

ORDINANCE NO. 558

AN ORDINANCE AMENDING THE CODE OF THE TOWN OF ST. MICHAELS, CHAPTER 224, “PARKS,” TO RENAME THE CHAPTER “PARKS AND OTHER TOWN PROPERTY”, AND TO AMEND SECTION §224-5, “GENERAL PROVISIONS,” TO PROHIBIT THE PLACEMENT OF FIXED SIGNS ON TOWN PROPERTY AND ALLOWING HANDHELD SIGNS UNDER CERTAIN CIRCUMSTANCES AND TO AMEND CHAPTER 285, “STREETS, SIDEWALKS AND ALLEYS,” ARTICLE III, “ROADS, PUBLIC ALLEYS, CURBS, AND GUTTERS”, TO ADD § 285-17, “SIGNS PROHIBITED,” TO PROHIBIT THE PLACEMENT OF FIXED SIGNS IN OR ON PUBLIC STREETS, ALLEYS AND RIGHTS-OF-WAY AND ALLOWING HANDHELD SIGNS UNDER CERTAIN CIRCUMSTANCES

WHEREAS, pursuant to Md. Code Ann., Local Government, § 5-202, the Commissioners of St. Michaels (“the Town”) has the general power to adopt such ordinances as it may deem necessary in order to assure the good government of the Town, to protect and preserve the Town’s rights, property, and privileges, to preserve peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort and convenience of the residents of the Town; and

WHEREAS, pursuant to this authority, and as authorized by the Town Charter, the Town enacted Chapter 224, “Parks,” and Chapter 285, “Streets” of the Town Code; and

WHEREAS, the Commissioners desire to preserve peace and good order in the Town and to protect the health, comfort, and convenience of the residents of the Town by amending the Town’s ordinances to prohibit certain signs in certain locations under certain circumstances in the Town while making provision for the constitutional exercise of an individual’s right of free expression, subject to reasonable time, place and manner restrictions.

SECTION 1. NOW THEREFORE BE IT ORDAINED AND ENACTED that Chapter 224, “Parks,” of the Code of St. Michaels, is amended to rename the Chapter “Parks and Other Town Property”, and to amend Section §224-5, “General Provisions,” to read as follows:

UNDERLINED SMALL CAPS: Indicate matter added to existing law.
~~Strikethroughs~~ : Indicate matter deleted from the existing law.
Asterisks * * * : Indicate matter remaining unchanged in existing law but not set forth in the Ordinance.

Chapter 224 Parks AND OTHER TOWN PROPERTY

§224-5 General Provisions.

- A. The Town reserves the right to revoke a permit issued pursuant to any provision of this Chapter for failure to comply with any current or future statutes, ordinances, resolutions, rules or regulations relating to the use of public parks and Town properties.
- B. The Town further reserves the right to suspend or terminate the programs herein established for the use of public parks or Town properties for public events, private events and/or farmers' markets, and, in such event, all outstanding permits issued therefor shall be revoked.
- C.
 - 1. IT IS PROHIBITED FOR ANY PERSON TO PLACE ANY FIXED SIGNS IN OR ON TOWN PROPERTY, INCLUDING BUT NOT LIMITED TO PUBLIC PARKS. THE TOWN WILL DESIGNATE FROM TIME TO TIME BY RESOLUTION AREAS OF TOWN PARKS AVAILABLE FOR FREE EXPRESSION OF IDEAS IN WHICH INDIVIDUALS MAY HOLD SIGNS EXPRESSING A POINT OF VIEW, PROVIDED THAT SUCH SIGNS ARE NO LARGER THAN 6 SQ. FEET IN AREA AND ARE NOT HELD OR BRANDISHED IN A MANNER THAT PRESENTS A RISK OF INJURY TO PERSONS OR PROPERTY OR INTERFERES WITH THE RIGHTS OF OTHERS TO USE AND ENJOY TOWN PROPERTY.
 - 2. ANY PERSON WHO VIOLATES THE PROVISIONS OF THIS SUBSECTION SHALL BE GUILTY OF A MUNICIPAL INFRACTION AND SUBJECT TO A PENALTY OF \$250.

SECTION 2. BE IT FURTHER ORDAINED AND ENACTED that Chapter 285, "Streets, Sidewalks, and Alleys," of the Code of St. Michaels, is amended to add Section §285-17, "Signs prohibited," as follows:

§285-17. SIGNS PROHIBITED.

IT IS PROHIBITED FOR ANY PERSON TO PLACE ANY FIXED SIGNS IN OR ON TOWN STREETS, SIDEWALKS, ALLEYS, OR RIGHTS OF WAY. A PERSON MAY CARRY A SIGN ON A PUBLIC SIDEWALK, PROVIDED THAT THE INDIVIDUAL ALLOWS OTHER SIDEWALK USERS TO PASS WITHOUT STEPPING OFF THE SIDEWALK AND FURTHER PROVIDED THAT SUCH SIGNS ARE NO LARGER THAN 6 SQ. FEET IN AREA AND ARE NOT HELD OR BRANDISHED IN A MANNER THAT PRESENTS A RISK OF INJURY TO PERSONS OR PROPERTY OR INTERFERES WITH THE RIGHTS OF OTHERS TO TRAVEL ALONG THE SIDEWALK OR TO ENTER OR EXIT FROM ANY RESIDENCE OR PLACE OF BUSINESS.

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SECTION 3. 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.

SECTION 4. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5. 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 6. AND BE IT FURTHER ORDAINED that this Ordinance shall take effect on **August 14th, 2024** having been introduced on the **10th day of July, 2024**, and passed by a majority vote of The Commissioners of St. Michaels following a public hearing of The Commissioners of St. Michaels on the **14th day of August 2024**, which latter date shall be at least six and no more than 70 days after the date of its introduction.

I HEREBY CERTIFY that this Ordinance was passed by a yay or nay vote of The Commissioners of St. Michaels on **14th day of August 2024**.

Mercier	YAY
Whittington	YAY
Hudson	YAY
Wojciechowski	YAY
Roiter	YAY

ATTEST:

THE COMMISSIONERS OF ST. MICHAELS



Kristen Payne, Town Clerk



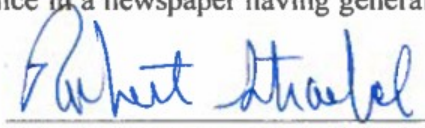
Al Mercier, President

I HEREBY CERTIFY that an exact copy of the above Ordinance was posted from the 15th day of August 2024, at 8:30 a.m. to the 3rd day of September 2024, at 4:30 p.m., on the bulletin board at the St. Michaels Town Office, and that a summary of the above Ordinance, the date of its passage, its effective date, and a statement that the entire text of the Ordinance will

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appear on the bulletin board of the Town Office, St. Michaels, Maryland, for at least twenty (20) days following the passage, has been published at least once each week for two (2) consecutive weeks following the passage of said Ordinance in a newspaper having general circulation in the Town of St. Michaels.

Date: 9/3/24, 2024



Robert Straebel, Town Administrator

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