the streets in the entire development. She had a meeting with several residents in Silo Hill. She said they suggested to keep 2 University Drive to 19 Robindale drive open. Commissioner Mellor and residents would like to keep one side of Silo Hill Road open to allow for parking. She asked if this is possible and reasonable to Staff.

Commissioner Mellor made a motion to modify the request for "no parking" during snow emergency plan in all cul-de-sacs for Silo Hill for the area of 2 University Drive and 19 Robindale Drive be kept open as well as keeping one side of Silo Hill Pkwy. open. Motion seconded by Commissioner Blanchard.

Vote 5-0. Modification passed

This will be done with signage. Mr. Haller said this will be brought back at next meeting with the modification. Ordinance 15-06 put on hold.

Set Agenda Items for 10/19/15 Town Meeting

1. Final consideration of Snow Emergency Plan for the Town of Emmitsburg
2. Discussion and consideration of noise and nuisance ordinance
3. Presentation related to Doughboy repairs for discussion and potential consideration

IV SIGN APPROVED TEXT AMENDMENTS AND/OR RESOLUTIONS

IV Adjournment

With no further business, the 10/05/15 Town Meeting was adjourned at 8:27 p.m.

Respectfully submitted,

Cathy Willets
Town Clerk
Approved:

Open the Town Meeting to a Public Hearing to review and discussion and consideration of the updated 2015 Comprehensive Plan presented by Sue Cipperly, Town Planner. She presented a power point to review the timeline of the plan. The Planning Commission forwarded their approved draft to the Town Board on August 31, 2015. All correct protocols have been followed. Some changes since 2009 - State Law: land use article and 12 visions to be incorporated into the plan; Frederick County Process - 3 levels: county, community and corridor plans. Several things have changed in Emmitsburg: people, business/employment/main street/water & sewer/community design. She highlighted accomplishments green initiatives (LED lighting & solar power) and sustainable certification.

One goal is to provide safe bicycle and pedestrian traffic. Mayor asked for tourist information and statistics and retail spending. Zoning change recommendation for 510-514 East Main St. for B1 zoning district. SHA recommended the Town Board adopt US15 Catoclin Mountain Scenic Byway Corridor Management Plan - can be discussed at future meeting.

Page 3-9 out of the Plan: The County recommended consider renaming our current open space (OS) zone because it is misleading. OS zone should be changed to institutional uses.

Staff would like to have one more public hearing prior to the vote on the Comprehensive Plan. Wendy Walsh, just moved to 2009 Pembroke Ct. Emmitsburg MD one month ago. She introduced herself and her husband. They moved here so she could be closer to work and be able to bike to work. They are happy to see bike safety being improved. She would like to ask to check the link on web for the comprehensive plan. They weren't able to review the plan. She enjoyed the square revitalization plan. She noticed that several things have closed - coffee shop, book store, and restaurant. She is very interested in helping with the revitalization and happy with the comprehensive plan. She was provided with a draft copy of the comprehensive plan.

A motion to close public hearing and to keep the public record open so the public can send comments to Ms. Cipperly by Commissioner Sweeney and second by Commissioner Mellor.

Public Hearing concludes at 9:10pm.

ITEM D

Police Report – to be presented at meeting

ITEM E

Town Manager's Report

Town Manager's Report
SEPTEMBER 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 placed rubber rings on a number of manholes.

Water:

- Rainbow Lake is now at 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 10.3' below their May 2011 levels.
- Water production and consumption. We produced and purchased an average of 317,456 GPD. We consumed an average of 309,152 GPD.

The difference is "Backwash Water" ... (2.6%). We purchased 665,300 gallons of water from MSM this month.

- 41.0% of this water came from wells.
- 7.0% of this water came from Mt. St. Mary's.
- 52.0% of this water came from Rainbow Lake.

Wastewater:

- The overland flow treatment system is shut down.
- We received about 5.7" of precipitation this month (the average is 4.3").
 - We have a precipitation **SURPLUS** of 10.7" over the last six months. The average precipitation for the period from April 1 thru September 30 is 24.2". We have received 34.9" for that period.
- Wastewater Treatment:
 - We treated an average of 350,000 GPD (consumed 309,152 GPD) which means that 11.6% of the wastewater treated this month was "wild water".
 - We had no spills of untreated sewerage in the month of September.
 - We exceeded the plant's design capacity on two days in the month of September.

09/29 1,503,000 GPD 09/30 854,000 GPD

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

Parks:

- Staff placed mulch around signs & playground equipment in Memorial Park.
- Staff performed monthly checks in all parks.
- Staff has mowed and trimmed all parks.

I Recently Attended the Following Meetings:

- 09/03 Met with a landowner and his engineer related to a possible future development
- 09/14 Attended new sewer plant inspection meeting
- 09/17 Met with engineers related to town square project
- 09/24 Attended pool management meeting
- 09/25 Attended ribbon cutting for sewer plant and solar field projects

PARKING ENFORCEMENT REPORT

Date: SEPTEMBER 2015

Overtime Parking: 73

Restricted Parking Zone: 19

24 Hour Consecutive Parking: 4

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: \$1,316.45

Parking Permits: \$115.00

Meter Bag Rental:

Parking Ticket Money: \$ 305.00

Funerals: 1

Total: \$ 1,736.45

Zoning/Code Enforcement Report

September 2015

1. Met with Dan Fissel and AMT Utilities to coordinate utility information for SHA projects.
2. Finalized arrangements for a meeting with Power Star and Dan Fissel at the pump station to discuss installation. Had final contract executed and arranged payment to Power Star.
3. Set new Green Team schedule and conduct first meeting. Responded to Sustainable Maryland comments regarding final submittal.
4. State of MD conditionally denied TAC submittal for "Town Square" on Route 15. A follow up meeting is pending.
5. Contacted MDP regarding the Town Square grant funding and received a six month extension.
6. Met with Mayor, Town Manager and SHA regarding the Square Project. Did a field walk with SHA and their landscape contractor. Passed on the specifications for the clock to SHA and Fox Engineering. Met with Fox regarding the design of the water line extension.
7. Completed a Community Legacy grant for the renovation of the porch at 140 S Seton.
8. Finalized the receipt of Right of Entry Agreements for a new SHA sidewalk project on South Seton. Still trying to arrange a site walk with SHA and Public Works.
9. Contacted Middletown regarding Dog Park rules and passed them on for review.
10. Updated electrical usage charts.
11. Completed 2016 MD Dept. of Planning Sustainable Growth Award Application and submitted
12. Wrote talking points for the Mayor, Bud Otis and Jan Gardner for the Grand Opening of the WWTP and Solar Field. Conducted bus tours of the facilities.
13. Contacted SHA again regarding the repair of valve boxes on Main Street.
14. Met with Frederick County and the Mount to discuss next steps in Emmitsburg Road project. Begin to arrange a meeting with SHA and team regarding TAP funding.
15. Attend a Hazard Mitigation meeting at the County Training Center with Jim Click. Write up four activities for inclusion in the County plan and submitted them to Dewberry and Davis, Consultants.
16. Participated in a DHCD webinar through the Univ. of MD Finance Center.
17. Research dam downstream lot ownership for Dan Fissel for MDE notification requirements.
18. Still investigating the application process for becoming a Groundwater Guardian Community.
19. Tour town for Code Enforcement.
20. Zoning permits and/or zoning letters issued

Date	Address	Type	Fee
09-10-15	800 Frailey Rd	Shed/ fence	\$36
09-15-15	507 E Main St	Driveway	\$35
09-21-15	305 W Main St	Window Repair	\$35
09-25-15	2007 Pembroke Ct	Fence	\$46
09-28-15	326 W Main St	Porch Repair	\$35

ITEM F

Planner's Report

September 2015

Susan H. Cipperly, Town Planner

Meetings attended at town:

September 8 - Town Meeting

1. 2015 Comprehensive Plan.

-- Finalized Comp Plan drafts and arranged for copies via E-Plus.

-- Made presentation at Town Meeting regarding the 2015 Comp Plan approved by Planning Commission on August 31, 2015.

-- Submitted legal ad for Oct. 5 public hearing to Frederick News Post. Revised date on yard signs to place on properties subject to zoning change. J. Muir installed them.

-- Distributed copies of the plan to Emmitsburg Library and Mount St. Mary's University. A copy was/is made available at town office front desk for review.

-- Prepared ppt for Oct. 5 public hearing.

2. Community Legacy Program.

-- Prepared and submitted quarterly reports to DHCD for FY2014 and FY2015.

-- Updated excel charts tracking projects.

-- Took pictures of completed and ongoing projects for submittal with reports and for project files.

-- Processed check requests for reimbursement of owners.

-- Processed grant agreements for projects approved by MHT.

-- Met with CL work group to review new applications.

3. Set up meeting for Oct. 8 with a Geographic Information Systems provider to discuss town's needs and what functions are available.

4. Supervised Code Enforcement and Zoning activity.

ITEM J

Administrative Business

No items.

ITEM K

CONSENT AGENDA

No items

AGENDA ITEMS

ITEM 1

Presentation related to Doughboy repairs for discussion and potential consideration – to be presented at meeting

ITEM 2

Final consideration of Snow Emergency Plan for the Town of Emmitsburg

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

**Modification proposed at October 5, 2015 Town Meeting

Commissioner Mellor made a motion to modify the request for "no parking" during snow emergency plan in all cul-de-sacs for Silo Hill for the area of 2 University Drive and 19 Robindale Drive be kept open as well as keeping one side of Silo Hill Rd. open. Motion seconded by Commissioner Blanchard.

Vote 5-0. PASSED with modification

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 3

Discussion and consideration of noise and nuisance ordinance

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

IV) SET AGENDA ITEMS FOR NOVEMBER 2, 2015 TOWN MEETING

1.

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4.

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6.

V) SIGN APPROVED TEXT AMENDMENTS AND/OR RESOLUTIONS