

## CHAPTER 10

### PEACE AND ORDER

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#### **Section 10-101. Vehicles prohibited on sidewalks.**

It shall be unlawful for any person to ride any automobile, bicycle, or any vehicle of any kind on any of the sidewalks of the City of Mount Rainier.

#### **Section 10-102. Vehicles prohibited on the streets and sidewalks.**

It shall be unlawful for any person to ride any skateboard, trail bikes, minibikes, or any other such vehicle on the streets or sidewalks in the City of Mount Rainier.

#### **Section 10-103. Bicycle safety.**

- A. It shall be unlawful for any person riding a bicycle on the street of Mount Rainier to take any person on the same bicycle at the same time.
- B. No bicycle shall be allowed on the streets of the city at nighttime without a white light on the front which is visible for at least two hundred (200) feet, and a red light or reflector on the

rear which is plainly visible.

**Section 10-104. Destruction of public property prohibited.**

It shall be unlawful for any person without authority so to do, to destroy, injure, mutilate, deface, remove or otherwise interfere with any property of the City of Mount Rainier, or to interfere in any way with any of the sewers or drains in the city or to cut or mutilate any of the shade trees in the park or along the streets.

**Section 10-105. Unlawful to interfere with performance of official duties.**

It shall be unlawful for any person to resist or to interfere with any officer of the city in the legal discharge of his duties.

**Section 10-106. Discharge of firearms illegal.**

It shall be unlawful for any person other than an officer in the line of duty or a person in the necessary defense of his life or property, to discharge any firearm of any kind, or any air rifle, within the city; nor shall any person other than a law enforcement officer have in his or her possession while in the streets of the city any revolver, pistol, blackjack, brass knuckles, razor or other dangerous weapon, except guns used for the hunting of game.

**Section 10-107. Unlawful to throw any object in any way likely to do harm or injury.**

It shall be unlawful for any person to throw any stone, fireworks, or other missile of any kind in the City of Mount Rainier in any way that is likely to do harm or injury to any person or property, or in such a manner as to cause reasonable apprehension of such harm or injury. No glass, nails, tacks, or other articles shall be thrown or broken in the streets which would be injurious to automobile tires of other vehicle, or properties.

**Section 10-108. Unlawful to disturb the peace.**

It shall be unlawful for any person to disturb the peace and quiet of the neighborhood by loud and unseemly noise, by fighting, by using profane or vulgar language, by making rude or insulting remarks, by being drunk or by being disorderly; nor shall any person disturb any religious worship or any public meeting.

**Section 10-109. Authorization for coin-operated game machines.**

Notwithstanding the provisions of the preceding or following section, it shall be lawful for any person, firm or corporation to keep, expose and maintain in any regular licensed establishment in the City of Mount Rainier, coin-operated game machines including, but not limited to pinball machines, console machines and video machines for the use and entertainment of persons over sixteen (16) years of age.

**Section 10-110. Minimum age for operation of coin-operated game machines.**

No person shall permit a boy or girl under the age of sixteen (16) years old to play a pinball machine in his/her place of business, and the failure to prohibit such playing by minors shall be sufficient cause for the city to revoke the license issued for the machine or machines. Each machine shall have a sticker or sign easily visible, warning minors under sixteen (16) years of age that they are not permitted to play the machines.

**Section 10-111. Restrictions on coin-operated game machines.**

It shall be unlawful for any person, firm or corporation to "pay off" or to purchase in any manner or by any means the advance plays or free plays or free plays won by any person on the machines hereinbefore described, nor shall a total of more than three (3) machines of the type mentioned be maintained in any one (1) store or establishment at the same time.

**Section 10-112. Unobstructed view into certain business establishments.**

It shall be unlawful for any person to operate a poolroom, billiard house, bowling alley or similar place in the city without having made provisions for an unobstructed view of the interior of such establishment from the street or sidewalk from a point approximately parallel on the outside and in front of such establishment. It is provided further that this section shall also apply to all such places not conducted on the first floor of a building.

**Section 10-113. Minimum age for entry into a pool hall.**

It shall be unlawful for any person, firm or corporation which conducts a public pool hall or billiard parlor in the City of Mount Rainier, to allow or permit any person under the age of sixteen (16) to enter or remain upon any portion of the premises in which there is conducted a public pool hall or billiard parlor unless such person is in the immediate company of at least one (1) of his parents or of his legal guardian.

**Section 10-114. Activities prohibited at certain hours.**

It shall be unlawful for any person to operate or conduct any public dance or poolroom or bowling alley between the hours of 2:00 a.m. and 8:00 a.m., or at any time on Sundays, except between the hours of 2:00 p.m. and midnight.

**Section 10-115. Open burning prohibited.**

It shall be unlawful for any person to burn any paper, trash, or other combustible material on any of the streets or public places in the City of Mount Rainier; nor shall any fires or burning be permitted within the city.

**Section 10-116. Blocking of streets and sidewalks prohibited.**

It shall be unlawful for any person to place or leave any merchandise or other article upon any street or sidewalk in the city so as to interfere with the full and free use of any part of such street or sidewalk by the public, except:

- A. temporarily while in the course of delivery or removal when it is reasonably necessary; or
- B. for the display on the sidewalk of merchandise items if done during regular hours of business and if placed directly adjacent to the facade of the commercial establishment abutting the sidewalk so as not to interfere with normal pedestrian traffic and only after the commercial establishment has secured a permit therefore from the Mayor and City Council.

The Mayor and City Council shall be authorized to grant permits for the display of merchandise items on a public sidewalk only after the commercial establishment has made an application for such a permit. All applications for permits shall state the character of the items to be placed thereupon.

**Section 10-117. Repealed.**

(Ord. 5-98, 2/3/98)

**Section 10-118. Drinking of alcoholic beverages on a public right-of-way prohibited.**

- A. It shall be unlawful for any person to drink alcoholic beverages from a bottle, can or other container on public property and areas generally used by the public.
- B. The definition of "public property" includes any building, ground, park, street, highway, alley, sidewalk, road or parking area located within the city.
- C. It shall be unlawful for any person to drink and to possess any alcoholic beverage in an open container while:
  - 1. On public property unless authorized by the government entity that has jurisdiction over the property.
  - 2. In any parking area or other outside area or any combination of privately owned retail establishments, like a shopping center, where the general public is invited for business purposes.
  - 3. In any vehicle located on any of the places enumerated in this section.

**Section 10-119. Drinking of alcoholic beverages in certain public places prohibited.**

No person shall drink alcoholic beverages in any restaurant, hotel, eating house or any other public house, except in those places of business for which an "on sale" license has been issued by the board of license commission of Prince Georges County. It shall be unlawful for the owner,

proprietor, or manager of any unlicensed place to permit the drinking of alcoholic beverages, or fail to prevent the same in any restaurant, hotel, eating house or other public place within the City of Mount Rainier.

**Section 10-120. Remuneration for fortune-telling prohibited.**

It shall be unlawful for any person to demand or accept any remuneration or gratuity for forecasting or foretelling the future or for pretending to forecast or foretell the future by cards, palm reading, or any other scheme, practice or device, or to practice phrenology within the corporate limits of the city.

**Section 10-121. Noise.**

**A. Definitions.**

1. "Daytime" means the hours from 8:00 a.m. to 8:00 p.m. from Sunday through Friday and 8:00 a.m. to 10:00 p.m. on Saturday.
2. "Nighttime" means the hours from 8:00 p.m. to 8:00 a.m. from Sunday through Friday and 10:00 p.m. on Saturday to 8:00 a.m. on Sunday.
3. "Noise" means any sound occurring on a continuous, intermittent, or impulsive basis. It also means the intensity, frequency, duration and character of sound, including sound and vibration of sub audible frequencies.
4. "Unreasonable noise" shall mean excessive or unusually loud noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the city limits. Noise that can be heard more than 50 feet from its source is presumed excessive or unusually loud for purposes of this section except as otherwise provided.
5. "Impulsive noise" means a burst of non-mechanical sound not exceeding ten (10) seconds in duration. Examples are laughter, coughing, exclamations, or a dog's bark.
6. "Continuous" means any noise constantly audible for at least five (5) minutes, examples being burglar alarms, engines, and loud machinery.
7. "Intermittent" means any noise with a sound level that varies to the human ear but is audible for more than a period often (10) seconds. Examples are music, radios, conversations, and barking dogs.
8. "Persists on an intermittent basis" means intermittent noise recurring for a period exceeding five (5) minutes.

**B. Nighttime Noise.** During nighttime hours, unreasonable noise is a public nuisance and is prohibited. If the noise occurs on a continuous or intermittent basis and is audible more than fifty

(50) feet from the private property where such noise is occurring or more than fifty (50) feet from the noise source on public property, then there is a presumption that the noise is unreasonable and that a public nuisance exists. Location of sources of the sound or noise would include but is not limited to motor vehicles, pedestrians, garages, homes, public spaces, and commercial establishments. The following, among others, are declared to be unreasonable night-time noises, but said enumeration shall not be deemed exclusive, namely, noise from:

1. any alarm, bell, chime, horn, whistle, or similar device;
2. the loading or unloading of any vehicle or trash receptacle;
3. motor vehicles that are operated in such a manner as to create loud and unnecessary grating, grinding, rattling, or other noise;
4. the operation or use of any tool or equipment, including but not limited to construction equipment, lawnmowers, power tools, hammers, drills, and generators;
5. the warming or idling of motor vehicles--including but not limited to motorcycles, buses, trucks--and the unreasonable or repeated idling, acceleration and deceleration of such vehicle;
6. yelling, shouting, hooting, whistling or singing;
7. Amplified noise, including vibrations of sub audible frequencies;
8. animal noises persisting on an intermittent basis; and
9. any device for killing, trapping, attracting or repelling insects or other pests.

**C. Daytime Noise.** During daytime hours, the following noises are unreasonable and persons shall not cause nor allow on their property such noises if the noise occurs on a continuous or intermittent basis and is audible more than fifty (50) feet from the private property where such noise is occurring or more than fifty (50) feet from the noise source on public property:

1. noise from using, operating, or permitting to be played or operated any device that is designed to electronically amplify sound or that produces sound and vibrations of sub `audible frequencies. Such devices would include but are not limited to stereos, cd players, televisions, radios, and microphones. Locations of such devices includes but is not limited to homes, motor vehicles, pedestrians, public spaces, and commercial establishments.
2. noise from motor vehicle horns used for other than a warning.
3. animal noises, especially but not limited to barking dogs, that persist on an intermittent basis.

**D. Exceptions**

1. Subsections B. and C. shall not apply:
  - a. To any sound resulting from the emergency operations by fire and rescue services, police agencies or public utilities and their contractors;
  - b. To any sound resulting from the operations of an instrumentality of the Federal, State, or County government, or of a municipality;
  - c. To a sound resulting from the operation of aircraft or train;
  - d. To motor vehicle horns and warning devices used to warn of an emergency or danger, but not excepting motor vehicle anti-theft devices or alarms;
  - e. To alarms in buildings if the sound ceases within twenty (20) minutes; or
  - f. To impulsive noise from non-mechanical sources.
2. Subsection B., Nighttime Noise, shall not apply to celebratory noise on New Year's Eve (Dec 31) and from midnight to 2:00 a.m. on New Year's Day (Jan 1).
3. Subsection C., "Daytime Noise", shall not apply:
  - a. To any vendor or outdoor event with a permit per Section 7-106;
  - b. To the use of bells or chimes to signal religious activities at a place of worship that has a valid city occupancy permit per Sec. 7-105;
  - c. To public address systems and noise associated with swimming pools, playgrounds, schools, and ballfields;
  - d. To noise that is not audible beyond 200 feet from its source on Mother's Day, Father's Day, Independence Day (July 4), Memorial Day, Labor Day; New Year' s Eve (Dec. 31 ), and New Year' s Day (Jan. 1 ).
  - e. To noise produced in and not audible fifty (50) feet from the Mixed Use Town Center Zone and commercially zoned areas of the City;
  - f. To municipal and commercial trash collection vehicles during the hour of 7:00 a.m. to 8:00 a.m.
4. Owners or operators of residential multi-family dwellings may enforce more restrictive noise regulations on their own properties.

**E. Noise Permits, permit fee.**

1. The City Manager or his/her designee, is authorized to issue a permit to exceed the noise provisions of this section. Any resident, property owner, or business owner may secure for a specific address or location a maximum of 4 variances per year from these restrictions. Permits shall specify places, dates and hours of the permitted activities and may impose terms and conditions appropriate to reduce the impact of the noise variance. No permit shall be granted for nighttime hours. Permits are valid for a specified five (5) hour period. Only one (1) permit shall be issued to a property in a thirty (30) day period.
2. A noise permit allows noise to be heard up to two hundred (200) feet from its source. If the noise can be heard further than two hundred (200) feet from the source, the noise permit is void. A Mount Rainier police officer or Code Enforcement Officer has the authority to revoke or impose restrictions on a noise permit if, in his or her judgment, the provisions of the City noise restrictions are being violated.
3. Permits for residential properties shall cost five dollars (\$5) and be available for inspection during the event.
4. Permits for non-residential property shall be posted so as to be visible to the public prior to and during the event; a fee of twenty-five dollars (\$25) shall accompany applications for such permits.
5. Permits issued to a person residing in a residential property within the City's mixed use town center zone for an event to take place at that residential property cost five dollars (\$5). All other permits issued in the mixed use town center zone cost twenty-five (\$25).
6. The City Manager or his/her designee is authorized to adopt and use such forms of applications and permits as may be reasonably required in the performance of his/her duties and enforcement of this section.
7. The Mayor and each council member shall be provided with a copy of every noise permit issued.

**F. Violation and penalties.**

1. Any person who produces or permits noise prohibited under this section is in violation of this section.
2. Violation of this section shall be deemed a municipal infraction, subject to the provisions of Chapter 16 and shall be punishable by a fine as specified in section 10-124.
3. Each fifteen (15) minute period that a violation continues after a warning order or citation by a police officer or code enforcement officer constitutes a separate offense. An officer may issue a warning or citation for an offense.

4. Whenever noise or sound is made, created or continued in violation of the provisions of this section and the property upon which or from which the sound is emanating has two (2) or more occupants, and it cannot be determined which occupant is the violator, the owner of the property if present shall be presumed to be responsible for the violation; in the absence of the owner of the property, the tenant, subtenant, licensee, invitee or guest then in control of the property shall be presumed to be responsible for the violation. If it is impossible to determine the person then in control of the property, it shall be presumed that the owner of the property is responsible and, if not present, all persons then on or in the property shall be ordered to disperse and leave the property and a failure to do so by any person shall itself be a municipal infraction punishable by a fine as specified in section 10-124.
5. In cases of mechanically produced noise, such as motors, alarms, or other equipment, the owner of the real or personal property that is the source of the sound shall be presumed to have knowledge of this sound and be held responsible.

(Ord. 10-2006, 06/06/06)

6. A property that has had a noise ordinance violation that resulted in a citation that was not overturned in court or voided, or resulted in revocation of a noise permit, is ineligible for another noise permit for 12 months from the citation or revocation.

(Ord. 09-2006, 06/06/2006)

**Section 10-122. Working on motor vehicles restricted.** It shall be unlawful for any person to perform mechanical or body work of any kind on any automobile, truck or other motor vehicle on private property in the City of Mount Rainier in a location which is visible from a street, sidewalk, or other public right-of-way, except in the following situations:

- A. Work being done on private property which is zoned or has a permit for such activity provided the owner of such property, or his agent, lessee, or employee, is engaged in a licensed business involving working on automobiles, trucks or other motor vehicles; or
- B. Work in the nature of maintenance or minor repairs to an automobile, truck or other motor vehicle of the owner or occupant of the property. For illustrative purposes only, examples of such work would include tune-up, oil change, tire change, and other small activities that do not totally disable the vehicle for more than a few hours.

(Ord. 6-98, 4/7/98)

**Section 123. Restriction on Posting of Signs and Notices on Public Property.** No person shall post, place or affix a sign or notice which advertises or provides notice of any commercial activity including but not limited to sales, rentals or solicitations on (i) any building or within the confines of any public park, recreation area or other landscaped grounds or public right-of-way owned or controlled by the City, (ii) any traffic control sign or device which directs or controls traffic or on the supporting post of such sign or device, (iii) any pole or equipment or other property, controlled by a public utility where the same is located on any public street, alleyway or public right-of-way.

However, religious, charitable, and institutional organizations which are located within the City and which have secured all necessary licenses as well as individuals and businesses legally residing in the City may post, place or affix signs or notices for non-recurring grand openings, community events, activities, elections or fund raisers provided that such do not block the view of a traffic control sign or are placed in such a manner as to create a hazard and provided that the event or activity is open to the general public and is properly permitted or registered with the City. Any such notices are subject to the following restrictions: the notice shall include the date of the event, and the phone number or address of the organization or person responsible for the event, and shall be posted no earlier than two weeks before the event and removed no later than three days after an event.

Any sign or notice allowed under this ordinance shall be maintained in good condition. If not maintained, such item must be removed and cannot be replaced without approval by the Mayor and Council.

Under no circumstances shall any sign or notice be affixed to trees, bushes or other natural landscaping elements in any public park, recreation area, tree box or other landscaped grounds owned or controlled by the City.

(Ord. 7-98, 6/16/98)

**Section 124. Penalty.** Any person, persons, firm, corporation, or stock company violating any of the sections 10-101 through 10-121 shall be issued a citation for a municipal infraction with a fine of seventy-five dollars (\$75.00) for each offense.

### **Section 10-125. Synthetic drugs.**

#### A. Definitions:

*Cannabimimetic agent* means any substance that is a cannabinoid receptor type 1 (CB<sub>1</sub> receptor) agonist as demonstrated by binding studies and functional assays within the structural classes identified below:

2-(3-hydroxycyclohexyl)phenol with substitution at the 5-position of the phenolic ring by alkyl or alkenyl, whether or not substituted on the cyclohexyl ring to any extent.

3-(1-naphthoyl)indole or 3-(1-naphthyl)indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the naphthoyl or naphthyl ring to any extent.

3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the naphthoyl ring to any extent.

1-(1-naphthylmethyl)indene by substitution of the 3-position of the indene ring, whether or not further substituted in the indene ring to any extent, whether or not substituted on the

naphthyl ring to any extent.

3-phenylacetylindole or 3-benzoylindole by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the phenyl ring to any extent.

*Hallucinogenic chemical substance* means any product or substance that contains one or more of the following chemical compounds:

5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP-47,497)

5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (cannabicyclohexanol or CP-44, 497 C8-homolog)

1-pentyl-3-(1-naphthoyl)indole (JWH-018 and AM678)

1-butyl-3-(1-naphthoyl)indole (JWH-073)

1-hexyl-3-(1-naphthoyl)indole (JWH-019)

1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200)

1-pentyl-3-(2-methoxyphenylacetyl)indole (JWH-250)

1-pentyl-3-[1-(4-methoxynaphthoyl)]indole (JWH-081)

1-pentyl-3-(4-methyl-1-naphthoyl)indole (JWH-122)

1-pentyl-3-(4-chloro-1-naphthoyl)indole (JWH-398)

1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM2201)

1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM694)

1-pentyl-3-[(4-methoxy)-benzoyl]indole (SR-19 and RCS-4)

1-cyclohexylethyl-3-(2-methoxyphenylacetyl)indole (SR-18 and RCS-8)

1-pentyl-3-(2-chlorophenylacetyl)indole (JWH-203)

*Prohibited substance* means salvia, a cannabimimetic agent, or a hallucinogenic chemical substance.

*Salvia* means a material, compound, mixture or preparation in any form that contains the component salvinorin A, and is known variously as Salvia, Salvia Divinorum, Ska Pastora, Diviner's Mint, Sally-D, Lady Salvia or any other name.

*Salvia paraphernalia* means equipment, a product, or material that is used, intended for use, or designed for use, in: (i) planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, or concealing salvia; or (ii) injecting, ingesting, inhaling or otherwise introducing salvia into the human body, as defined and set forth in § 5-101 Criminal Law Article, Md Code Ann., pursuant to the factors set forth in § 5-619 of said Criminal Law Article.

*Synthetic drug paraphernalia* means equipment that is used, intended for use, or is designed for use in: (i) manufacturing, compounding, converting, producing, preparing, testing, analyzing, packaging, repackaging, storing, containing, or concealing a cannabimimetic agent or hallucinogenic chemical substance; or (ii) injecting, ingesting, inhaling, or otherwise introducing a cannabimimetic agent or hallucinogenic chemical substance into the human body as defined in Md. Code Ann., Criminal Law Art., § 5-101, pursuant to the factors set forth in Md. Code Ann., Criminal Law Art., § 5-619.

B. Prohibited acts.

A person may not:

1. possess or administer to another a prohibited substance;
2. manufacture, distribute, or dispense a prohibited substance;
3. distribute or attempt to distribute a non-prohibited substance: (i) that the person represents is a prohibited substance; (ii) that the person intends for use or distribution as a prohibited substance; or (iii) knowing, or under circumstances where one reasonably should know, that the non-controlled substance will be used or distributed for use as a prohibited substance;
4. possess or purchase a non-controlled substance that the person believes is a prohibited substance;
5. use or possess with intent to use salvia paraphernalia or synthetic drug paraphernalia;
6. offer for sale, deliver, sell or distribute salvia paraphernalia or synthetic drug paraphernalia;
7. own, rent or otherwise utilize a store, dwelling, building or other facility for: (i) the purpose of administering, selling, displaying, distributing, possessing, or dispensing a prohibited substance; or (ii) manufacturing, distributing, dispensing, storing or concealing salvia paraphernalia or synthetic drug paraphernalia; or

8. offer for sale, deliver, sell, or distribute any product that contains a synthetic drug or is chemically enhanced, by whatever name called, without having appended thereto a list of ingredients and chemical compounds.

C. Violations and penalties.

A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment for up to six months or a fine of up to \$1,000.00 or both.