

LICENSES

Chapter 92

LICENSES

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[HISTORY: Adopted by the Town Council of the Town of Laurel 10-17-1994 as Ord. No. 740. Amendments used where applicable.]

GENERAL REFERENCES

Peddling and soliciting – See Ch. 106.

Rental property registration – See Ch. 118, Art. I.

§ 92-1 Applicability.

This chapter shall be applicable to all mercantile establishments located in the Town of Laurel within the corporate limits or as extended hereafter.

§ 92-2. Definitions. (Amended 12-03)

For the purposes of this chapter, the following definitions shall be applicable, unless the context clearly indicates to the contrary:

AMUSEMENT CENTER – An establishment offering seven or more amusement devices, including but not limited to, coin operated electronic games, shooting galleries, table games and similar recreational diversions within an enclosed building.

ESTABLISHMENT – A building or part thereof or each motor or horse-drawn vehicle or each stand at or from which any merchandise or commodities, or both, are dispensed or facilities or services, or both, are provided to members of the general public or to members of an association, club or the like.

PERSON – Includes any natural person, joint-stock company, partnership, voluntary association, club, society, firm, company, corporation, business trust or any other group acting as a unit.

TOWN – The Town of Laurel.

§ 92-3. Annual fee for selling merchandise from an establishment. [Amended 12-17-2001]

Persons engaged for profit in selling any and all merchandise or given commodities, or both, within the limits of the Town at or from any given establishment, shall pay an annual license fee to the Town Manager for the use of the Town as follows:

- A. For each establishment for the sale of alcoholic liquors for consumption on the premises, which license shall include the right to sell in connection therewith tidbit food items, such as nuts, popcorn, chips, crackers and the like and/or tobaccos and/or soft drinks: \$100.

- B. For each establishment for the sale of alcoholic liquors sold only in package form, which license shall include the right to sell in connection therewith soft drinks, water, etc.: \$50.
- C. For each establishment for the sale of any merchandise or commodities, or both, by way of auction or down-sale selling: \$50.
- D. For an automobile agency (open lot otherwise licensed): \$50.
- E. For chain stores or supermarkets: \$100.
- F. For each establishment for the sale of any other merchandise or commodities, or both, or any combination thereof, excluding always those mentioned in the preceding subsections of this section: \$50.

§ 92-4. Annual fee for facilities used at an establishment.

Persons engaged for profit in providing facilities for the use, entertainment or enjoyment at any given establishment within the limits of the Town shall pay an annual license fee to the Town Manager for the use of the Town, as follows:

- A. (Reserved)
- B. For each bank, finance company or building and loan association or trust company: \$100. **[Amended 12-17-2001]**
- C. For each bicycle rental or service establishment, or both, which license shall include the right to sell in connection therewith bicycles or bicycle supplies, or both: \$50. **[Amended 12-17-2001]**
- D. For each bus terminal: \$25. **[Amended 12-17-2001]**
- E. For each pinball machine or similar device and for each computer-type automatic amusement device and for each automatic amusement game, not to exceed a total of three such pinball machines, automatic amusement devices or automatic amusement games, or any combination thereof, which may be played by dropping a coin of \$0.05 or more or a token into a slot, slide or opening and which is kept, maintained or exhibited for the use or amusement of the public, the fee shall be in addition to any merchant's license and is assessed to the operator or conductor of the establishment where the machine or machines or automatic amusement devices or automatic amusement games are kept, maintained or exhibited for the use or amusement of the public: \$10 per machine.

- F. For each automatic slot music machine, assessed to the operator or conductor of the establishment where the machine is kept, maintained or exhibited for the use or amusement of the public: \$10 per machine.
- G. For each service machine (washers, dryers, etc.), assessed to the operator or conductor of the establishment where the machine is kept, maintained or exhibited for the use of the public: \$5 per machine.
- H. For each coin-actuated machine that can be operated for less than \$0.05 and not hereinbefore mentioned, assessed to the operator or conductor of the establishment where the machine is kept, maintained or exhibited for the use or amusement of the public: \$2 per machine. **[Amended 12-17-2001]**
- I. For each pool table in any establishment, other than an amusement center, assessed to the operator or conductor of the establishment where the machine is kept, maintained or exhibited for the use or amusement of the public: \$10 for one table and \$5 for each additional table.
- J. For each dance hall or nightclub charging separate admission, fee, cover charge or minimum table charge: \$100. **[Amended 12-17-2001]**
- K. For each marathon, prizefight, wrestling match or other professional game or sporting event: \$25.
- L. For each motor vehicle rental agency (drive yourself): \$50. **[Amended 12-17-2001]**
- M. For each commercial parking lot: \$50. **[Amended 12-17-2001]**
- N. For each skating rink: \$50. **[Amended 12-17-2001]**
- O. For each saddle horse for hire: \$10. **[Amended 12-17-2001]**
- P. For each scale for weighing (not automatic): \$25. **[Amended 12-17-2001]**
- Q. For shows, plays, concerts, theatrical traveling performances given by professionals and sponsored as business enterprises: \$50. **[Amended 12-17-2001]**
- R. For each theater, show house, opera house and moving-picture house: \$50. **[Amended 12-17-2001]**
- S. For each other person, providing facilities for use or entertainment, or both, not

hereinbefore mentioned: \$25. [**Amended 12-17-2001**]

- T.** An amusement center is allowed up to fifteen (15) amusement devices at \$125.00 and each additional device thereafter will be charged \$5.00 per device. (**Amended 12-03**)

§ 92-5. Annual fee for services provided.

Persons engaged for profit in providing services for use, entertainment or enjoyment within the limits of the Town shall pay an annual license fee to the Town Manager for the use of the Town, as follows:

- A.** For each auctioneer, excluding those employed exclusively by a licensee under three: \$50. [**Amended 12-17-2001**]
- B.** For each barbershop or establishment, including the privilege of selling, in connection therewith, beauty supplies: \$50 (flat fee). [**Amended 12-17-2001**]
- C.** For each beauty parlor or establishment, including the privilege of selling, in connection therewith, beauty supplies: \$50 (flat fee). [**Amended 12-17-2001**]
- D.** For each bill poster or bill tacker or distributor of handbills, samples, circulars and the like, or an of them or any combination thereof, provided that any licensee under this chapter may cause advertisements or samples of his or her merchandise, commodities, facilities or services to be distributed without obtaining a further license under this section: \$25; and provided further that no candidate for nomination or election to any federal, state, county or municipal office nor any person acting for or on behalf of a candidate for any federal, state, county or municipal office, shall be required to purchase a license under this subsection. [**Amended 12-17-2001**]
- E.** For each street decorator or advertiser, or both, soliciting his or her own business and collecting from merchants: \$50. [**Amended 12-17-2001**]
- F.** For each dry-cleaning, pressing and/or laundry establishment, excluding laundromats: \$50. [**Amended 12-17-2001**]
- G.** For each contractor or jobber engaged in building, alteration, repairing, remodeling, construction or maintenance of buildings, or any combination thereof: \$50 (flat fee). [**Amended 12-17-2001**]
- H.** For each employment agency: \$50. [**Amended 12-17-2001**]

- I. For each pawnbroker or loan establishment: \$50.
- J. For each photograph establishment, including film development and the privilege of selling, in connection therewith, photographic equipment and supplies: \$50. **[Amended 12-17-2001]**
- K. For each printing and/or newspaper publishing establishment: \$50. **[Amended 12-17-2001]**
- L. For each person engaged in rendering professional services, with offices in the Town: \$50. **[Amended 12-17-2001]**
- M. For each real estate broker or rental agent or insurance agent, or any combination thereof, doing business in the Town: \$50. **[Amended 12-17-2001]**
- N. For each shoe-making or repairing or shoe-shining establishment, or any combination thereof, including the privilege of selling in connection therewith shoestrings, shoe-cleaning materials, shoe supplies and the like: \$25. **[Amended 12-17-2001]**
- O. For each person engaged in the business of repairing or servicing or installing a radio, television or either of them or any combination thereof: \$50. **[Amended 12-17-2001]**
- P. For each person engaged in professional sign painting: **\$50. [Amended 12-17-2001]**
- Q. For each person engaged in erecting signs: \$50. **[Amended 12-17-2001]**
- R. For each taxicab, jitney or horse-drawn vehicle for transportation of passengers: \$25 (flat fee). **[Amended 12-17-2001]**
- S. For a sound truck (only in commercial and industrial areas): \$15 per hour.
- T. For each person providing the following:
 - (1) Art or practice of witchcraft: \$100.
 - (2) Conjuraton: \$100.
 - (3) Dealing with spirits: \$100.
 - (4) Divining: \$100.

- (5) Telling fortunes: \$100.
 - (6) Inspection of leaves or crystal balls: \$100.
 - (7) Palm reading: \$100.
 - (8) Phrenology: \$100.
- U. For each person providing services not hereinbefore mentioned and doing business in the Town: \$50.

§ 92-6. Annual fee for renting of rooms or serving of food. [Amended 7-7-2003]

- A. Persons engaged for profit in renting rooms, cottages, cabins, private houses, apartments, or serving food within the limits of the Town, or any of them or any combination thereof, shall pay an annual fee to the Town Manager for the use of the Town as follows:
- (1) Hotels, motels, inns, rooming houses, boardinghouses, or private houses, offering rooms for public rental:
 - (a) Per unit/room: \$100.
 - (b) For restaurant or eating establishments, per each place of business: \$50. (Amended 7-6-04)
 - (c) For each nursing or convalescent home, or any combination thereof, the fee shall be \$5 per room, a room being construed to be an area partitioned off separately where a patient or tenant sleeps or where beds are provided for a particular individual, not a recreation, dining, kitchen or card room, etc.
 - (d) Commercial Unit rented: \$100 (Added 7-6-05)
 - (2) For each home: \$100.
 - (3) For each apartment: \$100.
- E. The rates in Subsection A(1), (2) and (3) of this section are applicable to monthly rental, seasonal or annual rentals or any part thereof.

§ 92-7. Annual fee for peddlers and hawkers.

- A. Solicitors or peddlers or hawkers, whether on foot, or by motor vehicle or horse-drawn vehicle, engaged in selling any and all merchandise or commodities, or any combination thereof, upon the street or sidewalks of the Town, shall pay a annual license fee to the Town Manager for the use of the Town, as follows:
- (1) For each soliciting agent selling books, magazines, etc. or taking orders for subscriptions (local students exempt): \$25.
 - (2) For a traveling optician: \$25.
 - (3) For each photographer working on the streets as a principal part of his business or soliciting: \$25 for each camera.
 - (4) For each person whose place of business is not within the corporate limits of the Town, but who is engaged in the business of supplying to the inhabitants of the Town commodities, including but not limited to, fuel, oil, gasoline, kerosene, and milk, or services, including, but not limited to, laundry, dry cleaning, sale of real estate or other commodities: \$25.
 - (5) For each solicitor, peddler or hawker engaged in selling any and all merchandise and commodities not hereinbefore mentioned: \$25.
- B. Such peddler or hawker shall not remain in one place or along any street or sidewalk of the Town longer than 10 minutes nor return thereto within a period of five hours; and such places shall be duly designated areas set aside for the purpose by the Town Council of the Town of Laurel under such regulations and restrictions as shall be prescribed therefor.

§ 92-8. Annual fee for manufacturing businesses.

Each person engaged in manufacturing, whether industrial or otherwise, within the corporate limits of the Town, shall pay an annual license fee to the Town Manager for the use of the Town as follows:

- A. For each establishment engaged in business for the purpose of manufacturing or industrial purposes: \$50.
- B. For each person engaged in custom woodwork, carving and repair shop, including construction of a finished product from raw materials: \$25.

§ 92-9. Initial license fees. [Amended 4-1-2002]

Each person which has not previously carried on, prosecuted, conducted or engaged in a business or occupation within the corporate limits of the Town of Laurel shall pay the following license fees, except where a flat rate is charged, in which event any proration shall be based upon the annual license fee:

- A. For an entire license year: \$100% of license fee.
- B. For any period in excess of six months of the license year: 100% of license fee.
- C. For any period in excess of three months, but less than six months of the license year: 50% of license fee.
- D. For any period shorter than three months of the license year: 25% of license fee.

§ 92-10. License year.

This license year shall begin with July 1 and end with June 30 of the next succeeding calendar year. License fees shall be due and payable to the Town Manager prior to the beginning of a given license year.

§ 92-11. Exemptions from fees. (Amended 2-22-05)

No license fee shall be charged for a license to any charitable Fraternal, public library, association, club or state or county office, nor shall the Town of Laurel be charged for a license.

§ 92-12. License applications.

- A. Applications for licenses shall be addressed to the Town Manager in writing, verified by oath or affirmation, signed by the applicant or applicants, and each application shall give the following information and such other information as the Town Manager shall require from time to time.
 - (1) The home or business address of the applicant.
 - (2) If an applicant is a partnership, the names and addresses of the individuals composing the partnership.
 - (3) The names and addresses of the principal officers of a corporation.
 - (4) A full description of the nature of the business or enterprise for which a

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license is desired.

- B. The Town Manager may withhold the issuance of a mercantile license for the failure to pay the annual fee, and for other lawful reasons, including the right to withhold a license from any property owner for a commercial property where the occupants or users, or the person(s) in lawful possession of such property, have been convicted on three or more occasions of a violation of the Ordinance Defining and Regulating Disorderly Commercial Establishments and Dwelling Houses (Chapter 102, Article IX), as amended, during the previous calendar year **or three (3) or more violations within a 12 month period of the rental inspection program and/or rental licensing provisions**. In such event, the Town may withhold the issuance of a mercantile license for up to three years, or until the persons entitled to lawful possession of the subject property have voluntarily surrendered possession, or have been evicted from the subject property pursuant to the order of a court of competent jurisdiction, whichever first occurs. **[Added 1-3-2000] (Amended 6-16-14)**

§ 92-13. Records of licenses issued.

The Town Manager shall prescribe the form of the license certificate to be issued to applicants and shall keep full and complete records of all licenses issued and the expiration dates thereof and the license fee charge.

§ 92-14. Temporary permit.

Whenever the Town Manager shall be unable to determine in what class for which a license is applied shall fall or the amount to be charged therefor, he or she is authorized to assess and collect from the applicant the sum of \$25 and to issue to the applicant a temporary permit which shall remain in effect until the next regular meeting of the Town Council. At such meeting the Council shall classify the application and determine the license fee or the action which the Town Manager shall take to determine the correct tax, whereupon the Town Manager shall issue a permanent license in accordance with the ruling of the Council and determine the amount paid and to be paid therefor.

§ 92-15. Appeals. [Amended 1-3-2000]

Applicants who have been denied a license pursuant to the provisions of § 92-12 hereof, or who have paid the license fees assessed by the Town Manager under protest shall have the right to appeal from the determination of the Town Manager to the Town Council. Such appeal shall be filed with the Secretary of the Town Council in writing within five days after the determination of the Town Manager, and the Council shall fix a time and place for hearing the appeal, which may be presented by the applicant or by counsel. The appeal day shall be the next succeeding regular monthly meeting of the Town Council if sufficient time elapses; otherwise, the following regular monthly meeting of the Town Council.

§ 92-16. Posting of licenses issued.

All licenses issued under this chapter shall be posted in a public place in the establishment or place of business for which it is issued or, as the case may be, shall be carried upon the person of the licensee.

§ 92-17. Second and final notice. (Amended 12-1-03)

Whenever a business/property owner fails to pay their business/rental license by the required due date, a second and final notice will be given. For each second and final notice given a penalty of \$15.00 per notice, will be added to cover necessary administrative cost. Failure to comply with the second notice will result in the town imposing stated fines listed in Section 18 of Chapter 92.

§ 92-18. Violations and penalties. (Amended 12-1-03)

Any person violating any of the provisions of this chapter shall, upon conviction, be subject to a fine of not less than \$25 nor more than \$100 and imprisoned for a term of not less than 10 days nor more than 20 days for the first such conviction, or both, and shall pay the costs of prosecution. For a second or subsequent offense, any person shall, upon conviction, be subject to a fine of not less than \$50 nor more than \$200 or imprisoned for a term of not less than 20 days nor more than 30 days for each such conviction, or both, and shall pay the costs of prosecution. For the purposes of this chapter, each day, or part of a day, that a violation of any of the provisions of this chapter continues shall be deemed and taken to be a separate and distinct violation.

Chapter 98

PARKS AND RECREATION AREAS

ARTICLE I

Laurel River Park

§ 98-1. General provisions.

§ 98-2. Automobiles and motorized vehicles.

§ 98-3. Park buildings and facilities.

§ 98-4. Animals.

§ 98-5. Solid waste disposal; fire protection.

§ 98-6. Property protection.

§ 98-7. Violations and penalties.

[HISTORY: Adopted by the Town Council of the Town of Laurel: Art. I, 9-8-1980 as Ord. No. 161. Amendments noted where applicable.]

GENERAL REFERENCES

Park and Recreation Commission – See Ch. 25.

ARTICLE I

Laurel River Park

[Adopted 9-8-1980 as Ord. No. 161]

§ 98-1. General provisions. (Amended 9-2-03)

- A. The park shall be open for public recreation from 8:00 a.m. to sunset year round. It may be opened earlier or later with the approval of the Mayor and Council.
- B. No person shall, without written permission of the Town of Laurel, erect, paint, paste, glue or otherwise affix or distribute any sign, advertisement, placard, inscription or circulars on park property. The sale, vending, selling, peddling or offer for sale of any article, commodity or service or the solicitation of funds or donations within the park is prohibited.

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- C. Disorderly conduct, abusive, language, noisy disturbance or disregard of the rules and regulations will be grounds for immediate removal from the park by the appropriate authority.
- D. Parents will be held responsible for any damage caused by their children. Parents will also be held responsible for the control of their children.
- E. Children under the age of twelve (12) years shall not be left unattended in the park.
- F. The sale, consumption or possession of intoxicating liquors or beverages and dangerous or narcotic drugs, or gambling of any kind is prohibited anywhere in the park.
- G. No person shall enter into the park while under the influence of intoxicating liquors or beverages or under the influence of any narcotic or dangerous drug.
- H. The Mayor and Council will not be responsible for accidents, injuries or loss of property by fire, theft, wind, floods or other natural acts in the park.
- I. Persons should immediately notify the town office or police of any hazardous condition in the park or of any conditions or any violation of these rules and regulations.
- J. Use of guns, bows and arrows, slingshots, knives or the throwing of any object or objects is not permitted in the park.
- K. Swimming in the river from park property is prohibited.
- L. No overnight camping is allowed on park property.
- M. The Mayor and Council are not responsible for any personal injury to children using playground equipment. Children use it at their own risk.
- N. Reservation permits for group picnics must be obtained from the Town Office, and all applications shall be filed at least ten (10) days prior to the scheduled activity.
- O. No entertainment, demonstration or exhibition shall be given in the park except with the written permission of the Town of Laurel.

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- A. No person shall ride in or drive any motor vehicle which is self-propelled upon any parkland, except upon the roads, other than marked limited access roads and drives, or on areas which are designated and provided for such purposes. No person shall commit any act by use or operation of any motor vehicle on any parkland which, if committed upon a public highway or street in the State of Delaware, would be prohibited and unlawful.
- B. No one shall test or repair any vehicle or mechanical device in the park. There shall be no parking at any time except in areas designated for such purposes. Motor vehicles parked elsewhere will be towed at the owner's expense.
- C. Bicycles or any type of nonmotorized vehicle must be used safely, properly and without the possibility of injury to others and shall be used only upon roads and areas designated for such purposes.
- D. No person shall ride in or drive any motor vehicle which is self-propelled upon any roads or drives in the park marked as "limited access only," which roads or drives shall be reserved solely for the use of Town and State Police cruisers, town maintenance vehicles and emergency vehicles responding to a call for assistance.
- E. No bicycles shall be permitted on the eastern entrance of the park marked as "limited access only."

§ 98-3. Park buildings and facilities.

- A. Park buildings and facilities are provided for your convenience or pleasure. Each person has a responsibility to use the park facilities with respect for others and to keep them neat and clean. Any irregularities should be reported immediately to the Town Office.
- B. No pets are allowed in the park buildings at any time; provided, however, that no provisions of this Article shall prohibit the use of a dog by any law enforcement agency or branch of the Armed Forces nor the use of any Seeing Eye dog being handled by any person who is legally blind nor the use of any hearing ear dog or service dog.¹

§ 98-4. Animals.

- A. Horses, cattle, livestock and domestic animals of any kind are prohibited in the park.

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- B. No person shall set a trap or snare, or shoot, injure, annoy, disturb, poison any wild animal or bird, or injury or destroy any nest.

§ 98-5. Solid waste disposal; fire protection.

- A. Garbage and trash must be placed in the proper receptacles.
- B. No person shall make or kindle any open fire except in grills provided for this purpose. Grills provided for public use shall be on a first come, first served basis.
- C. Each person using the park shall clean all debris, extinguish all fires when such fires are permitted and leave the premises in good order and the facilities in a neat and clean condition.

§ 98-6. Property protection.

No person shall climb, cut, break, move, take or otherwise injure, destroy or deface any trees, shrubs, benches, tables, plants, turf, rock or any building, fence, bridge, sign or other structure; or foul any stream, or dump any earth, rubbish or other substance or materials in or upon the park grounds.

§ 98-7. Violations and penalties.

- A. Any person violating any of these rules and regulations shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than fifty dollars (\$50), and not more than five hundred dollars (\$500) or imprisoned for thirty (30) days, or both.²
- B. For the purposes of this Article, each violation shall be deemed to be a separate offense.
- C. For the purpose of this Article, the word “person” shall be deemed to include a natural person, a corporation, a partnership, an association, and any other combination of persons.

PEACE AND GOOD ORDER

Chapter 102

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PEACE AND GOOD ORDER

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§ 102-69. Loud sound amplification systems prohibited.

§ 102-70. Violations and penalties.

ARTICLE XI
Distribution of Printed Materials

§ 102-71. Standards for the distribution of certain printed materials established.

§ 102-72. Violations and penalties.

[HISTORY: Adopted by the Town Council of the Town of Laurel as indicated in article histories. Amendments noted where applicable.]

ARTICLE XII
Regulating the Possessions of Firearms, Ammunition, Components of Firearms, and Explosives in Municipal Buildings and Police Stations in the Town of Laurel

§102-71 B. Possession of firearms, ammunition, components of firearms, or explosives in municipal buildings and police stations prohibited.

§102-72 B. Severability

§102-73 B. No repeal of existing firearms related ordinances.

102-74 B. Effective Date

ARTICLE I
Petit Larceny
[Adopted 5-2-1966 by Ord. No. 175]

§ 102-1. Prohibited acts; penalties.

Whoever within the corporate limits of the Town of Laurel unlawfully steals, takes and carries away any goods, chattels or effects, money, bank notes or bills, promissory notes, bills of exchange, checks, orders, bonds, obligations, written securities, warrants of attorney, certificates, releases or receipts to the value of less than \$100 shall be deemed guilty of petit larceny and upon conviction thereof before the Alderman shall be fined not less than \$10 nor more than \$100 or imprisoned not less than five days nor more than 30 days, or both, and shall pay the costs of prosecution.

ARTICLE II
Various Offenses
[Adopted 7-12-1976 by Ord. No. 195]

§ 102-2. Definitions.

General Definitions, Section 222, Words of Gender of Number, Section 223 and Definitions relating to State of Mind, Section 231, all of which appear in Title 11, Delaware Code, as amended, will be adhered to in this article.

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§ 102-3. Possession of alcoholic beverages by minors. [Amended 3-17-1986 by Ord. No. 195]

No person under the age of 21 years shall have upon or about his person or in his or her possession any alcoholic, malt spirituous beverage within the corporate limits of the Town.

§ 102-4. Drunkenness in public.

No person shall be drunk or under the influence of alcoholic beverages and/or disorderly in any public place within the Town. Drunkenness standing alone, shall be construed to mean overtly staggering, reeling, crawling or incapable of normal reasonable walking.

§ 102-5. Consumption of alcoholic beverages in public.

No person shall drink any intoxicating liquor in any public place other than on the premises licensed to sell intoxicating liquors for consumption on the premises. "Public place," for the purposes of this section, shall mean any area of land, real property, lot, part and parcel thereof, that is in plain view, that an ordinary passerby could see or observe. The "plain view" doctrine of law enforcement shall apply. (Example: A yard that is adjacent to a private dwelling that borders on a public street, avenue or thoroughfare that is in plain view from the street shall apply to this section).

§ 102-6. Trespassing with intent to peer or peep into a window or door of another.

A person is guilty of trespassing with intent to peer or peep into a window or door of another when he or she knowingly enters upon the occupied property or premises of another utilized as a dwelling, with intent to peep or peer into the window or door of such property or premises and who, while on such property or premises, otherwise conducts himself or herself in a manner commonly referred to as "peeping Tom."

§ 102-7. Criminal trespass.

A person is guilty of criminal trespass when he or she knowingly enters or remains

unlawfully upon real property.

§ 102-8. Criminal mischief.

No person shall unlawfully mischievously destroy, deface, injure or cause to be destroyed, defaced or injured any real or personal property belonging to any other person, or of the Town of Laurel, in any area which is under the police protection of the Town of Laurel.

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§ 102-9. Desecration.

A person is guilty of desecration if he or she intentionally defaces, damages, pollutes or otherwise physically mistreats any public monument or structure, any place of worship or burial, the national flag or any other object of veneration by the public or a substantial segment thereof, in a public place and in a way in which the actor knows will outrage the sensibilities of Mayor and Council of Laurel, or of persons likely to observe or discover his actions.

§ 102-10. Indecent exposure.

No person shall make any open improper, indecent or obscene exposure of his or her person or his or her private parts, or of the person of another, in any public place within the Town of Laurel or in any place not enclosed from the view of others.

§ 102-11. Interfering with police officer.

- A. No person shall interfere with a police officer of the Town in the performance of his or her duties.
- B. A person shall be deemed to have violated this section if he or she encourages or incites another to interfere with a police officer of the Town in the performance of his or her duties.

§ 102-12. Disturbing the peace.

No person shall disturb the peace, tranquility and quiet of the Town of Laurel.

§ 102-13. Harassment.

A person is guilty of harassment when, with intent to harass, annoy or alarm another person:

- A. He or she insults, taunts or challenges another person or engages in any other course

of alarming or distressing conduct in a manner which he or she knows is likely to provoke a violent or disorderly response;

- B. Communicates with a person by telephone, telegraph, mail, or any other form of written communication in a manner which he or she knows is likely to cause annoyance or alarm including, but not limited to, intrastate telephone calls initiated by vendors for the purpose of selling goods or services; or
- C. Knowingly permits any telephone under his or her control to be used for a purpose prohibited by this section.

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§ 102-14. Loitering.

A person is guilty of loitering when:

- A. He or she fails or refuses to move on when lawfully ordered to do so by any police officer;
- B. He or she stands, sits idling or loiters upon any pavement, sidewalk, or crosswalk, or stands or sits in a group, or congregates with others, on any pavement, sidewalk, crosswalk or doorstep, in any street or way open to the public in this town so as to obstruct or hinder the free and convenient passage of persons walking, riding or driving over or along such pavement, walk, street or way, and shall fail to make way, remove or pass, after reasonable request from any person;
- C. He loiters or remains in or about a school building or grounds, not having reason or relationship involving custody of or responsibility for a pupil or any other specific or legitimate reason for being there, unless he has written permission from the principal;
- D. He loiters, remains or wanders about in a public place for the purpose of begging;
- E. He loiters or remains in a public place for the purpose of engaging or soliciting another person to engage in sexual intercourse or deviate sexual intercourse; or
- F. He loiters or prowls in a place, at a time, or in a manner not usual for law-abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Unless flight by the accused or other circumstances make it impracticable, a peace officer shall, prior to any arrest for an offense under this subsection, afford the accused an opportunity to dispel any alarm which would otherwise be warranted by requesting him to identify himself and explain his presence and conduct. No person shall be convicted of any offense under this subsection if the peace officer did not comply with the preceding sentence or if it appears that the explanation given by the accused was true and, if believed by the

peace officer at the time, would have dispelled the alarm.

§ 102-15. Criminal nuisance.

A person is guilty of criminal nuisance when:

- A. By conduct either unlawful in itself or unreasonable under all the circumstances, he knowingly or recklessly creates or maintains a condition which endangers the safety or health of others; or

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- B. He knowingly conducts or maintains any premises, place or resort where persons gather for purposes of engaging in unlawful conduct.

§ 102-16. Obstructing public passages.

A person is guilty of obstructing public passages when, alone or with other persons and having no legal privilege to do so, he intentionally or recklessly renders any public passage unreasonably inconvenient or hazardous to use, or he willfully enters upon or tampers with or obstructs any public utility right-of-way.

§ 102-17. Obstructing ingress to or egress from public buildings.

A person is guilty of obstructing ingress to or egress from public buildings when he knowingly prevents any person from passing through any entrance or exit to a public building, except that this section shall not apply to lawful picketing or to picketing for any unlawful union objective.

§ 102-18. Gambling prohibited.

- A. No person shall deal, carry on, operate or conduct, either as owner, manager, agent, dealer or employee, whether for hire or not, any game of cards, dice, slot machine or any other device for merchandise, money, checks, credits, or any other valuable thing.
- B. No owner, lessee, agent, employee or manager of any house, building or any part thereof shall permit such gambling to be played in such house, building or any part thereof.

§ 102-19. Crap games prohibited.

- A. No person shall participate in a certain form of gambling commonly known as “craps”.
- B. As used in this section, “craps” shall mean any game in which money or other valuable thing(s) is wagered upon by the chance throw of dice.

§ 102-20. Offensive touching

A person is guilty of offensive touching when he or she intentionally touches another person, either with a member of his or her body or with any instrument, knowing that he or she is thereby likely to cause offense or alarm to such person.

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§ 102-21. Menacing.

A person is guilty of menacing when by some movement of his body or any instrument he intentionally places another person in fear of imminent physical injury.

§ 102-22. Reckless endangering.

A person is guilty of reckless endangering when he recklessly engaged in conduct which creates a substantial risk of physical injury to another person.

§ 102-23. Disorderly conduct.

A person is guilty of disorderly conduct when:

- A. He intentionally causes public inconvenience, annoyance or alarm to any other person, or creates a risk thereof by:
 - (1) Engaging in fighting or violent, tumultuous or threatening behavior;
 - (2) Making an unreasonable noise or an offensively coarse utterance, gesture, or display, or addressing abusive language to any person present;
 - (3) Disturbing any lawful assembly or meeting of persons without lawful authority;
 - (4) Obstructing vehicular or pedestrian traffic;
 - (5) Congregating with other persons in a public place and refusing to comply with a lawful order of the police to disperse; or
 - (6) Creating a hazardous or physical offensive condition which serves no legitimate purpose.
- B. He or she engages with at least one (1) other person in a course of disorderly conduct as defined in Subsection A of this section which is likely to cause substantial harm or serious inconvenience, annoyance or alarm, and refuses or knowingly fails to obey an

order to disperse made by a peace officer to the participants.

§ 102-24. Burning within town limits prohibited.

It shall be unlawful to set fire to and burn leaves, brush or any other combustible material within the town limits of Laurel without a special permit from the Town Council and/or State Fire Marshal.

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§ 102-25 Discharging of firearms prohibited.

A person is guilty of discharging a firearm within the limits of the Town, unless in self-defense, a law enforcement officer in the performance of his duty, or a person licensed by the State of Delaware to carry a firearm in the execution of their normal vocation.

§ 102-26. Discarded refrigerators and similar containers.

It shall be unlawful for any person(s), corporation, partnership and/or business to store, put, leave or deposit in any place accessible to small children within the corporate limits of the Town of Laurel any unused, infrequently used, discarded or vacant refrigerators, ice boxes or any like devices utilized for storage and preservation of foodstuffs, unless latches and hinges of doors are completely removed from aforementioned devices.

§ 10-27. Control of domesticated animals and honey bees.

- A. Any person mounting a pony, horse, donkey, mule or any related animal shall abide by the following:
 - (1) Shall not trespass on any sidewalk or private property within the town limits of Laurel.
 - (2) Shall not be allowed in the Town of Laurel on Friday or Saturday unless by permit of the Town Manager of the Town of Laurel, or by any designated authority thereof.
 - (3) Shall not be allowed within the town limits after sundown.
 - (4) Must ride on the right side of roadways with traffic and obey all traffic laws.
 - (5) All of the aforementioned subsections are void, except the private property clause mentioned in Subsection A(1), in the event of a parade or any special event sanctioned by any organization of the Town of Laurel.
- B. No person(s), firms or corporations shall keep, raise or maintain any livestock or poultry upon any property owned or occupied by such person(s), firm or corporation

within the corporate limits of the Town of Laurel.¹

- C. The keeping, maintaining or raising of bees shall be unlawful within the corporate limits of the Town of Laurel.

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§ 102-28. Control of trash, waste or objectionable materials.

It shall be unlawful for any person(s), firm, corporation, and/or business to deposit, put, place or display ashes, dirt, rubbish, waste materials or any other objectionable material upon the sidewalks, streets, lands, lots or real property owned, leased rented and/or maintained by the Town of Laurel.

This section shall also include those portions, segments, parts and parcels of Record's Pond, Broad Creek, Rossakatum Branch and the sewage lagoons attached to the Laurel Sewage Treatment Plant and Disposal Unit.

§ 102-29. Boat restrictions.

It shall be unlawful to operate any boat powered by an outboard motor, outboard/inboard motor, or inboard motor upon the lakes, ponds and/or waterways within the corporate limits of Laurel, between the hours of 9:00 p.m. and 5:00 a.m. local time.

§ 102-30. Escape and related definitions to custody.

- A. A person is guilty of escape when he escapes from custody.

- B. Definitions of custody and escape.

CUSTODY – Restraint by a public servant pursuant to an arrest, detention or an order of a court.

DETENTION FACILITY – Any place used for the confinement of a person.

- (1) Charged with or convicted of an offense;
- (2) Held for extradition or as a material witness; or
- (3) Otherwise confined pursuant to an order of a court.

ESCAPE – Departure from the place in which the actor is held or detained with knowledge that such departure is unpermitted.

¹ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art I.

acts described in § 102-35 through § 102-38, inclusive.

- B. A person is guilty of theft if he, in any capacity, legally receives, takes, exercises control over or obtains property of another which is the subject of theft and fraudulently converts the same to his own use.

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§ 102-35. Lost or mislaid property; mistaken delivery.

A person commits theft when, with the intent prescribed in § 102-34 of this Article, he exercises control over property of another person which he knows to have been lost or mislaid, or to have been delivered under a mistake as to the identity of the recipient or the nature or the value of the property without taking reasonable measures to return the property to its owner.

§ 102-36. False pretense.

A person commits theft when, with the intent specified in § 102-34 of this Article, he obtains property of another person by means of representation, express or implied, that he or a third person will in the future engage in particular conduct, and when he does not intend to engage in such conduct or, as the case may be, does not believe the third person intends to engage in such conduct. The accused's intention or belief that a promise would not be performed may not be established by or inferred from the fact alone that the promise was not performed.

§ 102-38. Services.

- A. A person commits theft when, with the intent specified in § 102-34 of this Article, he obtains services which he knows are available only for compensation by deception, threat, false token, false representation or statement or by installing, rearranging or tampering with any facility or equipment or by any other trick, contrivance or any other device to avoid payment for the services.
- B. In any prosecution for theft involving theft of services, the accused's intention not to pay for the services may not be established by or inferred from the fact alone that he did not pay for them.

§ 102-39. Violations and penalties.

Any person or persons, upon conviction thereof of any of the preceding section or sections heretofore stated with this Article, each separate section being a separate offense thereof, shall be fined not less than ten dollars (\$10), nor more than one hundred dollars (\$100), and/or imprisoned not less than five (5) days nor more than thirty (30) days, and shall pay the costs of prosecution.

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servant, partner, member, director, officer or employee of any of them, including an executor, administrator, trustee, receiver or other representative appointed according to law.

§ 102.43. Passing bad check unlawful.

It shall be unlawful for any person, firm or corporation to issue a bad check or pass a check knowing that it will not be honored by the drawee.

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§ 102-44. Evidence of bad check.

For the purpose of this Article, as well as in any prosecution for theft committed by means of a bad check, it shall be prima facie evidence of knowledge that the check (other than a postdated check) would not be honored that:

- A. The issuer had no account with the drawee at the time the check was issued; or
- B. Payment was refused by the drawee upon presentation because the issuer had insufficient funds or credit and the issuer failed to make the check good within ten (10) days after receiving notice of that refusal.

§ 102-45. Defense against prosecution.

In any prosecution for issuing a bad check, it shall be an affirmative defense that the accused, in acting as drawer in a representative capacity or as agent of the person whose name appears on the check as principal drawer or obligor, did so as an employee who, without personal benefit, merely executed the orders of his employer or of a superior officer or employee generally authorized to direct his activities.

§ 102-46. Violations and penalties.

Any person violating any of the provisions of this Article shall be deemed guilty of a misdemeanor and upon conviction thereof in a court of competent jurisdiction shall be fined not less than twenty-five dollars (\$25) nor more than two hundred dollars (\$200) or imprisoned for a period not more than twenty (20) days, or both, and shall pay the costs of prosecution.

§ 102-47. Applicability.

This Article shall be applicable only if the issuing or passing of a bad check is in the amount of less than five hundred dollars (\$500).

ARTICLE VII
Shoplifting
[Adopted 1-4-1988 as Ord. No. 164]

§ 102-50. Detainment for probable cause.

A merchant, store supervisor, any agent or employee of the merchant who is eighteen (18) years of age or older, who has probable cause for believing that the person has intentionally concealed unpurchased merchandise or has committed shoplifting as defined in § 102-48 of this Article may, for the purpose of summoning a law enforcement officer, take the person into custody and detain him in a reasonable manner on the premises for a reasonable time.

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§ 102-51. Exemption from liability.

A merchant, store supervisor, any agent or employee of the merchant who is eighteen (18) years of age or older who detains, or a merchant, store supervisor, agent or employee of the merchant who causes or provides information leading to the arrest of any person under §§ 102-48, 102-49 or 102-50 of this Article shall not be civilly or criminally liable for such detention or arrest, provided that he had, at the time of such detention or arrest, probable cause to believe that the person committed the crime of shoplifting as defined in this Article.

§ 102-52. Shoplifting prohibited.

It shall be unlawful for any person to commit an act of shoplifting within the corporate limits of the Town of Laurel.

§ 102-53. Violations and penalties.

Any person violating any of the provisions of this Article shall be deemed guilty of a misdemeanor and upon conviction in a court of competent jurisdiction shall be fined not less than twenty-five dollars (\$25) nor more than two hundred dollars (\$200) or imprisoned for a period not to exceed thirty (30) days, or both, and shall pay the costs of prosecution.

§ 102-54. Applicability.

This Article shall be applicable only if the goods, wares or merchandise which are the subject of being shoplifted are of a value of less than five hundred dollars (\$500).

ARTICLE VIII

Criminal Code

[Adopted 1-6-1992 as Ord. No. 306]

§ 102-55. Definitions; word use.

- A. "He," "him" and "his" are generic terms and shall include members of the female gender and the neuter gender as well as members of the male gender.

- B. For the purposes of this Article, the following definitions shall be applicable unless the context clearly indicates to the contrary:

PERSON – Any individual, natural person, joint-stock company, partnership, voluntary association, society, club, firm, company, corporation, business trust, organization or any other group acting as a unit, or the manager, lessee, agent, servant, partner, member, director, officer or employee of any of them.

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PUBLIC PLACE – Any park, lake, stream, stadium, athletic field, playground, schoolyard, street, avenue, plaza, square, bus, train or railroad depot, station, terminal, cemetery, open space adjacent thereto or any other place commonly opened to the public.

STREET – All streets, highways, avenues, boulevards, parkways, roads, lanes, viaducts, bridges and the approaches thereto, docks built on the public street, alleys, courts, plazas, squares, curbs, sidewalks, recreation and park lands used for vehicular traffic or any other public ways or thoroughfares in this town, over which the town has jurisdiction, which have been or may be hereafter be dedicated and opened to public use, or to such other public property so designated by any law of this state.

TOWN – The Town of Laurel.

§ 102-56. Consumption of alcohol by minors.

It shall be unlawful for any person under the age of twenty-one (21) years to consume any alcoholic, malt or spirited beverage in any public place within the town; provided, however, that this section shall not be applicable either to the consumption of alcoholic or spirited beverages when consumed as an integral as the sacramental rites performed in the course of a religious service conducted at a church building or other house of worship or where such consumption is for medical purposes pursuant to the direction or prescription of a physician or surgeon duly licensed to practice within this state.

§ 102-57. Possession of alcohol by minors.

It shall be unlawful for any person under the age of twenty-one (21) years to have in his possession or under his control any alcoholic, malt or spirited beverage in any public place within the town.

§ 102-58. Public intoxication.

It shall be unlawful for any person to be drunk or under the influence of alcoholic beverages in any public place within the town.

§ 102-59. Open containers.

It shall be unlawful for any person to drink any intoxicating liquor, including spirits, beer or wine, or possess an open container containing intoxicating liquor, including spirits, wine or beer, in any public place within the corporate limits of the town.

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§ 102-60. Burning of vegetation or trash.

It shall be unlawful for any person to burn or set fire to any lot or land, vegetation, growing or dead, trash, refuse, waste or other matter or thing unless done in an enclosed container, incinerator, stove or fireplace used in a dwelling or building, connected to a chimney or other device so constructed or equipped so as to prevent the escaping of flames or sparks therefrom; provided, however, that outside fireplaces shall be allowed for cooking purposes but not for the burning of trash.

§ 102-61. Discarded refrigerators.

It shall be unlawful for any person to leave or permit to remain outside any dwelling, building or other structure or within any unoccupied abandoned building, dwelling or other structure under his or her control, in a place accessible to or by children, any abandoned, unattended or discarded ice box, refrigerator or other container which has an airtight door or lid, snap lock or other locking device which may not be released from the inside without first removing the door or lid, snap lock or other locking device from the ice box, refrigerator or container.

§ 102-62. Discharging of firearms prohibited.

It shall be unlawful for any person to discharge any firearm within the corporate limits of the town; provided, however, that the provision of this section shall not apply to any person in the defense of his or her life or property to any police officer in the lawful pursuit of his or her duties. For the purposes of this section, a “firearm” shall mean and include any gun, revolver, pistol or other device capable of propelling a missile by explosion of power compression of air, springs or by any other means.¹

§ 102-63. Violations and penalties. [Amended 6-3-1996 by Ord. No. 1000]

Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction thereof in a court of competent jurisdiction shall be fined not less than \$50 nor more than \$500 or imprisoned for 30 days, or both, and shall pay the costs of prosecution.

¹ Editor’s Note: See also § 102-25 of this chapter.

ARTICLE IX
Noise, Commercial Establishments and Dwelling Houses
[Adopted 11-15-1999; amended in its entirety 1-18-2000]

§ 102-64. Findings; purpose.

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- A. The Town Council has determined that at various times, the occupants or users of some commercial establishments or dwelling units in the Town of Laurel use those commercial establishments or dwelling units for the purpose of engaging in disorderly and disruptive and other violent and tumultuous behavior. The Town Council has also determined that a number of persons in lawful possession of commercial establishments and dwelling units in the Town of Laurel are engaging in the practice of allowing such commercial establishments and dwelling units to be occupied without proper supervision, control or inspection. The Town Council has further determined that these practices encourage incidents of disorderly conduct, loud and disturbing noises, public intoxication, violent and tumultuous behavior, disturbing the peace and other similar acts, which are detrimental to the public health, safety, peace and welfare of the town.
- B. The Town Council has further determined that the persons entitled to lawful possession of such premises who fail to take appropriate measures to prevent recurrences of such incidents after due notice of previous disturbances by persons occupying or using the premises must be held responsible for allowing such conduct to occur on those premises.
- C. It is, therefore, declared to be the purpose and intent of this article to prohibit the use of commercial and dwelling units in the Town of Laurel for disorderly and other disruptive conduct by imposing penalties not only upon the occupants and/or users of such premises, but also imposing penalties on those persons in lawful possession of any premises in the town who, after notice of a previous conviction for conduct proscribed by this article, fail to take appropriate actions to prevent a subsequent violation.

§ 102-65. Definitions.

As used in this article, the following terms have the meanings indicated:

ANSI – The American National Standards Institute or its successor bodies.

COMMERCIAL ESTABLISHMENT OR DWELLING UNIT USED FOR DISORDERLY OR OTHER DISRUPTIVE CONDUCT – Any commercial establishment, dwelling unit

(attached or detached) or any apartment or commercial lodging located within the Town of Laurel, the occupants, users or persons in lawful possession of which engage in any of the conduct proscribed by this article. As used in this article, “commercial establishment or dwelling unit” shall include not only the structure itself but also the lands and ways, if any, under control of the person(s) in lawful possession.

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dba – The abbreviation for the sound level in decibels determined by the A-weighting network of a sound-level meter or by calculation from octave band or 1/3 octave band.

DECIBEL (dB) – A unit of measure, on a logarithmic scale, or the ratio of a particular sound pressure squared to a standard reference pressure squared to a standard reference pressure squared. For the purpose of this article, 20 micropascals shall be standard reference pressure.

NOISE – The intensity, frequency, duration and character of sound, including sound and vibration of subaudible frequencies.

NOISE DISTURBANCE – Any sound which:

- A. Annoys or disturbs a reasonable person of normal sensibilities; or
- B. Is created by the human voice, including but not limited to, yelling, shouting, hooting, whistling or singing at any time so as to annoy or disturb a reasonable person of normal sensibilities; or
- C. Is in excess of the allowable noise levels established in this article.

OCCUPANT and/or USER – Any person(s) occupying or present on a premises.

PERSON(S) IN LAWFUL POSSESSION – Any person, firm, partnership, association or corporation (or any combination thereof) having legal possession of any premises in the Town of Laurel. The “person(s) entitled to legal possession” shall mean the owner in fee or of a life estate if the property is not under lease, or the ultimate lessee or sublessee if the property is under lease.

PREMISES – A commercial establishment, dwelling unit, apartment or commercial lodging room, together with the lands and ways, if any, under the control of the person(s) in possession.

SOUND AMPLIFIER – Any radio receiving set, microphone, musical instrument, phonograph, speaker(s) or other machine or device for the producing or reproducing of sound.

- C. Making any offensive, coarse, obscene or profane utterance, gesture or display to another person or persons in such a manner as is likely to provoke a violent or disorderly response.

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- D. Obstructing or hindering the free and convenient passage of persons walking, riding or driving over, along or across any public way, sidewalk, pavement, street or alley.
- E. Engaging in any act of indecent exposure or public display of an obscene act or gesture.
- F. Urinating in public view.

§ 102-67. Unlawful acts by persons entitled to lawful possession.

- A. Any person(s) entitled to lawful possession who, after notice as herein provided, allows, permits or fails to take affirmative action to prevent repeated violations of this article shall be deemed to be promoting the use of a commercial establishment or dwelling unit for disorderly or other disruptive conduct in violation of this article.
- B. A person(s) in lawful possession shall be presumed to have allowed, permitted or failed to take affirmative action to prevent repeated violations of this article where a violation of the article occurs after such person entitled to lawful possession has, within the preceding 12 months or lesser period, been provided actual notice, on at least three occasions, by the Laurel Police Department of a conviction of occupants or users for conduct proscribed by this article.
- C. “Actual notice,” as used in Subsection B, shall mean written notice to one or more of the persons(s) entitled to lawful possession. If written notice is attempted, it shall be deemed effective by mailing a written notice thereof to the person entitled to lawful possession at his or her last known mailing address by certified mail, return receipt requested, with proper postage affixed. If such notice comes back undelivered (except refused or unclaimed), the town shall exercise reasonable efforts to provide actual notice by some other means.

§ 102-68. Violations and penalties.

- A. Any occupant and/or user found guilty of violating § 102-66 of this article shall be fined not less than \$50 and not more than \$300 for each offense or imprisoned for a period of not more than 30 days, or both, and shall also pay the costs of prosecution.

- B. Any person(s) entitled to lawful possession found guilty of violating § 102-67 of this article shall be fined not less than \$100 nor more than \$300 for each offense or imprisoned for a period of not more than 60 days, or both, and shall also pay the costs of prosecution.

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ARTICLE X
Sound Amplification Systems
[Adopted 3-18-1996 by Ord. No. 367²)

§ 102-69. Loud sound amplification systems prohibited.

- A. No person standing or walking upon, or operating or occupying a motor vehicle on streets, sidewalks, parking areas or driveways shall operate or permit the operation of any sound amplification system in his or her possession or under his or her control, or from within a motor vehicle, so that the sound is plainly audible at a distance of 50 or more feet from such person or vehicle.
- B. As used herein, “sound amplification system” means any radio, tape player, compact disc player, loudspeaker or other electronic device used for the amplification of sound.
- C. As used herein, “plainly audible” means any sound produced by a sound amplification system which clearly can be heard at a distance of 50 feet or more. Measurement standards shall be by the auditory senses, based upon direct line of sight. Words or phrases need not be discernible and bass reverberations are included. The person may be standing or moving and the motor vehicle may be stopped, standing, parked or moving on a street, highway, alley, sidewalk, parking area or driveway.
- D. It is an affirmative defense to a charge under this section that the pedestrian or the operator of a motor vehicle being charged was not otherwise prohibited by law from operating the sound amplification systems, and that any of the following apply:
- (1) The sound amplification system was being operated to request medical or vehicular assistance or to warn of a hazardous road condition;
 - (2) Any vehicle involved was an emergency or public safety vehicle;
 - (3) Any vehicle involved was owned and operated by the Town of Laurel or a

² Editor’s Note: this ordinance repealed the former noise ordinance, Ord. No. 307.

public utility company;

- (4) The sound amplification system was used for the purpose of giving instructions, directions, talks, addresses, lectures or transmitting music to any persons or assemblages of persons in compliance with ordinances of the Town of Laurel; or

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- (5) Any vehicle involved was used in authorized public activities, such as parades, fireworks, sporting events, musical productions and other activities which have the approval of the Town of Laurel.

§ 102-70. Violations and penalties.

Any person, individual, partnership, corporation or association who violates any of the provisions of this article is guilty of an ordinance violation and, upon conviction, shall be punished by a fine not to exceed \$250 or by imprisonment of not more than 30 days, or by both such fine and imprisonment. Each day any violation hereof is found to exist or continues to exist shall be a separate offense and shall be punishable as such hereunder.

ARTICLE XI

Distribution of Printed Materials

(added 5-4-09)

§ 102-71. Standards for the distribution of certain printed materials established.

- A. Unsolicited printed materials shall not be thrown, tossed or otherwise placed upon streets, sidewalks, walkways, lawns, landscapes areas, lawns, or any other location not specifically permitted by this section. Unsolicited printed materials include free newspapers, flyers, print advertisements, coupons, or any other printed material not specifically requested by a property owner or delivered via the US Postal Service or a private parcel delivery company.
- B. All unsolicited printed materials must be delivered by being placed upon a doorstep or secured to an exterior door handle.
- C. Nothing in this section shall be construed to restrict or otherwise regulate the delivery of packages, parcels, or solicited, requested, and/or paid subscription newspapers, magazines, or other such printed material.

§102-72. Violations and penalties.

Any person, individual, partnership, corporation or association who violates any of the

provisions of this article is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than (\$50) nor more than one hundred dollars (\$100) per occurrence.

ARTICLE XII

Regulating the Possession of Firearms, Ammunition, Components of Firearms, and Explosives in Municipal Buildings and Police Stations in the Town of Laurel (added 10-16-17)

Section 102-71 B. – Possession of Firearms, Ammunition, Components of Firearms, Or Explosives In Municipal Buildings and Police Stations Prohibited.

- (a) Prohibition. Except as set forth in subsection (e) below, possession of firearms, ammunition, components of firearms, or explosives in Town municipal buildings and police stations is prohibited in all municipal buildings and police stations.
- (b) Municipal Building Defined. For purposes of this section, “municipal buildings” are defined as any building where the Town meets in its official capacity, or any building containing the offices of elected officials and of public employees actively engaged in performing governmental business, but excludes any parking facility. The definition of “municipal building” also includes any non-Town owned or leased building where the Town is meeting in or occupying such a building, but only during the time that the Town is meeting in or occupying such a building.
- (c) Required Signs. In all municipal buildings and police stations, a conspicuous sign shall be posted at each entrance stating that the possession of firearms, ammunition, components of firearms, or explosives are prohibited. Such sign may but is not required to also state that persons in violation may be denied entrance to the building or be ordered to leave the building.
- (d) Immediate Departure. Any person who immediately foregoes entry or immediately exits any municipal building or police station due to the possession of a firearm, ammunition, components of firearms, or explosives shall not be guilty of violating this section.
- (e) Exemptions. Nothing in this Section 102-71 shall be deemed to prevent the following in municipal buildings or police stations:
 - (1) Possession of firearms, components of firearms, and ammunition or explosives by law enforcement officers;
 - (2) Law enforcement agencies receiving shipments or delivery of firearms, components of firearms, ammunition, or explosives;
 - (3) Law enforcement agencies conducting firearms safety and training programs;
 - (4) Law enforcement agencies conducting firearm or ammunition public safety programs, donation, amnesty, or any other similar programs in police stations or municipal buildings;

- (5) Compliance by persons subject to protection from abuse court orders;
- (6) Carrying firearms and ammunition by persons who hold a valid license pursuant to either §1441 or § 1441 A of Title 11 of the Delaware Code so long as the firearm remains concealed except for inadvertent display or for self defense or defense of others;
- (7) Carrying firearms and ammunition by officers or employees of the United States duly authorized to carry a concealed firearm; or
- (8) Carrying firearms and ammunition by agents, messengers and other employees of common carriers, banks, or business firms, whose duties require them to protect moneys, valuables and other property and are engaged in the lawful execution of such duties.

(f) Penalties. As necessary to protect public safety, any intentional violation of this Section 102-71 B by any person shall be subject to a fine of at least \$50.00 and not exceed \$500.00 or by imprisonment for not more than 30 days, or by both fine and imprisonment.

Section 102-72 B. Severability.

The provisions of this Ordinance shall be severable. If any provisions of this Ordinance are found by any court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this Ordinance shall remain valid, unless the court finds that the valid provisions of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that it cannot be presumed that the Mayor and Town Council would have enacted the remaining valid provisions without the unconstitutional or void provision or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with the Mayor and Town Council's intent. To the extent that this Ordinance is deemed to exceed the statutory authorization provided by HB 192, the Mayor and Town Council's intent is to implement the provisions of HB 192 to the fullest extent permitted, and this Ordinance should be interpreted so that any invalid provision is limited only to the maximum authorization permitted by HB 192.

Section 102-73 B. No Repeal of Existing Firearms Related Ordinances.

Adoption of this Ordinance shall in no way repeal or alter any law, ordinance or regulation prohibiting, restricting or licensing the ownership, transfer, possession or transportation of firearms or ammunition previously enacted before July 4, 1985. To the extent that this Ordinance conflicts with any similar ordinance prohibiting, restricting or licensing the ownership, transfer, possession or transportation of firearms, ammunition enacted before July 4, 1985, the more stringent of the two ordinances shall govern.

- H. A bond for a period of one (1) year from the date thereof to the Town of Laurel in an amount of five hundred dollars (\$500) with a surety company authorized to do business in the State of Delaware containing a warrant of attorney to confess judgment in the amount of the bond conditioned upon the prompt delivery of the goods or services of a quality represented to the purchaser at the time that the order or orders were given by the purchaser and at the time or times agreed upon. Any bond required under this subsection shall be for the use of all persons who suffer damage by reason of the failure of the goods or services to be of the quality represented at the time that the order or orders were taken or to be delivered at the time or times agreed upon. A bond shall not be required for farmers or gardeners when they are peddling the products of the farms or gardens owned or occupied by them.

§ 106-3. Application fee.¹

Each applicant on whose behalf orders are to be solicited or information canvassed who maintains his principal place of business within the State of Delaware and each applicant on whose

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behalf orders are to be solicited or canvassed or information sought who does not maintain his principal place of business within the State of Delaware shall pay to the Town Manager or his designated representative at the time that the written application is submitted a permit fee as established in the Licensing Ordinance.²

§ 106-4. Duration of license.³

License required under this chapter shall be assigned for a period as provided in the Licensing Ordinance.⁴

§ 106-5. Issuance of permit.

The Town Manager or his designated representative, upon receipt of the verified application, the bond and the required fee, shall issue the permit. Each such permit shall specify the names and addresses of all solicitors or canvassers, the dates and times during which soliciting and canvassing is to be accomplished and the nature of the applicant business.

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§ 106-6. Exemptions from permit requirement.

The provisions of this chapter shall not apply to any officer or employee of the United States or the State of Delaware or any political subdivision thereof when on official business.

§ 106-7. Noncommercial and nonprofit organizations.

A permit shall also be required for distributors of written matter dealing solely with religious, political, educational or similar subjects not of a commercial nature and any nonprofit organization so registered with the State of Delaware; however, the fee may be waived.

§ 106-8. Revocation of permit.

The Town Manager or his designated representative may revoke any permit granted pursuant to the terms of this chapter because of a violation of any of the provisions of this chapter or of any other ordinance of the Town of Laurel or of any law of the United States or of the State of Delaware or if any false information is contained in the application for the permit.

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§ 106-9. Definitions.

For the purpose of this chapter, a “person” shall be deemed to include any individual, partnership, firm or corporation.

§ 106-10. Violations and penalties.

- A. Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction therefor shall be fined not less than fifty dollars (\$50) nor more than five hundred dollars (\$500) or imprisoned for thirty (30) days, or both, and shall pay the costs of prosecution.⁵
- B. For the purposes of this chapter, each solicitation for an order or subscription or sale or canvass by a person without having obtained a permit therefor shall be deemed to be a separate offense.

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Chapter 110

PLUMBING

- § 110-1. Adoption of standards.
- § 110-2. Additions, deletions and modifications.
- § 110-3. Water and sewer connections.
- § 110-4. Secondary Water Connection Permitted.

[HISTORY: Adopted by the Town Council of the Town of Laurel 7-19-1993 as Ord. No. 224. Amendments noted where applicable.]

§ 110-1. Adoption of standards. (Amended 6-21-10 & 9-21-15)

The International Plumbing Code 2015 is hereby adopted and incorporated herein by reference in its entirety, as mandated by the State of Delaware Code, Title 24 Chapter 1806 (12) (d).

§ 110-2. Additions, deletions and modifications.

- A. Section 101, Chapter 1, Southern Standard Plumbing Code, being particularly the 1991 Edition thereof and the whole thereof, be and the same is hereby amended by striking out all of said Section 101, Chapter 1, Southern Standard Plumbing Code, and substituting in lieu thereof the following:

101 TITLE AND SCOPE

101.1 Title.

- (a) The provisions embraced within the following chapters and sections, shall constitute and be known and may be cited as “The Town of Laurel Plumbing Code.”
- (b) The following definitions shall be applicable when used in this ordinance unless the context indicates otherwise:

- (1) The word “Municipality” shall mean Mayor and Council of Laurel;
- (2) The term “Plumbing Official” shall mean the Building Official of the Town of Laurel;

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- (3) The term “Corporation Counsel” shall mean the Town Solicitor of Mayor and Council of Laurel.

101.2 Code Remedial.

This Code is hereby declared to be remedial and shall be construed to secure the beneficial interest and purposes thereof, which are health, sanitation, general public safety and welfare by regulating installation and maintenance of all plumbing.

Upon the adoption of this ordinance, the provisions of this Code shall apply to every plumbing installation, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and/or appurtenances thereof, and/or when connected to the water and/or sewage system of the Town of Laurel.

101.4 Maintenance.

All plumbing, both existing and new in all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by this Code shall be maintained in good working order. The owner, or his designated agent, shall be responsible for the maintenance of plumbing.

101.5 Plumbing Installation or Maintenance by Homeowner.

Nothing in this Code shall prevent any homeowner from installing or maintaining plumbing within his own property boundaries, providing such plumbing work is done by himself and is used exclusively by him or his family. Such privilege does not convey the right to violate any of the provisions of this Code, nor is it to be construed as exempting any such property owner from obtaining a permit and paying the required fees therefor.

- B. Section 102, Chapter 1, Southern Standard Plumbing Code, being particularly the 1991 Edition thereof and the whole thereof, be and the same is hereby amended by striking out all of said Section 102, Chapter 1, Southern Standard Plumbing Code and substituting in lieu thereof the following:

102 ORGANIZATION

102.1 Plumbing Official.

- (a) There is hereby established in the Town of Laurel a department to be known as the Plumbing Inspection Department, which shall be in the charge of the Building Official.

102.2 Deputies.

The Building Official may appoint such qualified assistants, deputies and other employees as may be authorized by resolution, passed by a majority of the Town

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Council of the Town of Laurel to act as Plumbing Inspectors. The assistants, deputies and other employees to the Building Official shall hold office at the pleasure of the Building Official and shall receive such compensation as the Town Council of the Town of Laurel by resolution may fix.

102.3 Restriction on Employees.

No officer or employee connected with the Plumbing Inspection Department, except one whose connection only is as a member of the Board established by this ordinance, shall be financially interested in the furnishing of labor, material or appliances for the construction, alteration or maintenance of plumbing installation or in the making of plans or of specifications therefor unless he is the owner of such building. No such officer or employee shall engage in any work which is inconsistent with his duties or with the interest of the department.

102.4 Records.

The Plumbing Official shall keep or cause to be kept a record of the business of the Plumbing Inspection Department. The records of the Plumbing Inspection Department shall be open to public inspection at all reasonable times.

- C. Section 103, Chapter 1, Southern Standard Plumbing Code, being particularly the

1991 Edition thereof and the whole thereof, be and the same is hereby amended by striking out all of said Section 103, Chapter 1, Southern Standard Plumbing Code, and substituting in lieu thereof the following:

103 POWER AND DUTIES OF PLUMBING OFFICIAL

103.1 Right of Entry.

The Plumbing Official shall enforce the provisions of this Code and he or his authorized representative may, upon giving reasonable notice, enter any building, structure or premises to perform any duty imposed upon him by this Code.

103.2 Stop-Work Orders.

Upon notice from the Plumbing Official that work or any plumbing installation is being done contrary to provisions of this Code or in a dangerous or unsafe manner, such work shall be stopped immediately. Such notice shall be in writing and shall be given to the owner of such property, or to his agent, or to the person doing the work, and shall state the condition under which the work may be resumed. Where an emergency exists, oral notice given by the Plumbing Official shall be sufficient.

103.3 Revocation of Permits.

The Plumbing Official may revoke a permit or approval, issued under the provisions

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of this ordinance, in case there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based. In all such cases, no permit fee shall be refunded.

103.4 Safe Installation.

All plumbing installations, regardless of type, which are unsanitary or which constitute a hazard to human life, health or welfare, are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the procedure outlined in Section 103.4, Unsafe Buildings, of the Southern Standard Building Code.

103.5 Requirements Not Covered by Code.

Any requirement necessary for the safety, strength or stability of an existing or proposed plumbing installation or for the safety of the occupants of a building or structure not specifically covered by this Code, shall be determined by the Plumbing Official, subject to the Board of Adjustments and Appeals.

103.6 Plumbing Materials and Alternate Methods of Installation.

(a) Existing Premises: In existing buildings or premises in which plumbing installations are to be altered, repaired or renovated, the Plumbing Official

has discretionary power to permit elevation from the provisions of this Code, provided that such proposal to deviate is first submitted for proper determination in order that health and safety requirements, as they pertain to plumbing, shall be observed.

- (b) **Approval:** The provisions of this Code are not intended to prevent the use of any material, device, method of assemblage or installation, fixture or appurtenance not specifically authorized by this Code, provided that any such alternate has been approved and its use authorized by the Plumbing Official. The Plumbing Official shall approve any such alternate materials and methods, provided that he finds them to be in compliance with and at least the equivalent of the materials and methods prescribed in this Code.
- (c) **Evidence of Compliance:** The Plumbing Official shall require sufficient evidence to enable him to judge whether proposed alternates meet the requirements of this Code for safety and health.
- (d) **Tests:** When there is insufficient evidence to substantiate claims for alternates, the Plumbing Official may require tests of compliance as proof to be made by an approved agency at the expense of the applicant.
- (e) **Test Procedure:** Tests shall be made in accordance with generally recognized standards; but in the absence of such standards, the Plumbing Official shall

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specify the test procedure.

- (f) **Repeated Tests:** The Plumbing Official may require tests to be repeated if, at any time, there is reason to believe that an alternate no longer conforms to the requirements on which its approval was based

103.7 Liability.

An officer or employee or member of any Board charged with the enforcement of this Code, acting for the local governing body in the discharge of his duties, shall not render himself liable personally, and he is hereby relieved from all personal liability for any damage that may occur to persons or property as the result of any act required or permitted in the discharge of his duties. Any suit brought against any officer or employee because of such act performed by him in the enforcement of any provisions of this Code shall be defined by the Corporation Counsel until the final determination of the proceedings.

103.8 Reports.

The Plumbing Official shall annual submit a report to the Town Council of the Town of Laurel covering the work of the Plumbing Section of the Department during the preceding year.

- D. Section 106, Chapter 1, Southern Standard Plumbing Code, being particularly the 1991 Edition thereof and the whole thereof, be and the same is hereby amended by striking out paragraph A, B and C of said Section 106.3, Chapter 1, Southern Standard Plumbing Code, and substituting in lieu thereof the following:

106 FEES

106.3 Schedule of Permit Fees. (Amended 7-7-03)

- (a) On all plumbing work requiring a permit as set forth in Section 104.1, a fee for each plumbing permit shall be paid at the time of approval of application. Fees shall be as follows:
- (1) For issuing each permit: \$25.
 - (2) For each plumbing fixture, meter, water or drainage pipe, outside spigot, floor drain, trap and water heater: \$2.
 - (3) For each house sewer: \$2.
 - (4) For each house sewer repairs or replacement: \$2.
- (b) Sewer connection fee shall be: \$2000 per EDU.

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- (c) Water connection fee shall be: \$1000 – ¾ inch
\$1750 – 1 inch
\$2250 – 2 inch

- E. **[Amended 6-3-1996 by Ord. No. 1000]** Section 110, Chapter 1, Southern Standard Plumbing Code, being particularly the 1991 Edition thereof and the whole thereof be and same is hereby amended by striking out all of said Section 110, Chapter 1, Southern Standard Plumbing Code, and substituting in lieu thereof the following:

110 VIOLATIONS AND PENALTIES

Any person, firm or corporation or agent who shall violate a provision of this Code or fail to comply therewith or with any of the provisions thereof, or violates a detailed statement or plan submitted and approved thereunder, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$50 nor more than \$500 or imprisoned for 30 days, or both, and shall pay the cost of prosecution. Each such person shall be deemed guilty of a separate offense for each and every day apportioned thereof during which any violation of any of the provisions of this Code are committed or continued.

- F. Section 1203, Chapter 12, Southern Standard Plumbing Code, being particularly the 1991 Edition thereof and the whole thereof, be and the same is hereby amended by striking out all of aid section and substituting in lieu thereof the following:

1203 WATER SUPPLY MANDATORY

Section 1203.1

Every building in which plumbing fixtures are installed shall have a connection to the public water system, provided that public water is within 300 feet. Connection shall be required within 120 days after public water is made available, or in the case of existing public water lines, within 120 days upon being notified by town officials. A dwelling shall meet the minimum housing code standards prior to connecting to the public water system.

Section 1203.2

All users of town water that are not within the incorporated limits of the Town of Laurel shall install water meters within one hundred twenty (120) days upon notification.

- G. Chapter 4, Southern Standard Plumbing Code, being particularly the 1991 Edition and the whole thereof, be and the same is hereby amended by adding a new section to be known as Section 417.

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417 CONNECTION TO PUBLIC SEWER LINE

Section 417

Every building in which plumbing fixtures are installed shall have a connection to the public sewer system, provided that public sewer is within three hundred (300) feet. Connection to the public sewer shall be required within one hundred twenty (120) days after the public sewer is made available, or in the case of existing public sewer, within one hundred twenty (120) days upon being notified by town officials.

§ 110-3. Water and sewer connections.

- A. All service pipes for water service from the water main to the property line, including the curb stop, or, if no curb stop exists, to the property line of the premises to be served, shall be installed, maintained, repaired and/or replaced by and at the cost of the town, and all service pipes from the curb stop or the property line, as the case may be, to the building to be served shall be installed, maintained, repaired and/or replaced by and at the cost to the property owner. The size taps, corporation stops, service pipes and curb stops shall be one (1) inch. Such service pipes shall be installed at a point designated by the Town Manager or his representative.

- B. All service pipes for sewer service from the sewer main to the property line of the premises to be served shall be installed, maintained, repaired and replaced by and at the cost to the town, and all service pipes from the property line to the building to be served shall be installed, maintained, repaired and replaced by and at the cost to the owner of the premises to be served. Such service pipes shall be installed at a point designated by the Town Manager or his representative.

§ 110-4. Secondary Water Connection Permitted. (Adopted 7-21-08)

- A. Any property owner in the Town of Laurel may install a secondary connection to the municipal water system for the purposes of irrigating lawns and gardens, filling pools, washing cars, and other like uses that have no impact on the municipal wastewater system.
- B. A secondary connection may not be used to supply water to any structure or for any other purpose than those indicated above.
- C. There shall be no interconnections between the primary and secondary water connections of one or more properties.
- D. The water from a secondary connection shall not be used for any purpose on properties

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other than the property for which the secondary connection was installed.

- E. The water from a secondary connection shall not be delivered or taken away from the property on which the secondary connection exists.
- F. The waste from a secondary connection shall not be sold or transferred in any manner.
- G. Prior to the installation of a secondary water connection, the property owner shall pay all required impact fees, connection fees, permit fees, and inspection fees. The water impact fee for a secondary connection shall be \$500.
- H. The property owner shall have the secondary connection installed and shall install an approved water meter on this connection at his own expense. If the property owner's primary water connection does not have an approved meter installed at the time that a secondary connection is requested, the property owner shall install an approved meter on the primary water connection before installing a secondary connection.
- I. The rates and fees for a secondary water connection shall be the same as those for a standard municipal water connection; however, a secondary water connection shall

incur no charges for municipal wastewater service.

- J. The Town or a representative of the Town shall have the right to inspect the secondary water connection and all connected infrastructure without prior notice at any reasonable time in order to enforce the provisions of this section.
- K. The use of secondary water connections may be managed or restricted by the Town at any time as necessary to protect public health and safety.
- L. Any secondary water connection may be deactivated by the Town at any time during drought emergencies, for non-payment of charges related to the water connection, or for identified use of the water connection in violation of the above restrictions. In any case, the Town shall provide written notice to the property owner no less than forty-eight (48) hours prior to the deactivation of a secondary water connection.