

ORDINANCE NO. 3718

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, ENTITLED, "AN ORDINANCE ENACTING SECTION 11-2 OF THE CODE OF THE CITY OF CUMBERLAND, REGULATING THE USAGE OF BICYLCE STORAGE LOCKERS"

WHEREAS, upon the recommendation of the Bicycle Advisory Commission (the "Commission"), in order to promote tourism in the downtown Cumberland area, the Mayor and City Council of Cumberland purchased bicycle storage lockers for the purpose of enabling bicycle riders passing through the area a means to securely store their belongings during the course of the day while shopping and availing themselves of the City's amenities;

WHEREAS, the Commission has discovered that certain individuals have been using the lockers for their personal long-term use, placing locks on the lockers for extended periods of time and/or sleeping in them;

WHEREAS, the lockers were never intended to be used exclusively by certain individuals on a long-term basis, nor were they intended to be utilized for sleeping purposes or human occupancy;

WHEREAS, the usage of the lockers for human occupancy is unsanitary and unsafe;

WHEREAS, the Commission has made certain recommendations to the Mayor and City Council relative to the enactment of regulations intended to preclude the previously-described unintended and improper use of the lockers;

WHEREAS, the Mayor and City Council have accepted the recommendations of the Commission in that they have determined that an ordinance in the nature of that set

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forth below would serve to protect and preserve its rights, property, and privileges, to preserve peace and good order, and to protect the health, comfort and convenience of the citizens of the City of Cumberland.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, THAT SECTION 11-2 OF THE CODE OF THE CITY OF CUMBERLAND IS ENACTED, TO READ AS FOLLOWS:

Sec. 11-2. Bicycle Storage Lockers.

(a) *Permitted use.* The city's bicycle storage lockers may be utilized solely for the purpose of the storage of bicycles, bicycle accessory equipment and bicyclists' carry-on luggage. The said lockers may be utilized solely between the hours of 8:00 A.M. and 9:00 P.M. The said lockers may not be used at any other time or for any use other than those described hereinbefore.

(b) *Locks/Abandoned Property.*

(1) Locks which are left on the bicycle storage lockers between the hours of 9:00 P.M. and 8:00 A.M. shall be removed and discarded.

(2) Any contents found in the lockers after 9:00 P.M. shall be removed by the police department and retained in storage for a period of thirty (30) days, after which time the said property shall be deemed to be abandoned and shall be disposed of in a manner deemed appropriate by the chief of police or his designee, including, but not limited to, disposing of it as refuse, without any liability on the part of the city.

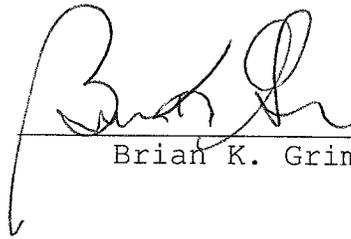
(c) *Signs.* Each cluster of bicycle storage lockers shall be marked with a sign to read as follows: "By ordinance of the Mayor and City Council of Cumberland, these lockers may not be used for any purpose other than the storage of bicycles, bicycle accessory equipment and bicyclists' carry-on luggage between the hours of 8:00 A.M. and 9:00 P.M. Any property left in

the lockers beyond the hours of permitted use shall be seized by the City Police Department and disposed of if not claimed within 30 days of seizure. Locks left on the locker beyond the hours of permitted use shall be removed."

(d) *Penalties.* Any person found sleeping in or otherwise occupying a bicycle storage locker shall be deemed to be trespassing and shall be prosecuted under State law.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon the date of its passage.

Passed this 31st day of July, 2012.



Brian K. Grim, Mayor

ATTEST:



Marjorie A. Eirich, City Clerk

1st reading: 7/17/12
2nd reading: 7/31/12
3rd reading: 7/31/12
Passed: 7/31/12

**NOTICE
MAYOR AND CITY COUNCIL OF CUMBERLAND**

**NOTICE OF PASSAGE OF ORDINANCE REGULATING THE USE OF BICYCLE STORAGE LOCKERS AND
PROVIDING FOR THE IMPOSITION OF PENALTIES**

NOTICE is hereby given that the **Mayor and City Council of Cumberland** passed Ordinance No. 3718 at their regular meeting on July 31, 2012, which enacts a new Section 11-2 of the Code of the City of Cumberland to regulate the usage of bicycle storage lockers as follows:

Sec. 11-2. Bicycle Storage Lockers.

- (a) *Permitted use.* The city's bicycle storage lockers may be utilized solely for the purpose of the storage of bicycles, bicycle accessory equipment and bicyclists' carry-on luggage. The said lockers may be utilized solely between the hours of 8:00 A.M. and 9:00 P.M. The said lockers may not be used at any other time or for any use other than those described hereinbefore.

- (b) *Locks/Abandoned Property.*
 - (1) Locks which are left on the bicycle storage lockers between the hours of 9:00 P.M. and 8:00 A.M. shall be removed and discarded.
 - (2) Any contents found in the lockers after 9:00 P.M. shall be removed by the police department and retained in storage for a period of thirty (30) days, after which time the said property shall be deemed to be abandoned and shall be disposed of in a manner deemed appropriate by the chief of police or his designee, including, but not limited to, disposing of it as refuse, without any liability on the part of the city.

- (c) *Signs.* Each cluster of bicycle storage lockers shall be marked with a sign to read as follows: "By ordinance of the Mayor and City Council of Cumberland, these lockers may not be used for any purpose other than the storage of bicycles, bicycle accessory equipment and bicyclists' carry-on luggage between the hours of 8:00 A.M. and 9:00 P.M. Any property left in the lockers beyond the hours of permitted use shall be seized by the City Police Department and disposed of if not claimed within 30 days of seizure. Locks left on the locker beyond the hours of permitted use shall be removed."

- (d) *Penalties.* Any person found sleeping in or otherwise occupying a bicycle storage locker shall be deemed to be trespassing and shall be prosecuted under State law.

This Ordinance shall take place from the date of its passage.

MAYOR AND CITY COUNCIL OF CUMBERLAND
/s/ Marjorie A. Eirich
City Clerk

ADV: Times News – August 8,9,10