

Mayor and Commissioners  
of the Town of Elkton

Ordinance 6 - 2015

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BY: **Board of Commissioners of the Town of Elkton**

INTRODUCED: **September 16, 2015**

ADOPTED: **October 8, 2015**

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**AN ORDINANCE concerning**

**THE CODE OF THE TOWN OF ELKTON  
TITLE 9  
CHAPTER 9.12  
LOITERING; TRESPASSING; PROHIBITED CONDUCT**

**FOR THE PURPOSE** of amending the Code of the Town of Elkton, Title 9, Chapter 9.12, to prohibit loitering on commercial premises, to prohibit trespassing on posted public property, and to prohibit certain forms of conduct on posted public property.

**WHEREAS**, Article XI-E., Constitution of the State of Maryland; Section 4-103(b)(3), Subtitle 1, Title 4, Division II, Local Government Article, Annotated Code of Maryland; and the Charter and Code of the Town of Elkton provide the authority under which the Board of Commissioners may adopt, repeal, and/or amend the ordinances of the Town of Elkton; and

**WHEREAS**, the Board of Commissioners has determined that loitering on commercial property, trespassing on Town of Elkton property, and/or acting in a prohibited manner on Town of Elkton property under certain circumstances and as hereinafter described shall be unlawful and violations shall be subject to the penalties provided under this Chapter.

**NOW, THEREFORE**, the Board of Commissioners of the Town of Elkton hereby ordains that:

Section 1. The Code of the Town of Elkton, Title 9, Chapter 9.12., Loitering; Trespassing; Prohibited Conduct is hereby enacted and shall read as follows:

**THE CODE OF THE TOWN OF ELKTON  
TITLE 9  
CHAPTER 9.12  
LOITERING**

§9.12.010 Loitering

A. Definitions. As used in this section, the following words or phrases shall have the meanings set forth below:

- 1) **Commercial Premises:** Any business premises or any place of amusement or entertainment to which the general public is invited or permitted, including private parking lots adjacent to or connected with such premises.
- 2) **Loiter:** To idle, stand, remain or tarry or to collect, gather, or be a member of a group or crowd of people who are gathered together on any commercial premises without conducting any lawful business with the owner or operator thereof or, having patronized such business establishment, to remain on such premises after having been directed to leave by such owner, operator, or authorized agent and/or a police officer, as prescribed in Subsection B of this section.

B. Prohibited conduct.

- 1) It shall be unlawful for any person to loiter on or about any commercial premises during ordinary business hours after having been requested to leave by the owner, operator or authorized agent of such premises and after having been directed to leave by a police officer.
- 2) It shall be unlawful for any person to loiter without the consent of the owner, operator or authorized agent on or about any commercial premises after such premises have been closed for business purposes and after such person has been directed to leave by a police officer.
- 3) Nothing herein shall be construed so as to prevent any orderly picketing or other lawful assembly.

§9.12.020 Trespassing on public property.

It shall be unlawful for any person to trespass on any public parking lot or other public property posted by resolution of the Board and owned or leased by the Town of Elkton after closing hours set by resolution of the Board. Such persons so trespassing after said closing hours shall be guilty of a municipal infraction of trespassing on public property and shall be subject to the fines and penalties as set forth in § 9.12.040 of this Chapter.

§9.12.030 Prohibited conduct on public property or in public view.

It shall be unlawful for any person to eat food or drink any beverage or to play a radio, tape deck, cassette player, CD player, or **other electronic device** or musical instrument which broadcasts the human voice, music or other sounds on any public parking lot during times posted by resolution of the Board and owned or leased by the Town of Elkton, and it shall be unlawful for any person to congregate on any public parking lot during the times so posted and owned or leased by the Town of Elkton for the purpose of eating, drinking, or listening to any radio, tape deck, cassette player, CD player, or **other electronic device** or musical instrument. No person shall urinate or defecate in any public place or in public view, except within proper facilities designated as public restrooms. Persons violating this section shall be guilty of a municipal infraction and shall be subject to the fines and penalties as set forth in § 9.12.040 of this Chapter.

§9.12.040 Violations and penalties

- A. Any person violating §9.12.010(B) of this Chapter shall be deemed guilty of a misdemeanor and be subject to a fine of \$250.00 or imprisonment for a period of 60 days, or both.
- B. Any person violating §9.12.020 or §9.12.030 of this Chapter shall be deemed guilty of a municipal infraction and shall be subject to a fine of \$100 for the first offense and \$200 for each subsequent offense.

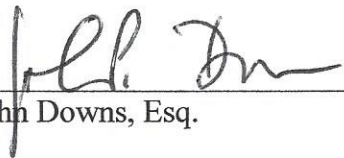
\*\* END OF SECTION \*\*

**DATE OF EFFECT**

THIS ORDINANCE shall be effective on 27<sup>th</sup> day of October, 2015.

**CERTIFICATION OF LEGAL REVIEW**

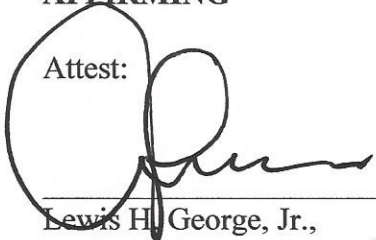
THIS ORDINANCE reviewed by the Town Attorney and found legally sufficient and in proper form.

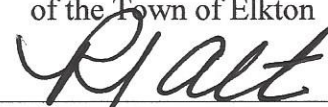
  
Mr. John Downs, Esq.

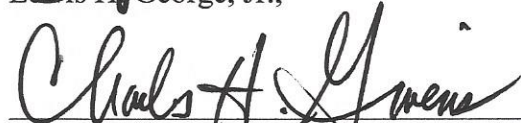
10/7/15  
Date

**EXECUTION BY THE MAYOR AND COMMISSIONERS**


**AFFIRMING**

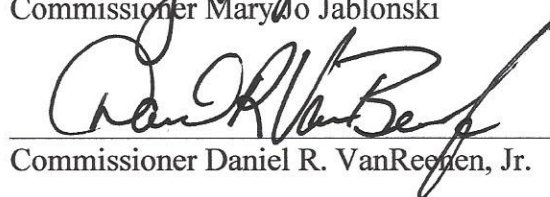
Attest:  
  
Lewis H. George, Jr.,

Mayor and Commissioners  
of the Town of Elkton  
  
Mayor Robert J. Alt

  
Commissioner Charles H. Givens, Sr.

  
Commissioner Mary Jo Jablonski

  
Commissioner Earl M. Piner, Sr.

  
Commissioner Daniel R. VanReepen, Jr.

**DISSENTING**

**ABSTAINING**

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