



**Council of the Town of Leonardtown
Ordinance No. 206
Subject: Streets and Sidewalks**

Date Introduced on First Reading: April 12, 2021
Council Public Hearing: May 10, 2021
Date Passed on Second Reading: May 10, 2021
Date Effective: May 31, 2021

AN ORDINANCE concerning

CHAPTER 128 – STREETS AND SIDEWALKS OF THE CODE OF THE TOWN OF LEONARDTOWN

FOR the purpose of amending Chapter 128 (Streets and Sidewalks), § 128-3 of the Town Code for the purpose of providing that no sidewalk, alleyway or roadway or private entrance or exit to or from said sidewalks, alleyways or roadways within the corporate limits of Leonardtown shall be obstructed in any manner, except with the permission of the Mayor and Council first having been obtained; providing that the title of this Ordinance shall be deemed a fair summary; and generally relating to streets and sidewalks in the Town of Leonardtown.

RECITALS

WHEREAS, pursuant to Md. Code Ann., Local Gov't § 5-202 and § 501(1) of the Charter of the Town of Leonardtown (the "Charter"), the Council of the Town of Leonardtown (the "Council") is authorized and empowered to pass all such ordinances not contrary to the Constitution and laws of the State of Maryland or the Charter as they may deem necessary for the good government of the Town of Leonardtown (the "Town"); for the protection and preservation of the Town's property, rights and privileges; for the preservation of peace and good order; to secure persons and property from danger and destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare and happiness of the residents of the City and visitors thereto and sojourners therein; and

WHEREAS, pursuant to Md. Code Ann., Local Gov't § 5-217, the Mayor and Council are authorized to pass ordinances to require the owners of property to keep the sidewalks on their property clean and free from snow, ice, or other obstructions; and

WHEREAS, pursuant to § 501(52) of the Charter, the Mayor and Council are authorized and empowered to regulate the use of sidewalks within the Town; and

WHEREAS, pursuant to § 902 of the Charter, the Mayor and Council may do whatever they deem necessary to establish, operate, and maintain in good condition the public ways of the Town; and

WHEREAS, the Council is desirous of amending Chapter 128 (Streets and Sidewalks), § 128-3 of the Code of the Town of Leonardtown for the purpose of providing that no sidewalk, alleyway or roadway or private entrance or exit to or from said sidewalks, alleyways or roadways within the corporate limits of Leonardtown shall be obstructed in any manner, except with the permission of the Mayor and Council first having been obtained; and

WHEREAS, the Council finds that the amendments set forth herein would be in the best interest of the health, safety and welfare of the citizens of the Town.

SECTION I. BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF LEONARDTOWN that Chapter 128 – Streets and Sidewalks of the Code of the Town of Leonardtown be and it is hereby amended as follows:

§ 128-3. Prohibition.

No sidewalk, alleyway or roadway or private entrance or exit to or from said sidewalks, alleyways or roadways within the corporate limits of Leonardtown shall be obstructed in any manner, **except with the permission of the Mayor and Council first having been obtained.**

SECTION II. AND BE IT FURTHER ORDAINED that the recitals to this Ordinance are incorporated herein and deemed a substantive part of this Ordinance.

SECTION III. AND BE IT FURTHER ORDAINED that, in this Ordinance, unless a section of the Town Code is expressly repealed in its entirety and reenacted, new or added language is underlined and in boldface type, and deleted text is crossed out with a single strikethrough. With respect to the substantive provisions of this Ordinance set forth in Section 1, language added after the date of introduction is in bold, italicized font and language deleted after the date of introduction is crossed out with a double strikethrough.

SECTION IV. AND BE IT FURTHER ORDAINED that, if any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance, it being the intent of the Council that this Ordinance shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase or portion hereof.

SECTION V. AND BE IT FURTHER ORDAINED that all ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION VI. AND BE IT FURTHER ORDAINED that the title of this Ordinance, or a condensed version thereof, shall be deemed to be, and is, a fair summary of this Ordinance for publication and all other purposes.

SECTION VII. AND BE IT FURTHER ORDAINED that this Ordinance shall become effective twenty (20) days following approval by the Mayor or passage by the affirmative vote of four-fifths of the Councilpersons after veto by the Mayor.

Attest:

Councilpersons of Leonardtown:

Laschelle E. McKay

Laschelle E. McKay
Town Administrator

J. Maguire Mattingly, IV

J. Maguire Mattingly, IV
Vice President

Tyler Alt

Tyler Alt
Councilperson

Seal:

Nick Colvin

Nick Colvin
Councilperson

Christy Hollander

Christy Hollander
Councilperson

Mary Madhy Slade

Mary Madhy Slade
Councilperson

This Ordinance was presented to the Mayor for his approval or disapproval pursuant to Section 210 of the Charter of the Town of Leonardtown this 10th day of May, 2021.

Laschelle E. McKay

Laschelle E. McKay, Town Administrator

In accordance with Section 210 of the Charter of the Town of Leonardtown, I hereby (Approve) or (Disapprove) _____ this Ordinance this ___ day of _____, 2021.

Daniel W. Burris, Mayor