

For the International Municipal Lawyer's Association - IMLA's 5 things to know for December 13<sup>th</sup>.

1. The other day we reported on a Pennsylvania case out of the 3<sup>rd</sup> Circuit where a school board and several officials were sued when they banned a member of the public from future meetings based on disruptive conduct. The issue of disruptive behavior flogs us all. In Montgomery County Maryland the county adopted a disruptive behavior law that addresses many situations and may be of value to those facing this issue.

[http://library.amlegal.com/nxt/gateway.dll?f=templates&fn=default.htm&vid=amlegal:montgomeryco\\_md\\_mc](http://library.amlegal.com/nxt/gateway.dll?f=templates&fn=default.htm&vid=amlegal:montgomeryco_md_mc) Sec. 32-19C. Disruptive Behavior—Public Facilities

2. In Delaware, its Supreme Court interpreted the Delaware Constitution regarding gun rights and concluded that regulations prohibiting guns and licensing guns in state parks violated that state's constitution. In doing so it also discussed the limits of administrative regulatory authority. At the outset of its opinion the majority wrote: "We are asked whether unelected officials from the State's parks and forest departments, whose power is expressly limited, can ban (except for a narrow exception for hunting) the possession of guns in state parks and forests in contravention of Delawareans' rights under the State's constitution. Clearly they cannot."

<https://courts.delaware.gov/Opinions/Download.aspx?id=266310>

3. In Portsmouth, Ohio a woman has been charged with criminal trespass and petty theft. The woman who is an officer of the local Humane Society alleges that she acted under Ohio law when she rescued a dog that was seriously malnourished. As we reported a few days ago in a discussion of a case involving Detroit and its problem of roaming at large dogs, many states authorize Humane Societies to enter private property to protect animals that are being neglected and abused.

[www.wfla.com/2017/12/12/woman-faces-charges-for-rescuing-starving-dog/](http://www.wfla.com/2017/12/12/woman-faces-charges-for-rescuing-starving-dog/)

4. In Brevard County Florida the county commission decided to forego opening its meetings with prayer and instead to pause for a moment of silence. Their decision came on the heels of being enjoined from continuing their practice of prayer and preventing agnostics, atheists and other "non-theists" from offering the invocation. The court also awarded the Plaintiffs a little less than \$70K. The commissioners voted to appeal.

[www.floridatoday.com/story/news/local/2017/12/11/opening-prayer-dropped-county-commission-meetings-after-court-ruling/938984001/](http://www.floridatoday.com/story/news/local/2017/12/11/opening-prayer-dropped-county-commission-meetings-after-court-ruling/938984001/)

5. In Santa Monica a company thumbed its nose at the city by operating a motorized scooter business without the required license, blocking sidewalks and disrupting pedestrian use of sidewalks. The city made repeated efforts to get the company to comply with the law but to no avail. The City Attorney filed criminal charges this week and the company will be required to answer to those charges. Code enforcement can be the most vital job of a local government law department in making the community safer, healthier and improving the lives of its residents.

<https://smmirror.com/2017/12/city-attorney-files-criminal-complaint-against-illegal-business-operations-by-bird-rides-inc/>

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