

section being guilty "of a misdemeanor" is added to state expressly that which was only implied in the former law. In this State, any crime that was not a felony at common law and has not been declared a felony by statute is considered to be a misdemeanor. See *State v. Canova*, 278 Md. 483, 490 (1976); *Bowser v. State*, 136 Md. 342, 345 (1920); *Dutton v. State*, 123 Md. 373, 378 (1914); and *Williams v. State*, 4 Md. App. 342, 347 (1968).

Also in subsection (b) of this section, the reference to a person "on conviction" being subject to certain penalties is added to state expressly that which was only implied in the former law, and for consistency with other penalty provisions in this and other revised articles of the Code.

Defined term: "Person" § 1-101

SUBTITLE 10. MISCELLANEOUS PROVISIONS.

9-1001. RESTRICTIONS ON USE OF BARBECUE GRILL.

(A) DEFINITIONS.

(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "BARBECUE GRILL" MEANS EQUIPMENT USED FOR OUTDOOR COOKING THAT USES AS ITS HEAT SOURCE ELECTRICITY OR THE BURNING OF CHARCOAL, LIQUID PROPANE GAS, OR OTHER FUEL.

(3) (I) "RESIDENTIAL DWELLING" MEANS A BUILDING OR PART OF A BUILDING THAT PROVIDES LIVING OR SLEEPING FACILITIES FOR ONE OR MORE INDIVIDUALS.

(II) "RESIDENTIAL DWELLING" INCLUDES A MULTIFAMILY RESIDENTIAL DWELLING, HOTEL, MOTEL, BOARDINGHOUSE, LODGING HOUSE, ROOMING HOUSE, INN, CLUB, OR DORMITORY.

(III) "RESIDENTIAL DWELLING" DOES NOT INCLUDE:

1. A SINGLE FAMILY RESIDENTIAL DWELLING; OR
2. A MULTIFAMILY RESIDENTIAL DWELLING IN WHICH THE INDIVIDUAL DWELLING UNITS ARE ARRANGED IN A ROW, SIDE BY SIDE, AND NOT CONSTRUCTED ABOVE EACH OTHER.

(B) IN GENERAL.

IN CHARLES COUNTY AND WICOMICO COUNTY, A PERSON MAY NOT USE A BARBECUE GRILL:

- (1) ON A BALCONY OF A RESIDENTIAL DWELLING; AND
- (2) WITHIN 20 FEET OF ANY PART, INCLUDING A BALCONY, OF A RESIDENTIAL DWELLING.

(C) PENALTIES.