

Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

County Council of Howard County, Maryland

2021 Legislative Session

Legislative Day No. 16

Bill No. 80 -2021

Introduced by: Liz Walsh

AN ACT prohibiting the physical harassment of Department of Public Works employees; prohibiting a person from addressing certain words or statements to certain employees or persons; authorizing a certain temporary ban of an individual from certain property under certain circumstances; and generally relating to the regulation of conduct on County property managed by the Department of Public Works and on park property managed by the Department of Recreation and Parks.

Introduced and read first time _____, 2021. Ordered posted and hearing scheduled.

By order _____
Michelle R. Harrod, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2021.

By order _____
Michelle R. Harrod, Administrator

This Bill was read the third time on _____, 2021 and Passed ____, Passed with amendments _____, Failed _____.

By order _____
Michelle R. Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ____ day of _____, 2021 at ____ a.m./p.m.

By order _____
Michelle R. Harrod, Administrator

Approved/Vetoed by the County Executive _____, 2021

Calvin Ball, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; Text in small capitals indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **Section 1. Be it enacted** by the County Council of Howard County, Maryland, that the Howard County
2 Code is hereby amended as follows:

3 By adding:

4 Title 18. Public Works.

5 Subtitle 10. Department of Public Works.

6 Section 18.1002. Physical Harassment of Employees Prohibited; Fighting Words and True
7 Threats Prohibited; Ban; Penalties.

8

9 By amending:

10 Title 19. Recreation and Parks.

11 Subtitle 2. Park Land, Open Space and Natural Resource Regulations.

12 Section 19.208. Regulation of Conduct.

13

14

15

HOWARD COUNTY CODE

16

Title 18. Public Works

17

Subtitle 10. Department of Public Works

18 **Sec. 18.1002. PHYSICAL HARASSMENT OF EMPLOYEES PROHIBITED; FIGHTING WORDS AND**

19 **TRUE THREATS PROHIBITED; BAN; PENALTIES.**

20 SECTION 18.1002. PHYSICAL HARASSMENT OF EMPLOYEES PROHIBITED; FIGHTING WORDS

21 AND TRUE THREATS PROHIBITED; BAN; PENALTIES.

22 (A) *PHYSICAL HARASSMENT OF EMPLOYEES PROHIBITED.* A PERSON SHALL NOT

23 PHYSICALLY HARASS A COUNTY DEPARTMENT OF PUBLIC WORKS EMPLOYEE ACTING IN

24 THE COURSE OF THE EMPLOYEE'S OFFICIAL DUTIES.

25 (B) *FIGHTING WORDS AND TRUE THREATS PROHIBITED.* A PERSON SHALL NOT ADDRESS THE

26 FOLLOWING WORDS OR STATEMENTS TO A COUNTY DEPARTMENT OF PUBLIC WORKS

27 EMPLOYEE ACTING IN THE COURSE OF THE EMPLOYEE'S OFFICIAL DUTIES:

28 (1) WORDS THAT HAVE A DIRECT TENDENCY TO CAUSE ACTS OF VIOLENCE BY THE

29 PERSON TO WHOM, INDIVIDUALLY, THE REMARK IS ADDRESSED; AND

1 (2) STATEMENTS WHERE THE SPEAKER MEANS TO COMMUNICATE A SERIOUS
2 EXPRESSION OF AN INTENT TO COMMIT AN ACT OF UNLAWFUL VIOLENCE TO A PARTICULAR
3 INDIVIDUAL OR GROUP OF INDIVIDUALS.

4 (C) *ENFORCEMENT – BAN GENERALLY.* (1) TO ENFORCE THE PROVISIONS OF THIS SECTION,
5 THE DEPARTMENT MAY TEMPORARILY BAN AN INDIVIDUAL FOR 24 HOURS FROM THE
6 COUNTY PROPERTY MANAGED BY THE DEPARTMENT OF PUBLIC WORKS WHERE THE
7 INCIDENT OCCURRED.

8 (2) THE DEPARTMENT MAY ISSUE A WRITTEN ORDER TO TEMPORARILY BAN AN
9 INDIVIDUAL FOR 120 HOURS FROM THE COUNTY PROPERTY MANAGED BY THE
10 DEPARTMENT OF PUBLIC WORKS WHERE THE INCIDENT OCCURRED, IF PROPER NOTICE
11 HAS BEEN PROVIDED OF THE PROHIBITED ACTIVITY ON A SIGN POSTED ON THE COUNTY
12 PROPERTY, THAT INCLUDES THE AUTHORITY TO TEMPORARILY BAN AN INDIVIDUAL FOR
13 120 HOURS TO ENFORCE THE PROVISIONS OF THIS SECTION.

14 (3) (I) AN ORDER ISSUED UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL
15 NOTIFY THE RECIPIENT THAT THE RECIPIENT MAY MEET WITH THE CHIEF ADMINISTRATIVE
16 OFFICER OR A DESIGNEE OF THE CHIEF ADMINISTRATIVE OFFICER TO DISCUSS ANY
17 REASONS WHY THE RECIPIENT’S ACCESS TO THE COUNTY PROPERTY SHOULD NOT BE
18 RESTRICTED.

19 (II) THE NOTICE SHALL STATE THE PROPOSED PLACE, DATE, AND TIME OF THE
20 MEETING.

21 (III) THE MEETING SHALL BE SCHEDULED TO BE HELD DURING THE NEXT BUSINESS
22 DAY AFTER THE ORDER IS DELIVERED TO THE RECIPIENT.

23 (IV) AT THE REQUEST OF THE RECIPIENT, THE CHIEF ADMINISTRATIVE OFFICER OR
24 A DESIGNEE OF THE CHIEF ADMINISTRATIVE OFFICER MAY RESCHEDULE THE MEETING AT A
25 LATER DATE.

26 (V) IF A MEETING IS HELD, THE CHIEF ADMINISTRATIVE OFFICER OR A DESIGNEE
27 OF THE CHIEF ADMINISTRATIVE OFFICER MAY AFFIRM, MODIFY, SUSPEND, OR RESCIND THE ORDER.

1 (VI) THE DEPARTMENT SHALL NOT SERVE AS A DESIGNEE OF THE CHIEF
2 ADMINISTRATIVE OFFICER.

3 (D) *CRIMINAL PENALTIES*. A PERSON WHO VIOLATES A PROVISION OF THIS SECTION IS
4 GUILTY OF A MISDEMEANOR AND UPON CONVICTION, IS SUBJECT TO A FINE NOT
5 EXCEEDING \$1,000.00 OR IMPRISONMENT NOT EXCEEDING 30 DAYS OR BOTH.

6 (E) *CIVIL PENALTIES*. ALTERNATIVELY, AND IN ADDITION TO AND CONCURRENT WITH ALL
7 OTHER REMEDIES AT LAW OR EQUITY, THE DEPARTMENT MAY ENFORCE THIS SECTION
8 PURSUANT TO TITLE 24. "CIVIL PENALTIES" OF THE HOWARD COUNTY CODE. A
9 VIOLATION OF THIS SECTION SHALL BE A CLASS A OFFENSE.

10 **Title 19. Recreation and Parks.**

11 **Subtitle 2. Park Land, Open Space and Natural Resource Regulations.**

12 **Sec. 19.208. Regulation of conduct.**

13 (a) *Depositing Refuse Generated Off-site*. A person shall not deposit refuse generated off-site
14 onto park property.

15 (b) *Domesticated Animals*. The provisions of title 17, subtitle 3 of the Howard County Code
16 shall apply to a domesticated animal on park property. In addition, the following
17 requirements shall apply:

18 (1) A person shall not graze, house, or leave unattended an animal on park property; and

19 (2) A domesticated animal is prohibited at all times in an area of park property that is
20 posted to prohibit animals.

21 (c) *Encroachments*. Without first obtaining a permit pursuant to section 19.205 of this subtitle, a
22 private encroachment is prohibited on park property. An encroachment shall include,
23 without limitation, a fence, wall, dog run, dog house, storage structure, driveway, compost
24 pile, swimming pool, tree house, playhouse, wood pile, garden, play equipment, tv or radio
25 reception device, or any other device, structure, refuse, or material.

26 (d) *Entrance and Exit*. A person shall enter and exit park property at an officially designated
27 entrance and exit.

1 (e) *Indecent Conduct.* While on park property, a person shall not:

2 (1) Be nude or indecently expose themselves;

3 (2) Engage in a sexual act; or

4 (3) Urinate or defecate except in a designated facility.

5 (f) *Interference with Duties of County Personnel; FIGHTING WORDS AND TRUE THREATS*

6 *PROHIBITED.* (1) A person shall not interfere with [[,]] or physically harass a County
7 employee on park property acting in the course of their official duties.

8 (2) A PERSON SHALL NOT ADDRESS THE FOLLOWING WORDS OR STATEMENTS TO A
9 COUNTY DEPARTMENT OF RECREATION AND PARKS EMPLOYEE ACTING IN THE COURSE OF
10 THEIR OFFICIAL DUTIES:

11 (I) WORDS THAT HAVE A DIRECT TENDENCY TO CAUSE ACTS OF VIOLENCE BY THE
12 PERSON TO WHOM, INDIVIDUALLY, THE REMARK IS ADDRESSED; AND

13 (II) STATEMENTS WHERE THE SPEAKER MEANS TO COMMUNICATE A SERIOUS
14 EXPRESSION OF AN INTENT TO COMMIT AN ACT OF UNLAWFUL VIOLENCE TO A PARTICULAR
15 INDIVIDUAL OR GROUP OF INDIVIDUALS.

16 (g) *Interference with Other Individuals on Park Property; FIGHTING WORDS AND TRUE THREATS*
17 *PROHIBITED.*

18 (1) *Interference with the public.* (i) A person shall not obstruct, delay, or interfere with the
19 free movements of any other individual, seek to coerce or physically disturb any other
20 individual, or hamper or impede the conduct of any authorized business or activity on
21 park property.

22 (ii) A person shall not physically harass any other individual on park property.

23 (iii) A PERSON SHALL NOT ADDRESS THE FOLLOWING WORDS OR STATEMENTS TO ANY
24 OTHER INDIVIDUAL ON PARK PROPERTY:

25 1. WORDS THAT HAVE A DIRECT TENDENCY TO CAUSE ACTS OF VIOLENCE BY THE
26 PERSON TO WHOM, INDIVIDUALLY, THE REMARK IS ADDRESSED; AND

1 2. STATEMENTS WHERE THE SPEAKER MEANS TO COMMUNICATE A SERIOUS
2 EXPRESSION OF AN INTENT TO COMMIT AN ACT OF UNLAWFUL VIOLENCE TO A PARTICULAR
3 INDIVIDUAL OR GROUP OF INDIVIDUALS.

4 (2) *Use without permit.* A person that does not hold a permit to use park property which
5 requires a permit shall vacate the property upon the arrival of the permit holder.

6 (3) *Order to vacate.* A user of a park property, including a permit holder, shall
7 immediately cease an activity and vacate the premises if so instructed by department
8 officials for reasons of public safety or to prevent potential damage to park property or
9 a park facility.

10 (h) *Lost Objects.* A lost object found on park property shall be turned over to a department
11 official and may be recovered by showing proper photo identification. A lost object shall be
12 held by the Department for a period of 30 days after which time it will be turned over to the
13 Police Department for disposition pursuant to the provisions of title 4, subtitle 3, of the
14 Howard County Code.

15 (i) *Noise.* A person shall not play an audio device or create excessive noise so as to disturb the
16 peace.

17 (j) *Vandalism.* While on park property, a person shall not:

18 (1) Interfere with, encumber, obstruct, damage, destroy, or render dangerous, any drive,
19 path, trail, walk, dock, fence, wall, bridge, bench, play equipment, structure,
20 improvement, or plant on park property;

21 (2) Disturb the public peace; or

22 (3) Hinder or obstruct the proper use of a restroom, concession stand, or other public
23 structure on park property.

24 **Sec. 19.210. Enforcement.**

25 (a) *Generally.* The Department may institute any action at law or equity, including injunction or
26 mandamus, to enforce the provisions of this subtitle.

27 (b) *Criminal Penalties.* A person who violates a provision of this subtitle that is not already
28 prohibited by State or Federal law is guilty of a misdemeanor and upon conviction, is

1 subject to a fine not exceeding \$1,000.00 or imprisonment not exceeding 30 days or both. A
 2 person who violates a provision of this subtitle that is prohibited by State or Federal law,
 3 upon conviction, shall be subject to the fine, imprisonment, or both, as provided by State or
 4 Federal law.

5 (c) *Civil Penalties.* Alternatively, and in addition to and concurrent with all other remedies at
 6 law or equity, the Department may enforce this subtitle pursuant to title 24, "civil penalties"
 7 of the Howard County Code. Violations of this subtitle shall be the class of offense set forth
 8 as follows:

9

Section	Title	Class Offense
19.204	Hours Of Operation	E
19.205(b)	Permits, Reserved Use of Park Property	E
19.205(c)(1)	Permits, Aircraft	A
19.205(c)(2)	Permits, Alcoholic Beverages	B
19.205(c)(3)	Permits, Businesses	C
19.205(c)(4)	Permits, Camping	D
19.205(c)(5)	Permits, Cutting or Mowing	A
19.205(c)(6)	Permits, Fires	C
19.205(c)(7)	Permits, Fireworks	B
19.205(c)(8)	Permits, Grading	A
19.205(c)(9)	Permits, Herbicides or Fertilizers	A
19.205(c)(10)	Permits, Hunting	A
19.205(c)(11)	Permits, Interference with the Use of Park Property	C
19.205(c)(12)	Permits, Metal Detectors	D
19.205(c)(13)	Permits, Models	D
19.205(c)(14)	Permits, Self-Propelled Motorized Vehicles	C
19.205(c)(15)	Permits, Signs	D
19.205(c)(16)	Permits, Soliciting	E
19.205(c)(17)	Permits, Storage	C
19.205(c)(18)	Permits, Structures	C
19.205(c)(19)	Permits, Watercraft	D
19.205(c)(20)	Permits, Weapons	A
19.206	Traffic, Vehicles, Parking	E
19.207(a)	Recreational Activities Bicycling	E
19.207(b)	Recreational Activities, Fishing	D
19.207(c)	Recreational Activities, Horseback Riding	E
19.207(d)	Recreational Activities, Picnicking	E

19.207(e)	Recreational Activities, Roller Skating, In-Line Skating, Skateboarding	E
19.207(f)	Recreational Activities, Swimming; Water Sports	D
19.207(g)(1)	Recreational Activities, Snowmobiling	B
19.207(g)(2)	Recreational Activities, Walking or Skating on Ice	D
19.208(a)	Conduct on Park Property, Depositing Refuse	A
19.208(b)	Conduct on Park Property, Domesticated Animals	C
19.208(c)	Conduct on Park Property, Encroachments	A
19.208(d)	Conduct on Park Property, Entrance and Exit	E
19.208(e)(1)	Conduct on Park Property, Indecent Conduct, Nudity	B
19.208(e)(2)	Conduct on Park Property, Indecent Conduct, Sexual Activity	B
19.208(e)(3)	Conduct on Park Property, Indecent Conduct, Urination	E
19.208(f)	Conduct on Park Property, Interference with Duties of County Personnel, FIGHTING WORDS AND TRUE THREATS PROHIBITED	B
19.208(g)	Conduct on Park Property, Interference with Other Individuals, FIGHTING WORDS AND TRUE THREATS PROHIBITED	B
19.208(h)	Conduct on Park Property, Lost Objects	E
19.208(i)	Conduct on Park Property, Noise	B
19.208(j)	Conduct on Park Property, Vandalism	A
19.209(a)	Environmental Protection, Mowing Open Space	A
19.209(b)	Environmental Protection, Activities Detrimental	A
19.209(c)	Environmental Protection, Grading or Disturbance	A
19.209(d)	Environment Protection, Cutting or Mowing	A
19.209(e)	Environmental Protection, Contamination	A
19.209(f)	Environmental Protection, Disturbing Buffers	A
19.209(g)	Environmental Protection, Wildlife	A
19.209(h)	Environmental Protection, Destruction of Property	A
19.209(i)	Environment Protection, Planting	A

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3 (d) Each day that a violation continues is a separate violation.

1 (E) *BAN FROM PROPERTY.* (1) TO ENFORCE THE PROVISIONS OF THIS SECTION, THE DEPARTMENT
2 MAY TEMPORARILY BAN AN INDIVIDUAL FOR 24 HOURS FROM THE PARK PROPERTY WHERE THE
3 INCIDENT OCCURRED.

4 (2) THE DEPARTMENT MAY ISSUE A WRITTEN ORDER TO TEMPORARILY BAN AN INDIVIDUAL
5 FOR 120 HOURS FROM THE PARK PROPERTY WHERE THE INCIDENT OCCURRED, IF PROPER NOTICE
6 HAS BEEN PROVIDED OF THE PROHIBITED ACTIVITY ON A SIGN POSTED ON THE PARK PROPERTY
7 THAT INCLUDES THE AUTHORITY TO TEMPORARILY BAN AN INDIVIDUAL FOR 120 HOURS TO
8 ENFORCE THE PROVISIONS OF THIS SECTION.

9 (3) (I) AN ORDER ISSUED UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL NOTIFY THE
10 RECIPIENT THAT THE RECIPIENT MAY MEET WITH THE CHIEF ADMINISTRATIVE OFFICER OR A
11 DESIGNEE OF THE CHIEF ADMINISTRATIVE OFFICER TO DISCUSS ANY REASONS WHY THE
12 RECIPIENT’S ACCESS TO THE PARK PROPERTY SHOULD NOT BE RESTRICTED.

13 (II) THE NOTICE SHALL STATE THE PROPOSED PLACE, DATE, AND TIME OF THE
14 MEETING.

15 (III) THE MEETING SHALL BE SCHEDULED TO BE HELD DURING THE NEXT BUSINESS
16 DAY AFTER THE ORDER IS DELIVERED TO THE RECIPIENT.

17 (IV) AT THE REQUEST OF THE RECIPIENT, THE CHIEF ADMINISTRATIVE OFFICER OR A
18 DESIGNEE OF THE CHIEF ADMINISTRATIVE OFFICER MAY RESCHEDULE THE MEETING AT A
19 LATER DATE.

20 (V) IF A MEETING IS HELD, THE CHIEF ADMINISTRATIVE OFFICER OR A DESIGNEE
21 OF THE CHIEF ADMINISTRATIVE OFFICER MAY AFFIRM, MODIFY, SUSPEND, OR RESCIND THE ORDER.

22 (VI) THE DEPARTMENT SHALL NOT SERVE AS A DESIGNEE OF THE CHIEF
23 ADMINISTRATIVE OFFICER.

24 *Section 2. Be it further enacted by the County Council of Howard County, Maryland, that this Act shall*
25 *become effective 61 days after its enactment.*