

**ORDINANCE NO. 408**

AN ORDINANCE OF THE COMMISSIONERS OF ST. MICHAELS AMENDING THE CODE OF THE TOWN OF ST. MICHAELS, CHAPTER 340 (ZONING) §340-108 (DEFINITIONS) TO ADD A DEFINITION FOR "FARMERS' MARKETS" AND "TOWN PROPERTY"; TO REVISE THE DEFINITION OF "PUBLIC PARKS" AND TO PROVIDE THAT THE COMMISSIONERS SHALL, BY RESOLUTION, ADOPT REGULATIONS REGARDING FARMERS' MARKETS AND TOWN PARKS AND TOWN PROPERTIES; AMENDING CHAPTER 234 OF THE TOWN CODE, (PEDDLING AND SOLICITING), ARTICLE I, (TRANSIENT VENDORS), § 234-2 (PROHIBITED CONDUCT) TO ALLOW FOR THE VENDING OF GOODS ON TOWN PROPERTY PURSUANT TO A PERMIT ISSUED BY THE COMMISSIONERS OF ST. MICHAELS; AND PROVIDING THAT THIS TITLE SHALL BE A FAIR SUMMARY HEREOF AND GENERALLY RELATING TO PARKS AND TOWN PROPERTIES IN THE TOWN OF ST. MICHAELS

WHEREAS, it is the desire of the Commissioners of the Town of St. Michaels (the "Commissioners") to amend the text of Chapter 340 of the Code of the Town of St. Michaels (the "Code"), Section 340-108 (Definitions) to add a definition of "Farmers' Markets" and "Town Property"; to revise the definition of "Public Parks" and to provide for the regulation of activities in the Town's Public Parks and on Town Property; and

WHEREAS, the Commissioners wish to amend Chapter 234 of the Code, (Peddling And Soliciting), Article I, (Transient Vendors), § 234-2 (Prohibited Conduct) to allow for the sale of merchandise on Town Property in connection with an event for which a permit is issued by the Commissioners; and

WHEREAS, the amendments to the Code contained in this Ordinance have been the subject of numerous public meetings of the Commission in which public opinion was taken and draft language discussed with members of the public; and

WHEREAS, public notice was published on August 10, 2009 and August 20, 2009 that a public hearing would be held by the Commissioners on August 26, 2009 concerning amendments to Chapters 340 and 234 of the Code of the Town of St. Michaels; and

WHEREAS, after having given due public notice, the Commissioners conducted a public hearing on August 26, 2009 to receive public comment on the aforesaid amendments; and

WHEREAS, based on the public testimony, the August 26, 2009 public hearing was continued until September 9, 2009 and, following the September 9, 2009 session, the language of the proposed amendments to Chapter 340 and to Chapter 234 were changed substantially to reflect the language hereafter set forth and the public hearing was continued to September 23, 2009; and

WHEREAS, all the requirements of the Maryland Code (1957) Article 66B, as amended, and Article XII of Chapter 340 of the Code of the Town of St. Michaels, have been satisfied; and

WHEREAS, for the reasons stated above the Commissioners deem it in the interest of the public and for the good government of the Town, to enact the following Ordinance.

SECTION 1

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE COMMISSIONERS OF ST. MICHAELS that Chapter 340 (Zoning) Article XV (Definitions) Section 340-108 (Definitions), of the Code of the Town of St. Michaels is hereby amended as follows, with new language shown in *italics* and underlined and deleted language shown in (parenthesis) and with a ~~strikethrough~~:

§ 340-108 Definitions

*Farmers' Market -- An open air market where primarily agricultural products are offered for sale to the general public. Regulations for Farmers' Markets held on Town Parks or Town Property by permit of the Commissioners of St. Michaels shall be adopted by resolution of the Commissioners, which resolution may be amended from time to time.*

Public Parks -- (~~Ball fields and playground and open spaces for the purpose of recreation, playing games, conserving, and enjoying the natural resources, but not including motor sports or commercial activities stadia and arenas, commercial playfields for football, baseball, etc.)~~ *Town owned or leased open spaces and playgrounds. Regulations shall be adopted by resolution of the Commissioners of St. Michaels for the general operation of Public Parks and for public events held in Public Parks by permit issued by the Commissioners.*

*Town Property -- All public property owned or leased by the Town.*

SECTION 2

NOW, THEREFORE, BE IT FURTHER ORDAINED AND ENACTED BY THE COMMISSIONERS OF ST. MICHAELS that Chapter 234, (PEDDLING AND SOLICITING), ARTICLE I, (Transient Vendors), Section 234-2 (Prohibited conduct) of the Code of the Town of St. Michaels is hereby amended as follows, with new language shown in *italics* and underlined and deleted language shown in (parenthesis) and with a ~~strikethrough~~:

§ 234-2. Prohibited conduct.

*Except as may be expressly authorized by a permit issued by the Commissioners of St. Michaels, it shall be illegal for any person to vend goods on Town owned property.*

SECTION 3

AND BE IT FURTHER ORDAINED AND ENACTED, that this Ordinance shall take effect twenty (20) days from the date of its enactment, having been read at two (2) meetings of The Commissioners of St. Michaels and having been passed by a yea and nay vote of The Commissioners of St. Michaels.

HAVING BEEN INTRODUCED, read for the first time and ordered posted on the Town bulletin board at the Public Meeting of The Commissioners of St. Michaels held on the 23rd day of September, 2009, at 6:30 o'clock p.m., in the meeting room at the Town Office, St. Michaels, Maryland.

 (SEAL)  
CHERIL S. THOMAS  
Town Clerk/Manager

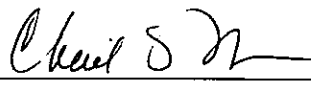
HAVING BEEN READ for the second time and passed by a yea and nay vote of The Commissioners of St. Michaels at a Public Meeting of The Commissioners of St. Michaels held on this 28th day of October, 2009, at 6:30 o'clock p.m., in the meeting room of the Town Office, St. Michaels, Maryland.


BRADY	-	<u>yea</u>
CLARK	-	<u>yea</u>
DINKEL	-	<u>yea</u>
HUNT	-	<u>yea</u>
SNYDER	-	<u>yea by absentee ballot</u>

I HEREBY CERTIFY that the above Ordinance No. 408 was passed by a yea and nay vote of The Commissioners of St. Michaels on the 28th day of October, 2009.

ATTEST:

THE COMMISSIONERS OF ST. MICHAELS

  
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Cheril S. Thomas, Town Clerk\Manager

By:  (Seal)  
Michael W. Brady, President

I HEREBY CERTIFY that an exact copy of this Ordinance was posted from the 29th day of October, 2009, at 8:30 o'clock a.m. to the 17<sup>th</sup> day of November, 2009, at 4:30 o'clock p.m., on the bulletin board at the Town Office in St. Michaels, Maryland, and that a summary of the aforesaid Ordinance No. 408, the date of its passage, its effective date and the fact that the entire text of the Ordinance may be read on the bulletin board of the Town Office, St. Michaels, Maryland, for at least twenty (20) days following the passage, has been published at least once each week for two (2) consecutive weeks following the passage of said Ordinance in a newspaper having general circulation in the Town of St. Michaels.

Date: November 18, 2009

 (Seal)  
Cheril S. Thomas, Town Clerk\Manager