

COMMISSIONERS OF OXFORD

Ordinance No. 1812

Introduced by:

Date: _____

AN ORDINANCE OF THE TOWN OF OXFORD TO AMEND CHAPTER 11 OF THE TOWN CODE TITLED “HARBOR MANAGEMENT ORDINANCE”, SUBSECTIONS 11.10.A. AND 11.10.C TO CLARIFY THAT IT IS A MISDEMEANOR TO DISCHARGE OR DEPOSIT FISH WASTE INTO THE WATERS OR ON ANY PROPERTY WITHIN THE TOWN OF OXFORD, AND TO CLARIFY THE PENALTIES UNDER SECTION 11.15 FOR DISCHARGING OR DEPOSITING FISH WASTE WITHIN THE TOWN

Introduced, read first time, ordered posted, and public hearing scheduled on _____ at 6:00 p.m. at the Oxford Town Meeting Room, Market Street, Oxford, Maryland 21654.

By Order _____
Town Clerk

I hereby certify that the foregoing Ordinance Number 1812 of the Town of Oxford was duly read, advertised, and enacted in accordance with the applicable provisions of the Charter of the Town of Oxford on this _____ day of _____, 2018.

Attest: _____
Cheryl Lewis, Clerk/Treasurer
Town of Oxford

COMMISSIONERS OF OXFORD

ORDINANCE NUMBER 1812

INTRODUCED BY:

DATE OF INTRODUCTION:

AN ORDINANCE OF THE TOWN OF OXFORD TO AMEND CHAPTER 11 OF THE TOWN CODE TITLED “HARBOR MANAGEMENT ORDINANCE”, SUBSECTIONS 11.10.A. AND 11.10.C TO CLARIFY THAT IT IS A MISDEMEANOR TO DISCHARGE OR DEPOSIT FISH WASTE INTO THE WATERS OR ON ANY PROPERTY WITHIN THE TOWN OF OXFORD, AND TO CLARIFY THE PENALTIES UNDER SECTION 11.15 FOR DISCHARGING OR DEPOSITING FISH WASTE WITHIN THE TOWN

WHEREAS, the Town of Oxford is authorized by the Maryland Code Ann. Local Government Article § 5-202 to adopt such ordinances not contrary to the Constitution of Maryland, public general law, or public local law as it deems necessary to assure the good government of the municipality, to preserve peace and order, to secure persons and property from damage and destruction, and to protect the health, comfort and convenience of the citizens of the municipality; and

WHEREAS, the Commissioners of Oxford are authorized to provide for the publication and codification of all laws, ordinances, resolutions, or regulations adopted by the municipality; and

WHEREAS, the Commissioners have determined that it is desirable and in the public interest to amend Section 11.10.A and 11.10.C of Chapter 11 of the Oxford Town Code, titled “Harbor Management Ordinance”, to clarify that it is a misdemeanor to deposit or discharge fish waste in the waters or on property within the Town of Oxford, and to amend Section 11.15 to clarify the penalties for violations of these provisions.

NOW, THEREFORE, the Commissioners of Oxford hereby ordain as follows:

Section 1. The Oxford Town Code, Chapter 11.10 is hereby amended as follows:

Section 11.10 Sanitation Regulations.

A. Discharge of Refuse. It shall be unlawful for any person to discharge or permit the discharge into the waters of the municipality any refuse or waste matter, *including fish waste*, petroleum or petroleum matter, paint, varnish,

or other noxious chemical or foreign matter of any kind. A violation of this subsection 11.10.A. is a misdemeanor punishable under Section 11.15.B.

. . . .

C. Responsibility for Sanitation of Facilities. The Owner and any lessee, agent, manager or person in charge of a facility, beach, or water area owned, controlled or under a lease shall at all times maintain the premises under his charge or control in a clean, sanitary condition, free from malodorous materials and accumulations of garbage, refuse, debris, *fish waste*, chemicals and any other waste materials. *A violation of this subsection 11.10.C. is a misdemeanor punishable under Section 11.15.B.* The Board of Port Wardens, or its designee, shall have the authority to enter into any facility for purposes of inspection to determine or verify the existence of the conditions described herein. Should the Board of Port Wardens find that any premises are not being maintained free from the conditions described above, the Board may order any owner, lessee, agent, manager or other person in charge of said facility or area to immediately commence and diligently prosecute to completion the necessary correction of the unsanitary condition to the satisfaction of the Board of Port Wardens. Failure to do so within reasonable dispatch after notice shall be a violation of this Ordinance, and the Board of Port Wardens may then cause said condition to be corrected and the cost of such correction shall be charged to the owner, lessee, agent, manager or person in charge, who shall be liable for the payment of such expenses.

Section 2. The Oxford Town Code, Chapter 11.15 is hereby amended as follows:

Section 11.15 Violations.

The violations set forth herein shall be in addition to any penalties or violations established by state law.

A. Violations, General Penalty. No person, firm, entity, or organization shall violate the provisions of this ~~Chapter 11 Section 5, the Harbor Management Ordinance,~~ nor shall any person, firm, entity or organization knowingly permit a person using its facilities to violate any provision hereof. Any violation, including knowingly permitting a violation, shall be considered a municipal infraction as further defined in ~~Section 6-101 of the Local Government Article~~ ~~Article 23A, § 3~~ of the Annotated Code of Maryland, and shall be punishable by a fine of \$100.00 for each violation, unless a different penalty is prescribed in another subsection hereof. Each day that a violation occurs or continues shall be considered a separate offense and subject to separate citations. A fine of \$200.00 shall be imposed for each subsequent or repeat offense. Any member of the Oxford Police Department, or Harbormaster or the Town Clerk may issue citations for a violation of this Ordinance.

B. Misdemeanor Penalties. Violations of subsections 11.8.B., ~~and 11.10A~~ **and 11.10.C.** of this Ordinance shall be misdemeanors, punishable by a fine up to \$500.00 and/or imprisonment not to exceed ninety days, which shall be imposed for each violation.

C. Authority to Board. Police Officers of the Town of Oxford, and any designee of the Board of Port Wardens shall have the authority to board any vessel being moored in violation of Chapters 10 and 11 of the Town Code for the purpose of causing any such violation to cease, identifying the owner of said vessel, or causing such vessel to be moved to another location.

Section 3. This Ordinance shall take effect on the ____ day of _____, 2018.

Section 4 This ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect twenty (20) days from and after the date of its final passage and adoption.

ENACTED this _____ day of _____, 2018.

COMMISSIONERS OF OXFORD:

Gordon Graves, President

Gordon Fronk, Commissioner

John Pepe, Commissioner

I hereby certify that the foregoing Ordinance Number 1812 of the Town of Oxford was duly read, advertised, and enacted with the applicable provisions of the Charter of the Town of Oxford on this ____ day of _____, 2018.

ATTEST:

Cheryl Lewis
Clerk-Treasurer

Language in ***bold and italicized*** reflects language added
Language ~~stricken~~ reflects language to be deleted