

ORDINANCE NO. 2023-12

AN ORDINANCE TO AMEND CHAPTER 108, PUBLIC PROPERTY, TO AMEND SECTION 108 USE OF PUBLIC PARKS AND RECREATIONAL AREAS TO INCLUDE ALL TYPES OF SMOKING DEVICES AND PRODUCTS TO ADDRESS RECENT CHANGES IN STATE LAW AND OTHER MINOR REVISIONS IN THE CODE

§ 108-1 Destruction of property in public areas prohibited.

No person shall injure, remove, deface, destroy, or cause to be injured, removed, defaced or destroyed, any property of any kind, including but not limited to signs, equipment, buildings (or any part thereof), refuse containers, or other property of any nature or description, real or personal, in any of the public parks, playgrounds, school areas, public buildings, streets, roadways, alleys, walkways or other public areas within the limits of the Town of Myersville.

§ 108-2 Destruction of property in areas owned or leased by Town prohibited.

No person shall injure, remove, deface or destroy, or cause to be injured, removed, defaced or destroyed, any property, be it real or personal, and whether or not such property is located in any public area, which property is owned by, rented or leased by the Town of Myersville.

§ 108-2.1 Use of public parks and recreational areas.

[Added 4-14-2015 by Ord. No. 2015-02]

A. As used in this section, "restricted area" shall include any public park or recreational areas owned or controlled by the Town of Myersville, whether located within or outside the Town of Myersville, including but not limited to **Bullivant Park**, **Doubs Meadow Park**, **Flook Park**, **Grindstone Run Park**, **Harp Park**, **Memorial Park at Trolley Lane**, **Metzger Park**, and **Pleasant Walk Park**.

B. The following items are prohibited and may not be carried onto or possessed in a restricted area:

(1) Alcoholic beverages;

(2) Glass containers;

(3) Firearms, unless carried or possessed by:

(a) An individual who is a law enforcement officer of the State, or of any county or municipal corporation of the State, who is entitled or required to carry the firearm as part of the officer's official equipment; or

(b) An individual who holds a current and valid permit issued by the State of Maryland to carry a firearm.

(4) Bows and arrows;

(5) Fireworks; provided, however, employees or agents of the Town of Myersville shall be exempt from this prohibition when possessing or using fireworks as part of a fireworks display sponsored by the Town of Myersville.

C. The following activities are prohibited in a restricted area:

(1) Overnight camping except by valid permit;

(2) Gambling, except in accordance with and as otherwise permitted by Maryland law;

(3) Smoking or Vaping; to include any and all types of smoking devices and products

(4) Soliciting;

(5) Hunting and trapping.

D. No person may, within a restricted area:

(1) Build, make or use a fire in an open manner; provided, however, that fires are permitted when built, made or used in a fireplace installed by the Town for that purpose or in a grill or similar device typically designed, manufactured and used for that purpose;

(2) Dispose of litter or refuse except in a proper receptacle provided for that purpose;

(3) Park or drive any motorized vehicle in any area designated as being unauthorized for such use or in any area other than roadways, parking areas, and other locations designated as authorized for such use. For purposes of this subsection, a motorized wheelchair or other similar motorized device used as a disability aid shall not be deemed to be a motor vehicle;

(4) Allow any dog, cat, pet or other animal to run or wander freely without a leash, lead or other restraining device or be in violation of any other applicable animal control law.

E. The requirements of this section are in addition to, and not in lieu of, any other ordinance, rule, regulation or law which may govern such activities. Nothing contained herein shall create a right to use any restricted area contrary to any other requirement governing such use.

§ 108-3 Violations and penalties.

[Amended 10-11-2005]

It shall be a misdemeanor for any person or persons to violate the terms of this chapter, and upon conviction thereof, such person shall be fined a minimum of \$50 for each violation, or serve a sentence as determined by the court, or both; and a civil penalty for a Class H municipal infraction in accordance with Chapter 20 for each nuisance abated.

SECTION I. BE IT ENACTED AND ORDAINED, by the Mayor and Council of the Town of Myersville that Chapter 108 "Public Property", Attachment 1, Appendixes A through F of the Code of the Town of Myersville be, and hereby is, amended as hereinafter provided. New language is designated by being **IN BOLD CAPITAL LETTERS**, and deletions are designated by being ~~{in brackets and stricken through}~~.

SECTION II: BE IT FURTHER RESOLVED, ORDAINED AND ENACTED by the Mayor and Council of the Town of Myersville, Maryland that this Ordinance shall take effect twenty (20) calendar days following its approval by the Mayor and Council.

INTRODUCED ON THE 10th DAY OF October, 2023

PASSED ON THE 14th DAY OF November, 2023

EFFECTIVE DATE: December 4, 2023

ATTEST:

Kathy Gaver
Kathy Gaver, Town Clerk

**MAYOR AND COUNCIL
OF MYERSVILLE**

By: Mark Hinkle
Mark Hinkle, Mayor