

ORDINANCE
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK, TO
AMEND CHAPTER 148, “PEACE AND GOOD ORDER”, BY RENAMING THE
CHAPTER, REPEALING AND RE-ENACTING §148-1, “UNLAWFUL ACTS”,
ENACTING §148-2, “ADOPTION OF RULES AND REGULATIONS FOR CITY
RECREATIONAL FACILITIES”, REPEALING, RE-ENACTING, RENAMING AND
RENUMBERING §148-2, “VIOLATIONS AND PENALTIES; INTIMIDATING
OR IMPEDING CITYEMPLOYEES; AND TO AMEND CHAPTER 110, “FEES
AND PENALTIES”, BY REPEALING AND RE-ENACTING §110-12“PENALTIES”,
TO DELETE A NUMBER OF THE PROVISIONS THAT HAVE BEEN
INCLUDED IN OTHER CITY ORDINANCES OR ARE BETTER ENFORCED
AT THE STATE OR COUNTY LEVEL, TO AUTHORIZE THE ADOPTION OF
CERTAIN RULES AND REGULATIONS FOR USE OF CITY
RECREATIONAL FACILITIES BY COUNCIL RESOLUTION, AND TO SET A
FINE FOR NON-COMPLIANCE.

WHEREAS, §5-202 of the Local Government Article of the Annotated Code of Maryland provides that the Mayor and Council of the City of College Park have the authority to pass such ordinances as it deems necessary to preserve peace and good order, and to protect the health, comfort and convenience of the residents of the municipality; and

WHEREAS, the Mayor and Council adopted Chapter 148, “Peace and Good Order” to prohibit certain activities within the City; and

WHEREAS, a number of the prohibitions have been included in other City ordinances or are better enforced at the State or County level; and

WHEREAS, the Department of Public Services and the Department of Public Works have recommended that the Mayor and Council authorize the adoption of certain rules and regulations for use of City parks, playgrounds and other recreational facilities, including fields, by resolution, and to set a fine for non-compliance; and

CAPS	: Indicate matter added to existing law.
[Brackets]	: Indicate matter deleted from law.
Asterisks * * *	: Indicate matter remaining unchanged in existing law but not set forth in Ordinance
CAPS	: Indicate matter added in amendment
[Brackets]	: Indicate matter deleted in amendment

WHEREAS, the Mayor and Council have determined that it is in the public interest to adopt the recommendations of the Department of Public Services and the Department of Public Works to authorize the adoption of certain rules and regulations for use of City recreational facilities, including parks, playgrounds, fields, and associated buildings by Council resolution, and to set a fine for non-compliance; and

WHEREAS, the Mayor and Council have determined that it is in the public interest to revise Chapter 148, Peace and Good Order, to delete provisions that are have been included in other City ordinances or are better enforced at the State or County level.

Section 1. NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park that Chapter 148, “Peace and Good Order”, be and it is hereby renamed as Chapter 148, “Peace and Good Order; REGULATION OF CITY RECREATIONAL FACILITIES”.

Section 2. BE IT FURTHER ENACTED, by the Mayor and Council of the City of College Park that Chapter 148, “Peace and Good Order”, §148-1, Unlawful acts”, be and it is hereby repealed, re-enacted and amended to read as follows:

§ 148-1. Unlawful acts.

- A. Destruction of property. ~~[It shall be unlawful for any]~~ NO person, without lawful authority so to do, ~~[tø]~~ MAY destroy, injure, mutilate, deface, remove or otherwise interfere with any property of the City of College Park.
- B. ~~[Missile propulsion. It shall be unlawful for any person to throw any stone, firework or other missile of any kind in the City of College Park 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.]~~
- C. ~~Disturbance of the peace. It shall be unlawful for any person to disturb the peace~~

~~and quiet of the neighborhood by loud and unseemly noises, 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.~~

- ~~D. Use of noise-producing instruments. It shall be unlawful for any person or persons owning or possessing a radio or other noise-producing instrument or device, musical or otherwise, upon their premises to operate the same or permit others to operate the same in such noisy or continuous manner as to cause unreasonable annoyance and disturbance to others living or located nearby.~~
- ~~E. Drinking and writing. It shall be unlawful for any person to drink any alcoholic beverage on any street within the City of College Park or to exhibit any obscene writing or picture to any minor within the City.~~
- ~~F. Begging or soliciting. It shall be unlawful for any tramp, vagrant or beggar to beg or solicit anything of value in the City of College Park.~~
- ~~G. Disorderly houses. It shall be unlawful for any person or group of persons to keep or maintain a disorderly house in College Park. A "disorderly house," within the meaning of this subsection, is hereby defined to be any building in which any immoral or illegal conduct is carried on with the knowledge of the owner, tenant or occupant of said building.]~~
- ~~[H.] B. Destruction of traffic-control equipment. [It shall be unlawful for any person to] NO PERSON MAY break, damage, mutilate or carry away any lantern, glass frame, barrier, street designation, fixture, road marker, official sign or any part of any public lamp or any official marker or designation erected for the regulation and control of traffic [or any other City property].~~
- ~~[I. --- Discharging of firearms. It shall be unlawful for any person, except a duly authorized police officer, to discharge any cannon, pistol, gun, including air rifles and B-B guns; or other firearm within the limits of the City of College Park.]~~
- ~~[J.] C. It shall be unlawful for any person to place, in any manner, graffiti, as defined in § 132-2 of Chapter 132, Litter and Graffiti, upon any property, whether real or personal, public or private.~~

Section 3. BE IT FURTHER ENACTED, by the Mayor and Council of the City of College Park that Chapter 148, "Peace and Good Order", §148-2, "Adoption of rules and regulations for City recreational facilities", be and it is hereby enacted to read as follows:

§148-2. ADOPTION OF RULES AND REGULATIONS FOR CITY RECREATIONAL FACILITIES.

THE COUNCIL MAY ADOPT RULES AND REGULATIONS FOR ALL CITY OWNED OR CONTROLLED RECREATIONAL FACILITIES, INCLUDING PARKS, PLAYGROUNDS, FIELDS AND ASSOCIATED BUILDINGS, BY RESOLUTION.

Section 4. BE IT FURTHER ENACTED, by the Mayor and Council of the City of College Park that be and it is hereby repealed, re-enacted, renumbered and amended to read as follows:

§ 148-~~2~~ 3. Violations and penalties~~[-; intimidating or impeding City employees].~~

[A. ~~The~~] A violation of [~~§148-1 of~~] this chapter AND OF ANY REGULATIONS ADOPTED PURSUANT TO THIS CHAPTER [~~shall be~~] IS a municipal infraction. Any person who shall violate any provision of [~~§ 148-1~~] THIS CHAPTER or failS to comply with its requirements shall be subject to a fine as set forth in Chapter 110, Fees and Penalties.

[~~B. If any person shall, by threat or force, endeavor to intimidate or impede any City employee or municipal elected or appointed official of this City in the discharge of his/her duty, he/she shall, upon conviction, be guilty of a misdemeanor and subject to a fine and/or imprisonment as set forth in Chapter 110, Fees and Penalties. The Public Services Director, as well as the victim, is authorized to make application for a criminal warrant in such cases.~~]

Section 4. BE IT FURTHER ENACTED, by the Mayor and Council of the City of College Park that Chapter 110, “Fees and Penalties”, §110-12“Penalties”, be and it is hereby repealed, re-enacted and amended to read as follows:

§110-2 Penalties.

Unless otherwise noted herein, the violation of a City ordinance or resolution is a municipal infraction. The following fines and/or imprisonment for violations of various ordinances or resolutions are applicable in the City of College Park:

Chapter/Section	Violation	Penalty
CH. 184, Peace and Good Order; REGULATION OF CITY RECREATIONAL FACILITIES	* * * *	
[148-2(B)] and/or	[Intimidating or impeding	{\$500-
_____ imprisonment for	City employees, a misdemeanor	_____
_____	Offense]	90 days]
_____	[Remainder of e] Chapter	\$50
	* * * *	

Section 5. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that upon formal introduction of this proposed Ordinance, which shall be by way of a motion duly seconded and without any further vote, the City Clerk shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the City Clerk and shall post at City Hall, to the official City website, to the City-maintained e-mail LISTSERV, and on the City cable channel, and if time permits, in any City newsletter, the proposed ordinance or a fair summary thereof together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council.

The public hearing will be held on _____, following the publication by at least seven (7) days. All persons interested had an opportunity to be heard. The public is entitled to

comment on any amendments to the introduced ordinance. After the hearing, the Council may adopt the proposed ordinance with or without amendments or reject it. That this Ordinance shall become effective on _____ provided that, as soon as practicable after adoption, the City Clerk shall post a fair summary of the Ordinance and notice of its adoption at City Hall, to the official City website, to the City-maintained e-mail LISTSERV, on the City cable channel, and in any City newsletter.

If any section, subsection, provision, sentence, clause, phrase or word of this Ordinance is for any reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining section, subsection, provision, sentence, clause, phrase or word included within this Ordinance, it being the intent of the City that the remainder of the Ordinance shall be and shall remain in full force and effect, valid and enforceable.

Introduced on the ____ day of _____, 2022

Adopted on the ____ day of _____, 2022

Effective on the ____ day of _____, 2022

ATTEST:

CITY OF COLLEGE PARK

By: _____
Janeen S. Miller, CMC, City Clerk

By: _____
Patrick L. Wojahn, Mayor

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**

Suellen M. Ferguson, City Attorney