

Amending Chapter 7, Public Health and Sanitation
Sponsored by: Councilmember Laurie Morrissey

AMENDED LEGISLATIVE RESOLUTION 23-O-10

Resolution and Ordinance of the Town of University Park to amend Chapter 7 “Public Health and Sanitation”, by repealing and re-enacting §7-104, “Noise”, of the Code of Ordinances of the Town of University Park.

WHEREAS, pursuant to §5-202 of the Local Government Article, Annotated Code of Maryland, the Mayor and Common Council of the Town of University Park have the power to pass such ordinances as deemed necessary to protect the health, safety and welfare of the residents of the municipality and to prevent and remove nuisances; and

WHEREAS, the Mayor and Common Council have adopted Chapter 7, “Public Health and Sanitation” to protect the health and welfare of the residents; and

WHEREAS, the Common Council determined that the use of gas-powered leaf blowers is ecologically damaging, creates a health hazard for residents and should be prohibited; and

WHEREAS, the Mayor and Common Council adopted an amendment to §7-104, Noise” to prohibit use of gas powered leaf blowers in the Town on and after January 1, 2024, and also provided a rebate to residents for purchase of electric- or battery-powered lawn or yard maintenance devices/equipment; and

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW

[Brackets] indicate matter deleted from existing law

* * Asterisks* * indicate existing law which are unchanged but not set forth in the ordinance

CAPITALS INDICATE MATTER ADDED BY AMENDMENT TO THE PROPOSED ORDINANCE

[Brackets] indicate matter deleted by amendment to the proposed ordinance

WHEREAS, the Mayor and Common Council have determined that it is in the public interest to increase the number of times a resident may request a rebate from once in three years to once annually in a three-year period and to include batteries as eligible equipment for a rebate.

Section 1: NOW THEREFORE be it resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 7 “Noise”, of the Code of the Town of University Park, be repealed, re-enacted and amended to read as follows:

§ 7-104 Noise.

A. Restrictions.

(1) – (2) * * * *

(3) the Town may offer reimbursement of up to \$100 toward the purchase price of any electric- or battery-powered lawn or yard maintenance device/equipment, including but not limited to leaf blowers, lawn mowers, edgers, BATTERIES, and weed trimmers. This rebate shall not exceed the total cost of the equipment, including tax, or \$100, whichever is less. Residents who apply for this reimbursement are required to provide a dated sales receipt for the new device. One qualifying purchase PER YEAR per household is permitted FOR REIMBURSEMENT during a three-year timeframe, to begin on July 1, 2022, and end on June 30, 2025. Any reimbursements are subject to appropriation and available funding. The COMMON Council will create an accompanying policy detailing the implementation of this ordinance.

B. – F. * * * *

Section 2. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that this Ordinance shall become effective twenty (20) days after enactment by the Mayor and Common Council of University Park.

Section 3: Be it further resolved that, after adoption, a complete and exact copy of this Ordinance shall be posted on the entrance door of the Town Building of University Park, Maryland, for a period of not less than ten (10) days, and a fair summary of this Ordinance shall be published at least once in a newspaper having general circulation in the community.

Section 4. If any section, subsection, provision, sentence, clause, phrase or word of this Ordinance is for any reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining

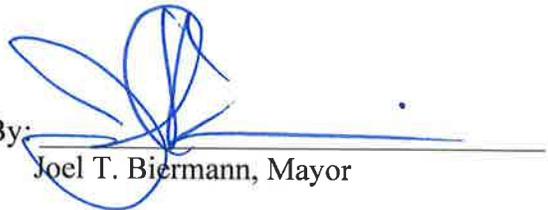
section, subsection, provision, sentence, clause, phrase or word included within this Ordinance, it being the intent of the Town that the remainder of the Ordinance shall be and shall remain in full force and effect, valid and enforceable.

APPROVED this 8th day of November, 2023.

ATTEST:

MAYOR AND COMMON COUNCIL
TOWN OF UNIVERSITY PARK


Alicandra Hegeman, Town Clerk


By: _____
Joel T. Biermann, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
Suellen M. Ferguson, Town Attorney