

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
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

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

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

Section 19.206. - Traffic; vehicles; parking.

(a) *General Provisions:*

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

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

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

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

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

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

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

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

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

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

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

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

(5) Unless specifically directed by authorized department personnel or police, where the motor 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 ([]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, defoul,
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)(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)	RECREATIONAL ACTIVITIES, OFF-ROAD OFF-HIGHWAY RECREATIONAL VEHICLES AND ALL-TERRAIN VEHICLES	A
19.207(e)	Recreational Activities, Picnicking	E
19.207(f)	Recreational Activities, Roller Skating, ICE SKATING, In-Line Skating, Skateboarding	E
19.207(g)	RECREATIONAL ACTIVITIES, STANDUP PADDLEBOARDING	E
19.207(h)	Recreational Activities, Swimming[; Water Sports]	D
19.207(i)	Recreational Activities, WADING[Snowmobiling]	D[B]
19.207(j)	Recreational Activities, Walking or Skating on Ice	D
19.208(A)	CONDUCT ON PARK PROPERTY, CULTURAL AND HISTORIC RESOURCES	A
19.208(B)	Conduct on Park Property, Depositing Refuse	A
19.208(C)	Conduct on Park Property, Domesticated Animals	C
19.208(D)	Conduct on Park Property, Encroachments	A
19.208(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

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 I certify this is a true copy of

AMI to CB49-2021

passed on July 6, 2021

Not Moved

Michelle [Signature]

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,".

I certify this is a true copy of

Am 2 to CB 49-2021

passed on July 6, 2021

Michelle Harrod
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.

I certify this is a true copy of

Am 1 to Am 2 to CB 49-2021

~~passed~~ on

July 6, 2021

Failed

Michelle Howard
Council Administrator

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

County Council of Howard County, Maryland

2021 Legislative Session

Bill No. 49-2021

Legislative Day No. 10

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 _____, 2021 and Passed _____, Passed with amendments _____, Failed _____.

By order _____
Michelle 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 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
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

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

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

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

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

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

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

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

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

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

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

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

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

(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

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

(24) *GEOCACHING*. THE INSTALLATION OF A GEOCACHING ITEM WITHIN PARK AND OR OPEN SPACE.

Section 19.206. - Traffic; vehicles; parking.

(a) *General Provisions*:

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

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

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

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

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

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

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

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

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

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

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

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

(5) Unless specifically directed by authorized department personnel or police, where the motor 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 SNOW MOBILES ARE PROHIBITED.

30 ~~[[[d]]E~~ *Picnicking.* A person may picnic ~~[[only in a designated area]]~~ IN AN AREA DESIGNATED BY
31 DEPARTMENT PERSONNEL.

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

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

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

11 *Winter Sports.* While on park property, a person shall not:

- 12 (1) Use a snowmobile; or
- 13 (2) Skate or walk on ice.]]

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

17 **Section 19.208. - Regulation of conduct.**

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

- 21 (1) REMOVE SURFACE AND SUBSURFACE ARTIFACTS;
- 22 (2) BOTTLE-DUMP SEARCH; OR
- 23 (3) DESTROY, DEFACE OR VANDALIZE CULTURAL OR HISTORIC RESOURCES.

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

26 *Domesticated Animals.* The provisions of title 17, subtitle 3 of the Howard County Code
27 shall apply to a domesticated animal on park property. In addition, the following requirements
28 shall apply:

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

1 (C) *ANIMALS.*

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

4 (I) ALL DOMESTICATED ANIMAL WASTE MUST BE DISPOSED OF IN A WASTE CONTAINER.

5 (II) ALL LIVESTOCK ANIMAL WASTE MUST BE REMOVED FROM PARK PROPERTY.

6 (III) ALL DOMESTICATED ANIMALS MUST BE UNDER THE PHYSICAL CONTROL OF A
7 RESPONSIBLE PERSON CAPABLE OF IMMEDIATE AND EFFECTIVE RESTRAINT OF THE
8 ANIMAL.

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

10 (I) A PERSON SHALL NOT GRAZE, HOUSE, OR LEAVE UNATTENDED AN ANIMAL ON PARK
11 PROPERTY.

12 (II) A DOMESTICATED ANIMAL IS PROHIBITED AT ALL TIMES IN AN AREA OF PARK PROPERTY
13 THAT IS POSTED TO PROHIBIT ANIMALS, INCLUDING, BUT NOT LIMITED TO, ATHLETIC
14 FIELDS AND COURTS, AREAS DESIGNATED FOR ENVIRONMENTAL PROTECTION, AND
15 NATURE CENTER(S).

16 (III) A DOMESTICATED ANIMAL MUST BE ON A PHYSICAL RESTRAINT AND UNDER THE
17 CONTROL OF A RESPONSIBLE INDIVIDUAL AT ALL TIMES UNLESS AT DESIGNATED OFF-
18 LEASH AREAS.

19 ([[c]]D) *Encroachments.* [[Without first obtaining a permit pursuant to section 19.205 of this
20 subtitle, a private encroachment is prohibited on park property.]] A PRIVATE ENCROACHMENT IS
21 PROHIBITED ON PARK PROPERTY. An encroachment shall include, without limitation, a fence, wall,
22 dog run, dog house, storage structure, driveway, compost pile, swimming pool, tree house,
23 playhouse, wood pile, garden, play OR RECREATIONAL equipment, GAME CAMERA OR OTHER
24 RECORDING DEVICE, tv or radio reception device, or any other device, structure, refuse, or
25 material.

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

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

29 (1) Be nude or indecently expose themselves;

30 (2) Engage in a sexual act; or

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

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

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

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

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

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

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

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

22 (K) *SMOKING AND VAPING.* SMOKING AND VAPING ARE PROHIBITED ON PARK PROPERTY.

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

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

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

29 (2) Disturb the public peace; or

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

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Section 19.209. - Environmental protection.

(a) Mowing Open Space:

(1) *Mowing an open space buffer.* Unless mowing is prohibited by the provisions of paragraph (2) below, an owner of private property whose property adjoins open space may mow the open space buffer.

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

- (i) There is a tree, shrub, or other woody vegetation on the open space buffer;
- (ii) The open space buffer includes land which is within 75 feet of a stream, pond, stormwater management facility, river, or floodplain;
- (iii) The open space buffer includes land which is within 25 feet of a wetland;
- (iv) The open space buffer contains slopes of 25 percent or greater; [[or]]
- (v) The Department has prohibited mowing in that specific location[.]; OR
- (vi) AN AREA IS DESIGNATED AS FOREST CONSERVATION BY DEED OF EASEMENT, INDICATED ON A FOREST CONSERVATION PLAT, OR AS DESIGNATED BY THE DEPARTMENT OF RECREATION PARKS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29
30 **Section 19.210. - Enforcement.**

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

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

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

12

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)(16)	Permits, Self-Propelled Motorized Vehicles	C
19.205(c)(17)	Permits, Signs	D
19.205(c)(18)	Permits, Soliciting	E
19.205(c)(19)	PERMITS, SPECIAL EVENTS	B
19.205(c)(20)	Permits, Storage	C
19.205(c)(21)	Permits, Structures	C
19.205(c)(22)	Permits, Watercraft	D
19.205(c)(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)	RECREATIONAL ACTIVITIES, OFF-ROAD VEHICLES	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

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

Title 19. Recreation and Parks.

Subtitle 5. Public Recreation on Private Lands.

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

(a) The Director is authorized to and shall designate an open space area upon the request for such designation by the landowner, provided that the landowner files a plat of the parcel(s) for which the request is made, and provided the property shown thereon qualifies for tax credits under

1 [[article 81, section 9C(k)]]SECTION 9-208 OF THE TAX-PROPERTY ARTICLE of the Annotated Code
2 of Maryland]].

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

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

18 (d) The Director may, for good cause, revoke an open space area designation authorized by this
19 section by delivering to the owner written notice of revocation at least 30 days before the
20 revocation becomes effective. The owner may, within ten days after the receipt of a notice of
21 revocation, enter an appeal in accordance with the Howard County Administrative Procedure Act.
22 The landowner may, within 30 days, also appeal the decision and order of the Director in
23 accordance with the rules of procedure of the Board of Appeals.

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

26

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

28 The following activities are prohibited in open space areas:

29 (a) Hunting.

30 [[(b) Fortune-telling.]]

- 1 ([[c]]B) Possessing any firearm, rifle, shotgun, revolver, pistol, air gun, air rifle or any similar
2 mechanism by whatever name known which is designed to expel a projectile through a barrel by
3 the action of any explosive gas, compressed air, spring or elastic. Police Officers are authorized to
4 seize such mechanisms and deliver them to the Police Department for disposition as provided in
5 section 19.509 of this subtitle.
- 6 ([[d]]C) Discarding of any lighted match, cigar, cigarette or other burning object on or against any
7 structure, boat, vehicle or enclosure, or under any tree or in underbrush or grass.
- 8 ([[e]]D) Putting any substance into the water of the open space area, directly or via the storm
9 drainage system, which pollutes or may pollute the waters.
- 10 ([[f]]E) Depositing any garbage, refuse, waste, foodstuffs, paper or other litter or obnoxious
11 material, except in receptacles or pits provided for the purpose.
- 12 ([[g]]F) Throwing or breaking of glass or crockery.
- 13 ([[h]]G) Removing or destroying any tree, flower, fern, shrub, rock or other plant or mineral.
- 14 ([[i]]H) Camping.
- 15 ([[j]]I) Using private boats powered by hydrocarbon fuels or electric [[engines]] MOTORS, except
16 for boats used by the Police Department, the Fire Department or the landowner.
- 17 ([[k]]J) Selling, offering for sale, or leasing merchandise.
- 18 ([[l]]K) Kindling, building, maintaining or using a fire in places other than those provided or
19 designed for that purpose. Every fire must be continuously under the care and direction of a
20 competent person over 16 years of age. Before it is abandoned, a fire must be thoroughly
21 extinguished. The building or starting of a fire may be prohibited by a Police Officer if a fire danger
22 warrants such action.
- 23 ([[m]]L) Erecting and posting of advertising signs and notices.
- 24 ([[n]]M) Using musical instruments, loudspeakers, radios, stereos, and similar devices when
25 used for the purpose of attracting attention for advertising of any type, or when the resultant noise
26 violates the noise regulations of the State Department of Health and Mental Hygiene.
- 27 ([[o]]N) Grazing or herding of cattle, horses, sheep, goats or any other animals.
- 28 ([[p]]O) Allowing dogs to run without being under the control of a responsible person. ALL
29 DOMESTICATED ANIMALS MUST BE UNDER THE PHYSICAL CONTROL OF A RESPONSIBLE PERSON
30 CAPABLE OF IMMEDIATE AND EFFECTIVE RESTRAINT OF THE ANIMAL. IN ADDITION, THE FOLLOWING
31 REQUIREMENTS SHALL APPLY:

1 (1) A PERSON SHALL NOT GRAZE, HOUSE, OR LEAVE UNATTENDED AN ANIMAL ON PARK
2 PROPERTY.

3 (2) A DOMESTICATED ANIMAL IS PROHIBITED AT ALL TIMES IN AN AREA OF OPEN SPACE THAT IS
4 POSTED TO PROHIBIT ANIMALS.

5 (3) A DOMESTICATED ANIMAL MUST BE ON A PHYSICAL RESTRAINT AND UNDER THE CONTROL
6 OF A RESPONSIBLE INDIVIDUAL AT ALL TIMES EXCEPT AT DESIGNATED OFF-LEASH AREAS.

7 ([[q]]P) Using motorized vehicles, as provided in section 19.508 of this subtitle.

8 ([[r]]Q) Possessing an alcoholic beverage in an open or previously opened container.

9 ([[s]]R) Using bows and arrows.

10
11 **Section 19.505. - Special permits.**

12 (a) Landowners may issue a special permit for the use of open space areas, which authorize
13 individuals or groups to conduct or participate in activities otherwise prohibited by any of the
14 provisions of sections 19.504 and 19.506 of this subtitle. Activities which may be authorized are:
15 possession of an alcoholic beverage in an open or previously opened container; camping; kindling,
16 building, maintaining or using a fire; using musical instruments, loudspeakers, radios and stereos;
17 selling, offering for sale, or leasing merchandise; erecting and posting of advertising signs and
18 notices; using bows and arrows.

19 (b) Landowners shall deliver to the Police Department copies of all special permits at least 48
20 hours in advance of the function for which they are issued.

21 (c) A special permit must be carried by an individual who is present on the open space area for
22 which the special permit is issued.

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

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

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

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

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

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

7

8 **Section 19.506. - Hours of operation.**

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

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

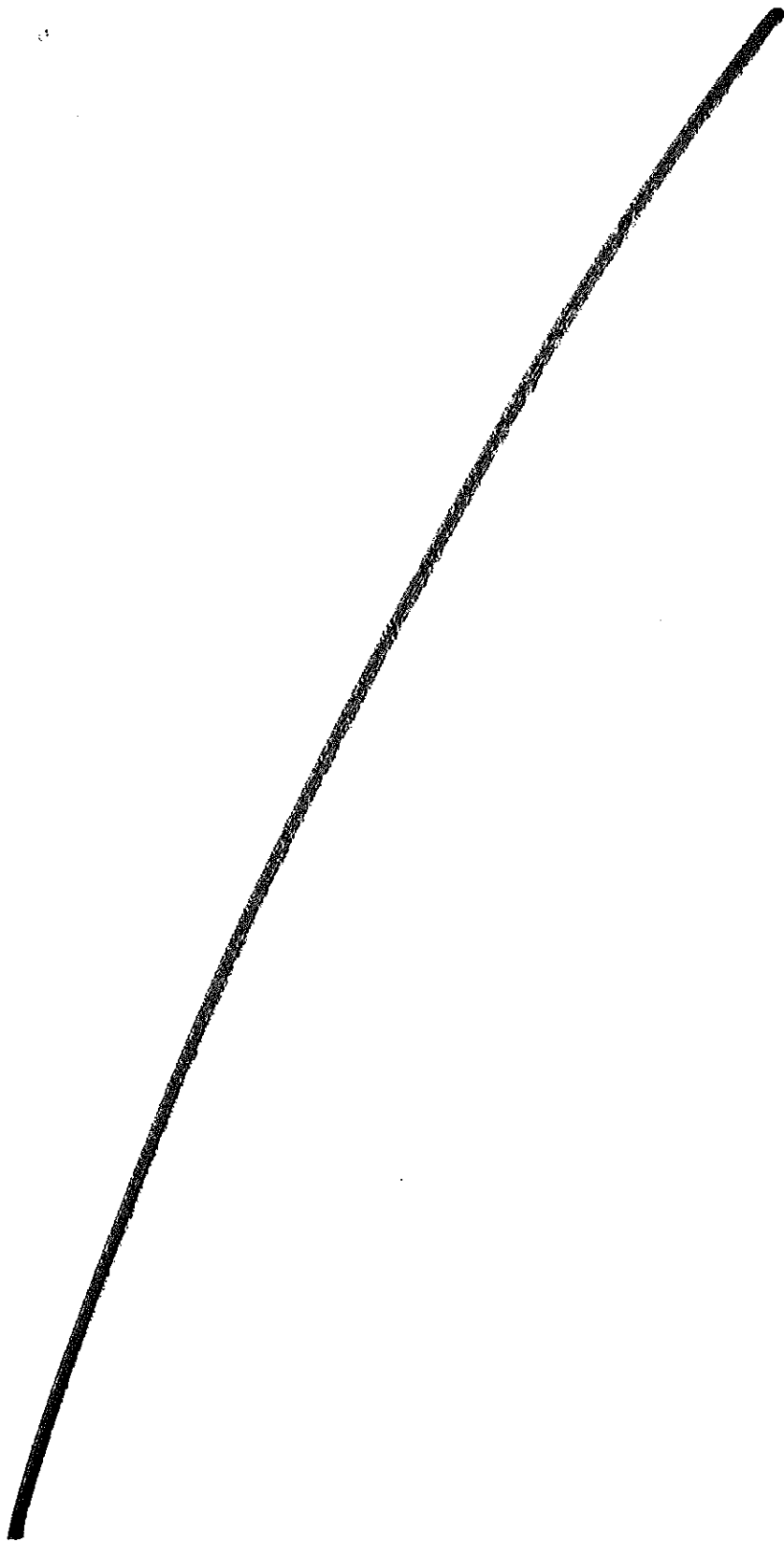
13

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

15 [[No person shall be denied the use of a designated open space area solely because of
16 discrimination based on race, creed, religion, disability, color, sex, national origin, age,
17 occupation, marital status, political opinion, sexual orientation or personal appearance.]] THE
18 DEPARTMENT PROHIBITS DISCRIMINATION ON THE BASIS OF THE CATEGORIES LISTED IN SECTION
19 12.200 OF THIS CODE.

20

21 **Section 2. And Be It Further Enacted** by the County Council of Howard County, Maryland that
22 *this Act shall become effective 31 days after its enactment.*



BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on July 7, 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

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 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,”.

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”.

Office of the County Auditor
Auditor's Analysis

Council Bill No. 49-2021

Introduced: June 7, 2021

Auditor: Owen Clark

Fiscal Impact:

Our Office cannot determine the fiscal impact of this legislation because we are unable to estimate if the future revenues generated from the resulting permit fees and penalties will be sufficient to cover, or exceed, the costs of administering the associated activities.

The Department of Recreation and Parks (DRP) has informed our Office that permit fee revenues resulting from this legislation are intended to cover the cost of administering the permitted activity. However, permit fees are set based on the market value (which is determined by comparing to other jurisdictions), and non-profit entities are charged a reduced permit fee.

The DRP has also indicated that:

- Permit fee and enforcement revenues will be collected in the Recreation and Parks Fund.
- There is no estimate of future enforcement revenues. However, civil citations related to Title 19 in FY 2019 and FY 2020 resulted in \$1,000 each year.

Purpose:

This legislation revises "Title 19 - Recreation and Parks" of the County Code so it is up to date with current recreational trends and changes in technology. Per the Administration, revisions were made after a comprehensive review of the Subtitle with the Office of Law. Notable revisions include:

- Referencing the County's public policy on equal opportunity and anti-discrimination.
- Updating the list of activities requiring a business permit.
- Regulating the use of technological advancements on park property, including electric bikes and scooters, drones, off-road vehicles, and vaping.
- Enhanced regulations of cultural and historic resources and domesticated animals.
- Strengthened enforcement provisions that include the right to temporarily ban individuals from park land, add penalties for new permitted activities, and increase certain penalties.

Other Comments:

As noted above, the revenues and expenditures that may result from this legislation will be recognized in the Recreation and Parks Fund. This fund experienced an excess (or deficiency) of

revenues over expenditures in Fiscal Years 2019 and 2020 of \$1,103,461 and (\$1,642,721) respectively.

Per the DRP, the revisions to add or amend the permitted activities in “Section 19.205 – Permits” are being made to simply codify the current practice.

Revisions to the existing civil penalties in “Section 19.210 – Enforcement” were made for the following reasons, according to the DRP:

- 19.205(b) – Permits, Reserved Use of Park Property - This is being changed because the existing fine was less than the permit fee.
- 19.205(c) (3) – Permits, Businesses - This is being changed because of the increased frequency of unpermitted vendors operating in the park system.
- 19.207(l) – Recreational Activities, Wading - This is being added to clarify the discrepancy between wading and swimming.
- 19.208(g) – Conduct on Park Property, Interference with Duties of County Personnel - This is being changed because of the increased incidents involving staff obtaining peace orders.
- 19.208(h) – Conduct on Park Property, Interference with Other Individuals - This is being changed because of the increase of patron vs patron issues.

March 21, 2021

Council Bill No. 49-2021 Testimony Regarding Revisions to Title 19

Testimony given by John Marshall, Acting Director of Recreation & Parks, Michael Milani, Bureau Chief of Administrative Services, and Kevin Vest, Operations Supervisor III, were in attendance.

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 but are not limited to: Electric bikes and scooters, unmanned Aircraft Systems (drones), off-road vehicles (ATVs), vaping

Some examples of recreational trends include but are not limited to: 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

We would be happy to answer any question you may have at this time.