

# TOWN OF MOUNTAIN LAKE PARK

## ORDINANCE NO. 2006-03

### LAND SUBDIVISION ORDINANCE AMENDMENT

**AN AMENDMENT TO THE ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF MOUNTAIN LAKE PARK WHICH REGULATES THE DESIGN STANDARD FOR LAND SUBDIVISION IN THE TOWN OF MOUNTAIN LAKE PARK TO SET STANDARDS FOR STREET, CURB AND SIDEWALK CONSTRUCTION BY RESOLUTION; AND TO PROVIDE FOR VIOLATIONS OF THE ORDINANCE TO BE TREATED AS MUNICIPAL INFRACTIONS, WHILE RESERVING OTHER AVAILABLE LEGAL REMEDIES FOR ENFORCEMENT.**

**WHEREAS**, the Mayor and Town Council of Mountain Lake Park is authorized by Article 23A and Article 66B of the Maryland Annotated Code and by the Mountain Lake Park Town Charter to enact ordinances to protect the health, safety and welfare of residents of and visitors to Mountain Lake Park; and,

**WHEREAS**, on March 12, 1981, the Mayor and Town Council of Mountain Lake Park adopted a land subdivision ordinance which regulates the design standard for streets and building lots, and other related matters; and, which makes any violation of the ordinance a misdemeanor; and,

**WHEREAS**, the Mayor and Town Council finds it is in the best interests of the Town and its residents to clearly define and set by resolution the standards to be used under Article 8, Section 801, et seq., for street, curb and sidewalk construction, rather than by ordinance; and to provide that a violation of any provision of the ordinance will be a municipal infraction, while retaining a reservation of the right to pursue other available legal remedies;

**NOW, THEREFORE, BE IT RESOLVED THAT**, whereas Article 3 of the Ordinance, "Requirements and Penalties", currently states under Section 301, "Penalties and Sanctions", subsection 301.1:

301.1 As provided in Section 7.01 of Article 66B of the Annotated Code of Maryland, 1970 Edition, a violation of this Ordinance is declared to be a misdemeanor.

**IT IS HEREBY RESOLVED**, that Article 3, Section 301, subsection 301.1 of the Ordinance is repealed and the following Article 3, Section 301, subsection 301.1 is hereby enacted in its place and stead:

301.1 Violation of any provision of this ordinance is a municipal infraction and is subject to the Enforcement Ordinance and the fines or penalties provided in the Resolution of Fines for Municipal Infractions. The Mayor and Town Council may change the amount of fines and penalties in the Resolution of Fines for Municipal Infractions after the changes have been duly posted in accordance with the policy of the Mayor and Town Council of Mountain Lake Park for advertising for the adoption of resolutions. Nothing contained in this ordinance shall prohibit or prevent the Town from seeking other legal remedies, such as injunction, criminal prosecution, or damages in a civil action pursuant to Section 3 of Article 23A, Annotated Code of Maryland or as provided in Section 7.01 of Article 66B of the Code of Public General Laws of Maryland, as amended.

**IT IS FURTHER RESOLVED THAT**, whereas Article 8, "Improvement Specification Regulations", Section 801, "Street, Curb and Sidewalk Specifications" currently states:

- 801.1 In all respects in which standards for required street improvements are not specified herein, the applicable standard requirements of the Maryland State Highway Administration shall govern, and all work shall be performed in accordance therewith.
- 801.2 Streets shall be graded to the full width of the right-of-way, surfaced and improved to the grades and dimensions shown on the approved plans, profiles and cross-sections.
- 801.3 Prior to laying of street surface, adequate subsurface drainage for streets and underground utilities shall be provided and installed by the subdivider.
- 801.4 Materials and construction requirements for streets shall be as follows:
  - 801.4.1 Subgrade shall be compacted to 90% of maximum density according to A.S.T.M. D-698.
  - 801.4.2 Roadways and shoulders shall have a sub-base with an approved type bank-run gravel of not less than six (6) inches compacted depth; the gravel shall be applied in a minimum of two (2) courses.
  - 801.4.3 The surface of all roadways shall be two (2) inches of bituminous concrete and tack coat over the six (6) inch base or two (2) inches of cold mix and tack coat over the six (6) inch base or tar and chips per State Highway Administration Specifications.
- 801.5 Curbs, if required, shall be either the vertical type or the rolled type, except that rolled curbs shall not be used on streets whose grade exceeds six (6) percent.
- 801.6 Sidewalks, if installed, shall be built according to the specifications in Article 35.04 of the Maryland State Highway Adm. Standards.

**NOW, IT IS FURTHER RESOLVED**, that Article 8, "Improvement Specification Regulations", Section 801, "Street, Curb and Sidewalk Specifications" is repealed in its entirety and the following Article 8, "Improvement Specification Regulations", Section 801, "Street, Curb and Sidewalk Specifications" is enacted in its place and stead:

- 801.1 The construction of all streets, curbs and sidewalks required under this Ordinance shall meet or exceed the standards and specifications for the construction of streets, curbs and sidewalks as set forth in the Resolution of Street, Curb and Sidewalk Specifications of the Town of Mountain Lake Park. The Mayor and Town Council shall set the standards and specifications in the Resolution of Street, Curb and Sidewalk Specifications; however, these standards and specifications must equal or exceed the minimum standards for equivalent works as set forth in the standards, specifications, rules and

procedures established by the Maryland State Highway Administration. Changes to the Resolution become effective after they have been adopted and duly posted in accordance with the policy of the Mayor and Town Council of Mountain Lake Park for the adoption of resolutions.

801.2 To the extent that there is a conflict between any provision of this Ordinance and the Resolution of Street, Curb and Sidewalk Specifications, the stricter provision of the two shall be deemed to apply.

801.3 In any case in which street, curb or sidewalk specifications are neither specified herein, nor in the Resolution of Street, Curb and Sidewalk Specifications, the applicable standard requirements of the Maryland State Highway Administration shall govern, and all work shall be performed in accordance therewith.

**BE IT FURTHER RESOLVED**, this ordinance amendment shall be duly advertised in accordance with the Policy for the Adoption of Ordinances by the Mayor and Town Council of Mountain Lake Park. A public hearing on this Land Subdivision Ordinance Amendment shall be held on the 6th day of July, 2006, at 6:00 P. M. at the Town Hall located at 1007 Allegheny Drive, Mountain Lake Park, Maryland 21550.

**INTRODUCED** this 1st day of June, 2006.

**SECOND READING AND ADOPTION** the 6th day of July, 2006.

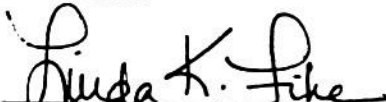
**THIS ORDINANCE AMENDMENT IS SUBJECT TO REFERENDUM AS OUTLINED IN ARTICLE 23A, SECTIONS 11 THROUGH 17.**

**ATTEST:**


**APPROVED:**


  
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Town Clerk

  
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Mayor

  
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Councilmember

  
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