

Introduced 6-7-2021
Public Hearing 6-21-2021
Council Action 7-6-2021
Executive Action 7-7-2021
Effective Date 9-6-2021

County Council of Howard County, Maryland

2021 Legislative Session

Legislative Day No. 10

Bill No. 49-2021

Introduced by: The Chairperson at the request of the County Executive

AN ACT amending Recreation and Parks provisions of the County Code; prohibiting discrimination in accordance with the County Code; providing that certain activities may be conducted upon a permit required by the Director; clarifying the reserved use of park property; clarifying, amending and adding activities that require a permit; incorporating provisions related to electronic bikes and scooters; prohibiting ice skating, off-road vehicles, and standup paddle boarding on park property; providing that wading is only allowed in certain areas as deemed appropriate; prohibiting certain conduct related to cultural and historic resources on park property; requiring certain actions with regard to animals on park property; adding that certain recording devices shall be considered an encroachment on park property; prohibits the ~~verbal~~ or physical harassment of an individual or park employee; prohibits smoking and vaping on park property; requires that unmanned aircraft shall comply with Federal Aviation Administration regulations; prohibits certain mowing and the release of certain wildlife; allowing that a person may be banned from park property for a certain period of time; amending certain civil penalties; and generally related to recreation and parks.

Introduced and read first time June 7, 2021. Ordered posted and hearing scheduled.

By order Michelle Harrod
Michelle 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 June 21, 2021.

By order Michelle Harrod
Michelle Harrod, Administrator

This Bill was read the third time on July 6, 2021 and Passed , Passed with amendments , Failed .

By order Michelle Harrod
Michelle Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 7 day of July, 2021 at 12 a.m. (p.m)

By order Michelle Harrod
Michelle Harrod, Administrator

Approved/Vetoed by the County Executive July 7, 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
2 County Code is amended as follows:

3 *By Amending Title 19. Recreation and Parks.*

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

5 *Section 19.200. Purpose.*

6 *Section 19.205. Permits.*

7 *Section 19.206. Traffic, vehicles, parking.*

8 *Section 19.207. Regulation of recreational activities.*

9 *Section 19.208. - Regulation of conduct.*

10 *Section. 19.209. Environmental Protection.*

11 *Section 19.210. Enforcement.*

12
13 2. *Subtitle 5. Public Recreation on Private Lands.*

14 *Section 19.502. Request, designation and revocation of open space areas.*

15 *Section 19.504. Rules, regulations and prohibited activities.*

16 *Section 19.505. Special Permits*

17 *Section 19.506. Hours of Operation*

18 *Section 19.513. Discrimination prohibited in open space area.*

19
20 **Title 19 - Recreation and Parks**

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

22
23 **Section 19.200. Purpose; DISCRIMINATION PROHIBITED.**

24 (1)*PURPOSE.* The purpose of this subtitle is to establish regulations providing for the public's
25 safe and peaceful use of County parks and park land; for recreational and educational benefit and
26 enjoyment; and for the protection and preservation of the property, facilities and natural
27 resources of the County. Park land and recreation programs conducted on park land are [[open]]
28 for use by all members of the public [[regardless of race, religion, creed, color, sex, national
29 origin, or disability]].

30 (2) *DISCRIMINATION PROHIBITED.* THE DEPARTMENT PROHIBITS DISCRIMINATION ON THE BASIS
31 OF THE CATEGORIES LISTED IN SECTION 12.200 OF THIS CODE.

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Section 19.205. - Permits.

(a) *Permits Generally.* The Director is authorized to issue a permit for each activity set forth in this section. Unless a permit is obtained prior to the date of an activity, each activity set forth in this section is prohibited. THE DIRECTOR MAY ALSO REQUIRE A PERMIT TO CONDUCT AN ACTIVITY NOT LISTED BELOW. A permit granted pursuant to this section is subject to the following requirements:

- (1) In determining whether to grant a permit, the Director shall consider the following standards for review:
 - (i) Whether the proposed activity will adversely impact the public health and safety or the maintenance or preservation of park property; and
 - (ii) Whether the proposed activity can be accommodated by the size or location of an available facility or park property;
- (2) The permit holder shall keep the permit on the premises at all times and shall present the permit to department employees or law enforcement officials upon request;
- (3) The Director may require proof of insurance prior to approving an application for a permit;
- (4) The Director is authorized to assess a fee for a permit to use a facility or park property;
- (5) The Director is authorized to impose conditions on the grant of a permit which are necessary to ensure that the public health and safety is preserved and to prevent damage, loss, or destruction of park property;
- (6) A permitted activity shall be conducted in strict accordance with the requirements of this subtitle and with any conditions imposed on the grant of the permit;
- (7) A permitted activity is limited to the scope of the activity set forth on the permit application as well as any condition imposed on the grant of the permit;
- (8) The Department may revoke a permit at any time for the violation of any condition on the grant of the permit, the use of misleading or fraudulent information in the permit application, or the violation of any local, State, or Federal law or regulation; and
- (9) The person or entity listed on the permit application shall reimburse the County for any and all costs caused by loss, damage, destruction, or removal of park property as well as any costs of cleanup beyond routine maintenance performed by the Department.

1 (b) *Reserved Use of Park Property.* The Director may issue a permit to reserve an athletic field
2 OR COURT, recreation building, group picnic area, pavilion, camp site, camp fire, or other park
3 property or facility for the exclusive use of the individual or group designated on the permit. In
4 addition to the requirements of subsection (a) of this section, a permit to use park property is
5 subject to the following conditions:

6 (1) [[A picnic area which is not available for reservation is operated on a "first come, first
7 served basis"']] ALL DESIGNATED PICNIC AREAS OPERATE ON A 'FIRST COME, FIRST SERVED'
8 BASIS UNLESS THE PICNIC AREA IS RESERVED PURSUANT TO A PERMIT;

9 (2) The facility or park property applied for shall be available and appropriate for the purpose
10 specified in the permit; and

11 (3) A permit reserving a facility or park property entitles the permit holder to its exclusive use
12 on the date and time specified on the permit.

13 (c) *Activities Requiring a Permit.* Unless a permit for the activity is obtained prior to the date of
14 the activity, the following activities are prohibited:

15 (1) *Aircraft.* Using an aircraft, helium or hot air balloon, hang glider, ultra-light aircraft,
16 parachute, or any other person-operated aircraft on park property;

17 (2) *Alcoholic beverages.* Consuming or possessing alcoholic beverages on park property;
18 subject to the requirements of subsection (a) of this section, section 19.204, And the
19 following conditions:

20 (i) State laws regarding the use of alcohol shall apply on park property; and

21 (ii) The alcohol shall be consumed or possessed only within the specific facility or area
22 designated on the permit;

23 (3) *Businesses.* Conducting or soliciting a business, trade, or occupation on park property
24 including, without limitation:

25 (i) The taking of a photograph, motion picture, or video tape for commercial or
26 instructional use;

27 (ii) The sale or offer for sale, hire, or lease of merchandise, a vehicle, aircraft, or watercraft;

28 (iii)[[The training of an animal]] PRIVATE RECREATIONAL OR LEISURE INSTRUCTION,
29 INCLUDING, BUT NOT LIMITED TO, THE TRAINING OF AN ANIMAL, FITNESS CLASSES,
30 CAMPS, AND ORGANIZED LEAGUE PLAY OR PRACTICES; OR

31 (iv) Except as provided by State law, commercial gambling; OR

1 (v) VENDING, INCLUDING, BUT NOT LIMITED TO, FOOD, DRINKS, APPAREL, OR OTHER
2 PRODUCTS OR SERVICES;

3 (4) *Camping*. Camping on park property in the area specified in the permit;

4 (5) *Cutting or mowing*. Cutting or mowing vegetation on park property;

5 (6) *Fires*. Lighting and maintaining a fire, except in a charcoal OR PROPANE grill in a designated
6 area provided by the Department and subject to the requirements of subsection (a) of this
7 section and the following conditions:

8 (i) The fire shall be in continuous care and direction of a competent person over the age
9 of 16;

10 (ii) The fire shall be thoroughly and completely extinguished, i.e., the coals shall be cold,
11 before the permit holder leaves the site; and

12 (iii) A recreational fire is subject to the approval of the Howard County Department of Fire
13 and Rescue Services;

14 (7) *Fireworks*. Subject to the requirements of the "Howard County Fire and Prevention Code"
15 as set forth in title 17, subtitle 1 of the Howard County Code, possessing or discharging
16 fireworks, pyrotechnics, ammunition, or other flammable or explosive devices on park
17 property;

18 (8) *Grading*. Conducting or causing the grading, removal, or disturbance of soil, rocks, or
19 minerals on park property;

20 (9) *Herbicides or fertilizers*. Applying a herbicide, fertilizer, fungicide, insecticide, or other
21 substance or chemical to park property;

22 (10) *Hunting*. As permitted by applicable State or County law; hunting, trapping, or destroying
23 wildlife on park property for the purpose of scientific study, environmental education, or
24 wildlife management;

25 (11) *Interference with the use of park property*. Interference with the use of park property,
26 including, without limitation, blocking a road, path, or walkway, and a parade or assembly
27 held on park property shall be subject to the provisions of title 17, subtitle 9 of the Howard
28 County Code;

29 (12) *Metal detectors*. Use of a metal detector on park property;

1 (13) *Models*. [[Use of a model airplane, car, boat, or rocket on park property]]USE OF MODELS,
2 INCLUDING, BUT NOT LIMITED TO, AIRPLANES, CARS, BOATS, OR ROCKETS ON PARK
3 PROPERTY;

4 (14) *ORGANIZED RECREATIONAL GROUPS*. USE OF PARK PROPERTY OR AMENITIES BY ORGANIZED
5 GROUPS, INCLUDING, BUT NOT LIMITED TO, SPORTS TEAMS, BIKING GROUPS, AND NOT FOR
6 PROFIT AND/OR NONPROFIT CLASSES OR ACTIVITIES.

7 (15) *PLANTING*. PLANTING OF NATIVE FLORA ON PARK PROPERTY;

8 ([[14]]16) *Self-propelled motorized vehicles*. UNLESS ALLOWED UNDER AMERICANS WITH
9 DISABILITY ACT REGULATIONS, OPERATING [[Operating]] a self-propelled motorized
10 vehicle including, without limitation, an all-terrain vehicle, on a pathway, trail, or other
11 nonpaved area on park property;

12 ([[15]]17) *Signs*. [[Erecting or posting a sign or notice on park property, including, without
13 limitation, an audio sign or notice such as a talking machine, recorder, or other audio/visual
14 device]]ERECTING OR POSTING A SIGN, ADVERTISEMENT, OR NOTICE ON PARK PROPERTY,
15 INCLUDING, WITHOUT LIMITATION, SIGNS WITH AN AUDIO COMPONENT.

16 ([[16]]18) *Soliciting*. Subject to the requirements of title 14, subtitle 7 of the Howard County
17 Code; soliciting for a contribution, donation, or money on park property;

18 (19) *SPECIAL EVENTS*. SPECIAL EVENTS, INCLUDING BUT NOT LIMITED TO WALKATHONS,
19 FESTIVALS, SHOWS, FUNDRAISERS, MOCK BATTLES, AND REENACTMENTS;

20 ([[17]]20) *Storage*. Storing material of any description, INCLUDING, BUT NOT LIMITED TO,
21 VEHICLES, EQUIPMENT, TRAILERS, OR CONTAINERS on park property;

22 ([[18]]21) *Structures*. Subject to the requirements of title 3, subtitle 1 of the Howard County
23 Code; erecting or building a structure on park property;

24 ([[19]]22) *Watercraft*. Use of a boat or other watercraft on a lake, stream, pond, or river on
25 park property subject to Federal, State, and local regulations governing the use, operation,
26 and safety of the watercraft; [[and]]

27 ([[20]]23) *Weapons*. Carrying, possessing, or discharging a firearm, bow, dart, knife, SWORD,
28 or any other dangerous weapon on park property; subject to the requirements of subsection
29 (a) of this section, section 19.204, and the following:

- 30 (i) The permit is applicable only in an area of park property designated for such purpose;
31 and

1 (ii) Unauthorized weapons shall be confiscated[[]]; AND

2 (24) *GEOCACHING*. THE INSTALLATION OF A GEOCACHING ITEM WITHIN PARKLAND OR OPEN
3 SPACE.

4
5 **Section 19.206. - Traffic; vehicles; parking.**

6 (a) *General Provisions:*

7 (1) Traffic laws and parking regulations applicable on public roads in the County are
8 applicable on park property IN ACCORDANCE WITH TITLE 21 OF THIS CODE.

9 (2) The use of roads within park property is subject to regulations of the Department.

10 (3) The Director may close roads within park property as necessary.

11 (b) *Pedestrian Right-of-Way*. In all instances, a pedestrian shall have the right-of-way within park
12 property.

13 (c) *Speed Limits*. Unless a different speed limit is posted, the speed limit for a motor vehicle within
14 park property is 15 miles per hour.

15 (d) *Roadways Open to Motor Vehicles*. Except for a County maintenance vehicle, emergency
16 vehicle, or police vehicle, a person shall operate a motor vehicle within park property only on a
17 road or street with public access. ~~A person shall not operate [[an all-terrain vehicle or go-kart]] ANY
18 OFF-HIGHWAY VEHICLE on a road or street within park property.~~

19 (e) *Vehicle Repair*. Except for an emergency repair, a person shall not repair or perform
20 maintenance on a vehicle within park property.

21 (f) *Parking Regulations*. A person shall not stop, stand, or park a motor vehicle on park property
22 if the motor vehicle is located:

23 (1) On or obstructing [[the entrance to an access road]] ANY DESIGNATED ENTRANCE TO PARK
24 PROPERTY OR AN ACCESS ROAD;

25 (2) On or obstructing the entrance to a bike path, walking path, or bridle path;

26 (3) On a pathway or road during those hours when park property is not open to the public;

27 (4) Unless specifically directed by authorized department personnel or police, on any grass
28 area; or

29 (5) Unless specifically directed by authorized department personnel or police, where the motor
30 vehicle will injure any form of vegetation.

1 (g) *Impoundment of Vehicles.* An illegally ~~[[parked]]~~ PARKED, DISABLED, or abandoned motor
2 vehicle may be towed from park property and impounded at the owner's expense in accordance
3 with the provisions of title 21, subtitle 2 of the Howard County Code.

4
5 **Section 19.207. - Regulation of recreational activities.**

6 The following recreational activities are restricted to designated areas of park property and
7 may be subject to additional requirements.

8 (a) ~~[[Bicycling. A person shall operate a bicycle on park property in accordance with the following
9 requirements]]~~ *BICYCLING.* A PERSON SHALL OPERATE A BICYCLE, INCLUDING ELECTRONIC BIKES
10 AND SCOOTERS AS DEFINED BY SECTION 21.800(C)(6) OF THIS CODE, ON PARK PROPERTY IN
11 ACCORDANCE WITH THE FOLLOWING REQUIREMENTS:

- 12 (1) A person may operate a bicycle on a road within park property;
- 13 (2) A person may operate a bicycle on a pathway or trail designated for bicycle riding;
- 14 (3) The maximum speed limit on a trail or pathway is ~~[[ten]]~~ 10 miles per hour;
- 15 (4) A trail is subject to regulations set forth in title 21, subtitle 12 of the ~~[[transportation
16 article]]~~ TRANSPORTATION ARTICLE of the Annotated Code of Maryland;
- 17 (5) Children 16 years of age or younger shall wear an approved safety helmet when operating
18 a bicycle on park property, as provided in title 21, subtitle 4 of the Howard County Code;
- 19 (6) A person operating a bicycle shall use a "bike lane" wherever available;
- 20 (7) Except when passing, a person operating a bicycle or a pedestrian shall keep to the right;
- 21 (8) A person operating a bicycle shall alert other trail users before passing;
- 22 (9) A person operating a bicycle shall always yield to a pedestrian; and
- 23 (10) A person operating a bicycle shall yield to vehicular traffic at intersecting roadways.

24 (b) *Fishing.* A person may fish only in a designated area and in compliance with State and other
25 applicable laws.

26 (c) *Horseback Riding.* A person may ride a horse only in a designated area or on a designated
27 trail.

28 ~~(D) OFF-ROAD VEHICLES. ALL OFF-ROAD VEHICLES INCLUDING, BUT NOT LIMITED TO ATVs, DIRT
29 BIKES, AND SNOWMOBILES ARE PROHIBITED.~~

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

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

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

5 ([[d]]E) *Picnicking*. A person may picnic [[only in a designated area]] IN AN AREA DESIGNATED BY
6 DEPARTMENT PERSONNEL.

7 ([[e]]F) *Roller Skating; ICE SKATING; In-Line Skating; Skateboarding*. A person may roller skate,
8 in-line skate, or skateboard on a pathway or sidewalk. A person shall not roller skate, in-line skate,
9 or skateboard on a road, parking area, or multipurpose recreational surface, including, without
10 limitation, a basketball court, tennis court, or racquetball court. A PERSON SHALL NOT ICE SKATE
11 OR WALK ON ANY FROZEN BODIES OF WATER WITHIN PARK PROPERTY.

12 (G) *STANDUP PADDLE BOARDING*. STANDUP PADDLE BOARDING IS PROHIBITED.

13 ([[f]]H) [[*Swimming; Water Sports*. A person may swim or engage in other water sports only in an
14 area designated for water activities and only during the hours specified.]] *SWIMMING IN DESIGNATED*
15 *AREAS*. A PERSON MAY ONLY SWIM IN AN AREA DESIGNATED FOR WATER ACTIVITIES ~~OR IN AREAS~~
16 ~~DEEMED APPROPRIATE~~ BY DEPARTMENT PERSONNEL.

17 [[g) *Winter Sports*. While on park property, a person shall not:

18 (1) Use a snowmobile; or

19 (2) Skate or walk on ice.]]

20 (I) *WADING*. A PERSON MAY WADE IN AREAS DESIGNATED FOR WATER ACTIVITIES OR IN AREAS
21 DEEMED APPROPRIATE BY DEPARTMENT PERSONNEL.

22
23 **Section 19.208. - Regulation of conduct.**

24 (A) *CULTURAL AND HISTORIC RESOURCES*. A PERSON SHALL NOT CONDUCT AN ACTIVITY WHICH IS
25 DETRIMENTAL TO THE CULTURAL OR HISTORIC RESOURCES ON PARK PROPERTY, OR INTERFERES
26 DIRECTLY OR INDIRECTLY WITH THE PRESERVATION OF THESE RESOURCES. A PERSON SHALL NOT:

27 (1) REMOVE SURFACE AND SUBSURFACE ARTIFACTS;

28 (2) BOTTLE-DUMP SEARCH; OR

29 (3) DESTROY, DEFACE OR VANDALIZE CULTURAL OR HISTORIC RESOURCES.

30 ([[a]]b) *Depositing Refuse Generated Off-site*. A person shall not deposit refuse generated off-
31 site onto park property.

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

- 4 (1) A person shall not graze, house, or leave unattended an animal on park property; and
- 5 (2) A domesticated animal is prohibited at all times in an area of park property that is posted
6 to prohibit animals.]]

7 (c) *ANIMALS.*

8 (1) THE PROVISIONS OF TITLE 17, SUBTITLE 3 OF THE HOWARD COUNTY CODE SHALL APPLY TO
9 ANY ANIMAL ON PARK PROPERTY, INCLUDING, BUT NOT LIMITED TO:

10 (i) ALL DOMESTICATED ANIMAL WASTE, EXCEPT LIVESTOCK ANIMAL WASTE, MUST BE
11 DISPOSED OF IN A WASTE CONTAINER.

12 (ii) ALL LIVESTOCK ANIMAL WASTE MUST BE REMOVED FROM ~~PARK PROPERTY~~ ARENA AREAS
13 OR OTHER DESIGNATED AREAS THAT MAY BE USED FOR EQUESTRIAN PURPOSES.

14 (iii) ALL DOMESTICATED ANIMALS MUST BE UNDER THE PHYSICAL CONTROL OF A
15 RESPONSIBLE PERSON CAPABLE OF IMMEDIATE AND EFFECTIVE RESTRAINT OF THE
16 ANIMAL.

17 (2) IN ADDITION, THE FOLLOWING REQUIREMENTS SHALL APPLY:

18 (i) A PERSON SHALL NOT GRAZE, HOUSE, OR LEAVE UNATTENDED AN ANIMAL ON PARK
19 PROPERTY.

20 (ii) A DOMESTICATED ANIMAL IS PROHIBITED AT ALL TIMES IN AN AREA OF PARK PROPERTY
21 THAT IS POSTED TO PROHIBIT ANIMALS, INCLUDING, BUT NOT LIMITED TO, ATHLETIC
22 FIELDS AND COURTS, AREAS DESIGNATED FOR ENVIRONMENTAL PROTECTION, AND
23 NATURE CENTER(S).

24 (iii) A DOMESTICATED ANIMAL MUST BE ON A PHYSICAL RESTRAINT AND UNDER THE
25 CONTROL OF A RESPONSIBLE INDIVIDUAL AT ALL TIMES UNLESS AT DESIGNATED OFF-
26 LEASH AREAS.

27 ([[c]]D) *Encroachments.* [[Without first obtaining a permit pursuant to section 19.205 of this
28 subtitle, a private encroachment is prohibited on park property.]] A PRIVATE ENCROACHMENT IS
29 PROHIBITED ON PARK PROPERTY. An encroachment shall include, without limitation, a fence, wall,
30 dog run, dog house, storage structure, driveway, compost pile, swimming pool, tree house,
31 playhouse, wood pile, garden, play OR RECREATIONAL equipment, GAME CAMERA OR OTHER

1 RECORDING DEVICES, tv or radio reception device, or any other device, structure, refuse, or
2 material.

3 ([[d]]E) *Entrance and Exit.* A person shall enter and exit park property at an officially designated
4 entrance and exit.

5 ([[e]]F) *Indecent Conduct.* While on park property, a person shall not:

6 (1) Be nude or indecently expose themselves;

7 (2) Engage in a sexual act; or

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

9 ([[f]]G) *Interference with Duties of County Personnel.* A person shall not interfere with, OR
10 ~~VERBALLY OR PHYSICALLY HARASS~~ a County employee on park property acting in the course of
11 ~~[[their]]~~THE EMPLOYEE'S official duties.

12 ([[g]]H) *Interference with Other Individuals on Park Property:*

13 (1) *Interference with the public.* A person shall not obstruct, delay, or interfere with the free
14 movements of any other individual, seek to coerce or physically disturb any other
15 individual, or hamper or impede the conduct of any authorized business or activity on park
16 property. A PERSON SHALL NOT ~~VERBALLY OR PHYSICALLY HARASS~~ ANY OTHER INDIVIDUAL
17 ON PARK PROPERTY.

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

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

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

28 ([[i]]j) *Noise.* PURSUANT TO TITLE 8, SUBTITLE 9 OF THIS CODE, A ~~[[A]]~~ person shall not play an
29 audio device or create excessive noise so as to disturb the peace.

30 (k) *SMOKING AND VAPING.* SMOKING AND VAPING ARE PROHIBITED ON PARK PROPERTY.

1 (L) *UNMANNED AIRCRAFT SYSTEMS*. A PERSON SHALL OPERATE AN UNMANNED AIRCRAFT SYSTEM
2 IN ACCORDANCE WITH FEDERAL AVIATION ADMINISTRATION REGULATIONS.

3 ([[j]]M) *Vandalism*. While on park property, a person shall not:

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

7 (2) Disturb the public peace; or

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

10

11 **Section 19.209. - Environmental protection.**

12 (a) *Mowing Open Space*:

13 (1) *Mowing an open space buffer*. Unless mowing is prohibited by the provisions of paragraph

14 (2) below, an owner of private property whose property adjoins open space may mow the
15 open space buffer.

16 (2) *Restrictions on mowing an open space buffer*. An adjacent property owner shall not mow
17 the open space buffer if:

18 (i) There is a tree, shrub, or other woody vegetation on the open space buffer;

19 (ii) The open space buffer includes land which is within 75 feet of a stream, pond,
20 stormwater management facility, river, or floodplain;

21 (iii) The open space buffer includes land which is within 25 feet of a wetland;

22 (iv) The open space buffer contains slopes of 25 percent or greater; [[or]]

23 (v) The Department has prohibited mowing in that specific location[[.]]; OR

24 (vi) AN AREA IS DESIGNATED AS FOREST CONSERVATION BY DEED OF EASEMENT, INDICATED
25 ON A FOREST CONSERVATION PLAT, OR AS DESIGNATED BY THE DEPARTMENT OF
26 RECREATION PARKS.

27 (3) *Application of chemicals*. [[Without first obtaining a permit pursuant to section 19-205 of
28 this subtitle, the]] A property owner[[,.]] WHOSE PRIVATE PROPERTY ADJOINS OPEN SPACE
29 shall not apply a herbicide, insecticide, fertilizer, fungicide, or other chemical or material
30 to the vegetation on the open space buffer.

1 (4) *Liability of property owner.* A property owner who mows an open space buffer is deemed
2 to have relieved the County of all liability for accidents, injuries, or property damage
3 related to or arising from such mowing.

4 (5) *Limits on maintenance activity.* Except for mowing as set forth in this subsection and other
5 activities permitted by the County pursuant to a written maintenance agreement, a private
6 citizen shall not perform maintenance activity in an open space buffer.

7 (b) *Detrimental to Natural Resources and Ecosystem.* A person shall not conduct an activity which
8 is detrimental to the natural resources and ecological function of park property, interferes directly
9 or indirectly with the use of park property, or is harmful to human, animal, plant, or aquatic life
10 on park property.

11 (c) *Grading or Disturbance.* Without first obtaining a permit pursuant to section 19.205 of this
12 subtitle, a person shall not conduct or cause the grading, removal, or disturbance of soil, rocks, or
13 minerals.

14 (d) *Cutting or Mowing Vegetation.* Without first obtaining a permit pursuant to section 19.205 of
15 this subtitle, a person shall not conduct or cause the cutting, mowing, removal, or disturbance of
16 all or part of any live or dead tree, shrub, grass, or other form of vegetation.

17 (e) *Contamination.* A person shall not throw, cast, lay, drop, deposit, leave, spill, pour, dump,
18 discharge, dispose of, or otherwise place any matter, substance, thing, liquid, or solid onto or into
19 any park property, in any storm drain, sewer, or other device which drains onto park property, or
20 in waters within or which run into park property. This shall include the application of a herbicide,
21 fertilizer, fungicide, insecticide, or other substance on park property without having first obtaining
22 a permit from the Director pursuant to section 19.205 of this subtitle.

23 (f) *Disturbing Vegetation within Stream or Wetland Buffer.* A person shall not mow, cut, remove,
24 dump, deposit, or otherwise disturb vegetation within a stream or wetland buffer or a floodplain
25 located on park property.

26 (g) *Wildlife.* Without first obtaining a permit pursuant to section 19.205 of this subtitle, a person
27 shall not:

28 (1) Hunt or trap wildlife except for scientific study, environmental education, or wildlife
29 management purposes;

30 (2) Hunt with, carry, or possess a firearm on park property; [[or]]

31 (3) Injure, destroy, or otherwise interfere in any way with wildlife or wildlife habitat[.]; OR

1 (4) RELEASE WILDLIFE ONTO COUNTY PROPERTY OR INTRODUCE NON-NATIVE PLANT, WILDLIFE,
2 INSECT, OR FUNGI SPECIES.

3 (h) *Destruction; Disturbance.* A person shall not deface, destroy, damage, injure, disturb, befoul,
4 dump upon, or in any way misuse or remove any part of park property.

5 (i) *Planting on Park Property.* WITHOUT FIRST OBTAINING A PERMIT FROM THE DEPARTMENT, A
6 [[A]] person shall not plant or cause the planting, seeding, or propagation of vegetation on park
7 property.

8

9 **Section 19.210. - Enforcement.**

10 (a) *Generally.* The Department may institute any action at law or equity, including injunction or
11 mandamus, to enforce the provisions of this subtitle INCLUDING, WITHOUT LIMITATION,
12 TEMPORARILY BANNING AN INDIVIDUAL FOR 24 HOURS.

13 (b) *Criminal Penalties.* A person who violates a provision of this subtitle that is not already
14 prohibited by State or Federal law is guilty of a misdemeanor and upon conviction, is subject to a
15 fine not exceeding \$1,000.00 or imprisonment not exceeding 30 days or both. A person who
16 violates a provision of this subtitle that is prohibited by State or Federal law, upon conviction, shall
17 be subject to the fine, imprisonment, or both, as provided by State or Federal law.

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

21 _____

Section	Title	Class Offense
19.204	Hours Of Operation	E
19.205(b)	Permits, Reserved Use of Park Property	[[E]] C
19.205(c)(1)	Permits, Aircraft	A
19.205(c)(2)	Permits, Alcoholic Beverages	B

19.205(c)(3)	Permits, Businesses	[[C]] B
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, ORGANIZED RECREATIONAL GROUP	D
19.205(c)(15)	PERMITS, PLANTING	A
19.205(c)([[14]]16)	Permits, Self-Propelled Motorized Vehicles	C
19.205(c)([[15]]17)	Permits, Signs	D
19.205(c)([[16]]18)	Permits, Soliciting	E
19.205(c)(19)	PERMITS, SPECIAL EVENTS	B
19.205(c)([[17]]20)	Permits, Storage	C
19.205(c)([[18]]21)	Permits, Structures	C
19.205(c)([[19]]22)	Permits, Watercraft	D

19.205(c)([[20]]23)	Permits, Weapons	A
19.205(c)(24)	PERMITS, GEOCACHING	D
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)	<u>RECREATIONAL ACTIVITIES, OFF-ROAD OFF-HIGHWAY RECREATIONAL VEHICLES AND ALL-TERRAIN VEHICLES</u>	A
19.207([[d]]E)	Recreational Activities, Picnicking	E
19.207([[e]]f)	Recreational Activities, Roller Skating, ICE SKATING, In-Line Skating, Skateboarding	E
19.207(g)	RECREATIONAL ACTIVITIES, STANDUP PADDLEBOARDING	E
19.207([[f]]h)	Recreational Activities, Swimming[[; Water Sports]]	D
19.207([[g](1)](i))	Recreational Activities, WADING[[Snowmobiling]]	D[[B]]
[[19.207(g)(2)]]	[[Recreational Activities, Walking or Skating on Ice]]	[[D]]
19.208(A)	CONDUCT ON PARK PROPERTY, CULTURAL AND HISTORIC RESOURCES	A
19.208([[a]]B)	Conduct on Park Property, Depositing Refuse	A
19.208([[b]]C)	Conduct on Park Property, Domesticated Animals	C
19.208([[c]]D)	Conduct on Park Property, Encroachments	A
19.208([[d]]E)	Conduct on Park Property, Entrance and Exit	E

19.208([[e]]F)(1)	Conduct on Park Property, Indecent Conduct, Nudity	B
19.208([[e]]F)(2)	Conduct on Park Property, Indecent Conduct, Sexual Activity	B
19.208([[e]]F)(3)	Conduct on Park Property, Indecent Conduct, Urination	E
19.208([[f]]G)	Conduct on Park Property, Interference with Duties of County Personnel	[[B]]A
19.208([[g]]H)	Conduct on Park Property, Interference with Other Individuals	[[B]]A
19.208([[h]]I)	Conduct on Park Property, Lost Objects	E
19.208([[i]]J)	Conduct on Park Property, Noise	B
19.208(K)	CONDUCT ON PARK PROPERTY, SMOKING AND VAPING	C
19.208(L)	CONDUCT ON PARK PROPERTY, UNMANNED AIRCRAFT	C
19.208([[j]]M)	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

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

2
3 **Title 19. Recreation and Parks.**

4 **Subtitle 5. - Public Recreation on Private Lands.**

5
6 **Section 19.502. - Request, designation and revocation of open space areas.**

7 (a) The Director is authorized to and shall designate an open space area upon the request for such
8 designation by the landowner, provided that the landowner files a plat of the parcel(s) for which
9 the request is made, and provided the property shown thereon qualifies for tax credits under
10 [[article 81, section 9C(k)]][SECTION 9-208 OF THE TAX-PROPERTY ARTICLE of the Annotated Code
11 of Maryland]].

12 (b) The Director is authorized to and may designate an open space area upon the request for such
13 designation by the landowner, provided that the landowner files a plat of the parcel(s) for which
14 the request is made, and provided the land owned and specifically designated for the common use
15 of the public for recreational purposes is found acceptable for public use by the Director.

16 (c) Within 15 days of receipt of a request hereunder, the Director shall cause a security survey of
17 the property to be conducted by the Police Department, and shall communicate such survey to the
18 landowner. If the said property is accepted for designation as an open space area, such approval
19 shall be communicated to the landowner within 15 days of receipt of the request from landowner.
20 If the said property is not accepted for designation as an open space, such nonacceptance shall be
21 communicated to the landowner within 15 days of receipt of the request from the landowner and
22 the Director shall set forth the reasons for nonacceptance in a written decision and order to the
23 landowner. The landowner may, within ten days after receipt of the Director's decision and order
24 of nonacceptance, enter an appeal in accordance with the Howard County Administrative
25 Procedures Act and/or may appeal to the Board of Appeals within 30 days the decision and order
26 of the Director in accordance with the rules of procedure of the Board of Appeals.

27 (d) The Director may, for good cause, revoke an open space area designation authorized by this
28 section by delivering to the owner written notice of revocation at least 30 days before the
29 revocation becomes effective. The owner may, within ten days after the receipt of a notice of
30 revocation, enter an appeal in accordance with the Howard County Administrative Procedure Act.

1 The landowner may, within 30 days, also appeal the decision and order of the Director in
2 accordance with the rules of procedure of the Board of Appeals.

3 (e) The landowner may revoke an open space area designation by delivering written notice to the
4 Director at least ten days before the revocation becomes effective.

5

6 **Section 19.504. - Rules, regulations and prohibited activities.**

7 The following activities are prohibited in open space areas:

8 (a) Hunting.

9 ~~[[b]] Fortune-telling.~~

10 ~~[[c]]B~~ Possessing any firearm, rifle, shotgun, revolver, pistol, air gun, air rifle or any similar
11 mechanism by whatever name known which is designed to expel a projectile through a barrel by
12 the action of any explosive gas, compressed air, spring or elastic. Police Officers are authorized to
13 seize such mechanisms and deliver them to the Police Department for disposition as provided in
14 section 19.509 of this subtitle.

15 ~~[[d]]C~~ Discarding of any lighted match, cigar, cigarette or other burning object on or against any
16 structure, boat, vehicle or enclosure, or under any tree or in underbrush or grass.

17 ~~[[e]]D~~ Putting any substance into the water of the open space area, directly or via the storm
18 drainage system, which pollutes or may pollute the waters.

19 ~~[[f]]E~~ Depositing any garbage, refuse, waste, foodstuffs, paper or other litter or obnoxious
20 material, except in receptacles or pits provided for the purpose.

21 ~~[[g]]F~~ Throwing or breaking of glass or crockery.

22 ~~[[h]]G~~ Removing or destroying any tree, flower, fern, shrub, rock or other plant or mineral.

23 ~~[[i]]H~~ Camping.

24 ~~[[j]]I~~ Using private boats powered by hydrocarbon fuels or electric ~~[[engines]]~~ MOTORS, except
25 for boats used by the Police Department, the Fire Department or the landowner.

26 ~~[[k]]J~~ Selling, offering for sale, or leasing merchandise.

27 ~~[[l]]K~~ Kindling, building, maintaining or using a fire in places other than those provided or
28 designed for that purpose. Every fire must be continuously under the care and direction of a
29 competent person over 16 years of age. Before it is abandoned, a fire must be thoroughly
30 extinguished. The building or starting of a fire may be prohibited by a Police Officer if a fire danger
31 warrants such action.

- 1 ([[m]]L) Erecting and posting of advertising signs and notices.
- 2 ([[n]]M) Using musical instruments, loudspeakers, radios, stereos, and similar devices when
3 used for the purpose of attracting attention for advertising of any type, or when the resultant noise
4 violates the noise regulations of the State Department of Health and Mental Hygiene.
- 5 ([[o]]N) Grazing or herding of cattle, horses, sheep, goats or any other animals.
- 6 ([[p]]O) Allowing dogs to run without being under the control of a responsible person. ALL
7 DOMESTICATED ANIMALS MUST BE UNDER THE PHYSICAL CONTROL OF A RESPONSIBLE PERSON
8 CAPABLE OF IMMEDIATE AND EFFECTIVE RESTRAINT OF THE ANIMAL. IN ADDITION, THE FOLLOWING
9 REQUIREMENTS SHALL APPLY:
- 10 (1) A PERSON SHALL NOT GRAZE, HOUSE, OR LEAVE UNATTENDED AN ANIMAL ON PARK
11 PROPERTY.
- 12 (2) A DOMESTICATED ANIMAL IS PROHIBITED AT ALL TIMES IN AN AREA OF OPEN SPACE THAT IS
13 POSTED TO PROHIBIT ANIMALS.
- 14 (3) A DOMESTICATED ANIMAL MUST BE ON A PHYSICAL RESTRAINT AND UNDER THE CONTROL
15 OF A RESPONSIBLE INDIVIDUAL AT ALL TIMES EXCEPT AT DESIGNATED OFF-LEASH AREAS.
- 16 ([[q]]P) Using motorized vehicles, as provided in section 19.508 of this subtitle.
- 17 ([[r]]Q) Possessing an alcoholic beverage in an open or previously opened container.
- 18 ([[s]]R) Using bows and arrows.

19

20 **Section 19.505. - Special permits.**

- 21 (a) Landowners may issue a special permit for the use of open space areas, which authorize
22 individuals or groups to conduct or participate in activities otherwise prohibited by any of the
23 provisions of sections 19.504 and 19.506 of this subtitle. Activities which may be authorized are:
24 possession of an alcoholic beverage in an open or previously opened container; camping; kindling,
25 building, maintaining or using a fire; using musical instruments, loudspeakers, radios and stereos;
26 selling, offering for sale, or leasing merchandise; erecting and posting of advertising signs and
27 notices; using bows and arrows.
- 28 (b) Landowners shall deliver to the Police Department copies of all special permits at least 48
29 hours in advance of the function for which they are issued.
- 30 (c) A special permit must be carried by an individual who is present on the open space area for
31 which the special permit is issued.

1 (d) A special permit must be displayed to Police Officers upon demand. Failure to display a special
2 permit upon demand shall authorize Police Officers to order the activity to cease and to order
3 participants to leave the property and shall also authorize the police to arrest any of the participants.

4 (e) When authorizing the possession of an alcoholic beverage, the landowner shall require that:

5 (1) The applicant be 21 years of age; and

6 (2) The applicant agree to ensure that no one under 21 years of age will consume alcoholic
7 beverages.

8 (f) Nothing in this section shall remove from the landowner or ultimate beneficiary the
9 requirement to obtain additional State or local permits as may be required, nor shall this section
10 permit uses otherwise prohibited by zoning or other laws.

11 (G) THE PROVISIONS OF THIS SECTION ARE SEPARATE FROM THE SPECIAL EVENT PERMIT OBTAINED
12 FROM THE POLICE DEPARTMENT PURSUANT TO TITLE 17, SUBTITLE 9 OF THIS CODE FOR THE USE OF
13 PUBLIC ROADS OR CONCERTS OVER 2,000 SPECTATORS.

14
15 **Section 19.506. - Hours of operation.**

16 (a) Open space areas shall be open to the public from [[6:00 a.m. to 10:00 p.m.]] SUNRISE TO
17 SUNSET each day, and they shall be closed to the public except during said time unless otherwise
18 posted.

19 (b) No person shall enter upon open space areas when they are closed to the public.
20

21 **Section 19.513. - Discrimination prohibited in open space area:**

22 [[No person shall be denied the use of a designated open space area solely because of
23 discrimination based on race, creed, religion, disability, color, sex, national origin, age,
24 occupation, marital status, political opinion, sexual orientation or personal appearance.]] THE
25 DEPARTMENT PROHIBITS DISCRIMINATION ON THE BASIS OF THE CATEGORIES LISTED IN SECTION
26 12.200 OF THIS CODE.
27

28 ***Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland that***
29 ***this Act shall become effective 61 days after its enactment.***



Howard County

RECREATION & PARKS

SUBJECT: Testimony Regarding Revisions to Title 19

TO: Lonnie R. Robbins, Chief Administrative Officer
Department of County Administration

FROM: A. Raul Delerme, Director
Department of Recreation and Parks

DATE: May 25, 2021

The Department of Recreation & Parks has proposed legislation for revisions to Title 19 - Recreation and Parks, Subtitle 2. - Park Land, Open Space and Natural Resource Regulations. The intent of this legislation is to make necessary revisions due to changes in technology and recreational trends over time; some sections of Title 19 have not been reviewed/changed since 1971. Most of the sections in Title 19 have not been reviewed/changed since 2004. The Department undertook a comprehensive review of Title 19 with assistance from the Office of Law to establish an up-to-date document.

There are no fiscal impacts associated with the recommended revision of Title 19.

Some examples of technological changes include: Electric bikes and scooters, unmanned Aircraft Systems (drones), off-road vehicles (ATVs), vaping

Some examples of recreational trends include: Paddle boarding, walkathons, deer management, geocaching

The most significant revisions are:

1. The addition of language to enhance protection of cultural and historic resources
2. Inclusion of no smoking or vaping in county parks and facilities. An older Executive order banned smoking in parks, but it was never included in the Code.
3. Strengthened the enforcement language for off-leash dogs
4. Revised the non-discrimination language to be consistent with the County's position
5. Strengthened the language regarding unauthorized use of county parks by for-profit commercial individuals and companies and non-profit entities

If you have any questions, I can be reached by email at rdelerme@howardcountymd.gov or by cell at (410) 370-6721.

cc: John S. Marshall, Parks Bureau Chief
Michael Milani, Administrative Bureau Chief
Robert Linz, Capital Projects, Park Planning, Construction Bureau Chief (Acting)
Nicola Morgal, Recreation Bureau Chief (Acting)
Susana Burrell, Assistant to the Director