

Introduced 10-4-2021  
Public Hearing 10-18-2021  
Council Action 11-01-2021  
Executive Action 11-3-2021  
Effective Date 1-3-2022

## 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.

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Introduced and read first time October 4, 2021. Ordered posted and hearing scheduled.  
By order Michelle Harrod  
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 October 18, 2021.

By order Michelle Harrod  
Michelle R. Harrod, Administrator

This Bill was read the third time on November 1, 2021 and Passed     , Passed with amendments ✓, Failed     .

By order Michelle Harrod  
Michelle R. Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 2 day of November, 2021 at 4<sup>00</sup> a.m./p.m. (P)

By order Michelle Harrod  
Michelle R. Harrod, Administrator

Approved/Vetoed by the County Executive November 3, 2021

Calvin Ball  
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.*

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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~~ EXCEPT AS PROVIDED UNDER PARAGRAPH (4) OF THIS SUBSECTION, AN  
15 ORDER ISSUED UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL NOTIFY THE RECIPIENT  
16 THAT THE RECIPIENT MAY MEET WITH THE ~~CHIEF ADMINISTRATIVE OFFICER~~ DIRECTOR OF  
17 PUBLIC WORKS OR A DESIGNEE OF THE ~~CHIEF ADMINISTRATIVE OFFICER~~ DIRECTOR OF  
18 PUBLIC WORKS TO DISCUSS ANY REASONS WHY THE RECIPIENT’S ACCESS TO THE COUNTY  
19 PROPERTY SHOULD NOT BE RESTRICTED.

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

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

24 (IV) AT THE REQUEST OF THE RECIPIENT, THE ~~CHIEF ADMINISTRATIVE OFFICER~~  
25 DIRECTOR OF PUBLIC WORKS OR A DESIGNEE OF THE ~~CHIEF ADMINISTRATIVE OFFICER~~  
26 DIRECTOR OF PUBLIC WORKS MAY RESCHEDULE THE MEETING AT A LATER DATE.

1 (v) IF A MEETING IS HELD, THE ~~CHIEF ADMINISTRATIVE OFFICER~~ DIRECTOR OF  
2 PUBLIC WORKS OR A DESIGNEE OF THE ~~CHIEF ADMINISTRATIVE OFFICER~~ DIRECTOR OF PUBLIC  
3 WORKS MAY AFFIRM, MODIFY, SUSPEND, OR RESCIND THE ORDER.

4 (vi) ~~THE DEPARTMENT SHALL NOT SERVE AS A DESIGNEE OF THE CHIEF~~  
5 ~~ADMINISTRATIVE OFFICER.~~

6 (4) IF THE RECIPIENT REQUESTS A MEETING UNDER PARAGRAPH (3) OF THIS SUBSECTION  
7 AND THE DIRECTOR OF PUBLIC WORKS ISSUED THE ORDER UNDER PARAGRAPH (2) OF THIS  
8 SUBSECTION, THE CHIEF ADMINISTRATIVE OFFICER OR A DESIGNEE OF THE CHIEF  
9 ADMINISTRATIVE OFFICER SHALL MEET WITH THE RECIPIENT TO DISCUSS ANY REASONS  
10 WHY THE RECIPIENT’S ACCESS TO THE COUNTY PROPERTY SHOULD NOT BE RESTRICTED.

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

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

## 18 Title 19. Recreation and Parks.

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

#### 20 Sec. 19.208. Regulation of conduct.

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

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

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

- 1 (2) A domesticated animal is prohibited at all times in an area of park property that is  
2 posted to prohibit animals.
- 3 (c) *Encroachments.* Without first obtaining a permit pursuant to section 19.205 of this subtitle, a  
4 private encroachment is prohibited on park property. An encroachment shall include,  
5 without limitation, a fence, wall, dog run, dog house, storage structure, driveway, compost  
6 pile, swimming pool, tree house, playhouse, wood pile, garden, play equipment, tv or radio  
7 reception device, or any other device, structure, refuse, or material.
- 8 (d) *Entrance and Exit.* A person shall enter and exit park property at an officially designated  
9 entrance and exit.
- 10 (e) *Indecent Conduct.* While on park property, a person shall not:
- 11 (1) Be nude or indecently expose themselves;
- 12 (2) Engage in a sexual act; or
- 13 (3) Urinate or defecate except in a designated facility.
- 14 (f) *Interference with Duties of County Personnel; FIGHTING WORDS AND TRUE THREATS*  
15 *PROHIBITED.* (1) A person shall not interfere with [[,]] or physically harass a County  
16 employee on park property acting in the course of their official duties.
- 17 (2) A PERSON SHALL NOT ADDRESS THE FOLLOWING WORDS OR STATEMENTS TO A  
18 COUNTY DEPARTMENT OF RECREATION AND PARKS EMPLOYEE ACTING IN THE COURSE OF  
19 THEIR OFFICIAL DUTIES:
- 20 (i) WORDS THAT HAVE A DIRECT TENDENCY TO CAUSE ACTS OF VIOLENCE BY THE  
21 PERSON TO WHOM, INDIVIDUALLY, THE REMARK IS ADDRESSED; AND
- 22 (ii) STATEMENTS WHERE THE SPEAKER MEANS TO COMMUNICATE A SERIOUS  
23 EXPRESSION OF AN INTENT TO COMMIT AN ACT OF UNLAWFUL VIOLENCE TO A PARTICULAR  
24 INDIVIDUAL OR GROUP OF INDIVIDUALS.
- 25 (g) *Interference with Other Individuals on Park Property; FIGHTING WORDS AND TRUE THREATS*  
26 *PROHIBITED.*
- 27 (1) *Interference with the public.* (i) A person shall not obstruct, delay, or interfere with the  
28 free movements of any other individual, seek to coerce or physically disturb any other

1 individual, or hamper or impede the conduct of any authorized business or activity on  
2 park property.

3 (II) A person shall not physically harass any other individual on park property.

4 (III) A PERSON SHALL NOT ADDRESS THE FOLLOWING WORDS OR STATEMENTS TO ANY  
5 OTHER INDIVIDUAL ON PARK PROPERTY:

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

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

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

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

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

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

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

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

28 (2) Disturb the public peace; or

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

3 **Sec. 19.210. Enforcement.**

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

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

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

16

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.

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

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

12 (3) (I) ~~AN~~ EXCEPT AS PROVIDED UNDER PARAGRAPH (4) OF THIS SUBSECTION, AN ORDER  
13 ISSUED UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL NOTIFY THE RECIPIENT THAT THE  
14 RECIPIENT MAY MEET WITH THE ~~CHIEF ADMINISTRATIVE OFFICER~~ DIRECTOR OF RECREATION AND  
15 PARKS OR A DESIGNEE OF THE ~~CHIEF ADMINISTRATIVE OFFICER~~ DIRECTOR OF RECREATION AND  
16 PARKS TO DISCUSS ANY REASONS WHY THE RECIPIENT’S ACCESS TO THE PARK PROPERTY SHOULD  
17 NOT BE RESTRICTED.

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

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

22 (IV) AT THE REQUEST OF THE RECIPIENT, THE ~~CHIEF ADMINISTRATIVE OFFICER~~  
23 DIRECTOR OF RECREATION AND PARKS OR A DESIGNEE OF THE ~~CHIEF ADMINISTRATIVE~~

1           ~~OFFICER~~ DIRECTOR OF RECREATION AND PARKS MAY RESCHEDULE THE MEETING AT A  
2           LATER DATE.

3                   (V) IF A MEETING IS HELD, THE ~~CHIEF ADMINISTRATIVE OFFICER~~ DIRECTOR OF  
4           RECREATION AND PARKS OR A DESIGNEE OF THE ~~CHIEF ADMINISTRATIVE OFFICER~~ DIRECTOR OF  
5           RECREATION AND PARKS MAY AFFIRM, MODIFY, SUSPEND, OR RESCIND THE ORDER.

6                   ~~(VI) THE DEPARTMENT SHALL NOT SERVE AS A DESIGNEE OF THE CHIEF~~  
7           ~~ADMINISTRATIVE OFFICER.~~

8                   (4) IF THE RECIPIENT REQUESTS A MEETING UNDER PARAGRAPH (3) OF THIS SUBSECTION AND  
9           THE DIRECTOR OF RECREATION AND PARKS ISSUED THE ORDER UNDER PARAGRAPH (2) OF  
10          THIS SUBSECTION, THE CHIEF ADMINISTRATIVE OFFICER OR A DESIGNEE OF THE CHIEF  
11          ADMINISTRATIVE OFFICER SHALL MEET WITH THE RECIPIENT TO DISCUSS ANY REASONS WHY  
12          THE RECIPIENT'S ACCESS TO THE PARK PROPERTY SHOULD NOT BE RESTRICTED.

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

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on November 3, 2021.

Michelle Harrod  
Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on \_\_\_\_\_, 2021.

\_\_\_\_\_  
Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on \_\_\_\_\_, 2021.

\_\_\_\_\_  
Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on \_\_\_\_\_, 2021.

\_\_\_\_\_  
Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on \_\_\_\_\_, 2021.

\_\_\_\_\_  
Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on \_\_\_\_\_, 2021.

\_\_\_\_\_  
Michelle Harrod, Administrator to the County Council