

## CHAPTER 4

## PUBLIC CONDUCT AND BEHAVIOR

**Article 1. Loitering in Public Places**Section 4-101. Definitions as Used in this Article

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

2. 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 article.

Section 4-102. Certain Types of Loitering Prohibited

No person shall loiter in a public place in such manner as to:

1. Create or cause to be created a breach of the peace;
2. Create or cause to be created any disturbance or annoyance to the comfort and repose of any person;
3. Obstruct, molest or interfere with any person lawfully in any public place as defined herein. This paragraph shall include the making of unsolicited remarks of any offensive, disgusting or insulting nature or which are calculated to annoy or disturb the person to, or whose hearing, they are made.

Section 4-103. Discretion of Police Officer

Whenever any police officer shall, in the exercise of reasonable judgement, 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 ordinance 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 article.

Section 4-104. Penalties

Violation of the provisions of this article, or failure to comply with any of its

requirements shall constitute a municipal infraction. The fine for each violation shall be \$10.00 for each initial offense and \$50.00 for each repeat offense, as provided in Section 1-202 of the North East Town Code.

## **Article 2. Public Consumption of Alcoholic Beverages**

### Section 4-201. Definitions Used in this Article

Public property shall be defined as including any building, ground, park, street, highway, alley, sidewalk, station, terminal or other structure, road or parking area located on land owned, leased or operated by the State, the County, the Municipality or any other governmental entity.

### Section 4-202. Situations in which Consumption is Prohibited

It shall be unlawful for any person to consume, or have in his possession an open container of any alcoholic beverage or beverages while:

1. On public property, unless authorized by a governmental entity that has jurisdiction over the property;
2. On any mall, adjacent parking area, or other outside area of any combination of privately owned retail establishments where the general public is invited for business purposes, unless authorized by the owner, or owners, of the shopping area;
3. On an adjacent parking area or other outside area of any other retail establishment, unless authorized by the owner of the establishment;  
or
4. In any parked vehicle located on any of the places enumerated in this section, unless authorized.

### Section 4-203. Exceptions and Exclusions

Section 4-202 does not apply to the consumption of alcoholic beverages by passengers in the living quarters of a motor home equipped with a toilet and central heating or the passengers of a chartered bus in transit if the owner or operator has consented to the consumption of the beverages.

### Section 4-204. Discretion of the Board of Commissioners

The President and Commissioners of the Town of North East reserve the right at their discretion and in the best interests of the citizens of the Town of North East to grant on special occasions and other events an exception to the provisions of this article.

### Section 4-205. Penalties

Violation of the provisions of this article or failure to comply with any of its requirements shall constitute a municipal infraction. The fine for each violation shall be \$200.00 for each initial offense and \$400.00 for each repeated offense.

*Effective 09/09/92 by Ordinance 92-8-1.*

### **Article 3. The Keeping and Treatment of Animals**

#### Section 4-301. Cruelty to Animals Prohibited

No person shall cruelly treat any animal in the Town in any way. Any person who inhumanely beats, underfeeds, overloads, or abandons any animal shall be deemed guilty of the violation of this article.

#### Section 4-302. Responsibility for Dangerous Animals

It shall be unlawful to permit any dangerous or vicious animal of any kind to run at large within the town limits.

#### Section 4-303. Responsibility for Diseased Animals

No domestic animal afflicted with a contagious or infectious disease shall be allowed to run at large, or to be exposed in any public place whereby the health of man or beast may be affected; nor shall such diseased animal be shipped or removed from the premises of the owner thereof, except under the supervision of the North East Police Department.

#### Section 4-304. Responsibility to Preserve Peace

It shall be unlawful to harbor or keep any animals which disturb the peace by loud noises any time of the day or night.

#### Section 4-305. Responsibility for Surroundings

No person shall cause or allow any stable or place wherein an animal is, or may be, kept to become unclean or unwholesome.

#### Section 4-306. Penalties

Violation of the provisions of this article or failure to comply with any of its requirements shall constitute a municipal infraction. The fine for each violation shall be \$10.00 for each initial offense and \$50.00 for each repeat offense, as provided in Section 1-202 of the North East Town Code.

**Article 4. Misuse or Destruction of Town Property**Section 4-401. Abuse of Town Property

1. It shall be unlawful to deposit or cause to be deposited in any parking meter a slug, device or metallic substitute for a coin of the United States.

2. It shall be unlawful for any person to deface, tamper with, damage, open, or willfully break, destroy or impair the usefulness or any town property.

Section 4-402. Penalties

Violations of the provisions of this article or failure to comply with any of its requirements shall constitute a municipal infraction. The fine for each violation shall be \$10.00 for each initial offense plus restitution and \$100.00 plus restitution for each repeat offense, as provided in Section 1-202 of the North East Town Code.

## Article 5. Curfew

### Section 4-501. Definitions

In this Section the following words have the meanings indicated, unless the context of their use indicates otherwise:

1. CURFEW HOURS means:

a. 9:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 a.m. of the following day;

and

b. 10:00 p.m. until 6:00 a.m. on any Friday or Saturday.

2. EMERGENCY means an unforeseen circumstance or combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, or automobile accident, or any situation requiring action to prevent serious bodily injury or loss of life.

3. ESTABLISHMENT means any privately-owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

4. GUARDIAN means:

a. a person is the legal guardian of the person of a minor; or

b. a person or agency to whom legal custody of a minor has been given or decreed by court order.

5. KNOWINGLY means consciously, willfully and intentionally, and includes knowledge that a parent or guardian may reasonably be expected to have concerning the whereabouts of a minor in their care and custody.

6. MINOR or JUVENILE means any unemancipated person under 18 years of age.

7. OPERATOR means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment open to the public. The terms includes the members or partners of an association or partnership and the officers of a corporation.

8. PARENT means a person who is:

- a. a natural, adoptive, or step-parent of another person; or
- b. at least 18 years of age and authorized by a parent or guardian to have care or custody of a minor.

9. PUBLIC PLACE means any place to which the public or a substantial group of the public has access and includes, but is not limited to:

- a. streets, highways, alleys, sidewalks and any public right-of-way of a street or highway, and
- b. the common areas of transportation facilities, schools, hospitals, apartment houses, office buildings, shopping centers, parks, playgrounds, parking lots, theaters, restaurants, bowling alleys, taverns, cafes, arcades, and shops.

10. REMAIN means to:

- a. linger, tarry, or stay unnecessarily in a public place; or
- b. fail to leave the premises of an establishment or place open to the public when requested to do so by a local law enforcement officer or an agent, servant and/or employee of the place or establishment open to the public.

#### Section 4-502. Curfew for Juveniles

It shall be unlawful for a minor to remain in any public place or on the premises of any establishment within the corporate limits of Town of North East during curfew hours.

#### Section 4-503. Exceptions

The curfew for juveniles imposed in this Title shall not apply when the minor is:

- 1. accompanied by the minor's parent or guardian;
- 2. on an errand at the direction of the minor's parent or guardian, without any detour or stop, until the hour of 12:30 a.m.;
- 3. accompanied by a person at least 18 years of age and authorized by the minor's parent or guardian to have temporary care or custody of the minor for a designated period of time within a specified area;
- 4. with consent of the minor's parent or guardian, involved in interstate travel through the Town of North East or beginning or ending in the Town of North East;



5. engaged in a legal employment activity, or going to or returning home from a legal employment activity, without any detour or stop;

6. involved in an emergency;

7. on the property where the minor resides or on the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor, if the adult resident of that property has given permission for the minor's presence;

8. attending, or returning directly home from, without any detour or stop and within one (1) hour of the end of:

a. a school, religious, or recreational activity supervised by adults and sponsored by the Town of North East, a civic organization, or a voluntary association that takes responsibility for the minor; or

b. a place of public entertainment, such as a movie, play, or sporting event;

9. exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly, by first delivering to the Chief of Police of the Town of North East a written communication which:

a. is signed by the minor and countersigned, if practicable, by the parent or guardian of the minor,

b. includes the parent or guardian's home address and telephone number; and

c. specifies when, where, and in what manner the minor will be in a public place during curfew hours; or

10. remaining in a public place in a case of reasonable necessity if the minor's parent or guardian has communicated to the Chief of Police of Town of North East facts:

a. establishing the reasonable necessity;

b. designating the specific public place and the points of origin and designation or the minor's travel; and

c. the times the minor will be in the public place or traveling to or from the public place.

#### Section 4-504. Parental Responsibility

It shall be unlawful for a parent or guardian of a minor to knowingly allow, or by insufficient control allow, the minor to remain in any public place or on the premises of any establishment within the Town of North East during curfew hours.

#### Section 4-505. Owner Responsibility

1. It shall be unlawful for the owner, operator, or any employee of an establishment to knowingly allow a minor to remain upon the premises of the establishment during curfew hours.

2. An owner, operator, or any employee of an establishment is not in violation of this ordinance if the owner, operator, or employee promptly notified the Town of North East Police Department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

#### Section 4-506. Enforcement

1. If a police officer of the Town of North East reasonably believes that a minor is in a public place in violation of 1-102, the officer shall notify the minor that he or she is in violation of the juvenile curfew law and shall require the minor to tell the officer his or her name, address, telephone number, and how to contact the minor's parent or guardian.

2. The police officer of the Town of North East shall issue the juvenile a written warning that the minor is in violation of the juvenile curfew law and order the minor to promptly go home. The Chief of the Police Department of the Town of North East shall give the minor's parent or guardian written notice of the violation pursuant to § 1-104.

3. The Police Department of the Town of North East procedures may permit the police officer to take the minor home if appropriate under the circumstances.

4. Notwithstanding subsection (b) of this Section, the police officer shall take the minor into custody and transport the minor to Town of North East Police station when:

- a. the minor has received one (1) previous written warning for a violation of the juvenile curfew law; or
- b. the police officer has reasonable grounds to believe that the minor has committed a delinquent act, or
- c. taking the minor into custody is otherwise authorized under § 3-814 of the Courts and Judicial Proceedings Article of the Maryland Code.

5. When a minor is taken into custody pursuant to subsection (d) of this Section, the parent or guardian of the minor shall immediately be notified and required to come to the Town of North East Police Station to take custody of the minor. The police officer of the Town of North East shall determine whether, consistent with constitutional safeguards, the minor or the parent or guardian, or both, are in violation of the juvenile curfew law.

6. When a parent or guardian has arrived at the Town of North East Police Station and the appropriate information has been recorded, the minor shall be released to the custody of the parent or guardian. If the parent or guardian cannot be located or fails to take charge of the minor, then the juvenile shall be released to the Department of Social Services, the Department of Juvenile Justice, or to another adult who will, on behalf of a parent or guardian, assume the responsibility of caring for the juvenile pending the availability or arrival of the parent or guardian.

#### Section 4-507. Penalties

1.
  - a. If, after receiving a warning notice of a first violation by a minor, a parent or guardian violates § 1-104 in connection with a second violation by the minor, this shall be treated as a first offense by the parent or guardian and shall be a municipal infraction pursuant to § 1-201 of the Town of North East Code.
  - b. For the first offense by a parent or guardian the fine shall be \$25.00. For each subsequent offense by a parent or guardian the fine shall be increased by an additional \$ 25.00, up to a maximum fine of \$500.00.
2.
  - a. If, after a warning notice, the operator of an establishment open to the public violates § 1-105 a second time, this shall be treated as a first offense by the operator and shall be a municipal infraction pursuant to § 1-201 of the Town of North East Code.
  - b. For the first offense by an operator the fine shall be \$ 25.00. For each subsequent offense by an operator the fine shall be increased by an additional \$25.00, up to a maximum fine of \$500.00.

*Effective 07/07/02 by Ordinance 2002-06-01*

#### Section 4-508. Activities and Conduct in Parks and Recreation Areas. Permits for Special Events

*Repealed 03/01/16 and Reenacted as 4-701 Permits for Special Events by Ordinance 2016-01-01*

#### Section 4-509. Certain Actions and Conduct Prohibited

*Effective 10/16/07 by Ordinance 2007-09-01; Repealed 03/01/16 and Reenacted as 4-702 by Ordinance 2016-01-01*

Section 4-510. Violations and Penalties

*Repealed 03/01/16 and Reenacted as 4-703 by Ordinance 2016-01-01*

## **Article 6. Noise Disturbance**

### Section 4-601. Definitions.

For the purpose of this Ordinance, the following terms, phrases, words and their deviations shall have meaning as follows:

Motor Vehicle means every vehicle defined as motor vehicle in the traffic ordinance.

Motorcycle means every vehicle defined as a motorcycle in the traffic ordinance.

Noise Disturbance means any sound which (1) endangers or injures the safety or health of humans or animals; (2) annoys or disturbs a reasonable person of normal sensitivity; or (3) endangers or injures real or personal property.

Person means any individual, association, partnership or corporation.

### Section 4-602.

In addition to specific prohibitions outlined in this Ordinance, it shall be unlawful for any person to make, continue or cause to be made or continued any loud or unnecessary noise which annoys, injures, or endangers the comfort, repose, health or safety of others within the corporate limits of the Town of North East.

### Section 4-603.

The following acts and the causing and permitting thereof are hereby declared to be in violation of the Ordinance:

1. Vehicles: The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle on any street, way, avenue or alley or other public place of the Town of North East, except as a danger warning; the creation, by means of any such signaling device, of any unreasonable loud or harsh sound; and the sounding of any such device for an unreasonable or unnecessary length of time; 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. Loudspeakers, public address systems, etc.: The playing, using or operating of any loudspeakers, public address systems, mobile sound vehicle or similar device for the producing or reproducing of sound which is cast upon the public streets of the Town.

3. Radios, television sets and similar devices: The playing, using or operating any radio receiving set, phonograph, tape player, television receiving set, or other machine or device for the reproducing of sound in such a manner as to create a continuing noise disturbance at fifty feet from such device between the hours of eleven

o'clock (11:00) p.m. and seven o'clock (7:00) a.m. or when operated in or on a motor vehicle on a public right of way or public space as to create a continuing noise disturbance at 50 feet from such device between the hours of eleven o'clock (11:00) p.m. and seven o'clock (7:00) a.m..

4. Musical bands, musical instruments and other similar devices: The playing of any musical band or the playing, using, or operating of any musical instrument or similar device for the producing of sound in such a manner as to create a continuing noise disturbance at fifty feet from the said musical band, instrument, etc., or across property lines.

5. Yelling, shouting, etc.: Yelling, shouting, hooting, whistling or singing on the public streets of the Town between the hours of eleven o'clock (11:00) p.m. and seven o'clock (7:00) a.m. or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office or in any dwelling, hotel or other type of residence or of persons in the vicinity within the limits of the Town.

6. Engine exhaust: The discharge into the open air within the corporate limits of the Town of the exhaust of any steam engine, gasoline engine, stationary internal combustion engine, or other kind or type of engine, motorboat or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises there from.

7. Domestic power tools: The operation of any mechanically powered saw, drill, sander, grinder, lawn or garden tool, lawnmower or other similar devices used outdoors, other than snow removal equipment, between the hours of eleven o'clock (11:00) p.m. and seven o'clock (7:00) a.m..

8. Explosives, firearms and similar devices: The use or firing of any explosives, firearms or similar devices which create impulsive sound so as to cause a noise disturbance across a real property boundary or on public space or right of way.

Section 4-604.

No provision of this Ordinance shall be construed to impair any common law or statutory cause of action or legal remedy there from of any person for injury or damage from violation of this Ordinance.

Section 4-605.

Provided, however, that the provisions of this Ordinance shall not apply to the following:

1. The emission of sound for the purpose of alerting persons to the existence of an emergency or for the performance of emergency work.

2. Organized school-related programs, activities or events or parades or other public programs, activities or events authorized by special exception.

Section 4-606. Special Exception.

1. The Town Board shall have the authority, consistent with this Ordinance, to grant a special exception.

2. Any person seeking a special exception shall file an application with the Town Board or its designated representative. The application shall provide information of the nature of activity requested, why the activity cannot be brought into compliance with this Ordinance, applicable dates of said activity, and the location of the activity. In determining whether to grant or deny the application, the Town Board shall take into consideration the hardship of the applicant, the community and adverse impact on health, safety and welfare of persons and property affected.

3. Special exceptions shall be granted to the applicant by notice containing all necessary conditions, including a time limit. The special exception shall not become effective until all conditions are agreed to by the applicant. Noncompliance with any of the conditions shall cause the special exception to terminate. A copy of the decision to grant or deny shall be placed on public file.

Section 4-607. Penalty.

Any person convicted of violating any of the provisions of this Chapter shall be guilty of a misdemeanor and shall be subject to a fine not to exceed \$500.00 and imprisonment not to exceed 90 days or both fine and imprisonment.

## **Article 7. Parks and Recreation Areas**

### Section 4-701. Discharging of Firearms

*Effective 01/03/06 by Emergency Ordinance 2001-01-01; Repealed 03/01/2016 and Reenacted as 4-801 by Ordinance 2016-01-01*

### Section 4-701. Permits for Special Events

The Mayor and Commissioners may establish by Resolution, Policies, Procedures and Fees for the issuance of permits to conduct special events and festivals on public property in the Town of North East.

*Enacted 03/01/16 by Ordinance 2016-01-01*

### Section 4-702. Violations and Penalties

*Effective 01/03/06 by Emergency Ordinance 2006-01-01; Repealed 03/01/2016 and Reenacted as 4-802 by Ordinance 2016-01-01*

### Section 4-702. Certain Actions and Conduct Prohibited.

1. No person in a public park or recreation area shall:
  - a. Willfully mark, deface, disfigure, injure, tamper with or displace or remove any buildings, bridges, tables, benches, fireplaces, railings, pavings, or paving materials, waterlines or other public utilities or parts or appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts, or other boundary markers or other structures or equipment or facilities or any park property or appurtenance whatsoever, either real or personal.
  - b. Fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition. No person over the age of six (6) years shall use the restrooms and washrooms designated for the opposite sex.
  - c. Dig or remove any soil, rock, sand, stones, trees, shrubs or plants or other wood or materials or make any excavation by tool, equipment, blasting or other means or agency.
  - d. Construct or erect any building structure of whatever kind, whether permanent or temporary, or run or string any public service utility into, upon or across such lands, except on special written permit issued hereunder.
  - e. Damage, cut, carve, transplant or remove any tree or plant or injure the bark or pick the flowers or seeds of any tree or plant, dig or otherwise disturb grass areas or in any other way injure the natural beauty or usefulness of any area.



- f. Climb any tree or sit, walk or stand upon monuments, vases, planters, fountains, railings, fences or upon any other property not designated or customarily used for such purposes.
- g. Tie or hitch an animal to any tree or plant.
- h. Hunt, molest, harm, frighten, kill, trap, pursue, tease, shoot or throw missiles at any animal, wildlife, reptile or bird, nor shall one remove or have in his possession the young of any wild animal or the eggs or nest, or the young of any reptile or bird. Exception to the foregoing is made in that snakes known to be deadly, poisonous or other deadly reptiles may be killed on sight.
- i. Throw, discharge or otherwise place or cause to be placed in any body of water in or adjacent to any park or any tributary stream, storm sewer, or drain flowing into such water, any substance, matter or thing, liquid or solid, which may result in the pollution of said waters.
  - j. Have brought in or dump in, deposit or leave any bottles, broken glass, ashes, paper, bones, cans, dirt, rubbish, waste, garbage, or refuse or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any park, nor shall it be left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided. Where receptacles are not provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence, and it shall be properly disposed of elsewhere.
- k. Drive any vehicle on any area except the paved park roads or parking areas or such areas as may on occasion be specifically designated as temporary parking areas by the Town Board.
- l. Park a vehicle in other than an established or designated parking area, and parking shall be in accordance with the posted directions, and with the instruction of any attendant who may be present.
- m. Leave a vehicle standing or parked at night in established parking areas or elsewhere in the park.
- n. Ride a bicycle without reasonable regard to the safety of others.
- o. Leave a bicycle lying on the ground or where other persons may trip over it or be injured by it.

- p. Carry or possess firearms of any description or air rifles, spring guns, bows and arrows, slings or any other weapon potentially inimical to wildlife and dangerous to human safety or any instrument that can be loaded with and fire blank cartridges or any kind of trapping device. Shooting into park areas from beyond park boundaries is forbidden.
- q. Set up tents, shacks or any other temporary shelter for the purpose of overnight camping, nor shall any person leave in a park after closing hours movable structure or special vehicle to be used or that could be used for such purpose, such as a house trailer, camp trailer, camp wagon or the like.
- r. Take part in or abet the playing of any games involving thrown or otherwise propelled objects such as balls, stones, arrows, javelins, horseshoes, quoits, or model airplanes, except in those areas set apart for such forms of recreation. The playing of rough or comparatively dangerous games such as football and baseball is prohibited, except on the fields provided therefore. Roller skating and skateboards shall be prohibited on tennis and basketball facilities.

2. While in a public park or recreation area, all persons shall conduct themselves in a proper and orderly manner, and in particular, no person shall:

- a. Bring alcoholic beverages or drink same at any time, nor shall any person be under the influence of intoxicating liquor in a park.
- b. Have in his possession, or set or otherwise cause to explode or discharge or burn, any firecrackers, rockets or other fireworks, firecrackers, or explosives of flammable material, or discharge them or throw them into any such areas from lands or highways adjacent thereto. This prohibition includes any substance, compound, mixture or article that in conjunction with any other substance or compound would be dangerous from any of the foregoing standpoints. At the direction of the Town Board, permits may be given for conducting properly supervised fireworks displays in designated park areas.
- c. Be responsible for the entry of a dog or other domestic animal into park areas. All dogs in those areas where such animals are permitted shall be restrained at all times on adequate leashes not greater than six (6) feet in length.
- d. Occupy any seat or bench or enter into or loiter or remain in any pavilion or any other park structure or section thereof which may be reserved and designated by the Town Board for the use of the

opposite sex. Exception is made for children under six (6) years of age.

- e. Appear at any place in other than proper clothing.
  - f. Solicit alms or contributions for any purpose, whether public or private.
  - g. Build or attempt to build a fire, except in such areas and under such regulations as may be designated by the Town Board. No person shall chop, throw or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper or other flammable materials within any park or on any highways, roads or streets abutting or contiguous thereto.
  - h. Enter an area posted as closed to the public, nor shall any person use or abet in the use of any area in violation of posted notices.
  - i. Gamble, or participate in or abet any game of chance, except in such areas and under such regulations as may be designated by the Town Board.
  - j. Sleep or lounge protractedly on seat or benches or other areas or engage in loud boisterous, threatening, abusive, insulting or indecent language or engage in any disorderly conduct or behavior tending to breach the public peace.
  - k. Fail to produce and exhibit any permit from the Town Board he claims to have, upon request of any authorized person who shall desire to inspect the same for the purpose of enforcing compliance with any ordinance or rule.
  - l. Disturb or interfere unreasonably with any person or party occupying any area or participating in any activity under the authority and regulation of the Town Board.
  - m. Expose or offer for sale any article or thing, nor shall one station or place any stand, cart or vehicle for the transportation, sale or display of any such article or thing. Exception is here made as to any person acting by and under the authority and regulation of the Town Board.
  - n. Paste, glue, tack or otherwise post any sign, placard, advertisement or inscription whatever, nor shall any person erect or cause to be erected any sign whatever on any public lands or highways or roads adjacent to a park.
3. The following additional requirements shall apply to the use by any person

of the Town of North East Pier:

- a. The Town of North East shall not be liable for the care or protection of any boat or vessel, including any gear, equipment, contents or other property which is docked or otherwise located at the Town of North East Pier. The Town of North East shall not be liable for any loss or damage to any boat or vessel, including but limited to any loss or damage to any gear, equipment, contents or any other property which is located or docked at the Town of North East Pier. The Town of North East shall not be liable for any injury to any person or persons or death to any person or persons as a result of the use in any manner of the Town of North East Pier.
- b. Boat owners are responsible for damages to dock structures and pilings caused by their vessel.
- c. No charcoal, open fires or gas BBQ are allowed to be used on North East Town Pier or on boats while moored to the pier.
- d. Swimming and diving shall not be permitted from the pier or boat moored to the pier.
- e. Biking, skateboarding or roller blading are not permitted on docks.
- f. Small children should wear lifejackets and be supervised at all times while on the dock or finger piers.
- g. Noise shall be kept to a minimum at all times.
- h. Abusive language is strictly prohibited.
- i. Absolutely no sewage shall be unlawfully discharged into the harbor.
- j. No washing, cleaning or repairs of any boat shall be allowed at any time.
- k. No laundry shall be hung from boats, docks or finger piers.
- l. Pets shall be leashed at all times. Owners are required to clean up after their pet.
- m. Docking is permitted from dawn to dusk. No overnight docking is permitted.
- n. No person shall consume an alcoholic beverage or possess an open container of alcoholic beverage on the Town of North East Pier.

- o. Docking will be permitted on a first come/first serve basis.No reservations will be taken.
- p. No person shall fuel any boat or vessel secured to or adjacent or near the Town of North East Pier with any petroleum product from a tank, wagon, truck, or other vehicle.
- q. No person shall sell or offer for sale tickets for transportation upon any boat or vessel of any kind whatsoever from the Town of North East Pier.

*Enacted 03/01/16 by Ordinance 2016-01-01*

Section 4-703. Violations and Penalties

*Effective 03/01/16 by Ordinance 2016-01-01; Repealed 05/31/16 and Reenacted as 4-705 by Ordinance 2016-04-02*

Section 4-703. Food Vendors

The Mayor and Commissioners of the Town of North East may adopt by Resolution policies, procedures, permits, and fees related to permitting food vendors within the North East Community Park. Vendors shall be provided with a designated area with which to operate their business from their mobile food vehicle and/or trailer or food cart. Food Vendors may park their motor vehicle and/or one trailer within the designated lease area. In addition to Article 7. Parks and Recreation Areas of this Chapter, Vendors shall also be subject to the provisions of Policies and Procedures – Vendors at the North East Community Park. Vendors shall be chosen through a bid process set forth by the Mayor and Commissioners.

*Enacted 05/31/16 by Ordinance 2016-04-02*

Section 4-704. Non-Motorized Vessel-Recreational Rental Vendors

The Mayor and Commissioners of the Town of North East may adopt by Resolution policies, procedures, permits and fees related to permitting Non-Motorized Vessel-Recreational Rental Vendors within the North East Community Park. For purposes of this Ordinance, a Non-Motorized Vessel-Recreational Rental Vendor shall be defined as any non-motorized vessel, bicycle, non-motorized mode of transportation or any other device that is not self-propelled and designed for recreational use. A Non-Motorized Vessel-Recreational Rental Vendor may include vessels which are manually propelled by paddles or oars such as canoes, kayaks, paddleboats, stand up paddle surfing, inflatable boats and rafts, row boats, and other types of manually propelled vessels; sailboats no greater than ten feet in length and/or kites or non-motorized bicycles.

Prohibited non-motorized vessels shall include scooters; surfboards, beach boogie boards, river boards; toy like blow up rafts, sailboards and kiteboards, wind surfing boards, inner tubes and other non-durable water toys and/or angler float tubes.

Non-Motorized Vessel-Recreational Rental Vendors shall be provided with a designated area for setting up their rentals. Vendor shall unload rentals in the designated area only, and shall park their motor vehicle(s) and/or trailer(s) in the designated parking area located within the North East Community Park. In addition to Article 7. Parks and Recreation Areas of this Chapter Vendors shall also be subject to the provisions of Policies and Procedures–Vendors at the North East Community Park. Vendors shall be chosen through a bid process set forth by the Mayor and Commissioners.

*Enacted 05/31/16 by Ordinance 2016-04-02*

Section 4-705. Violations and Penalties

It shall be considered a municipal infraction for any person violating any of the provisions of this ordinance or any rule or regulation promulgated pursuant hereto shall, upon conviction, be subject to the replacement, repair or restoration of any damaged park property and shall be subject to a fine not exceeding two hundred dollars (\$200) and, in default of payment thereof, may be sentenced to imprisonment, in the discretion of the Court, for a term not exceeding ninety (90) days.

*Enacted 05/31/16 by Ordinance 2016-04-02*

**Article 8. Weapons**

Section 4-801. Discharging of Firearms

1. Except as provided in subsection 2 of this section, it shall be unlawful for any person to shoot, fire or discharge any rifle, shotgun, pistol, revolver, air gun, BB gun, cannon, torpedo, squib or other dangerous weapon within the corporate limits of the Town of North East without a written permit from the Chief of Police.
2. This section does not prohibit sworn police officers or members of the national or State armed forces from discharging firearms in the exercise of their official duties or in the course of training at an approved firing range. This section further does not prohibit public displays of fireworks with appropriate safety precautions, supervised and sponsored by an approved organization or individual under a permit approved by the Town.

*Enacted 03/01/16 by Ordinance 2016-01-01*

Section 4-802. Violations and Penalties

Any violation of any provisions of this Article shall be guilty of a misdemeanor and shall be punished as provided in Article 2 and Article 3 of this Code.

*Enacted 03/01/16 by Ordinance 2016-01-01*

## **Article 9. Mutual Aid and Reciprocal Enforcement Agreements**

### Section 4-901. Authority

The Town shall have the authority to enter into mutual aid and reciprocal enforcement agreements with other police agencies in and outside of the State of Maryland. Such agreements shall enable Town police officers to enforce State law and the laws of such other jurisdiction(s) within the territory of such jurisdiction(s) with the protections/immunities granted by law to police officers and/or to allow the police officers of such other jurisdiction(s) to enforce the Town's Code and laws within the Town.

### Section 4-902. Procedures

All such agreements shall be entered into as follows:

1. Any mutual aid and/or reciprocal enforcement agreement with an indefinite duration or a duration of more than sixty (60) days must be approved by the Mayor and Commissioners of the Town of North East by Motion or Resolution after consultation with its Police Department, the Town Administrator or designee and the Town Attorney.
2. Any mutual aid and/or reciprocal enforcement agreement with a stated duration of sixty (60) days or less may be approved by the Mayor after consultation with the Police Department and the Town Attorney.

### Section 4-903. Required Terms

In accordance with Criminal Procedure Article §2-105(e)(2), Annotated Code of Maryland, every agreement shall provide the following:

1. Each party to the agreement must waive any and all claims it may have against the other parties to the agreement that may arise out of activities outside that party's respective jurisdiction; and
2. Each party shall indemnify and hold harmless the other parties to the agreement from all claims that are made by third parties for property damage or personal injury and that may arise out of the activities of the other parties to the agreement outside their respective jurisdictions under the agreement.

*Enacted 11/01/16 by Ordinance 2016-09-01*