

CHAPTER 18 OFFENSES - MISCELLANEOUS

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Sec. 18-1. Congregating so as to obstruct free passage.

It shall be unlawful for any person or persons to congregate or assemble so as to obstruct or hinder the free passage of any person or persons upon the streets, lanes, or alleys or on any of the sidewalks or approaches thereto; or to obstruct or hinder the free passage of persons entering or exiting any public or private building within the limits of the town. (Ordinance 10 effective 1/1/1941)

Sec. 18-2. Defacing, disfiguring or injuring property.

It shall be unlawful for any person or persons to write upon, mark, cut or in any way deface, disfigure or injure any dwelling or building, wall, fence, tree or sidewalk, or any other property within the town or any property owned by the town. (Ordinance 11 effective 1/1/1941)

Sec. 18-3. Fortunetelling and similar practices.

It shall be unlawful for any person, firm or corporation to engage in the commercial practice of palmistry, fortunetelling, phrenology and astrology within the limits of the town. (Ordinance 11 effective 1/1/1941)

Sec. 18-4. Halloween regulations.

(a) It shall be unlawful for any person over twelve years of age to appear in or upon any of the streets, highways, alleys, public parks or other public places in the town in any mask or disguise whereby the identity of such person is concealed. Violations of this subsection (a) shall be a misdemeanor or any persons convicted of violating this subsection shall be subject to imprisonment and/or fine as specified in Section 1.8. (Ordinance 136 effective 3/20/1987, historical reference 59, 127)

(b) It shall be unlawful for any person to appear on the streets, highways, alleys, public parks, public homes, private homes or public places in the town to make trick or treat visitations, provided that this section shall not apply to children twelve years of age or younger on Halloween night prior to 8:00 P.M. Violation of this subsection (b) shall be a municipal infraction and any person convicted of violating this subsection shall be subject to the civil penalties provided for in Section 1-8. (Ordinance 149 effective 1/11/1988, historical reference 59, 127, 136)

Sec. 18-5. Hospital area regulations.

(a) Boundaries. A "hospital zone" is hereby created and is bounded by Washington Street from Vine Street southward to Earle Avenue, and Brookletts Avenue from Washington Street eastward to Harrison Street.

(b) Posting notice of hospital zone. The chief of police is hereby authorized and empowered to have conspicuously placed, at the outer limits of said zone, or at such point within the limits as in deemed proper by the Emergency Hospital Board of Directors, a sign of ample dimensions to be easily read and containing the words "HOSPITAL ZONE - UNNECESSARY NOISES PROHIBITED."

(c) Unnecessary noise prohibited. Within the hospital zone it shall be unlawful for any pedestrian, resident, vendor, driver, chauffeur or any other person, by himself or by the operation of the instrument, agency or vehicle, which he may have in hand or which he may be driving or controlling to make an unnecessary or unseemly noise, to the disturbance of any patient or person within such zone which noise could, by the exercise of reasonable care and forethought, be avoided.

(Ordinance 10 effective 1/1/1941)

Sec. 18-6. Obscene, dangerous show, movies and similar exhibitions.

(a) It shall be unlawful for any person or persons, whether as principal, lessee or lessees, owner or owners of any building used for such purposes within the corporate limits of the town to act, exhibit, display by picture (moving or otherwise,) show or perform, or cause to be acted, exhibited, displayed, shown or performed or be in any manner concerned with: (Ordinance 11 effective 1/1/1941)

1. Any play, opera, show, entertainment or performance whatsoever which is *obscene, as that term is judicially interpreted*, or in any way a menace to public safety. (Ordinance 11 effective 1/1/1941)

2. Any show or public exhibition by ropes, chains or apparatus or contrivance suspended at a dangerous elevation above the ground, on any street, alley or square or above a stage or floor within any building. (Ordinance 11 effective 1/1/1941)

(b) It shall be unlawful to give or undertake to give under any license issued any obscene exhibition, and giving or attempting to give such shall be sufficient cause for closing any show and no license fee shall be returned by reason of such closing. (Ordinance 9 effective 1/1/1941)

Sec. 18-7. Placing, posting or distributing circulars or advertising matter.

It shall be unlawful to place, post or distribute circulars or advertising matter in or on any vehicle parked within the corporate limits of the town and it shall be unlawful for anyone to distribute circulars or advertising material anywhere in the town in such manner as to permit it to blow about the neighborhood. (Ordinance 10 effective 1/1/1941)

Sec. 18-8. Throwing missiles.

It shall be unlawful for any person to throw any snowball, baseball, shell, rock, bat or other missile or shoot a sling shot, or arrow, on any of the streets, lanes or alleys of the town. (Ordinance 11 effective 1/1/1941)

Sec. 18-9. Required dress, upper torso, penalty.

(a) It shall be unlawful for any person, whether male or female, to appear upon the streets, sidewalks and highways, or in any public building of the Town of Easton unless he or she is wearing a shirt, blouse or similar article of wearing apparel designed to cover the upper torso of said person.

(b) The penalty for violation of this Section shall be ten (10) days in jail or a fine of not more than One Hundred Dollars (\$100.00).

(Ordinance 70 effective 7/7/1974)

Sec. 18-10. Consumption of alcohol and/or possession of alcoholic beverage in open container in certain places prohibited.

(A) A person may neither possess in an open container nor imbibe any alcoholic beverage while:

(1) On the mall, adjacent parking lot, or other outside area of any combination of privately owned retail establishments, commonly known as a shopping center, to which the general public is invited for business purposes, unless authorized by the owner of the establishments;

(2) On any adjacent parking lot, or other outside area of any other retail establishment, unless authorized by the owner of the establishment;

(Ordinance 106 effective 10/11/1982, historical reference 75)

(3) On any public way, street, alley, sidewalk, off-street parking lot, park or other publicly-owned area; provided that this prohibition shall not apply to a sidewalk café or its patrons as authorized by Section 10, Article I of this Code; (Ordinance 106 effective 10/11/1982 and Ordinance 474, effective 9/30/2004, historical reference 75)

(4) In any parked or moving vehicle, including any two-wheeled vehicle, located on any of the places enumerated in this Section, unless authorized by the owner of said place.

(B) Presumptions. In any trial of any person charged with the violation of this Section, it shall be presumed that any container, can or bottle contains the beverage indicated on the label of said container, can or bottle. The Defendant may rebut this presumption by credible evidence sufficient to persuade the trier of fact.

(C) Penalty. Any person who violates the provisions of this Section is guilty of a misdemeanor and, upon conviction, is subject to a fine not exceeding Five Hundred Dollars (\$500.00) and incarceration not exceeding ninety (90) days. (Ordinance 106 effective 10/11/1982, historical reference 75)

Sec. 18-10A. Bottle Clubs and Similar Establishments Prohibited.

(a) **Definitions.** For the purposes of this section:

(1) "Bottle Club" shall mean any establishment, place of business, private club which is open to the public generally or to its members and guests which, in return for payment or other compensation:

(i) Permits members, guests, customers or patrons to bring alcoholic beverages purchased elsewhere to the premises and consume the same on the premises;

(ii) Serves, sells, gives, or dispenses alcoholic beverages to its members, guests, customers or patrons;

(iii) Keeps any alcoholic beverages for its members, guests, customers or patrons; or

(iv) Allows members, guests, customers or patrons to consume alcoholic beverages on its premises if the members, guests, customers or patrons reserved, purchased, or brought the beverages to the premises from another location.

(2) The term "bottle club" shall not include a private home where any of the activities described in Subparagraph (1) occur without payment or other compensation to the person owning or possessing the premises.

(b) **Prohibition.** No person may own or operate a bottle club in the Town of Easton except pursuant to a license issued by the Talbot County Board of Liquor License Commissioners or other competent authority.

(c) Penalty. Notwithstanding the provisions of Section 1 - 8 of this Code, any person who violates the provisions of this Section is guilty of a misdemeanor and, upon conviction, is subject to a fine not exceeding Five Hundred Dollars (\$500.00) and incarceration not exceeding ninety (90) days. Each day of violation shall constitute a separate offense.

(Ordinance 408 effective 5/16/2000)

Sec. 18-11. Domestic animals prohibited in parks.

(A) It shall be unlawful for any person to cause a dog or other domesticated animal to enter upon any park or recreational area in the town, whether or not the dog or other domesticated animal is restrained by a leash or other device.

(B) A violation of the provisions of this section shall be a municipal infraction, and shall carry a fine of Ten Dollars (\$10.00), plus court costs, for a first offense, and Twenty Dollars (\$20.00), plus court costs, for a second or subsequent offense.

(C) At least ten days before the effective date of this Ordinance, the Director of the Easton Parks and Recreation Department shall post conspicuous notices in Idlewild Park informing the public that dogs and other pets are prohibited therein.

(Ordinance 113 effective 8/22/1983)

Sec. 18-12. Removal of parking tickets prohibited.

(A) It shall be unlawful for any person to remove a parking ticket duly issued to another person from a motor vehicle within the town and to dispose of same in such a way as to make it impossible for the owner or operator of the vehicle to locate the ticket within reasonable effort. It shall also be unlawful for any person to destroy or render illegible a duly issued parking ticket duly issued to another person on any motor vehicle within the town.

(B) Penalties. Any person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, is subject to a fine not exceeding One Hundred Dollars (\$100.00) and incarceration not exceeding ten days.

(Ordinance 118 effective 8/20/1984)

Sec. 18-13. Urination and/or defecation prohibited on public or private property.

(A) It shall be unlawful for any person to urinate and/or defecate on public or private property in the town unless these acts are performed into a toilet or other device designed and intended for the receipt or disposal of these wastes.

(B) Penalty. Violations of this section are declared to be municipal infractions. Upon conviction, a person found to have violated this section shall be fined \$25 for the first offense and \$50 for each subsequent offense.

(Ordinance 122 effective 11/26/1984)

Sec. 18-14. Prohibited activities in parks.

(A) It shall be unlawful for any person to enter or remain upon any park or recreational area within the Town, either on foot or in a vehicle, at any time between dusk and dawn or after the posted hours of operation as designated by the park or recreation area.

(B) It shall be unlawful for any person to remain in any Town park or recreation area after having been requested to leave said park or recreation area by a law enforcement officer.

(C) A violation of the provisions of this section shall be a municipal infraction and shall have the penalty specified in Section 1-8 of the Town Code.
(Ordinance 350, effective 11/19/1996)

Editor's Note [Ordinance 360 effective 9/8/1997 "An ordinance of the Town of Easton prohibiting the driver of a motor vehicle from operating, or permitting the operation of a sound amplification system in a certain manner under certain conditions and specifying a civil penalty for violation" was superseded by State Law effective October 1, 1997.]

Sec. 18-15. BB Guns and Pellet Guns

(A) **Definitions.** For the purposes of this Section, the following terms shall have the meanings indicated:

"BB Gun": a device, whether or not shaped like a pistol or a rifle, which propels a ball bearing, pellet or other projectile by means of manually compressed air or a spring or other mechanical action.

"Pellet Gun": a device, whether or not shaped like a pistol or rifle, which propels a ball bearing, pellet or other projectile by means of compressed air or other gas.

"Public Place": any place in the Town of Easton which is either owned by a government agency or which is generally accessible to members of the public or a substantial portion of the public. Public places include, but are not limited to: streets, alleys, government-owned parking lots, parks, schools, the common areas and limited common areas of condominiums, exterior shopping center sidewalks, walkways, driveways and the exterior sidewalks, parking areas and driveways of commercial businesses.

(B) **Discharge, Carrying and Possession of Loaded BB Guns and Air Guns Prohibited in Public Places.** It shall be unlawful for any person to discharge a BB gun or a pellet gun in any public place within the Town of Easton or to carry or possess a loaded BB gun or a pellet gun in any public place in the Town of Easton. For the purposes of this section 18-15, a BB gun or pellet gun shall be "loaded" when it contains ball bearings, pellets or other projectiles regardless of whether the gun is charged with air or other propellant gas. For the purpose of this Section 18-015, a person possesses a pellet gun or a BB gun when

(1) the person has such a device on his or her person or in his backpack, satchel or bag or

(2) such a device is located in the passenger compartment or glove compartment of a motor vehicle in which the person is a driver.

(C) **Penalty.** Any person who violates the terms of this Section 18-15 shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of up to \$1,000 and imprisonment of up to six (6) months.
(Ordinance 362 effective 12/7/1997)

Sec. 18-16 Aggressive Solicitation and Penalties for Violation of Such

(A) **Definitions.** For purposes of this Section:

(1) *Solicit* means to request an immediate donation of money or other thing of value from another person, regardless of the solicitor's purpose or intended use of the money or other thing of value. The solicitation may be, without limitation, by the spoken, written, or printed work, or by other means of communication.

(2) *Aggressive manner* means and includes:

(a) Intentionally or recklessly making any physical contact with or touching another person in the course of solicitation without the person's consent;

(b) Following the person being solicited, if that conduct is: (i) intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or (ii) is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;

(c) Continuing to solicit within five (5) feet of the person being solicited after the person has made a negative response, if continuing the solicitation is: (i) intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or (ii) is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;

(d) Intentionally or recklessly blocking the safe or free passage of the person being solicited or requiring the person, or the driver of the vehicle, to take evasive action to avoid physical contact with the person making the solicitation;

(e) Intentionally or recklessly using obscene or abusive language or gestures: (i) intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or (ii) is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;

(f) Approaching the person being solicited in a manner that: (i) is intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or (ii) is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;

(3) *Automated teller machine* means a device linked to a financial institution's account records, which is able to carry out transactions, including, but not limited to: account transfers, deposits, cash withdrawals, balance inquiries, and mortgage and loan payments.

(4) *Automated teller machine facility* means the area comprised of one or more automatic teller machines, and any adjacent space which is made available to banking customers after regular banking hours.

(5) *Check cashing business* means any person duly licensed by the superintendent of banks to engage in the business of cashing checks, drafts, or money orders for consideration pursuant to the provisions of the banking laws.

(6) *Public area* means an area to which the public or a substantial group of persons has access and includes, but is not limited to, alleys, bridges, buildings, driveways, parking lots, parks, playgrounds, plazas, sidewalks, and streets open to the general public, and the doorways and entrances to buildings and dwellings, and the grounds enclosing them including private property used by the public in general.

(B) Prohibited Acts. It shall be unlawful for any person to solicit money or other things of value, or to solicit the sale of goods or services:

(1) In any aggressive manner in a public area;

(2) Within fifteen (15) feet of any entrance or exit of any bank or check cashing businesses or within fifteen (15) feet of any automated teller machine during the hours of operation of such bank, automated teller machine or check cashing business without the consent of the owner or other person legally in possession of such facilities. Provided, however, that when an automated teller machine is located within an automated teller machine facility, such distance shall be measured from the entrance or exit of the automated teller machine facility;

(3) On private property if the owner, tenant, or lawful occupant has asked the person not to solicit on the property, or has posted a sign clearly indicating that solicitations are not welcome on the property; or

(4) From any operator of a motor vehicle that is in traffic on a public street, whether in exchange for cleaning the vehicle's windows, or for blocking, occupying, or reserving a public parking space; provided, however, that this paragraph shall not apply to services rendered in connection with emergency repairs requested by the operator or passengers of such vehicle.

(C) Penalties

(1) A violation of this Section may be punished by a fine not to exceed one hundred

(2) A violation of this Section may be punished by a fine not to exceed one hundred dollars (\$100) or by imprisonment for a term not to exceed thirty (30) days, or by both. If the person has been convicted of a violation of this Section within the previous period of one (1) year, the person shall be fined not more than two hundred and fifty dollars (\$250) or imprisoned for not more than ninety (90) days, or both.

(D) Construction and Severability

(1) Severability is intended throughout and within the provisions of the Section. If any section, sentence, clause, or phrase of this Section is held invalid or unconstitutional by a court of competent jurisdiction, then such judgment shall in no way affect or impair the validity of the remaining portions of this Section.

(2) This Section is not intended to prescribe any demand for payment for services rendered or goods delivered.

(3) This Section is not intended to create a result through enforcement that is absurd, impossible or unreasonable. The Section should be held inapplicable in any such cases where its application would be unconstitutional under the Constitution of the State of Maryland or the Constitution of the United States of America.

(Ordinance 391 effective 7/8/1999)

