

Chapter 87

ARTICLE I

PEACE AND GOOD ORDER

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- § 87-18. Unlawful use of pedestrian operating mechanisms.
- § 87-19. Persons remaining in general voting area following close of polls restricted.
- § 87-20. Violations and penalties.

[HISTORY: Adopted by the Mayor and Council of the City of Hyattsville 12-1-69. Section 87-20 added at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

- Municipal infractions - See Ch. 20.
- Alcoholic beverages - See Ch. 38.
- Amusements and entertainment - See Ch. 40.
- Health and sanitation - See Ch. 65.
- Noise - See Ch. 79.
- Parks and recreational facilities - See Ch. 84.
- Streets and sidewalks - See Ch. 105.
- Abandoned and unoccupied vehicles - See Ch. 113.

§ 87-1. Throwing handbills at or in vehicles-prohibited.

It shall be unlawful for any person to throw or propel or to cause to be thrown or propelled by any means any bill, dodger, pamphlet or other similar material at or into any vehicle upon any of the streets of the City.

§ 87-2. Certain assemblages in public places prohibited.

It shall be unlawful for any person or persons to assemble or congregate with others on the public streets or in or upon any public building:

- A. With intent to provoke a breach of the peace.
- B. Whereby a breach of the peace may be occasioned.
- C. So as to constitute a nuisance.

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D. So as to impede the travel and free passageway of vehicles or other persons.

§ 87-3. Refusal to disperse.

It shall be unlawful for any person or persons to refuse to move on and disperse when ordered so to do by any police officer.

§ 87-4. Crowd control.

A. On occasions of fires, accidents, wrecks and parades or wherever large numbers of people collect within the streets or any public park of the City, police officers in attendance or the Fire Marshal or Fire Chief or fire officer in command may employ and use rope and attach the same to any tree, tree box or any other available hold or employ the citizens in attendance to form a chain by the interlocking of hands or may direct persons in attendance to remain beyond a designated distance for the purpose of affording a clearing for the assistance of firemen, police and other authorized persons engaged in preserving the peace and maintaining and protecting life and property.

B. No person shall enter such space or interfere in any manner with such roping or break through such barricade or pass under or through any police or fire line so established and beyond the distance designated by the person in charge thereof unless duly authorized by the officer in command in such emergency, provided that this provision shall not apply to firemen engaged in protecting life and property or to the police officers or such other persons as may be authorized to be within such clearing.

C. The officer authorized herein to establish and maintain the lines provided for shall be the senior police officer present, if there is one present, or, in the event that no police are present, the Fire Chief or Fire Marshal or senior fire officer.

§ 87-5. Enforcement of crowd control provisions.

When he shall deem it necessary, it shall be the duty of the senior police officer on duty or other duly authorized police officer to go to the scene of any fire, accident, wreck, parade or gathering, as referred to in §87-4, in the City for the purpose of maintaining order and to enforce the provisions of §87-4.

§ 87-6. Consumption of alcoholic beverages and/or disorderly conduct in public places.

It shall be unlawful for any person in the City, in any street or alley, in any public place or in or upon any vehicle commonly used for the transportation of passengers or in and about any depot, platform or waiting station to drink any intoxicating liquor of any kind or act in a disorderly manner to the disturbance of the public peace.

§ 87-7. Disorderly conduct on private property.

It shall be unlawful for any person to enter upon the land or premises of any other person, whether such person is the owner or lessee of such land or premises, and willfully act in a disorderly manner by making loud and unseemly noises or by profanely cursing or swearing or using obscene language while thereon.

§ 87-8. Maintenance of disorderly houses prohibited.

It shall be unlawful for any person to keep or maintain a disorderly house or knowingly to let or lease a house or part thereof to be so kept in the City.

§ 87-9. Storage of abandoned refrigerators and similar containers restricted.

It shall be unlawful for any person to cause or permit the storage of unused or abandoned iceboxes, refrigerators and other containers with airtight doors or with locks that cannot be opened from the inside of the container in any place accessible to children unless the doors or locks are removed.

§ 87-10. Indecent exposure; immoral conduct.

It shall be unlawful for any person to expose his person indecently or conduct himself in an indecent or immoral manner or use obscene language upon the streets or alleys of the City or so near thereto as to disturb the public.

§ 87-11. Damage to City property.

It shall be unlawful for any person to break, damage, mutilate or carry away any City property.

§ 87-12. Tampering with Municipal Building prohibited.

It shall be unlawful for any person to tamper in any way with the locks, doors or windows of the Municipal Building in the City.

§ 87-13. Unlawful use of premises: notification to abate; penalty for noncompliance. [Added 11-20-78 by HB No. 9-78; Amended 4-6-92 by HB 1-92, and 12-21-92 by HB No. 6-92]

- A. As used in this section the term “public or private meeting facility” shall mean any place where an excess of twenty-five (25) people congregate, including but not limited to places of worship, schools, veterans halls, auditoriums, restaurants, rallies and community gatherings.
- B. It shall be unlawful for an owner, any of his agents, a tenant or any person managing or having control of any premises used, in whole or in part, for residential purposes to allow such premises to be used for illegal, indecent, disorderly, dangerous or any other purposes which may be harmful to the health, peace or well-being of the immediate neighborhood after receiving notice thereof.
- C. It shall be unlawful for an owner, any of his agents, or any person managing or having control of any premises used, in whole or in part, as a public or private meeting facility to allow such premises to be used so as to constitute a nuisance.
- D. It shall be unlawful for an owner, any of his agents, or any person managing or having control of any premises used, in whole or in part, as a public or private meeting facility to allow such premises to be used for illegal, indecent, disorderly, dangerous, unsanitary, or any other purposes which may be harmful to the health, peace or well-being of the immediate neighborhood after receiving notice thereof.
- E. Notice shall issue, only upon receipt by the City of a written complaint that alleges violation of this section, and adoption by the Mayor and Council of a resolution finding that such a violation exists and that a notice should be issued.
- F. Such notice shall be in writing, in a form prescribed by the Mayor and City Council and shall require the person cited therein, upon receipt of such notice, to immediately cause the cessation of the use or uses set forth in such notice.
- G. If the owner, agent, or person managing or having control of any premises shall fail, neglect or refuse to comply with notice to cease the use or uses set forth therein, the City shall be authorized to obtain equitable or legal relief, including, but not limited to, temporary and/or permanent

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injunctions, from any court of competent jurisdiction to abate the nuisance through appropriate means.

H. Costs incurred under paragraph 87-13(F), including reasonable attorneys fees, court costs, and any damages shall be charged to the owner of the premises involved and if not paid within thirty (30) days from the date of invoice, shall become a lien upon the property and shall bear interest at the rate of ten percent (10%) per annum from the date when the same became due and payable.

I. If any provision of this section or the applicability thereof to any person, premises or public or private meeting facility or circumstances is held invalid, the remainder of this section and the applicability thereof to other persons, premises or private meeting facilities shall not be affected thereby.

§ 87-14. Discharge of air rifles and similar devices prohibited.

It shall be unlawful for any person to discharge any air rifle or other weapon discharging missiles by air pressure in the City.

§ 87-15. Discharge of firearms prohibited; exception.

It shall be unlawful for any person, except a duly authorized police officer, to discharge any cannon, gun, pistol or other firearm in the City.

§ 87-16. Throwing of dangerous missiles or objects prohibited.

It shall be unlawful for any person to throw or propel or cause to be thrown or propelled any object against or into any vehicle in the City, and it shall be unlawful for any person to throw or propel or cause to be thrown or propelled any dangerous missile in the City.

§ 87-17. Removal of refuse containers following garbage collections. [Deleted in its entirety on 12-7-09 by HO 2009-07]

§ 87-18. Unlawful use of pedestrian operating mechanisms.

No person shall tamper with, touch, press or in anywise contact the operating mechanism constructed for pedestrian use in such manner as to cause any automatic signal device erected in the City for the control of traffic to display a signal to interfere with, obstruct or stop traffic, unless such person has a bona fide intention in so operating such automatic signal device for the purpose of bringing vehicular traffic to a stop to provide safe passage for pedestrians across and over the streets of the City.

§ 87-19. Persons remaining in general voting area following close of polls restricted.

It shall be unlawful for any person, other than the Judges and Clerks, two (2) challengers, the candidates for office and City officials, to remain in general voting places at any City election after the close of the polls, except employees of the building.

§ 87-20. Violations and penalties. [Amended 7-16-01 by HB No. 01-03, Amended 12-3-07 by HO-2007-14; Amended 12-7-09 by HO-2009-07]

Violations of this Article shall be punishable as a municipal infraction as provided in Chapter 20 of this Code. The fine for any single initial violation shall be one hundred dollars (\$100.00), and the fine for each repeat of that offense shall be two hundred dollars (\$200.00).

ARTICLE II
SIGNS AND ADVERTISING DEVICES

[Enacted 12-7-09 by HO-2009-07]

§ 87-21. Application of County Code to signs in the City.

(A) The provisions of the Prince George's County Code and all amendments thereto, shall govern the erection, location, placement, maintenance, size, quality and display of all signs in the City in public rights-of-way, except for the local requirements in this Article.

(B) Nothing in this Article shall apply to the City or to federal, state, county governmental agencies or public utilities exercising their legal authority over public rights-of-way or their property interest and easements in such public rights-of-way.

§ 87-22. Signs in public rights-of-way prohibited.

(A) Except as otherwise provided in this Code, no person in a public right-of-way in the City shall paint, mark, write on, post or otherwise affix any handbill, object, or sign to or upon any ground, sidewalk, crosswalk, curb, curbstone, street lamppost, hydrant, tree, shrub, tree stake or guard, electric light, power or telephone pole or wire appurtenance thereof, or any other fixture of the fire alarm or police system, or upon any lighting system, public bridge, street sign or traffic sign.

§ 87-23. City authority.

The City Council shall have the authority to allow placement of signs in the public rights-of-way as it deems in the interest of public safety and the public good.

§ 87-24. Exemptions.

(A) Real estate directional signs may be placed temporarily from noon Friday through noon Monday in public rights-of-way behind the curb lane, but are not to be placed within town parks. The signs shall have a maximum area of no more than 1.5 square feet. No more than two (2) directional signs may be in the same public right-of-way per property unless additional signs are specifically authorized by the City Administrator upon a showing of hardship or need to the applicant. The directional signs must be made of rigid material, such as metal, cardboard, or plastic, and be attached to a metal or wooden stake. Signs are not to be attached to trees, utility, street sign or traffic sign poles.

(B) Temporary sale signs are allowed as outlined and permitted in Chapter 99.

§ 87-25. Illegal signs.

(A) Presumption. Unless rebutted by competent evidence, any handbill, sign or object in the public right-of-way shall be presumed to be owned by and attached by a person whose business name, business address, business telephone number or trademark or servicemark is contained on the face of the sign or object.

(B) Removal. Any sign placed in the public right-of-way in violation of the Article shall be deemed abandoned by its owner at the time the sign was placed and shall be subject to removal by the City without any prior notice.

(C) Notice and removal. Whenever the City or a designated representative determines that a sign is unsafe or illegal, instead of immediate removal, the City may (in writing) order that the sign be

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made safe or removed. The order shall be complied with by the person owning or using the sign within five (5) days after notice is sent. If the unsafe or illegal sign is not removed or maintained in accordance with the order, the City shall have the sign removed. The cost of removal shall be borne by the owner/user of the sign, which cost shall be a lien on the property of the owner/user in the City.

In the event of an emergency situation (when there is an immediate danger to public safety), the unsafe sign shall be made safe or removed without any delay or written order.

(D) Entrance features. The maintenance of an entrance feature, including gateway signs and associated landscaping, shall be the responsibility of a homeowner's association or any other entity or person owning the abutting property, any entrance which has not been maintained in a safe and attractive manner may, for the purpose of this Section, be deemed to be an unsafe sign.

§ 87-26. Violations and Penalties.

(A) Violations of this Article by any person, firm or corporation is declared to be a municipal infraction, the penalty for violation shall be fifty dollars (\$50.00) for each initial offense and one hundred dollars (\$100.00) for each repeat offense. Each handbill, object or sign and each day that a violation is permitted to exist shall constitute a separate offense.

(B) The City or its designated representative shall have the authority to order that an illegal handbill, object or sign be removed or made to conform to the requirements of this Article. The order shall be complied with by the owner or user of the sign within five (5) days or the cost of removal shall be a lien on the property of the owner of the handbill, object or sign.