



**Mayor and Council of the Town of Leonardtown
Ordinance No. 185
Subject: Chapter 128 – Streets and Sidewalks
of the Code of the Town of Leonardtown**

**Date Introduced on First Reading: March 12, 2018
Date Passed on Second Reading: April 11, 2018
Date Effective: May 2, 2018**

AN ORDINANCE concerning

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

FOR the purpose of repealing Articles IV (Skating on Sidewalks) and VI (Bicycles and Skateboards) of Chapter 128 – Streets and Sidewalks of the Code of the Town of Leonardtown in their entirety; 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 § 5-202 of the Local Government Article of the Annotated Code of Maryland, the Mayor and Council of the Town of Leonardtown (the “Mayor and Council”), as the legislative body of the Town of Leonardtown (the “Town”) are authorized and empowered to pass ordinances to preserve peace and good order, secure persons and property from damage and destruction, and protect the health, comfort, and convenience of the residents of the Town; and

WHEREAS, pursuant to § 501(1) of the Charter of the Town of Leonardtown (the “Charter”), the Mayor and Council are authorized and empowered to pass ordinances as they may deem necessary for good government of the Town; for the protection and preservation of the Town's property, rights, and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger, or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of and visitors to the Town; 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, on February 1, 1937, the Mayor and Council, then known as the “Commissioners of Leonardtown,” passed Ordinance No. 7, which prohibited any person over 15 years of age from skating upon the public sidewalks of the Town; and

WHEREAS, on August 1, 1967, the Mayor and Council, then known as the “Commissioners of Leonardtown,” passed Ordinance No. 34, which prohibited the use of a bicycle or skateboard on the public sidewalks of the Town; and

WHEREAS, the Mayor and Council find that repealing Articles IV (Skating on Sidewalks) and VI (Bicycles and Skateboards) of Chapter 128 – Streets and Sidewalks of the Code of the Town of Leonardtown in their entirety would be in best interest of the health, safety, and welfare of the citizens of the Town.

WHEREAS, the Mayor and Council, for the good and welfare of the community, deem it necessary and appropriate to repeal Articles IV (Skating on Sidewalks) and VI (Bicycles and Skateboards) of Chapter 128 – Streets and Sidewalks of the Code of the Town of Leonardtown in their entirety.

SECTION I. BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF LEONARDTOWN that Articles IV (Skating on Sidewalks) and VI (Bicycles and Skateboards) of Chapter 128 – Streets and Sidewalks be and they are hereby repealed as follows:

ARTICLE IV: [~~Skating on Sidewalks~~] RESERVED

§ 128-7. [~~Prohibition.~~

~~No person over 15 years of age shall engage in any kind of skating upon the public sidewalks within the corporate limits of Leonardtown.]~~ **RESERVED**

§ 128-8. [~~Violations and penalties.~~

~~Any person violating the provisions of this article shall, upon conviction, be subject to a fine not to exceed \$1,000 or to imprisonment for a term not to exceed six months, or both.]~~ **RESERVED**

ARTICLE VI: [~~Bicycles and Skateboards~~] RESERVED

§ 128-11. [~~Prohibitions:~~

~~A. It shall be unlawful for any person to ride a bicycle upon the public sidewalks within the corporate limits of Leonardtown.~~

~~B. It shall be unlawful for any person to use and ride a skateboard upon the public sidewalks within the corporate limits of Leonardtown.]~~ **RESERVED**

§ 128-12. [~~Violations and penalties:~~

~~Any person violating the provisions of this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine not to exceed \$1,000 or to imprisonment for a term not to exceed six months, or both.]~~ **RESERVED**

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 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 and enclosed in brackets.

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 Mayor and 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 whole Council after veto by the Mayor.

ORDINANCE # 185

Attest:

Laschelle E. McKay

Laschelle E. McKay
Town Administrator

Seal:

COUNCIL OF THE
TOWN OF LEONARDTOWN:

Leslie E. Roberts

Leslie E. Roberts
Vice President

Thomas M. Combs

Thomas M. Combs
Council Member

Hayden T. Hammett

Hayden T. Hammett
Council Member

J. Maguire Mattingly, IV

J. Maguire Mattingly, IV
Council Member

Roger L. Mattingly

Roger L. Mattingly
Council Member

This Ordinance was presented to the Mayor for his approval or disapproval pursuant to Section 210 of the Charter of the Town of Leonardtown on this 11th day of April, 2018.

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) Approve of this Ordinance on this 11th day of April, 2018.

Daniel W. Burris

Daniel W. Burris, Mayor