

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

County Council of Howard County, Maryland

2021 Legislative Session

Legislative Day No. 16

Bill No. 80 -2021

Introduced by: Liz Walsh

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

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

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on October 18, 2021.

By order Michelle R. Harrod
Michelle R. Harrod, Administrator

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

By order Michelle R. Harrod
Michelle R. Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 2 day of November, 2021 at 4⁰⁰ a.m./p.m.

By order Michelle R. Harrod
Michelle R. Harrod, Administrator

Approved/Vetoed by the County Executive November 3, 2021

Calvin Ball
Calvin Ball, County Executive

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

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

3 *By adding:*

4 *Title 18. Public Works.*

5 *Subtitle 10. Department of Public Works.*

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

8

9 *By amending:*

10 *Title 19. Recreation and Parks.*

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

12 *Section 19.208. Regulation of Conduct.*

13

14

15

HOWARD COUNTY CODE

16

Title 18. Public Works

17

Subtitle 10. Department of Public Works

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

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

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

21 AND TRUE THREATS PROHIBITED; BAN; PENALTIES.

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

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

24 THE COURSE OF THE EMPLOYEE'S OFFICIAL DUTIES.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 Title 19. Recreation and Parks.

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

20 Sec. 19.208. Regulation of conduct.

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

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

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

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

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

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

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

11 (1) Be nude or indecently expose themselves;

12 (2) Engage in a sexual act; or

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

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

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

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

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

22 (ii) STATEMENTS WHERE THE SPEAKER MEANS TO COMMUNICATE A SERIOUS
23 EXPRESSION OF AN INTENT TO COMMIT AN ACT OF UNLAWFUL VIOLENCE TO A PARTICULAR
24 INDIVIDUAL OR GROUP OF INDIVIDUALS.

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

27 (1) *Interference with the public.* (i) A person shall not obstruct, delay, or interfere with the
28 free movements of any other individual, seek to coerce or physically disturb any other

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

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

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

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

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

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

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

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

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

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

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

28 (2) Disturb the public peace; or

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

Sec. 19.210. Enforcement.

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

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

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

Section	Title	Class Offense
19.204	Hours Of Operation	E
19.205(b)	Permits, Reserved Use of Park Property	E
19.205(c)(1)	Permits, Aircraft	A
19.205(c)(2)	Permits, Alcoholic Beverages	B
19.205(c)(3)	Permits, Businesses	C
19.205(c)(4)	Permits, Camping	D
19.205(c)(5)	Permits, Cutting or Mowing	A
19.205(c)(6)	Permits, Fires	C
19.205(c)(7)	Permits, Fireworks	B
19.205(c)(8)	Permits, Grading	A
19.205(c)(9)	Permits, Herbicides or Fertilizers	A
19.205(c)(10)	Permits, Hunting	A
19.205(c)(11)	Permits, Interference with the Use of Park Property	C
19.205(c)(12)	Permits, Metal Detectors	D
19.205(c)(13)	Permits, Models	D
19.205(c)(14)	Permits, Self-Propelled Motorized Vehicles	C

19.205(c)(15)	Permits, Signs	D
19.205(c)(16)	Permits, Soliciting	E
19.205(c)(17)	Permits, Storage	C
19.205(c)(18)	Permits, Structures	C
19.205(c)(19)	Permits, Watercraft	D
19.205(c)(20)	Permits, Weapons	A
19.206	Traffic, Vehicles, Parking	E
19.207(a)	Recreational Activities Bicycling	E
19.207(b)	Recreational Activities, Fishing	D
19.207(c)	Recreational Activities, Horseback Riding	E
19.207(d)	Recreational Activities, Picnicking	E
19.207(e)	Recreational Activities, Roller Skating, In-Line Skating, Skateboarding	E
19.207(f)	Recreational Activities, Swimming; Water Sports	D
19.207(g)(1)	Recreational Activities, Snowmobiling	B
19.207(g)(2)	Recreational Activities, Walking or Skating on Ice	D
19.208(a)	Conduct on Park Property, Depositing Refuse	A
19.208(b)	Conduct on Park Property, Domesticated Animals	C
19.208(c)	Conduct on Park Property, Encroachments	A
19.208(d)	Conduct on Park Property, Entrance and Exit	E
19.208(e)(1)	Conduct on Park Property, Indecent Conduct, Nudity	B
19.208(e)(2)	Conduct on Park Property, Indecent Conduct, Sexual Activity	B
19.208(e)(3)	Conduct on Park Property, Indecent Conduct, Urination	E
19.208(f)	Conduct on Park Property, Interference with Duties of County Personnel, FIGHTING WORDS AND TRUE THREATS PROHIBITED	B
19.208(g)	Conduct on Park Property, Interference with Other Individuals, FIGHTING WORDS AND TRUE THREATS PROHIBITED	B
19.208(h)	Conduct on Park Property, Lost Objects	E
19.208(i)	Conduct on Park Property, Noise	B
19.208(j)	Conduct on Park Property, Vandalism	A
19.209(a)	Environmental Protection, Mowing Open Space	A
19.209(b)	Environmental Protection, Activities Detrimental	A
19.209(c)	Environmental Protection, Grading or Disturbance	A

19.209(d)	Environment Protection, Cutting or Mowing	A
19.209(e)	Environmental Protection, Contamination	A
19.209(f)	Environmental Protection, Disturbing Buffers	A
19.209(g)	Environmental Protection, Wildlife	A
19.209(h)	Environmental Protection, Destruction of Property	A
19.209(i)	Environment Protection, Planting	A

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

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

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

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

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

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

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

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

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

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

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

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

Amendment No. 1 to Council Bill No. 80-2021

BY: Christiana Rigby

Legislative Day #17

Date: November 1, 2021

Amendment No. 1

(This amendment requires the Director of Public Works or the Director of Recreation and Parks, except under a certain circumstance, to conduct a meeting to discuss any reasons why the recipient of an order to temporarily ban the individual for 120 hours from County property or park property should not be restricted access to the property.)

1 On page 2:

- 2 • In line 14, strike "AN" and substitute "EXCEPT AS PROVIDED UNDER PARAGRAPH (4) OF
3 THIS SUBSECTION, AN";
- 4 • in lines 15 and 16, and in lines 16, 23, 24, 26, and 27, in each instance, strike "CHIEF
5 ADMINISTRATIVE OFFICER" and substitute "DIRECTOR OF PUBLIC WORKS";

6 On page 3, strike in their entirety lines 1 through 2 and substitute:

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

12 On page 8:

1 I certify this is a true copy of
Am 1 to CB 80-2021
Passed on Nov 1, 2021
Michelle Hoover
Council Administrator

- 1 • In line 9, strike “AN” and substitute “EXCEPT AS PROVIDED UNDER PARAGRAPH (4) OF
2 THIS SUBSECTION, AN”;
- 3 • in lines 10, 11, 17, 18, 20, and 21, in each instance, strike “CHIEF ADMINISTRATIVE
4 OFFICER” and substitute “DIRECTOR OF RECREATION AND PARKS”;
- 5 • strike in their entirety lines 22 through 23 and substitute:
6 “(4) IF THE RECIPIENT REQUESTS A MEETING UNDER PARAGRAPH (3) OF THIS SUBSECTION
7 AND THE DIRECTOR OF RECREATION AND PARKS ISSUED THE ORDER UNDER PARAGRAPH
8 (2) OF THIS SUBSECTION, THE CHIEF ADMINISTRATIVE OFFICER OR A DESIGNEE OF THE
9 CHIEF ADMINISTRATIVE OFFICER SHALL MEET WITH THE RECIPIENT TO DISCUSS ANY
10 REASONS WHY THE RECIPIENT’S ACCESS TO THE PARK PROPERTY SHOULD NOT BE
11 RESTRICTED.”.

Amendment No. 2 to Council Bill No. 80-2021

BY: Christiana Rigby

Legislative Day #17

Date: November 1, 2021

Amendment No. 2

(This amendment removes criminal penalties.)

- 1 On page 3, strike in their entirety lines 3 through 5. On the same page, in line 6, strike "(E)"
2 and substitute "(D)".
- 3 On page 5, strike in their entirety lines 27 through 28.
- 4 On page 6, strike in their entirety lines 1 through 4. On the same page, in line 5, strike "(c)"
5 and substitute "(B)".

I certify this is a true copy of

Am 2 to CB 80-2021

passed on Nov 1, 2021

Michelle Sperry
Council Administrator

BY THE COUNCIL

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

Michelle Harrod
Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

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

Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

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

Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

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

Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

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

Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

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

Michelle Harrod, Administrator to the County Council

Introduced 10-4-2021
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

County Council of Howard County, Maryland

2021 Legislative Session

Legislative Day No. 16

Bill No. 80 -2021

Introduced by: Liz Walsh

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

Introduced and read first time October 4, 2021. Ordered posted and hearing scheduled.

By order Michelle Harrod
Michelle R. Harrod, Administrator

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

By order _____
Michelle R. Harrod, Administrator

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

By order _____
Michelle R. Harrod, Administrator

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

By order _____
Michelle R. Harrod, Administrator

Approved/Vetoed by the County Executive _____, 2021

Calvin Ball, County Executive

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

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

3 *By adding:*

4 *Title 18. Public Works.*

5 *Subtitle 10. Department of Public Works.*

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

8
9 *By amending:*

10 *Title 19. Recreation and Parks.*

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

12 *Section 19.208. Regulation of Conduct.*

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14
15 **HOWARD COUNTY CODE**

16 **Title 18. Public Works**

17 **Subtitle 10. Department of Public Works**

18 **Sec. 18.1002. PHYSICAL HARASSMENT OF EMPLOYEES PROHIBITED; FIGHTING WORDS AND**
19 **TRUE THREATS PROHIBITED; BAN; PENALTIES.**

20 SECTION 18.1002. PHYSICAL HARASSMENT OF EMPLOYEES PROHIBITED; FIGHTING WORDS
21 AND TRUE THREATS PROHIBITED; BAN; PENALTIES.

22 (A) *PHYSICAL HARASSMENT OF EMPLOYEES PROHIBITED.* A PERSON SHALL NOT
23 PHYSICALLY HARASS A COUNTY DEPARTMENT OF PUBLIC WORKS EMPLOYEE ACTING IN
24 THE COURSE OF THE EMPLOYEE'S OFFICIAL DUTIES.

25 (B) *FIGHTING WORDS AND TRUE THREATS PROHIBITED.* A PERSON SHALL NOT ADDRESS THE
26 FOLLOWING WORDS OR STATEMENTS TO A COUNTY DEPARTMENT OF PUBLIC WORKS
27 EMPLOYEE ACTING IN THE COURSE OF THE EMPLOYEE'S OFFICIAL DUTIES:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 2 (1) Be nude or indecently expose themselves;
- 3 (2) Engage in a sexual act; or
- 4 (3) Urinate or defecate except in a designated facility.

5 (f) *Interference with Duties of County Personnel; FIGHTING WORDS AND TRUE THREATS*
6 *PROHIBITED.* (1) A person shall not interfere with [[,]] or physically harass a County
7 employee on park property acting in the course of their official duties.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (2) Disturb the public peace; or

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

24 **Sec. 19.210. Enforcement.**

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

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

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

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

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

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

1

2

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

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

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

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

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

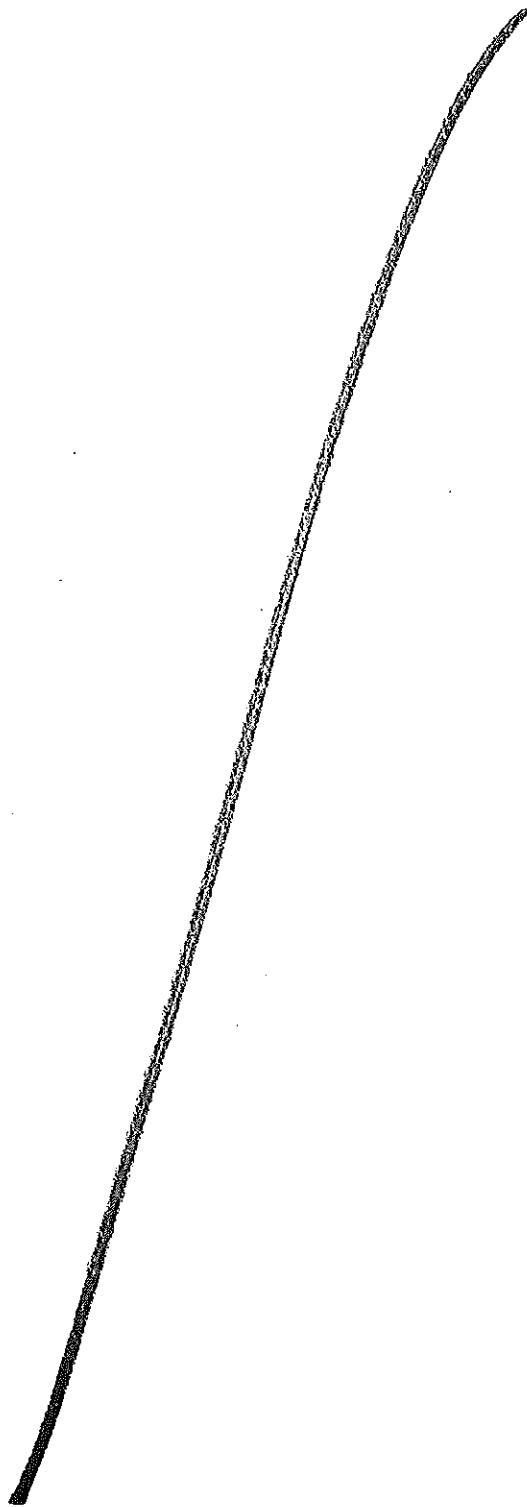
15 (III) THE MEETING SHALL BE SCHEDULED TO BE HELD DURING THE NEXT BUSINESS
16 DAY AFTER THE ORDER IS DELIVERED TO THE RECIPIENT.

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

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

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

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



Amendment No. 1 to Council Bill No. 80-2021

BY: Christiana Rigby

Legislative Day #17

Date: November 1, 2021

Amendment No. 1

(This amendment requires the Director of Public Works or the Director of Recreation and Parks, except under a certain circumstance, to conduct a meeting to discuss any reasons why the recipient of an order to temporarily ban the individual for 120 hours from County property or park property should not be restricted access to the property.)

1 On page 2:

- 2 • In line 14, strike “AN” and substitute “EXCEPT AS PROVIDED UNDER PARAGRAPH (4) OF
3 THIS SUBSECTION, AN”;
- 4 • in lines 15 and 16, and in lines 16, 23, 24, 26, and 27, in each instance, strike “CHIEF
5 ADMINISTRATIVE OFFICER” and substitute “DIRECTOR OF PUBLIC WORKS”;

6 On page 3, strike in their entirety lines 1 through 2 and substitute:

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

12 On page 8:

- 1 • In line 9, strike “AN” and substitute “EXCEPT AS PROVIDED UNDER PARAGRAPH (4) OF
2 THIS SUBSECTION, AN”;
- 3 • in lines 10, 11, 17, 18, 20, and 21, in each instance, strike “CHIEF ADMINISTRATIVE
4 OFFICER” and substitute “DIRECTOR OF RECREATION AND PARKS”;
- 5 • strike in their entirety lines 22 through 23 and substitute:
- 6 “(4) IF THE RECIPIENT REQUESTS A MEETING UNDER PARAGRAPH (3) OF THIS SUBSECTION
7 AND THE DIRECTOR OF RECREATION AND PARKS ISSUED THE ORDER UNDER PARAGRAPH
8 (2) OF THIS SUBSECTION, THE CHIEF ADMINISTRATIVE OFFICER OR A DESIGNEE OF THE
9 CHIEF ADMINISTRATIVE OFFICER SHALL MEET WITH THE RECIPIENT TO DISCUSS ANY
10 REASONS WHY THE RECIPIENT’S ACCESS TO THE PARK PROPERTY SHOULD NOT BE
11 RESTRICTED.”.

Amendment No. 2 to Council Bill No. 80-2021

BY: Christiana Rigby

Legislative Day #17

Date: November 1, 2021

Amendment No. 2

(This amendment removes criminal penalties.)

- 1 On page 3, strike in their entirety lines 3 through 5. On the same page, in line 6, strike “(E)”
- 2 and substitute “(D)”.
- 3 On page 5, strike in their entirety lines 27 through 28.
- 4 On page 6, strike in their entirety lines 1 through 4. On the same page, in line 5, strike “(c)”
- 5 and substitute “(B)”.

**Office of the County Auditor
Auditor's Analysis**

Council Bill No. 80-2021

Introduced: October 4, 2021

Auditor: Owen Clark

Fiscal Impact:

Our Office is unable to determine the fiscal impact of this legislation because we have not received responses to our inquiries to the Administration related to the implementation of this legislation and the historical trend of behaviors that are addressed by this legislation.

Purpose:

The purpose of this legislation is to prohibit the physical harassment and use of fighting words or true threats towards employees of the Department of Recreation and Parks (DRP) or the Department of Public Works (DPW) on County property when they are performing their official duties.

An individual that violates any of these prohibitions may be banned for 24 hours from the County property where the incident occurred.

The Department may, also, issue a written order to temporarily ban an individual for 120 hours from the County property where the incident occurred. At this point, the recipient of a written order will be notified that they may meet with the Chief Administrative Officer (or their designee) to discuss the reason why their access to the County property should not be restricted. The outcome of this meeting would be that the Chief Administrative Officer may affirm, modify, suspend, or rescind the order.

The Department that issued the written order cannot serve as the designee of the Chief Administrative Officer.

A violator of these provisions is subject to both Criminal and Civil penalties.

- Criminal penalties include being guilty of a misdemeanor and, upon conviction, a fine not to exceed \$1,000 and/or imprisonment of up to 30 days.
- Civil penalties for the DPW provisions include a fine of \$500 to \$1,000.
- Civil penalties for the DRP provisions include a fine of \$250 to \$500.

Other Comments:

None.

Sayers, Margery

From: Baker, Kevin
Sent: Monday, November 1, 2021 3:11 PM
To: Sayers, Margery
Subject: FW: CB80

For Related Documents.

From: McIntyre, Cecily <cmcintyre@howardcountymd.gov>
Sent: Friday, October 29, 2021 1:49 PM
To: Jones, Opel <ojones@howardcountymd.gov>; Walsh, Elizabeth <ewalsh@howardcountymd.gov>; Rigby, Christiana <crigby@howardcountymd.gov>; Jung, Deb <djung@howardcountymd.gov>; Yungmann, David <dyungmann@howardcountymd.gov>
Subject: CB80

Hello everyone,

My name is Cecily McIntyre and I work for DPW branch of Environmental Services at Alpha Ridge Landfill and I am also a resident of Howard County.

I was sick on the day to testify for bill CB80 supported by local 3085. I was also weary to testify about the said bill because I feel Alpha Ridge Landfill should have been discussed more in the bill due to the heavy volume of people we see every day.

But I feel it is important to share with you all some of the stories and events that have happened to me since I started working here in 2017. And how it could have helped me to have some authority to be able to ban residents and contractors who get malicious and abusive to the employees.

I work in the booth and the scale house where I verify licenses, issue permits, and collect fees alongside a few other coworkers.

I have had a man try to spit on me during a pandemic because I asked him to put his mask on and if I hadn't have moved, it would have hit me.

Just last week, I had a man threaten my coworker and I on foot yelling in my window because he had out of county trash and an expired permit.

Not only has another one of my coworkers been hit by a moving car, but I have also had someone try to run me over because I said he could not dump in the resident area because he had construction trash.

I have cried more times than I would like to admit because of some of the names I have been called by residents/contractors just for simply doing my job. And then turn around and come to dump trash the next day and laugh in my face because we do not have a strong arm policy of being able to ban people. It is in our "landfill rules" not to harass the staff but there is no clear cut procedure or guidelines on how to pursue the matter further.

I have many more instances these are just a few. And it disgusts me that some of my fellow residents could act so venomous towards another human being over trash.

I beg you. PLEASE pass this bill. It would help ALL of DPW to know that our county council has our best interest with our safety concerns.

Thank you,

Cecily McIntyre

Alpha Ridge Landfill

DPW Bureau of Environmental Services

2350 Marriottsville Road

Marriottsville, Maryland

Howard County Government





**HOWARD COUNTY COUNCIL
AFFIDAVIT OF AUTHORIZATION
TO TESTIFY ON BEHALF OF AN ORGANIZATION**

I, Stu Kohn, have been duly authorized by
(name of individual)

Howard County Citizens Association to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CB80-2021 to express the organization's
(bill or resolution number)

support for / opposition to / request to amend this legislation.
(Please circle one.)

Printed Name: Stu Kohn

Signature: _____

Date: 14 October 2021

Organization: Howard County Citizens Association

Organization Address: Ellicott City MD.

Ellicott City MD.

Number of Members: 500

Name of Chair/President: Stu Kohn

*This form can be submitted electronically via email to
councilmail@howardcountymd.gov no later than 2 hours prior to the start of the
Public Hearing.*



HCCA

Howard County Citizens Association

Since 1961...

The Voice Of The People of Howard County

Date: 18 October 2021

Subject: HCCA is in Favor of CB80-2021

My name is Stu Kohn from Laurel. As President of the Howard County Citizens Association, HCCA we fully support CB80-2021.

Choose civility used to be the motto in Howard County which unfortunately as evident in the premise of this Bill seems to be a thing of the past. This proposed Bill is a testament to Councilwoman Liz Walsh's standing up for what is right. The bottom line is that whether you are a Democrat, Republican, Independent or a Vegetarian we all need to respect one another. We need to stop the Choose Hostility.

Here are some HCCA suggested amendments and questions:

- Change all references of "may" to "shall."
- Refer to Page 2 – line 4 – delete the word "Generally" as we want specificity.
- Refer to Page 2 – line 5 – the 24 hours is extremely lenient. Why? If someone chooses to be obnoxious to any employee then they should be banned for the first offense for the period of time as stated on line 9 of 120 hours or 5 days. Why is line 4 different from line 5?
- Refer to Page 6 and 7 – under Civil Penalties – add a Footnote that describes Classes A thru E.
- Refer to Page 8 – line 2 – change the 24 hours to 120 hours to make it compatible with line 7.
- We suggest that the Penalties be much stiffer for anyone who is guilty of harassment. Ideally in phases. If a party is found guilty on the first offense then 5 days, the second offense should be 6 months and the third offense forever,

We only hope that the provisions in CB80-2021 will establish enforcements if necessary which will aid in perhaps re-establishing civility.

Thank You,

A handwritten signature in black ink, appearing to read "Stu Kohn". The letters are cursive and somewhat stylized.

Stu Kohn

HCCA President



HOWARD COUNTY COUNCIL
AFFIDAVIT OF AUTHORIZATION
TO TESTIFY ON BEHALF OF AN ORGANIZATION

I, Dale Chase, have been duly authorized by
(name of individual)

AFSCME Local 3085 to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CB80 to express the organization's
(bill or resolution number)

support for / opposition to / request to amend this legislation.
(Please circle one.)

Printed Name: Dale Chase

Signature: Dale Chase

Date: 10/18/21

Organization: AFSCME Local 3085

Organization Address: 7427 Watersville Rd, Mount Airy, MD 21771

7427 Watersville Rd, Mount Airy, MD 21771

Number of Members: 250

Name of Chair/President: Dale Chase, President

***This form can be submitted electronically via email to
councilmail@howardcountymd.gov no later than 2 hours prior to the start of the
Public Hearing.***

Good evening, my name is Dale Chase, President of AFSCME Local 3085, AFL-CIO.

I am happy to have this opportunity to speak to this important issue as the exclusive representative recognized by Howard County Government.

We wholeheartedly support CB80. There is a long-standing problem with a small but abusive group of individual County residents, contractors, or even neighboring out of County patrons that feel that they can abuse County workers at will. There have been many incidents over many years that has established a culture of not to anger or hold accountable a citizen which could result in losing a vote that could impact a political career of politicians that are in office.

Female employees have been called the B word, and the C word, and up to the low of being called dump Nazis. The County administration has not risen to the challenge and has dug their heels in in not producing a resolution.

For many County employees that deal with the public in regulation of policies, from Animal Control Officers, Park Rangers & Landfill Weighmasters, Howard County is not the best place to work in the context of the slogan: Howard County is the best place to live, work, and play.

We have attempted to resolve these injustices with the County administration & HR has interpreted that the harassment and violence in the workplace policies are not applicable to the public even though the policies speak to a zero tolerance of the harassment of employees from visitors.

Howard County has done a much better job protecting animals from abuse then workers, despite their obligation with the OSHA General Duty Clause to provide a hazard free work environment.

Even after filing grievance #3085-41 on a specific incident the acting Personnel Administrator wrote that HR's investigation was not substantiated as a hostile work environment and declared that recommendations have been made to the Department. The recommendations were never presented to us, and only in another meeting with the Bureau Chief of Environmental Services many months later were we told in part some of the recommendations.

This is not acceptable as these types of behavior continue and therefore, we have moved on from administrative relief to support a legislative remedy.

Thank You for the effort that has been put into this bill.