

Introduced by: Councilmember Snipper

First Reading: October 25, 2010

Second Reading: November 29, 2010

Effective Date: November 30, 2010

CITY OF TAKOMA PARK, MARYLAND

ORDINANCE NO. 2010-49

(Amending the *Takoma Park Code* to provide for the repeal of obsolete Code provisions.)

WHEREAS, the City periodically reviews and amends the *Takoma Park Code* as needed to ensure that its laws are current and in the best interests of the community; and

WHEREAS, by this Ordinance, the Council is repealing obsolete and unenforced sections of Chapter 14.20, Morals and Conduct, of the *Takoma Park Code*.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND.

SECTION 1. Title 14, Health and Safety, of the *Takoma Park Code* is amended as follows:

Chapter 14.20. Morals and Conduct

SECTION 1. Title 14, Health and Safety, Chapter 14.20, Morals and Conduct, Article 1, Offenses Against Public Peace, Article 2, Offenses Against Public Morals, Article 3, Offenses Against Public Morals, Sections 14.20.130, 14.20.140, 14.20.150, 14.20.160, and Article 4, Offenses Against Public Welfare, of the *Takoma Park Code* are repealed as follows:

~~Article 1. Offenses Against Public Health~~

~~14.20.010 — Nuisances Specified.~~

~~The following are nuisances within the scope and meaning of this article:~~

- ~~A. Whatever is dangerous to life or health;~~
- ~~B. Whatever renders air or food or other drink unwholesome or unfit for the use of man;~~
- ~~C. Any odor or exhalations which are offensive to the inhabitants or dangerous to the public health;~~
- ~~D. Any accumulation of animal or vegetable matter, solid or liquid;~~
- ~~E. Any growth or rank vegetation which are dangerous or harmful to the neighborhood or are likely to become so. (Prior code § 8-1)~~

~~14.20.020 — Littering prohibited.~~

~~A. No person shall throw, cast, deposit, drop, scatter or leave or cause to be thrown, cast, laid, deposited, scattered or left upon any street, avenue, alley, highway, footway, sidewalk, parking~~

~~or other public place in the City any dirt, mud, ashes, gravel, tin cans, bottles and broken glass, offal, vegetable matter, garbage, trees, cinders, paper or refuse of any kind or any dead animal or putrescible matter of any sort, or kindle or set on fire any combustibles upon any paved sidewalk or roadway.~~

~~B. Earth and rubbish from excavations or building debris or material used in the construction of buildings may be placed or permitted to lie in the places aforesaid, as authorized by the building regulations of the County in which the property lies, or as may be authorized by permit previously obtained from the Inspector of Buildings.~~

~~C. A violation of this section is a Class C offense. (Prior code § 8-2)~~

14.20.030 — Prohibited discharge.

~~No person shall cast or throw, discharge or cause to flow or permit any action on or from premises under his or her control on or into any street, road, alley, ditch, gutter or public place within the limits of the City any refuse, offal, garbage, dead animals or fowls, decaying vegetable matter or organic waste substance of any kind, nor any slops, greasy or soapy water or other liquids or offensive matter liable to become a source of nuisance after exposure to the atmosphere. A violation of this section is a Class C offense. (Prior code § 8-3)~~

14.20.040 — Decaying matter, animal filth and excrement.

~~A. No person shall keep, collect, use or suffer to be in his or her house, cellar or premises any putrid or decaying animal or vegetable matter, nauseous liquids, stagnant water or other offensive matter.~~

~~B. No person shall keep any poultry or any birds or any animals of any description in such manner that the filth and stench therefrom shall become offensive to or annoy any neighbor or other person.~~

~~C. No person shall deposit or suffer to be deposited on his or her ground and premises any excrement or filth from vaults or privies, necessary house or water closets, nor any garbage, dead animals, fowls or fish or parts thereof.~~

~~D. A violation of this section is a Class C offense. (Prior code § 8-4)~~

14.20.050 — Deposit of privy or cesspool.

~~No person shall deposit or bury the contents of any privy, cesspool or reservoir or earth-closet nor the body of any dead animal without a special permit from the Council. A violation of this section is a Class B offense. (Prior code § 8-5)~~

14.20.060 — Abandoned refrigerators prohibited.

~~No person shall leave on any premises, other than in a dwelling house or in another structure ordinarily kept locked when it is not in the care of a responsible person, any refrigerator or other article having a door which is capable of being shut from the outside and not capable of being opened from the inside, unless the door has been removed or rendered incapable of being shut. A violation of this section is a Class B offense. (Prior code § 8-6)~~

14.20.070 — Regulations governing public convenience stations.

~~A. No person shall blow, spread or place any nasal or other bodily discharge or spit, urinate or defecate on the floors, walls, partitions, furniture, fittings or any portion of any public convenience station, or in any place in the station, except directly into the particular fixture provided for that purpose.~~

~~B. No person shall place any bottle, can, cloth, rag or metal, wood or stone substance in any of the plumbing fixtures in any convenience station.~~

~~C. A violation of this section is a Class B offense. (Prior code § 8-9)~~

~~Article 2. Offenses Against Public Morals.~~

14.20.080 — Obscene posters and placards.

~~No posters or placards shall be publicly displayed or exhibited which are lewd, indecent or vulgar or which pictorially represent the commission of or the attempt to commit any crime. A violation of this section is a Class C offense.~~

~~Article 3. Offenses Against Public Peace.~~

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14.20.130 — Public space use and limitations.

~~A. Occupation of public space beyond the extent permitted by law or regulation is prohibited.~~

~~B. The customary and necessary use of public space by the occupants of abutting property in handling goods in transit is permitted during business hours only. This permissible use shall not be construed to authorize an occupation of public space for storage purposes.~~

~~C. A violation of this section is a Class C offense. (Prior code § 8-19)~~

14.20.140 — Permit required for use of land for amusement purposes.

~~A. No vacant lot, temporary structure of any kind or lot or part lot appurtenant to any building in the congested area of the City shall be used or permitted by the owner or person in control thereof to be used for any kind of amusement, performance, singing, playing of musical or other instruments, dancing, preaching, exhorting or lecturing without first obtaining a permit therefor from the Clerk, which granting must be approved by the Mayor and Council.~~

~~B. No circus, carnival or rodeo, by whatever name called, shall be permitted except when located upon vacant property not less than one acre in extent. No circus, carnival or rodeo shall operate in the City for a period longer than 14 days in any one year.~~

~~C. No amusement of any kind under these regulations shall be permitted after 12:00 midnight or in a manner to disturb the peace and quiet of the neighborhood.~~

~~D. A violation of this section is a Class C offense. (Prior code § 8-20)~~

14.20.150 — Crowd control at theater or place of public amusement.

~~A. No person in control of any theater or place of public amusement shall permit crowds to gather in front thereof on any sidewalk or street or on any sidewalk or street in front of any adjacent or nearby place of business or dwelling, in a manner as:~~

- ~~1. To constitute a nuisance;~~
- ~~2. To render ingress or egress to and from any adjacent or nearby place of business or dwelling impossible or difficult;~~
- ~~3. To seriously impede or obstruct the passage of the public along the sidewalk or street in front of or near to any theater or place of public amusement.~~

~~B. A violation of this section is a Class C offense. (Prior code § 8-21)~~

14.20.160 — Permit for temporary barricade — Fee.

~~The Clerk shall issue a permit, in a fee amount of \$2.00, for the construction of a temporary fence, barricade or shelter on the public right of way for the protection of the public during construction or reconstruction of commercial buildings on or near the right of way line, upon the approval of the Chief Police Officer and the inspector of the Director of Public Works. These structures shall afford ample space for free passage of pedestrians. (Prior code § 8-22)~~

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Division 2. Prohibited Activities

14.20.190 — Throwing missiles prohibited.

~~No person shall within the City throw any stone or other missile in any street, avenue, alley, road or highway or open space or public square or enclosure; nor throw any stone or other missile from any place into any street, avenue or road or highway, alley, open space, public square or enclosure. A violation of this section is a Class C offense. (Prior code § 8-31)~~

14.20.200 — Construction near house of religious worship restrictions.

~~A. No work nor labor of any kind shall be permitted in the construction, erection or repair of any building in this City, within 500' of a church or regularly established house of religious worship during the regular period of morning worship.~~

~~B. In case of emergency or necessity, work may be permitted by the Mayor, Director of Public Works or Fire Chief.~~

~~C. A violation of this section is a Class C offense. (Prior code § 8-34)~~

14.20.210 — Begging on public space prohibited.

~~No person shall beg or solicit alms for any purpose on any public highway or on any public space in this City. A violation of this section is a Class C offense. (Prior code § 8-35)~~

14.20.220 — Ball playing in public areas.

~~A. No parent, or person responsible shall permit his or her child to play or utilize basketball hoops, goal nets or other temporary ball playing equipment on the streets, avenues, alleys or highways of the City between the hours of sunset and sunrise.~~

~~B. Failure to comply with the terms and conditions of this section is a Class C offense. (Prior code § 8-39)~~

**Article 4. Offenses Against Public Welfare
Division 1. Prohibited Activities**

14.20.230 — Use of rope to clear area — Permission to cross lines.

~~A. On occasions of fires, accidents, wrecks or wherever large numbers of persons collect on the public streets, alleys, highways or parkings, the Chief Police Officer or any officer acting for him or her may employ and use rope and attach the rope to any lamppost, tree, tree box or other available hold for the purpose of affording a clearing for the assistance of the police and other authorized persons engaged in preserving the peace, maintaining order and protecting life and property.~~

~~B. No person shall enter this space or interfere in any manner with the roping unless authorized by the officer in command in the emergency.~~

~~C. Bona fide representatives of the press and bona fide fire insurance adjusters and underwriters and any other persons as the Chief Police Officer may authorize to be within the space, and who have plainly exposed to view a press pass or fire pass shall be permitted within the lines established by the Police Department.~~

~~D. A violation of this section is a Class B offense. (Prior code § 8-41)~~

14.20.240 — Obstruction of sidewalk and parking area — Exception.

~~No person shall leave any hose or pipe on the sidewalk or parking area at any time, except when the hose or pipe is in actual use. A violation of this section is a Class C offense. (Prior code § 8-42)~~

14.20.250 — Obstructing sidewalks by unloading — Sawing wood.

~~A. No wood shall be sawed or split in or upon any public area.~~

~~B. No one shall place or leave for a longer period than 2 hours, either in or upon any public place, any wood, coal, cask, keg, crate, barrel or any goods, wares or merchandise, except as provided in other sections. In every case of any temporary use of sidewalk space for handling goods, a clear passageway for pedestrians must be left at least 10' wide on business streets and 6' wide on residence streets.~~

~~C. A violation of this section is a Class C offense. (Prior code § 8-45)~~

14.20.260 — Regulations governing unsightly articles.

~~A. The following regulations will govern unsightly articles in the public view:~~

~~1. No person shall expose publicly any article of clothing or other laundry for the purposes of drying or airing within 20' of any public sidewalk in this City unless the article is effectively screened from public view.~~

~~2. No person shall store or park an automobile or motor vehicle not having current license plates displayed thereon or any automobile parts or other unsightly article on any public or private property for more than 30 days consecutively, except in a garage or licensed commercial establishment or otherwise effectively screened from public view.~~

~~B. A violation of this section is a Class C offense. (Prior code § 8-46)~~

Division 2. Shopping Carts

14.20.270 — Abandoning carts prohibited.

~~No person shall abandon or suffer to be abandoned any shopping cart on any street, highway, sidewalk, alley, park or any other public space. A violation of this section is a Class C offense. (Prior code § 8-48)~~

14.20.280 — Abandoned carts—Procedure.

~~Any shopping cart left or abandoned on any public space is a public nuisance. The Director of Public Works is directed and empowered to remove or cause the removal to City property of any shopping cart found left or abandoned where it shall be held until redeemed, sold or otherwise disposed of as provided in Section 14.20.290. (Prior code § 8-49)~~

14.20.290 — Reclaiming carts—Sale.

~~Shopping carts removed by the City may be redeemed by the owner or agent thereof upon adequate proof of ownership upon the payment of the sum of \$10.00 to the City Treasurer. In the event that the cart is not redeemed within a period of 30 days from the date of impoundment, the City Treasurer shall offer the cart for sale at public auction. (Prior code § 8-50)~~

Division 3. Repeated Harassment and Stalking

14.20.300 — Definitions—Unlawful acts.

~~A. For purposes of this division:~~

~~1. "Course of conduct" means a persistent pattern of conduct, composed of 2 or more acts over a period of time, however short, that evidences a continuity of purpose.~~

~~2. "Credible threat" means an expressed or implied threat against the life of another person or to cause bodily injury to another person which is made with the intent and the apparent ability to carry out the threat so as to cause the person who is the target of the threat to reasonably fear for his or her safety or for the safety of another person or to suffer substantial emotional distress.~~

~~3. "Harass" means to engage in a knowing and willful course of conduct directed at a specific person which serves no legitimate purpose and which would seriously alarm, annoy or intimidate the person. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress.~~

~~4. "Stalk" means to engage in an intentional course of conduct directed at a specific person which serves no legitimate purpose and which would seriously alarm, annoy, intimidate or harass the person. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress.~~

~~5. This section does not apply to any peaceable activity intended to express political views or provide information to others.~~

~~B. Unlawful Acts. A person who willfully follows, stalks, harasses another person or who makes a credible threat against the person shall be guilty of a misdemeanor. (Prior code § 8-62)~~

~~**14.20.310 — Penalty.**~~

~~Each violation of this division shall be a Class A misdemeanor and, upon conviction, punishable by a fine not exceeding \$1,000.00 or imprisonment for not more than 6 months, or both, in the discretion of the court. (Prior code § 8-63)~~

SECTION 2. Effective Date.

This Ordinance shall be effective immediately upon adoption.

**ADOPTED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND,
THIS 29TH DAY OF NOVEMBER, 2010, BY ROLL-CALL VOTE AS FOLLOWS:**

AYE: Williams, Wright, Clay, Robinson, Seamens, Snipper, Schultz
NAY: None
ABSENT: None
ABSTAIN: None

EXPLANATORY NOTE

Additions to the existing language of the *Takoma Park Code* are shown by underlining.

~~Deletions~~ to the existing language of the *Takoma Park Code* are shown by ~~strikeout~~.

* * * * indicates language of the *Takoma Park Code* which is not reproduced in this Ordinance and which is not being changed.