

COMMISSIONERS OF MARDELA SPRINGS

P. O. BOX 81

MARDELA SPRINGS, MARYLAND 21837

application \$50.00

Plat w well sewer locate + Lails

Follow present boundary line but no closer than
40' from street + 20' from side or rear lines

ORDINANCE NO. 32

AN ORDINANCE TO AMEND CHAPTER 5, ARTICLE 3, SECTION 5-301 ET. SEQ. OF THE CODE OF ORDINANCES FOR THE TOWN OF MARDELA SPRINGS, MARYLAND, SAID AMENDMENT TO DELETE SECTION 5-301 ET. SEQ. IN ITS ENTIRETY AND SUBSTITUTE IN LIEU THEREOF NEW REGULATIONS AND FEES FOR THE ISSUING OF PERMITS ALLOWING MOBILE HOMES WITHIN THE TOWN LIMITS.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE COMMISSIONERS OF MARDELA SPRINGS:

SECTION ONE: Chapter 5, Article 3, Section 5-301 et. seq. of the Code of Ordinances of Mardela Springs, Maryland, is hereby amended by deleting it in its entirety and substituting the following in lieu thereof:

Article 3 MOBILE HOME REGULATION

SECTION 5-301. DEFINITIONS

A. MOBILE HOME OR RESIDENCE: a structure that contains one (1) dwelling unit which is transportable via a frame and undercarriage that is designed to permanently support it without requiring a separate fixed foundation for support. The definition shall apply regardless of whether or not the frame and/or undercarriage are actually in place and regardless of alterations or additions to the original structure. A modular residence or home, although transportable, which is certified as such by the Maryland Department of Economics and Community Development, Division of Housing, shall not be deemed to be a mobile home or residence.

SECTION 5-302. PERMIT FOR MOBILE HOMES

It shall be unlawful for any person to locate a mobile home within the Town of Mardela Springs for any purpose until a Mobile Home Permit has been applied for and granted.

SECTION 5-303. APPLICATIONS

The owner of the mobile home or his agent shall make application at the Town Hall for a Mobile Home Permit on a form to be provided by the Town. Such application shall be submitted together with an application fee of FIFTY DOLLARS (\$50.00). The written application shall include the following:

- a) the name(s) and address(es) of the owner(s) of the Mobile Home;

- b) the proposed location of the Mobile Home;
- c) the name(s) and address(es) of the owner(s) of said proposed property location. If the applicant is not the same as the owner of the premises the applicant must attach a copy of an executed contract of sale for said property and a notarized statement from said owner indicating his consent to the use of the premises as a site for a mobile home;
- d) the name(s) and address(es) of adjoining property owners;
- e) a survey prepared by a surveyor licensed by the State of Maryland showing the proposed location of the Mobile Home, the well and sewage disposal location, existing structures, adjacent public roads and other known easements or rights of way.
- f) a set of scale drawings of the Mobile Home showing the size material and location of structural members, the electrical system, plumbing, or in the alternative, proof that the trailer meets or exceeds the laws and regulations of the State of Maryland and the United States Department of Housing and Urban Development;
- g) a set of drawings showing the permanent foundation together with an explanation of the materials to be used in said foundation.

SECTION 5-304. HEARINGS, NOTICE OF HEARING

A permit may not be granted until the Commissioners hold a public hearing on the application, which public hearing must be held within forty five (45) days after receipt of the application. The clerk of the Town shall cause to be published in one newspaper of general circulation published in Wicomico County, a notice of public hearing on the application for a Mobile Home license, which said notice shall contain the following information:

- 1) Name of Applicant;
- 2) Proposed location of Mobile Home;
- 3) Name of the owner of the premises;
- 4) Date of the hearing;
- 5) A warning to all those having objections to the issuance of the Mobile Home permit to appear at the hearing.

Said notice of public hearing shall be inserted in said newspaper at least five (5) days prior to the date of the hearing. The applicant shall be responsible for the cost of said notice and the Clerk shall collect said costs prior to placing the notice in the newspaper.

SECTION 5-305. CRITERIA FOR APPROVAL OF PERMIT

A permit may be granted when the Commissioners find from a preponderance of the evidence produced at the public hearing that:

- 1) The Mobile Home will be located no closer to the front line of the lot than the established building line, but, in no event, closer than forty (40) feet;
- 2) the Mobile Home will be located no closer than twenty (20) feet from any side or rear lot line;
- 3) the Mobile Home will not be located upon premises containing another place of habitation or business;
- 4) the Mobile Home will be placed on a permanent foundation constructed in accordance with the Building Code, in effect, in the Town, at the time;
- 5) the Mobile Home will be placed on the lot in such a manner that the front of the structure is parallel to the street on which said lot is binding, thereby requiring the Mobile Home to be placed such that the length of same is parallel to and not perpendicular to said street;
- 6) the proposed use is compatible with and will not be detrimental to the value, use or development of adjacent properties or the general neighborhood; and
- 7) the proposed use has been designed so as to minimize possible adverse affects on adjacent properties.

SECTION 5-306. CONDITIONS OF APPROVAL

When granting any Mobile Home permit the Commissioners may impose conditions and restrictions upon the site, location, ingress and egress and screening as deemed necessary to mitigate any potential adverse impacts upon adjacent properties or the general area.

SECTION 5-307. BURDEN OF PROOF

The Applicant for a Mobile Home permit shall have the burden of proof, which shall include the presentation of evidence and the burden of persuasion on all questions of fact which are to be determined by the Commissioners.

SECTION 5-308. VIOLATIONS AND PENALTIES

A. Any person violating any of the provisions of this Ordinance or committing any of the acts herein declared to be unlawful shall, upon conviction thereof, by a Court of competent jurisdiction, be deemed guilty of an offense classified as a misdemeanor and be punishable by a fine of not less than twenty-five dollars (\$25.00) and not more than two hundred fifty dollars (\$250.00). Each day any violation of any provision of this Ordinance shall continue or reoccur shall constitute a separate offense. Any person charged with an offense under this Ordinance may waive trial and prepay the fine or penalty of twenty-five dollars (\$25.00) by so indicating on the summons issued to him and returning same to the Mardela Springs Town Hall in person with cash in the amount of the prepaid fine, or by mailing said summons along with a money order or certified check in the amount of the prepaid fine at least five (5) days before the trial date noted on said summons, and in such event, shall not be required to stand trial and shall be deemed to have, by such waiver and prepayment, admitted to have committed the offense charged. Summonses, in lieu of custodial apprehension, are hereby authorized.

B. In addition to the fines and penalties herein described, the Mayor and Commissioners may avail themselves of any and all civil and equitable remedies for the purpose of stopping continuing violations of the above ordinance.

SECTION TWO: EFFECTIVE DATE. This Ordinance shall be effective from the date of passage.

The above Ordinance was introduced at a meeting of the President and Commissioners of Mardela Springs, Maryland, at their meeting held on the 20th day of July, 1992, was duly published, and a public hearing held thereon, and was finally passed at their meeting held on the 17th day of August, 1992.

ATTEST:

PRESIDENT AND COMMISSIONERS OF
MARDELA SPRINGS, MARYLAND

Shirley M. Bailey
Town Clerk

L. H. S. H.
President

RESOLUTION NO. 1989-1

A RESOLUTION of the Commissioners of the Town of Mardela Springs proposing the Annexation to the Town of Mardela Springs, a certain area of land situated, contiguous to and binding upon the Easterly corporate limits of the Town of Mardela Springs, and also binding upon the Northerly side of U.S. Route No. 50, and being bounded on the North by land now or formerly owned by Iris B. Stant Layton and Dominic and Joan F. Campagnali, and bounded on the East by lands now or formerly owned by Edward C. and Brenda G. Ayers.

WHEREAS, the Town of Mardela Springs has received a Petition to Annex, signed by at least twenty-five percent (25%) of the persons who are resident registered voters, and of the persons who are owners of at least twenty-five percent (25%) of the assessed valuation of the real property in the area sought to be annexed, and being contiguous to and binding upon the Easterly corporate limits of the Town of Mardela Springs; and

WHEREAS, the Town of Mardela Springs has caused to be made a certification of the signatures on said Petition to Annexation and has verified that the persons signing the Petition represent at least twenty-five percent (25%) of the persons who are eligible voters and property owners of the area to be annexed, all as of the 21st day of November, 1988; and

WHEREAS, it appears that the Petition meets all the requirements of the law.

SECTION ONE: NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF MARDELA SPRINGS, MARYLAND, that it is hereby proposed and recommended that the boundaries of the Town of Mardela Springs be changed so as to annex to and include within said Town, all that certain area of land, together with persons residing therein and their property, contiguous to and binding upon the Town limits of Mardela Springs, and more particularly

described in Exhibit A, attached hereto and made a part hereof.

SECTION TWO: AND, BE IT FURTHER RESOLVED BY THE TOWN OF MARDELA SPRINGS, MARYLAND, that the Annexation of the said land be made subject to the terms and conditions of Exhibit B, attached hereto and made a part hereof.

SECTION THREE: AND, BE IT FURTHER RESOLVED BY THE TOWN OF MARDELA SPRINGS, MARYLAND, that the Commissioners of the Town of Mardela Springs hold a public hearing on the Annexation hereby proposed on Monday, the 20th day of February, 1989, at 7:00 O'Clock, P.M., in the Town Hall, and the Executive Officers shall cause a Public Notice of the said Time and Place of the hearing to be published not fewer than four (4) times at not less than weekly intervals, in a newspaper of general circulation, in the Town of Mardela Springs and the area to be annexed, accurately describing the proposed annexation and the conditions and circumstances applicable thereto; which said notice shall specify time and place at which the Commissioners of the Town of Mardela Springs will hold a public hearing on this Resolution.

SECTION FOUR: AND, BE IT FURTHER RESOLVED BY THE COUNCIL OF THE TOWN OF MARDELA SPRINGS, MARYLAND that this Resolution shall take effect upon the expiration of forty-five (45) days following its final passage; subject, however, to a right of referendum as contained in Article 23A of the Maryland Code.

THE ABOVE RESOLUTION was introduced and read, and passed at the regular meeting of the Commissioners of the Town of Mardela Springs, Maryland, held on the 16th day of January, 1989; and having been duly published as required by law in the

meantime, was finally passed as for a public hearing at its meeting held on the 20th day of February, 1989.

ATTEST:

Shirley M. Bailey
Shirley Bailey
Secretary

COMMISSIONERS OF THE TOWN OF
MARDELA SPRINGS, MARYLAND

Milton E. Catlin
Milton E. Catlin, Town President

Shirley M. Bailey
Shirley Bailey
Commissioner

Russell Morgan
Russell Morgan
Commissioner

David Insley
David Insley
Commissioner

EXHIBIT A

LEGAL DESCRIPTION OF REAL PROPERTY

PARCEL ONE: ALL that lot or parcel of land, situate, lying and being in Barren Creek Election District, Wicomico County, State of Maryland, on the Northeast side of and binding upon U.S. Route 50, and more particularly described as follows:

BEGINNING for the same at a cement post located on the Northeast side of U.S. Route No. 50 a distance of 1,110 feet, more or less, from the center of Main Street in the Town of Mardela; thence North 28 degrees 30 minutes East a distance of 110.0 feet to an iron pipe thence North 28 degrees 30 minutes East a distance of 140.0 feet; thence South 61 degrees 30 minutes East by and with the Southerly line of land now or formerly owned by Virginia Bennett a distance of 281.85 feet; thence South 28 degrees 30 minutes West a distance of 170.00 feet to the center of Barren Creek; thence South 41 degrees 46 minutes 03 seconds West a distance of 82.18 feet to the Northeasterly line of U.S. Route No. 50; thence North 61 degrees 30 minutes West a distance of 98.99 feet to a cement post; thence North 61 degrees 30 minutes West a distance of 164.0 feet to the cement post and the place of beginning; containing 1.6 acres of land, more or less, as more fully shown and designated on a plat entitled "Property Survey for Robert D. Watson", made by Harold W. Hampshire, Surveyor, dated November 20, 1972 and recorded among the Land Records of Wicomico County, Maryland, in Liber J.W.T.S. No. 790, Folio 363;

PARCEL TWO: ALL that lot or parcel of land situate, lying, and being in Barren Creek Election District of Wicomico County, State of Maryland, located on the Northeasterly side of and binding upon U.S. Route No. 50, and more particularly described as follows: BEGINNING for the same at a cement post found on the Northeasterly side of U.S. Route No. 50, said cement post being located at the Southeasterly corner of Lot No. 1, as shown on the hereinafter mentioned plat and a distance of 75.0 feet from the centerline of the aforesaid U.S. Route No. 50; thence North 00 degrees 20 minutes 00 seconds East by and with the Easterly line of land now or formerly owned by Cato, Inc., a distance of 170.26 feet to an iron pipe; thence South 61 degrees 25 minutes 00 seconds East by and with the Southerly line of other land of Iris B. Layton, a distance of 270.59 feet to a cement post; thence South 28 degrees 35 minutes 00 seconds West by and with the Westerly line of lands now or formerly owned by Eastern Shore Oil Company, a distance of 150.00 feet to a cement post on the Northeasterly side of U.S. Route No. 50, a distance of 190.00 feet to the place of beginning; containing 34,543.74 square feet, more or less, and being more fully shown and designated as Lot 2-C on a plat entitled "Property Survey for John J. Snee", prepared by Hampshire, Hampshire & Andrews, dated October 25, 1983, and recorded among the Land Records of Wicomico County, Maryland, in Plat Cabinet A.J.S. No. 7, Folio 58-231: Subject, however, to an easement, which is hereby reserved and established

by Iris B. Stant Layton by the hereinafter referenced deed from Iris B. Stant Layton to John J. Snee for a period of twenty (20) years after the date of that deed, for vehicular ingress and egress over and across a 15-foot wide strip along the Westerly boundary of the property hereby conveyed, shown on the aforesaid Plat as "15.00' Right-of-way", running between U.S. Route 13 and certain land of Iris B. Stant Layton that is contiguous to the Northerly boundary of the property hereby granted and conveyed, said easement being for the sole purpose of access to that land and the removal of timber from that land by Iris B. Stant Layton, her husband, and her children, and subject to the provision that John J. Snee and his heirs and assigns shall have no duty or obligation to improve or otherwise alter the condition of the aforesaid easement or to maintain the condition thereof and shall be entitled reasonably to relocate the easement.

EXHIBIT "B"

CONDITIONS OF ANNEXATION

A. SERVICES AND TAXES

1. Property taxes will be assessed at the first normal taxing period following annexation.

2. (Services will be available upon annexation subject to the conditions hereof being complied with). At present, it is not the intent of the Town of Mardela Springs to extend any services to the annexed area, although at some future date it is possible that public lighting will be provided, although the cost for said public lighting improvements shall be the responsibility of said Petitioners.

B. GENERAL PROVISIONS

1. As a condition of this annexation, the Petitioners shall pay the costs and expenses, including advertising costs, attorneys fees, and document costs associated with the annexation, as required by the Maryland Code, and said Petitioners accept full responsibility for same.