

CHAPTER 3

PUBLIC NUISANCES, MORALS, AND CONDUCT

Article 1. Loitering/Curfew

Section 3-101. Definitions

For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this section.

Loitering. The word "loitering" shall mean remaining idle in essentially one location and shall include the concepts of spending time idly, loafing or walking about aimlessly, and shall also include the colloquial expression "hanging around."

Public Place. The words "public place" shall mean any place to which the public has access and shall include any street, highway, road, alley or sidewalk. It shall also include the front or the neighborhood of any store, shop, restaurant, tavern or other place of business, and public grounds, areas, parks, as well as all public or private parking lots or other vacant private property not owned by or under the control of the person charged with violating this Ordinance.

Section 3-102. Loitering Prohibited

Certain Types of Loitering Prohibited. No person shall loiter in a public place in such a manner as to:

- (a) Create or cause to be created a danger of a breach of the peace,
- (b) Create or cause any public disturbance or annoyance,
- (c) Obstruct the free passage of pedestrians or vehicles,
- (d) Obstruct, molest, or interfere with any person lawfully in any public place as defined in this section. This shall include the making of unsolicited remarks of an offensive, disgusting or insulting nature or which are calculated to annoy or disturb the person to or in whose hearing they are made.
- (e) No person shall loiter on or about any public place after having been requested to leave by the owner, operator or authorized agent, or police officer.
- (f) Any person who fails to move from such public place as directed by the police officer, or returns to said public place after being so directed by the police officer shall be in violation of this article.

Section 3-103. Discretion of Police Officer

Whenever any police officer shall, in the exercise of reasonable judgment, decide that the presence of any person in any public place is causing or is likely to cause any of the conditions enumerated as prohibitions in this section, he may, if he deems it necessary for the preservation of the public peace and safety, order that person to leave that place. Any person who shall refuse to leave after being ordered to do so by a police officer shall be guilty of a violation of this section.

Section 3-104. Curfew

(a) It shall be unlawful for any minor under the age of eighteen (18) years to loiter, idle, wander, stroll, or play in or upon the public streets, highways, roads, alleys, sidewalks, parks, playgrounds, or other grounds, public places and public buildings, or establishments, vacant lots or other unsupervised places between the hours of 10:00 p.m., and 6:00 a.m., each day.

(b) The provisions of this section do not apply to any minor accompanied by a parent, guardian, or person acting for the parent or guardian provided such person is over the age of 18, nor does it apply to a minor attending a cultural, scholastic, athletic or recreational activity supervised by a bona fide organization, nor does it apply to any minor who is engaged in lawful employment during the curfew hours.

(c) No parent, guardian, or other adult person having the care and custody of a minor under the age of eighteen (18) years shall knowingly permit said minor, not exempted under paragraph (b) of this section, in or upon any public place or any establishment between the hours of 10:00 PM and 6:00 AM, each day.

(d) No operator of any public establishment or his agents or employees shall knowingly permit any minor not exempted under paragraph (b) to remain upon the premises of such establishment between the hours of 10:00 PM and 6:00 AM, each day.

(e) Any police officer who finds a minor violating any provisions of this section shall obtain information from such minor as to his name and address, age, and the name of his parent(s) or guardian(s). The information obtained from the minor shall be reported to the police department, which shall cause written notice to be mailed to the parent(s) or guardian(s) of the minor, advising them of the violation of this section.

(f) Any parent, guardian or other adult person having the care and custody of a minor under the age of eighteen (18) years, who shall violate any provision of this section, after having received notice of prior violation occurring within the preceding twelve (12) months shall be deemed to have committed a municipal infraction, the penalty for which shall be fifty (\$50.00) for the first offense and one hundred (\$100.00) dollars for each repeated offense.

(g) Notice is presumed to be received by a parent or guardian, if it is deposited in a depository for mailing United States mail, properly addressed, with the proper first-class postage paid. Such mailing may be shown by the records of the sending agency made in the regular course of its business.

(h) Any minor found in violation of any of the provisions of this section, shall be guilty of a misdemeanor and may be referred to juvenile services.

(i) Violation of this section by the operator of an establishment and any agents or employees of any operator is declared to be an infraction, the penalty for which shall be fifty (\$50.00) for the first offense and one hundred dollars (\$100.00) for each repeated offense.

(j) Each violation of the provisions of this section shall constitute a separate offense.

(k) The Mayor and Commissioners shall have the authority to suspend or amend the hours of the curfew in this section for special events or emergency situations.

Section 3-105. Unlicensed Motorcycles, Dirt Bikes. Etc.

It shall be unlawful for any person to operate a motorcycle within the confines of the corporate limits of the Town of Rising Sun unless the motorcycle is registered under the Motor Vehicle Laws of the State of Maryland. For the purpose of this Section, a motorcycle is defined as a motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in the contact with the ground

and shall include a motor scooter, a bicycle with a motor attached, a mini-bike, and a dirt bike. This section shall also apply to all ATVs (All Terrain Vehicles) three and four wheelers, go carts, and snow mobiles.

Article 2. Public Safety

Section 3-201. The Throwing of Bricks and Other Missiles

No person shall throw any brick, stone, rock, snowball, iceball, egg, water balloon, or missile of any kind in a manner that might in any way endanger any person or property within the corporate limits of the Town of Rising Sun.

Section 3-202. Discharging of Guns. firecrackers. Etc.

No person shall shoot, fire or discharge any gun, pistol, air gun, or firearm of any description, any rocket, firecracker or mixture of gun powder and dynamite or any explosive whatever within the corporate limits of the Town of Rising Sun.

Section 3-203. Abandoned Ice Boxes

It shall be unlawful for any person, firm or corporation to abandon, discard, store or keep or permit to remain on premises under his control as owner, leasee, or manager, in any place accessible to children, a refrigerator, icebox, freezer, or any other similar container of any kind which has an air tight door or lock, which may not be released from inside, which container is not in current use.

Section 3-204. Drinking in Public

No person shall take a drink of intoxicating beverage, or offer a drink of such to another whether accepted or not, upon any street, avenue, alley, or in any public place, except on the premises for which an "on sale" license for the sale of alcoholic beverages shall have been issued.

Article 3. Public Property

Section 3-301. Wheelbarrow, Etc., on Sidewalk

(1) It shall be unlawful for any person or persons to ride, drive, wheel, push or in any manner propel or permit to remain on the sidewalks of the Town of Rising Sun, any wheelbarrow, handcart, bicycle, skateboard, or any other such vehicle, or any sled or sleight in such a manner so as to impede or endanger pedestrian traffic, excepting however, baby carriages and grocery store carts.

(2) At the discretion of a police officer, any vehicle covered in Subsection (1) above, which is being unlawfully ridden, driven, wheeled, pushed or propelled may be impounded for a specified period of time as designated by said police officer at the time of impoundment.

Section 3-302. Obstructing Pavements

It shall be unlawful for any storekeeper or other person to encumber, obstruct or in any manner interfere with the free and uninterrupted use of the public streets and sidewalks of the Town of Rising Sun leaving any goods, wares, merchandise or other articles or things thereon, except for loading/unloading merchandise or during the erection or repair of a building.

Section 3-303. Defacing Municipal Signs

It shall be unlawful for any person or persons to purposely tear down or in any manner deface any sign or posters which have been posted by authority of the Town.

Section 3-304. Lights and Traffic

It shall be unlawful for any person or persons to willfully break any street lights within the corporate limits of the Town, or break any street light posts, parking signs, parking meters, traffic signs or traffic signal device in the Town.

Section 3-305. Trash Receptacles

It shall be unlawful for any person or persons to take or carry away, or willfully break, injure, 'destroy or set fire to any box or other receptacle maintained upon any street or alley in the Town for the reception of paper, filth, or waste matter.

Section 3-306. Defacing Trees and Buildings

It shall be unlawful for any person or persons to, at any time or in any manner, deface, or injure or remove any tree, fence, gate, railing, porch, building, or other structure upon public land, by writing, cutting, or in any other manner.

Section 3-307. Defacing or Injuring Trees

It shall be unlawful for any person or persons to purposely injure or deface, by cutting, breaking or otherwise, any tree or trees now planted or hereafter to be planted along the sidewalks or within the public right-of-way, or within any park or playground areas within the Town.

Section 3-308. Throwing Glass, Refuse, Etc., Upon the Streets

It shall be unlawful for any person to cast or throw into any street, alley, avenue or highway, within the Town, any glass, bottles, glassware, crockery, porcelain, or other similar substance, or pieces thereof, or any pieces of iron, hardware or sharp metal, nails, tacks, or other articles, or waste paper, trash, rubbish, garbage, or refuse of any kind.

Section 3-309. Repair of Motor Vehicles or Equipment Upon Public Property,

It shall be unlawful to repair, paint, alter, rebuild, maintain, or change oil fluids in or upon any truck, car, boat, trailer, motorcycle, scooter, tractor, lawn mower, or any other type of mechanized vehicle or equipment while on public property, including any sidewalks, streets, or parking lots dedicated and/or generally used for public purposes.

Section 3-310. Repair of Motor Vehicles or Equipment Upon Private Property,,

When performing any repair or maintenance of any truck, car, boat, trailer, motorcycle, scooter, tractor, lawn mower, or any other type of mechanized vehicle or equipment while on private property, including changing of oil or fluids, painting, rebuilding, or altering of any such vehicle or equipment, the person or persons performing such repairs or maintenance shall not permit or cause the flow of any of the following substances onto the ground or into the streets or stormwater system of the Town of Rising Sun; grease, gasoline, benzine, oil, transmission fluid, paint, thinner, or any other petroleum product, flammable liquid or hazardous chemical.

Section 3-311. Discharge of Prohibited Substances Within The Town of Rising Sun.

No person shall discharge, or allow or permit the discharge of gasoline, oil, cleaning fluids, paint, transmission fluid, steering fluid, grease, benzine, thinner or any other petroleum product, flammable liquid, or hazardous chemical, onto the ground or streets of the Town of Rising Sun.

Section 3-312. Use of Public Parks

It shall be unlawful for any person or persons to have in their possession alcoholic beverages upon any public park property within the Town of Rising Sun; or to use profanity, play loud music or noise, use dirt bikes or all terrain vehicles, vandal, litter, start or have open fires, deface trees, conduct yard sale or other commercial activity, or fail to clean up after conducting a group activity in or upon public park property within the Town of Rising Sun. Furthermore, it shall be unlawful for any person to be present in a town park without permission of the Commissioners of the Town of Rising Sun any time from one hour after dusk until one hour before dawn. Notwithstanding any language set forth herein to the contrary, it shall be lawful for charitable organizations whose principal offices are located in Rising Sun or the 6th election district of Cecil County, Maryland and whose principal activities are conducted within Rising Sun and/or the 6th election district of Cecil County, Maryland upon obtaining a permit from the Commissioners of the Town of Rising Sun, to conduct fund raising activities upon public park property within the Town of Rising Sun so long as all funds raised are to be used to further the activities of the organization issued such permit and so long as all other provisions of Section 3-312 as well as any other regulations of the Town are followed.

Article 4. Junk Vehicles

Section 3-401. Definition

JUNK VEHICLE - means any vehicle which meets any of the following conditions:

- (1) is in an abandoned condition;
- (2) is in such a rusted, wrecked, dismantled, partly dismantled or deteriorated condition so as not to be lawfully operable on public roads;
- (3) is in such rusted, wrecked, dismantled, partly dismantled, partly dismantled or deteriorated or decayed condition, whether or not it is operable, so as to constitute a breeding ground for rats, mosquitoes or other vermin or insects.

Section 3-402. Unregistered Junk Vehicles

(1) Restrictions

- (a) No land shall be used partially or principally as a dump, or for the storage, keeping, collection, salvage or accumulation of junk vehicles.
- (b) No land shall be used for the parking, storage, collection, maintenance, accumulation or abandonment of any inoperable, wrecked, partially dismantled or destroyed motor vehicle, except as hereinafter provided.
- (c) No land shall be used for the parking, storage, collection, maintenance, accumulation or abandonment of any motor vehicle which are subject to the registration requirements of the Maryland Vehicle Law and which do not display registration plates and any validation tab issued for the current year by the Department of Motor Vehicles.

(1) Exemptions

- (a) No more than two (2) unregistered motor vehicles may be exempted from this provision at any one time if the owner can demonstrate to the Mayor and Town Council that each vehicle falls into one of the following categories:
 - (i) A vehicle recently purchased, pending inspection, for a period not to exceed sixty (60) consecutive days;

(ii) A vehicle being advertised for sale, for a period not to exceed sixty (60) days;

(iii) A vehicle actively being repaired to a permitted condition and which will be registered within a period not to exceed ninety (90) days;

(iv) A vehicle being held pending settlement of insurance, estate, or similar claims.

(b) This section shall not apply to the following:

(i) Storage of motor vehicles as accessory to law-fully operated automobile service and sales facilities;

(ii) Storage or maintenance of unregistered motor vehicles or other junk within an entirely enclosed structure.

(c) It shall be the responsibility of the landowner to dispose of any inoperable, unlicensed, or abandoned vehicle not in an enclosed structure on his/her property.

Article 5. Animal Control

Section 3-501. Animals Running at Large

It shall be unlawful for any person to allow his dog, cat or other animals to run at large within the Town limits. It shall be unlawful to keep any such animals (except household pets) within the Town, except as permitted in accordance with Chapter 12 of this ordinance. Running at large shall mean permitting animals to be off the premises of the owner when not under proper supervision by leash, command or other appropriate means.

Section 3-502. Confinement of Certain Dogs and Other Animals

(1) Any fierce or dangerous animal may be declared by the appropriate officer, to be a vicious animal and shall be confined by the owner within a building or a secure enclosure unless securely muzzled and suitably controlled.

(2) Every female dog, while in heat, shall be under its owner's control or kept confined in a building or a secure enclosure by the owner in such a manner that it will not be in contact (except for intentional breeding purposes) with another dog or create a nuisance by attracting other animals. This shall also apply to all female cats.

(3) Housing, containment, sheltering and control of animals within the Town Limits. The following methods of housing, containment, sheltering and control of animals shall be prohibited:

- a) Front Yards. No dog over fifty (50) pounds shall be tethered, fastened, chained, tied, or restrained by any means, in the front yard, or in any side yard abutting a public street or way, unless such animal is attended by the property owner, or owner of the animal at all times. Furthermore, such method of control shall be of sufficient make and design to reasonably control an excited or agitated animal. Such containment shall prohibits the animal from reaching within ten feet (10') of an adjoining property line, or public way, (see figure 1 below) unless such adjoining property line, or public way is separated with a suitable

barrier of at least forty-two (42) inches in height as defined in the Zoning Code, and under the control of the animal owner. (see figure 2 below) Electronically controlled perimeters shall not be considered a suitable barrier for the purposes of this section.

- b) Side & Rear Yards. No dog over fifty (50) pounds shall be tethered, fastened, chained, tied, or restrained by any means, in the rear yard, or any side yard not abutting a public street or way, unless such animal is attended by the property owner or owner of the animal at all times. Furthermore, such method of control shall be of sufficient make and design to reasonably control an excited or agitated animal. Such containment shall prohibits the animal from reaching within ten feet (10') of an adjoining property line, or public way, (see figure 1 below) unless such adjoining property line, or public way is separated with a suitable barrier of at least forty-eight (48) inches in height as defined in the Zoning Code, and under the control of the animal owner. (see figure 2 below) Electronically controlled perimeters shall not be considered a suitable barrier for the purposes of this section.

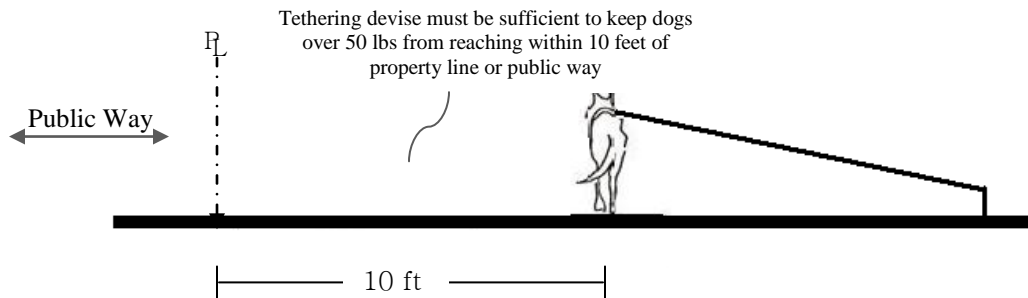


Figure 1
10 foot setback from property line or public way
(No Barrier)

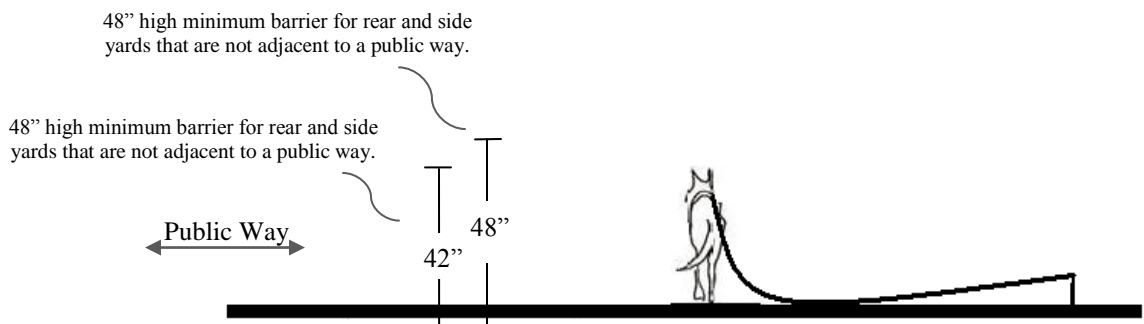


Figure 2
No Setback requirement when contained by suitable barrier

(4) The appropriate officer, as hereby defined in this Chapter, shall upon receiving a citizen's complaint of the above sections, and after investigation, may declare an animal to be a public nuisance animal. Furthermore, unusual behavior of animals, such as excessive barking, whining, howling, molesting passerby's, chasing vehicles, attacking other domesticated animals, depositing excretory matter on public or on private property other than that of its owner, or damaging property other than that of the animal's owner shall be deemed the behavior of a public nuisance animal.

Section 3-503. Unwanted Animals

No person may turn loose any unwanted animal within the Town limits.

Section 3-504. Casting Dead Animals in Road.

No person shall cast any dead animal into any street, avenue, or alley within the limits of Town.

Section 3-505. Removal of Animal Waste

It shall be the responsibility of the animal owner to clean up any and all fecal matter deposited by their animal on private or public property.

Article 6. Noise Control Ordinance

Section 3-601 Unreasonably loud noises prohibited.

It shall be unlawful for any person to make, continue or cause to be made or continued any unreasonably loud noise or any noise which either annoys, disturbs, injures or endangers the comfort, health, peace or safety of others within the corporate limits of the Town of Rising Sun.

Section 3-602 Prohibited noises enumerated.

The following acts, among others, are hereby declared to be unreasonably loud noises in violation of this Article:

- (1) The sound of any horn or signaling device on any automobile, motorcycle or other vehicle on any street, way, avenue or alley other public place of the Town of Rising Sun, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; the sounding of any such device for an unnecessary or unreasonable length of time; the use of any signaling device, except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.
- (2) Use of radios, phonographs and musical instruments.
 - a) The using of, operating of or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto.
 - b) The using of, operating of or permitting to be played used or operated any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound on streets or other public

ways in such a manner as is unreasonably loud so as to disturb the peace, quiet and comfort of other persons or at a louder volume than is necessary for the convenient hearing of the individual carrying the instrument, machine or device or those individuals immediately adjacent thereto and who are voluntary listeners thereto.

- c) The using of, operating of or permitting to be played used or operated any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound between the hours of 12:00 midnight and 7:00 a.m. in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which it is located.

(3) Yelling, shouting, hooting, whistling and singing.

- a) Yelling, shouting, hooting, whistling or singing on the public streets or public areas or from private property at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any dwelling, or other type of residence or any person in the vicinity, between the hours 7:00 a.m. and 12:00 midnight, after having been warned to quiet or cease such noise making.
- b) Yelling, shouting, hooting, whistling or singing on the public streets or public areas or from private property in such a manner as to be plainly audible at a distance of fifty (50) feet from the public street, public area, building, structure or vehicle from which the noise emanates, between the hours of 12:00 midnight and 7:00 a.m.

Section 3-603 Responsibility of owner of premises.

It shall be unlawful for any person to knowingly permit the making, creation or maintenance of unreasonably loud noises upon any premises owned by him or under this control.

Section 3-604 Dance Halls and Nightclubs.

It shall be unlawful for any person or persons, firm or corporation to operate, maintain or carry on as a business any dance hall or nightclub or any other business as a part of which or incidental to which dancing and entertainers are or any of them is offered for the entertainment of the patrons of such establishment, so that noise, either recorded and/or live entertainment, emanates from such establishment, which is in excess of sixty-five (65) dB(A) in the daytime hours and fifty-five (50) dB(A) in the nighttime hours, at the adjoining property line or is plainly audible at a distance of fifty (50) feet from the establishment; and each occasion on which such business shall be so operated, maintained or carried on in violation of this Article shall constitute a separate offense.

Section 3-605 Sound Amplifiers.

- (1) Permit required. It shall be unlawful for any person or persons, firm or corporation to use or permit to be used for business purposes upon any public street, sidewalk, alley

or way within the corporate limits of the Town of Rising Sun any mechanical device for magnifying the human voice or music or other sounds without first having received a permit therefore from the Mayor and Town Council of Rising Sun.

- (2) Application; permit fee. Each application for such permit shall be addressed to the Mayor and Town Council of the Town of Rising Sun, accompanied by a fee of five dollars (\$5), and shall set forth the date and the hours between which such use is to be made, the nature of the mechanical device to be employed for such purpose and the person to be in charge of the operation thereof.

Section 3-606 Penalty for violation.

Any person violating any of the provisions of sections 1, 2, or 3 above shall be guilty of an infraction and shall be subject to a fine of fifty dollars (\$50.00) for the first offense and one hundred dollars (\$100.00) for each subsequent offense.

Article 7. Penalty

Section 3-701. Penalty Defined

Any person violating any of the provisions of Articles 1, 2, 4, and 5 of this Chapter shall be guilty of an infraction and shall be subject to a fine of fifty dollars (\$50.00) for the first offense and one hundred dollars (\$100.00) for each subsequent offense.