

CITY COUNCIL OF THE CITY OF SEAT PLEASANT, MARYLAND

Ordinance No.: O-22-04
Introduced by: City Council
Date Introduced: October 11, 2021
First Reading: October 11, 2021
Second Reading: November 1, 2021
Date Adopted: November 1, 2021
Date Effective: November 29, 2021

AN ORDINANCE concerning

CHAPTER 114 – Nuisance Properties

FOR the purpose of amending Chapter 114 – Nuisance Properties of the Code of the City of Seat Pleasant to amend the violations and penalties and add a new section of Unruly Social Gathering in the City of Seat Pleasant.

BY Amending Chapter 114 – Nuisance Properties
Sections 114-2 B, 114-3 C
New Section 114-8 Unruly Social Gathering
Code of the City of Seat Pleasant (1994 Edition, as amended)

WHEREAS, pursuant to § C-501(a) of the Charter of the City of Seat Pleasant (the “Charter”), the City Council has the power to pass all such ordinances not contrary to the Constitution and laws of the State of Maryland or the Charter as it may deem necessary for the good government of the City; for the protection and preservation of the City’s property, rights, and privileges; for the preservation of peace and good order; and for securing persons and property from violence, danger, or destruction; and

WHEREAS, pursuant to § C-1304 of the Charter, the City shall have the power to do whatever may be necessary to protect City property and to keep all City property in good condition; and

WHEREAS, pursuant to § C-1305 of the Charter, the Council may provide that violations of any municipal ordinance shall be a municipal infraction, unless that violation is declared to be a felony or misdemeanor by the laws of the State or other ordinance; and

WHEREAS, the City Council is concerned about Nuisance activities in the City's commercial district; and

WHEREAS, the City Council is desirous of establishing an ordinance prohibiting the public nuisance of urinating and defecating in the City of Seat Pleasant and establishing enforcement provisions and penalties; and

WHEREAS, the City Council deems it in the best interest of the public health, welfare and safety of the citizens of the City of Seat Pleasant, and for the good government of the City of Seat Pleasant, to enact this Ordinance and to take the actions described herein.

SECTION 1. AND BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEAT PLEASANT that Chapter 114 (Nuisance Properties), consisting of §§ 114-2B, 114-3 and 114-8, be and it is hereby enacted and added to the Code of the City of Seat Pleasant (1994 Edition, as amended), reading as follows:

§114-2 B. NUISANCE ACTIVITY

1-24 NO CHANGES

25. UNRULY SOCIAL GATHERINGS

§ 114-3. Violations and Penalties.

A-B NO CHANGES:

C. A failure of the owner or person in charge to provide for a discontinuance of nuisance activity on a property in accordance with § ~~114-4~~ AND 114-8 is a municipal infraction, subject to a penalty of ~~\$100 for each initial violation and \$100 for each repeat violation or each day that a violation continues.~~ FOR AN INITIAL VIOLATION OF \$500 TO THE RESPONSIBLE PERSON AND A WARNING TO THE OWNER OF RECORD. SECOND VIOLATION OF \$1,000 TO THE RESPONSIBLE PERSON AND \$500 TO THE OWNER OF RECORD AND THIRD AND SUBSEQUENT VIOLATION OF \$1,000 TO THE RESPONSIBLE PERSON AND \$500 TO THE OWNER OF RECORD AND SUSPENSION OR REVOCATION OF THE OCCUPANCY PERMIT FOR THE PROPERTY EFFECTIVE AT THE END OF THE CURRENT LEASING PERIOD.

D. Any person or persons who violate the provisions of this chapter shall, upon conviction, be deemed a criminal offense punishable by imprisonment or shall be fined an amount not to exceed \$1,000 or shall suffer punishment by imprisonment, or both, at the court's discretion.

§ 114-8 UNRULY SOCIAL GATHERING

AN UNRULY SOCIAL GATHERING IS DECLARED A NUISANCE FOR PURPOSES OF THIS CHAPTER. IT IS UNLAWFUL FOR A PROPERTY OWNER OR ANY RESPONSIBLE

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PERSON TO CONDUCT, CAUSE, AID, ALLOW, PERMIT, OR CONDONE AN UNRULY SOCIAL GATHERING AT A RESIDENCE OR OTHER PRIVATE PROPERTY. A PARTY, EVENT, OR ASSEMBLAGE OF EIGHT OR MORE PERSONS AT A RESIDENCE OR OTHER PRIVATE PROPERTY WHERE:

A. ALCOHOLIC BEVERAGES ARE BEING FURNISHED TO, CONSUMED BY, OR IN POSSESSION OF ANY UNDERAGE PERSON IN VIOLATION OF STATE LAW, OR

B. BEHAVIOR OR CONDUCT IS OCCURRING THAT RESULTS IN A SUBSTANTIAL DISTURBANCE OF THE PEACE AND QUIET ENJOYMENT OF PRIVATE OR PUBLIC PROPERTY, WHICH MAY INCLUDE THE FOLLOWING:

- (1) EXCESSIVE NOISE AS PROHIBITED IN § 112 OF THE CITY CODE.
- (2) EXCESSIVE TRAFFIC THAT IS SIGNIFICANTLY ABOVE AND BEYOND THE NORMAL AMOUNT OF PEDESTRIAN OR VEHICLE TRAFFIC FOR THE DAY, DATE, AND TIME OF DAY FOR THE NEIGHBORHOOD.
- (3) USE OF AN ILLEGAL CONTROLLED SUBSTANCE BY ANY PERSON AT THE GATHERING.
- (4) OBSTRUCTION OF PUBLIC STREETS OR THE PRESENCE OF UNRULY CROWDS THAT HAVE SPILLED ONTO PUBLIC STREETS.
- (5) PUBLIC DRUNKENNESS OR UNLAWFUL CONSUMPTION OF ALCOHOL OR ALCOHOLIC BEVERAGES.
- (6) ASSAULTS, BATTERIES, FIGHTS, OR OTHER DISTURBANCES OF THE PEACE.
- (7) VANDALISM OF PUBLIC OR PRIVATE PROPERTY.
- (8) PUBLIC URINATION OR DEFECATION.
- (9) LITTERING; OR
- (10) OTHER CONDUCT WHICH CONSTITUTES A THREAT TO THE PUBLIC SAFETY, QUIET ENJOYMENT OF RESIDENTIAL OR OTHER PRIVATE PROPERTY, OR THE GENERAL WELFARE.

SECTION 2. AND BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEAT PLEASANT that the Recitals to this Ordinance are incorporated herein and deemed a substantive part of this Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED BY CITY COUNCIL OF THE CITY OF SEAT PLEASANT that all other ordinances or parts of ordinances or provisions of the

Code of the City of Seat Pleasant (1994 Edition, as amended) in conflict with the provisions of this Ordinance or the property maintenance code adopted by this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. AND BE IT FURTHER ORDAINED BY CITY COUNCIL OF THE CITY OF SEAT PLEASANT that the title of this Ordinance, or a condensed version thereof, shall be deemed to be, and is, a fair summary of this Ordinance for publication and all other purposes.

SECTION 5. AND BE IT FURTHER ORDAINED BY CITY COUNCIL OF THE CITY OF SEAT PLEASANT that, if any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance, it being the intent of the City Council that this Ordinance shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

SECTION 6. AND BE IT FURTHER ORDAINED BY CITY COUNCIL OF THE CITY OF SEAT PLEASANT that the City Clerk shall certify to the adoption of this Ordinance, and cause the same or, to the extent permitted by the Charter, a fair summary of the same, to be published as required by law, and that this Ordinance shall become effective at the expiration of twenty (20) days following approval by the Mayor or passage by the City Council over the Mayor’s veto.

COUNCIL OF THE CITY OF SEAT PLEASANT

DocuSigned by:
Monica Higgs
97F2B79B75C449
Monica Higgs, Councilmember

DocuSigned by:
Hope Love
C82C3DB8941C480
Hope Love, Councilmember

DocuSigned by:
Kelly Porter
DEBE4F408CFF457
Kelly Porter, Councilmember

DocuSigned by:
Gerald R. Raynor, Sr.
F410AFBBE6B940A
Gerald R. Raynor, Sr., Councilmember

DocuSigned by:
Kizzie Scott
42E680D4F378405
Kizzie Scott, Councilmember

DocuSigned by:
Gloria L. Sistrunk
F57C332C36A1427
Gloria L. Sistrunk, Councilmember

ATTEST:

DocuSigned by:
Dashaun N. Lanham
88619228C0EA45B
Dashaun N. Lanham, CMC
City Clerk

This Ordinance was presented to the mayor for his approval or disapproval pursuant to Section C-313 of the Charter for Seat Pleasant this 1st Day of November, 2021

DocuSigned by:

Dashaun N. Lanham

88619229C0EA45E

Dashaun N. Lanham, CMC
City Clerk

In accordance with Section C-313 of the Charter for Seat Pleasant, I hereby **(APPROVE)** **(DISAPPROVE)** of this Ordinance this 11/2/2021, 2021.

DocuSigned by:

Shirika McCarthy

40F49502E891E

Shirika McCarthy, Vice Mayor

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

((Double Parenthesis)) indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike Out~~ indicates matter stricken from bill by amendment or deleted from the law by amendment.