

Amendment No. 1 to Council Bill No. 49-2021

BY: Liz Walsh

Legislative Day 12

Date: July 6, 2021

Amendment No. 1

(This amendment expands County employee protections in the bill to prohibit a person from verbally or physically harassing a Department of Public Works employee, authorizes the Department to temporarily ban an individual for 24 hours, or for 120 hours under specified circumstances, from Department of Public Works property, and establishes civil and criminal penalties.)

1 On the title page in the purpose paragraph:

- 2 • in line 1, after “Parks”, insert “and Public Works”;
- 3 • in line 10, after “employee;”, insert “prohibiting the verbal or physical harassment of
- 4 a Department of Public Works employee”;
- 5 • in line 12, after “park”, insert “or Department of Public Works property”;
- 6 • in line 13, after “time;”, insert “providing for the banning of an individual from
- 7 Department of Public Works property for 120 hours under certain circumstances and
- 8 setting forth a post-deprivation process”; and
- 9 • in line 13, after “penalties;”, insert “adding certain civil and criminal penalties”.

10 On page 2, in line 19, insert:

11 “By Adding Title 18. Public Works.”

1

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AMI to CB49-2021

passed on July 6, 2021

Not Moved

Michelle Sperry

Council Administrator

1 Subtitle 10. – Department of Public Works.

2 Section 18.1002. Harassment of Employees Prohibited; Ban; Penalties.”.

3 On page 21, in line 20, insert:

4 “Title 18 - Public Works

5 Subtitle 10. – Department of Public Works

6 SECTION 18.1002. HARASSMENT OF EMPLOYEES PROHIBITED; BAN; PENALTIES.

7 (A) HARASSMENT OF EMPLOYEES PROHIBITED. A PERSON SHALL NOT VERBALLY OR
8 PHYSICALLY HARASS A COUNTY DEPARTMENT OF PUBLIC WORKS EMPLOYEE ACTING IN
9 THE COURSE OF THE EMPLOYEE’S OFFICIAL DUTIES.

10 (B) ENFORCEMENT – BAN GENERALLY. (1) TO ENFORCE THE PROVISIONS OF THIS SECTION,
11 THE DEPARTMENT, WITHOUT LIMITATION, MAY TEMPORARILY BAN AN INDIVIDUAL FOR
12 24 HOURS FROM A DEPARTMENT OF PUBLIC WORKS PROPERTY.

13 (2) THE DEPARTMENT MAY ISSUE A WRITTEN ORDER TO TEMPORARILY BAN AN
14 INDIVIDUAL FOR 120 HOURS FROM A DEPARTMENT OF PUBLIC WORKS PROPERTY, IF
15 PROPER NOTICE HAS BEEN PROVIDED OF THE PROHIBITED ACTIVITY ON A SIGN POSTED ON
16 A DEPARTMENT OF PUBLIC WORKS PROPERTY THAT INCLUDES THE AUTHORITY TO
17 TEMPORARILY BAN AN INDIVIDUAL FOR 120 HOURS TO ENFORCE THE PROVISIONS OF THIS
18 SECTION.

19 (3) (I) AN ORDER ISSUED UNDER PARAGRAPH (2) OF THIS SUBSECTION TO
20 TEMPORARILY BAN AN INDIVIDUAL FOR 120 HOURS FROM A DEPARTMENT OF PUBLIC
21 WORKS PROPERTY SHALL NOTIFY THE RECIPIENT THAT THE RECIPIENT MAY MEET WITH
22 THE CHIEF ADMINISTRATIVE OFFICER OR A DESIGNEE OF THE CHIEF ADMINISTRATIVE
23 OFFICER TO DISCUSS ANY REASONS WHY THE RECIPIENT’S ACCESS TO DEPARTMENT OF
24 PUBLIC WORKS PROPERTY SHOULD NOT BE RESTRICTED.

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

1 (iii) THE MEETING SHALL BE SCHEDULED TO BE HELD DURING THE NEXT BUSINESS
2 DAY AFTER THE ORDER IS DELIVERED TO THE RECIPIENT.

3 (iv) AT THE REQUEST OF THE RECIPIENT, THE CHIEF ADMINISTRATIVE OFFICER OR
4 A DESIGNEE OF THE CHIEF ADMINISTRATIVE OFFICER MAY RESCHEDULE THE MEETING AT A
5 LATER DATE.

6 (v) IF A MEETING IS HELD, THE CHIEF ADMINISTRATIVE OFFICER OR A DESIGNEE
7 OF THE CHIEF ADMINISTRATIVE OFFICER MAY AFFIRM, MODIFY, SUSPEND, OR RESCIND THE ORDER.

8 (vi) THE DEPARTMENT SHALL NOT SERVE AS A DESIGNEE OF THE CHIEF
9 ADMINISTRATIVE OFFICER.

10 (c) CRIMINAL PENALTIES. A PERSON WHO VIOLATES A PROVISION OF THIS SECTION IS
11 GUILTY OF A MISDEMEANOR AND UPON CONVICTION, IS SUBJECT TO A FINE NOT
12 EXCEEDING \$1,000.00 OR IMPRISONMENT NOT EXCEEDING 30 DAYS OR BOTH.

13 (d) CIVIL PENALTIES. ALTERNATIVELY, AND IN ADDITION TO AND CONCURRENT WITH
14 ALL OTHER REMEDIES AT LAW OR EQUITY, THE DEPARTMENT MAY ENFORCE THIS SECTION
15 PURSUANT TO TITLE 24. "CIVIL PENALTIES" OF THE HOWARD COUNTY CODE. A
16 VIOLATION OF THIS SECTION SHALL BE A CLASS A OFFENSE."

Amendment 2 to Council Bill No. 49-2021

BY: The Chairperson at the request
of the County Executive

Legislative Day 12
Date: July 6, 2021

Amendment No. 2

(This amendment:

1. Removes redundant language related to water activities;
2. Clarifies that harassment on park property means physical harassment;
3. Clarifies that a person cannot walk on frozen bodies of water within park property;
4. Clarifies certain provisions related to the disposal of animal waste; and
5. Clarifies certain provisions related vehicle use on park property.)

1 In the title, in the ninth line, strike “verbal or”.

2

3 On page 7, in line 17, strike beginning with “A person” down through and including “park
4 property.” in line 18.

5

6 On page 8, strike lines 28 and 29, in their entirety and substitute:

7 “(D) OFF-HIGHWAY RECREATIONAL VEHICLES AND ALL-TERRAIN VEHICLES. ON PARK PROPERTY, A
8 PERSON SHALL NOT OPERATE:

9 (1) AN OFF-HIGHWAY RECREATIONAL VEHICLE, AS DEFINED BY SECTION 11-140.1 OF THE
10 TRANSPORTATION ARTICLE OF THE ANNOTATED CODE OF MARYLAND; OR

11 (2) AN ALL-TERRAIN VEHICLE, AS DEFINED BY SECTION 11-103.3 OF THE TRANSPORTATION
12 ARTICLE OF THE ANNOTATED CODE OF MARYLAND.”.

13

14 On page 9:

15 In line 4, after “SKATE” insert “OR WALK”

16 In line 5, after “ANY” insert “FROZEN”

17 In line 9, strike “OR IN AREAS”

18 In line 10, strike “DEEMED APPROPRIATE”.

19

20 On page 10, in line 4, after “WASTE” insert “, EXCEPT LIVESTOCK ANIMAL WASTE.”.

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Michelle Howard
Council Administrator

- 1
- 2 On page 10, in line 5, strike “PARK PROPERTY” and substitute “ARENA AREAS OR OTHER
- 3 DESIGNATED AREAS THAT MAY BE USED FOR EQUESTRIAN PURPOSES”.
- 4
- 5 On page 11, in lines 2 and 8, in each instance, strike “VERBALLY OR”.
- 6
- 7 On page 16, in the chart, in the top row, strike “OFF-ROAD” and substitute “OFF-HIGHWAY
- 8 RECREATIONAL VEHICLES AND ALL-TERRAIN”.

Amendment 1 to Amendment No. 2 to Council Bill No. 49-2021

BY: Christiana Rigby

Legislative Day 12

Date: July 6, 2021

Amendment No. 1 to Amendment No. 2 to CB 49-2021

(This amendment restores language to the bill that prohibits verbal harassment of an individual or a park employee.)

- 1 On page 1, in the parenthetical, strike “2. Clarifies that harassment on park property means
- 2 *physical harassment;*”.
- 3
- 4 On page 1, in the parenthetical, strike “3.”, “4.”, and “5.” and substitute “2.”, “3.”, and “4.”.
- 5
- 6 On page 1, strike in its entirety line 1.
- 7
- 8 On page 2, strike in its entirety line 5.

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Am 1 to Am 2 to CB 49-2021

~~passed~~ on July 6, 2021

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Michelle Howard
Council Administrator