

ORDINANCE NO. 2017-03

THE MAYOR AND COUNCIL OF
THE TOWN OF NEW MARKET

MAIN STREET CURBSIDE GRASS ORDINANCE

WHEREAS, in cooperation with the Maryland State Highway Administration, the Town has undertaken a project for the purpose of repairing, reconstructing and replacing public sidewalks and curbs adjacent to Main Street (the "Main Street Project"); and

WHEREAS, the Main Street Project included visual enhancements comprised of curbside planters and grass lawn areas between curbs and sidewalks; and

WHEREAS, the Mayor and Council of New Market have determined to enact this Ordinance for the purpose of protecting property values, promoting health and enhancing the general appearance of the Town and the Main Street corridor;

NOW THEREFORE, BE IT ORDAINED that the Mayor and Council of New Market as follows:

SECTION 1. Definitions. In this Ordinance, the following words have the meanings indicated:

(a) "Curbside Area" means the grass strip between the curb and sidewalk along Main Street, excluding Planters.

(b) "Planter" means a raised bed between the curb and sidewalk along Main Street installed as part of the Main Street Project providing a location for planting of flowers and other seasonal vegetation by the Town.

(c) "Owner" includes an individual, receiver, trustee, guardian, personal representative, fiduciary, representative of any kind, corporation, partnership, business trust, statutory trust, limited liability company, limited liability partnership, firm, association or other non-governmental entity owning an interest in title to real property having frontage along Main Street within the corporate boundary of the Town.

SECTION 2. General. It shall be the responsibility of each Owner to maintain the Curbside Area adjacent to any lot fronting on Main Street to maintain the Curbside Area in grass

in accordance with the provisions of this Ordinance. Maintenance shall include the establishment of lawn in the Curbside Area, and mowing and maintaining the grass planted in the Curbside Area as provided in this Ordinance.

SECTION 3. Vegetation. The Curbside Area for which the Owner is responsible under this Ordinance shall be planted in grass, and maintained by or for the benefit of the Owner. The height of grass or other vegetation in the curbside area shall not exceed six (6) inches.

SECTION 4. Planters. Planters shall be maintained by the Town and are not the responsibility of the Owner.

SECTION 5. Municipal Infraction. A violation of this Ordinance shall be a municipal infraction. Each day a violation occurs will continue to be deemed a separate offense. The penalty for each violation shall be Two Hundred (\$200.00) Dollars.

SECTION 6. Tenants and Occupants. The responsibility to maintain the Curbside Area shall extend to each tenant or other occupant of all or part of the adjacent lot, which obligation shall be joint and several with the Owner.

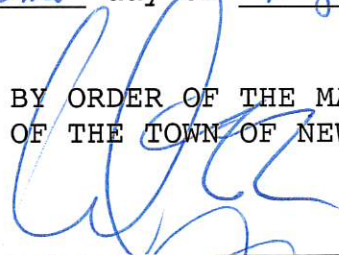
SECTION 7. Severability. In the event any provision of this Ordinance is declared invalid or unenforceable by a court of competent jurisdiction, the remaining provisions of this Ordinance shall not be affected thereby but shall remain in full force and effect.

AND IT IS FURTHER ORDAINED, that this Ordinance shall become effective on the 2nd day of August, 2017.


ATTEST:


Town Clerk

BY ORDER OF THE MAYOR AND COUNCIL
OF THE TOWN OF NEW MARKET



Winslow F. Burhans, III, Mayor


Lawrence Romanell



Dennis Kimble

Shannon Rossman

Michael Davies


Scott Robertson

INTRODUCED: June 8, 2017

ENACTED: July 13, 2017

EFFECTIVE: August 2, 2017