

10-201. Disturbing the public peace and disorderly conduct.

(a)

(1) In this section the following words have the meanings indicated.

(2)

(i) "Public conveyance" means a conveyance to which the public or a portion of the public has access to and a right to use for transportation.

(ii) "Public conveyance" includes an airplane, vessel, bus, railway car, school vehicle, and subway car.

(3)

(i) "Public place" means a place to which the public or a portion of the public has access and a right to resort for business, dwelling, entertainment, or other lawful purpose.

(ii) "Public place" includes:

1. a restaurant, shop, shopping center, store, tavern, or other place of business;
2. a public building;
3. a public parking lot;
4. a public street, sidewalk, or right-of-way;
5. a public park or other public grounds;
6. the common areas of a building containing four or more separate dwelling units, including a corridor, elevator, lobby, and stairwell;
7. a hotel or motel;
8. a place used for public resort or amusement, including an amusement park, golf course, race track, sports arena, swimming pool, and theater;
9. an institution of elementary, secondary, or higher education;
10. a place of public worship;
11. a place or building used for entering or exiting a public conveyance, including an airport terminal, bus station, dock, railway station, subway station, and wharf; and
12. the parking areas, sidewalks, and other grounds and structures that are part of a public place.

(b) For purposes of a prosecution under this section, a public conveyance or a public place need not be

devoted solely to public use.

(c)

(1) A person may not willfully and without lawful purpose obstruct or hinder the free passage of another in a public place or on a public conveyance.

(2) A person may not willfully act in a disorderly manner that disturbs the public peace.

(3) A person may not willfully fail to obey a reasonable and lawful order that a law enforcement officer makes to prevent a disturbance to the public peace.

(4) A person who enters the land or premises of another, whether an owner or lessee, or a beach adjacent to residential riparian property, may not willfully:

(i) disturb the peace of persons on the land, premises, or beach by making an unreasonably loud noise; or

(ii) act in a disorderly manner.

(5) A person from any location may not, by making an unreasonably loud noise, willfully disturb the peace of another:

(i) on the other's land or premises;

(ii) in a public place; or

(iii) on a public conveyance.

(6) In Worcester County, a person may not build a bonfire or allow a bonfire to burn on a beach or other property between 1 a.m. and 5 a.m.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 60 days or a fine not exceeding \$500 or both.

Constitutionality —

The proscription of a prior similar version of this section, which makes it unlawful for anyone to willfully disturb any

neighborhood in any Maryland city, town or county by loud and unseemly noises is constitutional when used by the

State to limit the volume level of speech protected by the *First Amendment to the United States Constitution*. *Eanes*

v. State, 318 Md. 436, 569 A.2d 604, 1990 Md. LEXIS 17, cert. denied, 496 U.S. 938, 110 S. Ct. 3218, 110 L. Ed.

2d 665, 1990 U.S. LEXIS 3283 (1990).

This section is content neutral, narrowly tailored to serve a significant State interest, and does not inhibit the use of

various alternative channels of communication. *Eanes v. State, 318 Md. 436, 569 A.2d 604, 1990 Md. LEXIS 17,*

cert. denied, 496 U.S. 938, 110 S. Ct. 3218, 110 L. Ed. 2d 665, 1990 U.S. LEXIS 3283 (1990).