

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2016, Legislative Day No. 11

Bill No. 42-16

Mrs. Vicki Almond, Chairwoman
By Request of County Executive

By the County Council, June 6, 2016

A BILL
ENTITLED

AN ACT concerning

Recreation and Parks – Enforcement Authority of Recreation and Parks Personnel

FOR the purpose of providing for the reorganization of the law relating to prohibited activities in County parks; providing for clarifications in the animal law relating to an animal at large in a County park; clarifying enforcement of certain smoking laws; clarifying certain parking prohibitions in county parks and county owned property; authorizing the Director of Recreation and Parks to promulgate certain guidelines; adding, clarifying and updating the types of prohibited activities on and in County parks and land; providing for penalties and enforcement for violations of the prohibited activities; making certain technical changes; defining certain terms; and generally relating to the Baltimore County parks.

By repealing and reenacting, without amendments

Section 12-101(a)
Article 12. Animals
Baltimore County Code, 2003

By repealing and reenacting, with amendments

Sections 12-1-101(c)
Article 12. Animals
Baltimore County Code, 2003

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
 [Brackets] indicate matter stricken from existing law.
 ~~Strike out~~ indicates matter stricken from bill.
 Underlining indicates amendments to bill.

By repealing

Section 13-8-103(d)
Article 13. Public Health, Safety, and the Environment
Baltimore County Code, 2003

By repealing and reenacting, with amendments

Section 18-2-204
Article 18. Transportation
Baltimore County Code, 2003

By repealing and reenacting, without amendments

Section 30-1-101(a) and (b)
Article 30. Recreation and Parks
Baltimore County Code, 2003

By repealing and reenacting, with amendments

Sections 30-1-101(c), 30-1-201, 30-1-202, 30-1-204, 30-1-301, and 30-1-302
Article 30. Recreation and Parks
Baltimore County Code, 2003

By repealing

Section 30-1-205
Article 30. Recreation and Parks
Baltimore County Code, 2003

By renumbering

Sections 30-1-401 and 30-1-402
Article 30 - Recreation and Parks
Baltimore County Code, 2003

to be

Sections 30-4-101 and 30-4-102

- 1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
- 2 COUNTY, MARYLAND, that Section 13-8-103(d) of Article 13. Public Health, Safety, and the
- 3 Environment, of the Baltimore County Code, 2003 is hereby repealed.

1 SECTION 2. BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF
2 BALTIMORE COUNTY, MARYLAND, that the Laws of Baltimore County shall read as
3 follows:

4 Article 12. Animals

5 § 12-1-101.

6 (a) In this article the following words have the meanings indicated.

7 (c) (1) (i) “Animal at large” means any animal off the premises of its owner
8 and not under the control, charge, or possession of the owner or other responsible person.

9 (ii) “Animal at large” includes any dog off the premises of its owner
10 and not under the control of the owner or other responsible person by a leash, cord, or chain.

11 (2) “Animal at large” does not include:

12 (i) A dog on the premises of another property owner with the
13 permission of the property owner or lessee;

14 (ii) A dog being used for hunting or BEING trained for hunting
15 EXCEPT WITHIN A COUNTY OWNED OR BOARD OF EDUCATION PROPERTY; or

16 (iii) A dog AUTHORIZED TO BE within the fenced area of a
17 designated Baltimore County dog park operated by the Animal Services Division, the
18 Department of Recreation and Parks or any other person authorized by the county.

19
20 Article 18. Transportation

21 § 18-2-204.

22 A person may not stand or park a vehicle longer than actually necessary to take on or
23 discharge passengers, baggage, merchandise, or freight:

24 (1) In front of or opposite a fire engine house or within 10 feet of either side of a fire
25 engine house;

26 (2) In front of the entrance to a house of worship, theater, public dance or
27 entertainment hall, or private driveway;

28 (3) Within 15 feet of an entrance to a hospital;

29 (4) In front of a theater or place of amusement;

1 (5) In front of exits, fire escapes, or other means of emergency egress from a building
2 or structure;

3 (6) In front of a shipping or receiving entrance to a business house and other place
4 where “no parking” spaces have been established by orders of the traffic engineer and designated
5 by proper signs or markings; or

6 (7) In a space reserved by appropriate signs or markings provided by the county in
7 front of a public building OR ANY LOCATION WITHIN OR ADJACENT TO A PARK AS
8 DEFINED IN ARTICLE 30 OF THE CODE, unless the vehicle belongs to the Police
9 Department, Fire Department, or another county bureau or department.

10 Article 30. Recreation and Parks

11 § 30-1-101.

12 (a) In this article the following words have the meanings indicated.

13 (b) “Department” means the Department of Recreation and Parks.

14 (c) “Director” means the Director of the Department OR THE DIRECTOR’S
15 DESIGNEE.

16 § 30-1-201.

17 (a) [A person may not hunt in a park.] A PERSON MAY NOT:

18 (1) HUNT ON ANY LANDS IN THE COUNTY UNDER THE CONTROL
19 AND SUPERVISION OF THE DEPARTMENT;

20 (2) HUNT, TRAP, OR REMOVE WILDLIFE EXCEPT, AS AUTHORIZED
21 BY THE DIRECTOR, FOR SCIENTIFIC STUDY, ENVIRONMENTAL EDUCATION, OR
22 WILDLIFE MANAGEMENT PURPOSES; OR

23 (3) ~~HUNT WITH, CARRY, OR POSSESS A FIREARM ON PARK~~
24 ~~PROPERTY; OR~~

25 (4) INJURE, DESTROY, OR OTHERWISE INTERFERE IN ANY WAY
26 WITH WILDLIFE OR WILDLIFE HABITAT.

27 (B) (1) IN THIS SUBSECTION, “DEER COOPERATOR PROGRAM” MEANS
28 A PROGRAM CONDUCTED BY THE UNITED STATES DEPARTMENT OF
29 AGRICULTURE OR A LICENSED WILDLIFE MANAGEMENT COMPANY UNDER THE
30 SUPERVISION OF THE DEPARTMENT OF NATURAL RESOURCES, IN COOPERATION
31 WITH THE COUNTY, TO REDUCE THE WILDLIFE POPULATION OF PROTECTED
32 WILDLIFE DETERMINED TO BE OVERPOPULATED.

1 (2) THIS SECTION DOES NOT PROHIBIT:

2 (I) THE USE OF DUCK BLINDS INSTALLED BY THE
3 DEPARTMENT; OR

4 (II) THE USE OF A DEER COOPERATOR PROGRAM SUBJECT
5 TO THE FOLLOWING CONDITIONS:

6 1. A PROGRAM SHALL BE CONDUCTED ONLY
7 DURING NIGHTTIME HOURS;

8 2. ALL VENISON SHALL BE DONATED TO A FOOD
9 BANK OR OTHER CHARITABLE ORGANIZATION, AND ALL PROCESSING OR
10 BUTCHERING SERVICES SHALL BE PROVIDED BY BALTIMORE COUNTY
11 CONTRACTORS, IF FEASIBLE;

12 3. NOTIFICATION OF THE DATES AND TIMES OF A
13 PROGRAM SHALL BE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION
14 AND PROMINENTLY POSTED AT MULTIPLE LOCATIONS ON THE LAND AT LEAST
15 TWO WEEKS PRIOR TO THE PROGRAM; AND

16 4. DURING A PROGRAM, THE LAND SHALL BE
17 CLOSED TO THE GENERAL PUBLIC.

18 [(b)] (C)(1) IN THIS SUBSECTION, "WEAPON" MEANS:

19 (I) A DEVICE CAPABLE OF PROPELLING A PROJECTILE AT HIGH
20 VELOCITY BY MECHANICAL MEANS, BY EXPLOSION, OR BY EXPANDING GAS,
21 INCLUDING A FIREARM, CROSSBOW, OR LONGBOW;

22 (II) A DIRK KNIFE, BOWIE KNIFE, SWITCHBLADE, SAND CLUB,
23 METAL KNUCKLES, RAZOR, NUNCHAKU, OR DART; AND

24 (III) A DEVICE CAPABLE OF:

25 1. INFLECTING DEATH OR BODILY HARM TO AN
26 INDIVIDUAL;

27 2. MAIMING OR DESTROYING WILDLIFE; OR

28 3. DESTROYING PROPERTY.

29 (2) Except for a AN ACTIVE OR RETIRED law enforcement officer OR A
30 PERSON OTHERWISE AUTHORIZED BY THE DIRECTOR, a person may not [possess a
31 firearm in a park] CARRY, POSSESS, OR DISCHARGE A ~~FIREARM, BOW, DART, KNIFE,~~
32 ~~OR ANY OTHER DANGEROUS WEAPON ON PARK PROPERTY.~~

1 (3)(I) DURING HUNTING SEASON, A LICENSED HUNTER MAY CARRY
2 FIREARMS AND BOWS AND ARROWS ACROSS A PARK IN ORDER TO GET TO
3 OTHER PROPERTY THAT IS OPEN TO HUNTING.

4 (II) THE FIREARMS SHALL BE CARRIED UNLOADED AND CASED, OR
5 CARRIED UNLOADED WITH BREECH BROKEN OPEN.

6 (III) ARROWS SHALL BE CARRIED IN A QUIVER OR CASE.

7 ~~(4)~~⁽²⁾ (4) UNAUTHORIZED WEAPONS MAY BE CONFISCATED.

8 [(c)] (D) An unauthorized person or vehicle may not enter or remain in a park or
9 portion of a park closed to public entry.

10 [(d)] (E) Without first obtaining a permit from the Department, a person may not:

11 (1) Erect or post a sign, notice, or literature in a park; or

12 (2) Use a loudspeaker or public address system in a park.

13 [(e)] (F) (1) An owner of an animal shall comply with the provisions of ARTICLE 12
14 OF the [animal control law] CODE while in a park.

15 (2) A person may not ride a horse, pony, or other animal in a park except in an
16 area of a park that the Department has designated for riding animals.

17 [(f)] (G) A person may not damage, deface, DESTROY, INJURE, DISTURB,
18 BEFOUL, DUMP UPON, IN ANY WAY MISUSE OR REMOVE or vandalize any part of a
19 park or any building, sign, equipment, or other park property.

20 [(g)] (H) A person may not, UNLESS OTHERWISE AUTHORIZED BY THE
21 DIRECTOR OR BY LAW:

22 (1) [Unless authorized by law, catch] CATCH, molest, or kill wildlife in a
23 park or disturb a nest, burrow, or den of an animal or fowl in a park; [or]

24 (2) [Without permission of the Department, damage] DAMAGE or destroy
25 flora in a [park] PARK;

26 (3) CONDUCT AN ACTIVITY THAT:

27 (I) IS DETRIMENTAL TO THE NATURAL RESOURCES AND
28 ECOLOGICAL FUNCTION OF PARK PROPERTY;

29 (II) INTERFERES DIRECTLY OR INDIRECTLY WITH THE USE OF
30 PARK PROPERTY; OR

1 (III) IS HARMFUL TO HUMAN, ANIMAL, PLANT, OR AQUATIC
2 LIFE ON PARK PROPERTY;

3 (4) MOW, CUT, REMOVE, DUMP, DEPOSIT, OR OTHERWISE
4 DISTURB VEGETATION WITHIN A STREAM OR WETLAND BUFFER OR A
5 FLOODPLAIN LOCATED ON PARK PROPERTY; OR

6 (5) PLANT OR CAUSE THE PLANTING, SEEDING, OR PROPAGATION
7 OF VEGETATION ON PARK PROPERTY.

8 [(h)] (I) If the Department establishes a fee for the use of a park, a person may not
9 make use of or enter the park unless the person pays the fee.

10 [(i)] (J) Unless the person first obtains a permit from the Department, a person may not:

11 (1) Sell, hire, or lease any object or merchandise or any boat or vehicle in a
12 park; or

13 (2) Use a tennis court, basketball court, athletic field, or other activity area in
14 a park in order to conduct private instruction or lessons for a fee.

15 [(j)] (K)(1) A person may not use an alcoholic beverage in a park without written
16 permits.

17 (2) STATE LAWS REGARDING THE USE OF ALCOHOL SHALL
18 APPLY ON PARK PROPERTY.

19 (3) ALCOHOL SHALL BE CONSUMED OR POSSESSED ONLY WITHIN
20 THE SPECIFIC FACILITY OR AREA DESIGNATED ON THE DEPARTMENT ISSUED
21 PERMIT AND, AS APPLICABLE, DURING A PARK'S HOURS OF OPERATION.

22 [(k)] (L) Gambling, wheels of fortune, or other games of chance are prohibited
23 unless a permit is first obtained from the Department and all state laws are complied with.

24 [(L)] (M)(1) A PERSON MAY NOT OPERATE:

25 (I) A SELF-PROPELLED MOTORIZED VEHICLE, INCLUDING,
26 WITHOUT LIMITATION, AN ALL-TERRAIN VEHICLE, ON A PATHWAY, TRAIL, OR
27 OTHER NONPAVED AREA ON PARK PROPERTY; OR

28 (II) AN ALL-TERRAIN VEHICLE OR A GO-KART ON A ROAD OR
29 STREET WITHIN PARK PROPERTY.

30 (2) EXCEPT FOR A COUNTY MAINTENANCE VEHICLE,
31 EMERGENCY VEHICLE, OR POLICE VEHICLE, A PERSON SHALL OPERATE A

1 MOTOR VEHICLE WITHIN PARK PROPERTY ONLY ON A ROAD OR STREET WITH
2 PUBLIC ACCESS.

3 (N) A PERSON MAY NOT:

4 (1) USE A SNOWMOBILE; OR

5 (2) SKATE OR WALK ON ~~ICE~~ A FROZEN BODY OF WATER.

6 (O) (1) A PERSON MAY ROLLER SKATE, IN-LINE SKATE, OR
7 SKATEBOARD ON A PATHWAY OR SIDEWALK.

8 (2) A PERSON MAY NOT ROLLER SKATE, IN-LINE SKATE, OR
9 SKATEBOARD ON A ROAD, PARKING AREA, OR MULTIPURPOSE RECREATIONAL
10 SURFACE, INCLUDING A BASKETBALL COURT, TENNIS COURT, OR
11 RACQUETBALL COURT.

12 (P) A PERSON MAY SWIM OR ENGAGE IN OTHER WATER SPORTS ONLY
13 IN AN AREA DESIGNATED FOR WATER ACTIVITIES AND ONLY DURING THE
14 HOURS SPECIFIED.

15 (Q) A PERSON MAY NOT DEPOSIT REFUSE GENERATED OFF-SITE ONTO
16 PARK PROPERTY.

17 (R) (1) WITHOUT FIRST OBTAINING A PERMIT, A PRIVATE
18 ENCROACHMENT IS PROHIBITED ON PARK PROPERTY.

19 (2) FOR PURPOSES OF THIS SUBSECTION, A PRIVATE
20 ENCROACHMENT SHALL INCLUDE A FENCE, WALL, DOG RUN, DOG HOUSE,
21 STORAGE STRUCTURE, DRIVEWAY, COMPOST PILE, SWIMMING POOL, TREE
22 HOUSE, PLAYHOUSE, WOOD PILE, GARDEN, PLAY EQUIPMENT, TV OR RADIO
23 RECEPTION DEVICE, OR ANY OTHER DEVICE, STRUCTURE, REFUSE, OR
24 MATERIAL.

25 ~~(S) A PERSON SHALL ENTER AND EXIT PARK PROPERTY AT AN~~
26 ~~OFFICIALLY DESIGNATED ENTRANCE AND EXIT.~~

27 ~~(T)~~ (S) WHILE ON PARK PROPERTY, A PERSON MAY NOT:

28 (1) BE NUDE OR INDECENTLY EXPOSE HIMSELF OR HERSELF;

29 (2) ENGAGE IN A SEXUAL ACT; OR

30 (3) URINATE OR DEFECATE EXCEPT IN A DESIGNATED FACILITY.

31 ~~(U)~~ (T) A PERSON MAY NOT:

1 (1) INTERFERE WITH A COUNTY EMPLOYEE ON PARK PROPERTY
2 ACTING IN THE COURSE OF THE EMPLOYEE’S OFFICIAL DUTIES;

3 (2) INTERFERE WITH OTHER INDIVIDUALS ON PARK PROPERTY,
4 INCLUDING:

5 (I) OBSTRUCTING, DELAYING, OR INTERFERING WITH THE
6 FREE MOVEMENTS OF ANY OTHER INDIVIDUAL;

7 (II) SEEKING TO COERCE OR PHYSICALLY DISTURB ANY
8 OTHER INDIVIDUAL; OR

9 (III) HAMPERING OR IMPEDING THE CONDUCT OF ANY
10 AUTHORIZED BUSINESS OR ACTIVITY ON PARK PROPERTY;

11 (3) INTERFERE WITH, ENCUMBER, OBSTRUCT, DAMAGE,
12 DESTROY, OR RENDER DANGEROUS, ANY DRIVE, PATH, TRAIL, WALK, DOCK,
13 FENCE, WALL, BRIDGE, BENCH, PLAY EQUIPMENT, STRUCTURE, IMPROVEMENT,
14 OR PLANT ON PARK PROPERTY; OR

15 (4) HINDER OR OBSTRUCT THE PROPER USE OF A RESTROOM,
16 CONCESSION STAND, OR OTHER PUBLIC STRUCTURE ON PARK PROPERTY.

17 ~~(V)~~(U) A PERSON MAY NOT PLAY AN AUDIO DEVICE OR CREATE
18 EXCESSIVE NOISE SO AS TO DISTURB THE PEACE.

19 ~~(W)~~(V) (1) A PERSON MAY NOT THROW, CAST, LAY, DROP,
20 DEPOSIT, LEAVE, SPILL, POUR, DUMP, DISCHARGE, DISPOSE OF, OR OTHERWISE
21 PLACE ANY MATTER, SUBSTANCE, THING, LIQUID, OR SOLID ONTO OR INTO ANY
22 PARK PROPERTY, IN ANY STORM DRAIN, SEWER, OR OTHER DEVICE WHICH
23 DRAINS ONTO PARK PROPERTY, OR IN WATERS WITHIN OR WHICH RUN INTO OR
24 OUT OF PARK PROPERTY.

25 (2) THE PROHIBITION IN THIS SUBSECTION SHALL INCLUDE THE
26 APPLICATION OF A HERBICIDE, FERTILIZER, FUNGICIDE, INSECTICIDE, OR OTHER
27 SUBSTANCE ON PARK PROPERTY WITHOUT FIRST OBTAINING A PERMIT FROM
28 THE DIRECTOR.

29 ~~(X)~~(W) A PERSON MAY NOT POSSESS OR DISCHARGE FIREWORKS,
30 PYROTECHNICS, AMMUNITION, OR OTHER FLAMMABLE OR EXPLOSIVE DEVICES
31 ON PARK PROPERTY WITHOUT FIRST OBTAINING A PERMIT FROM THE DIRECTOR
32 AND SUBJECT TO THE REQUIREMENTS OF § 14-2-203 OF THE CODE.

33 ~~(Y)~~(X) (1) “SMOKING” MEANS:

1 (I) THE ACT OF SMOKING OR CARRYING A LIGHTED CIGAR,
2 CIGARETTE, ELECTRONIC CIGARETTE, PIPE OF ANY KIND, OR ANY LIGHTED
3 TOBACCO; OR

4 (II) LIGHTING A CIGAR, CIGARETTE, ELECTRONIC
5 CIGARETTE, PIPE OF ANY KIND, OR TOBACCO OF ANY KIND.

6 (2) A PERSON MAY NOT SMOKE WITHIN THE GENERAL
7 BOUNDARY OF THE OUTDOOR AREA OF THE FOLLOWING RECREATION AND
8 PARKS FACILITIES:

9 (I) PLAYGROUNDS AND TOT LOTS;

10 (II) DOG PARKS;

11 (II) ORGANIZED GAMES OR EVENTS AT ATHLETIC FIELDS
12 SPONSORED BY THE DEPARTMENT OF RECREATION AND PARKS OR A LOCAL
13 RECREATION COUNCIL; AND

14 (IV) WITHIN 30 FEET OF A RECREATION AND PARKS
15 BUILDING.

16 § 30-1-202.

17 (a) (1) The Director may close a park or park area to public entry and travel:

18 (i) During periods of construction or maintenance;

19 (ii) When considered necessary due to road conditions, park
20 operations, or fire hazards; or

21 (iii) For the protection of park property or the environment or the
22 health, safety, and welfare of the public.

23 (2) The closing shall be by order of the Director, and restricted areas shall be
24 posted against public entry.

25 (b) (1) The Director may:

26 (i) Limit or restrict a park or section of a park to certain activities,
27 uses, or age groups; and

28 (ii) Prohibit activities and uses of a park or section of a park when
29 considered necessary for the health, safety, and welfare of the public or for the protection of park
30 property.

1 (2) The limits, restrictions, or prohibitions shall be by order of the Director
2 and posted in the affected areas.

3 (c) (1) The Department may prohibit or restrict to a designated area the operation
4 of vehicles not subject to registration under the vehicle laws of the state.

5 (2) If a vehicle is restricted to a designated area under paragraph (1) of this
6 subsection, the Department may issue a permit for the operation of the vehicle in the designated
7 area.

8 (3) Prohibitions and restrictions shall be ordered by the Director, and
9 appropriate signs shall be posted.

10 (d) (1) THE DEPARTMENT SHALL:

11 (I) SET REASONABLE REGULATIONS FOR THE HOURS OF
12 PARK AND RECREATIONAL AREAS; AND

13 (II) POST APPROPRIATE SIGNS IN CONSPICUOUS PLACES
14 INFORMING THE PUBLIC OF THE HOURS OF OPERATION AND OF THE ILLEGALITY
15 OF BEING ON THE PROPERTY DURING TIMES WHEN THE PARK IS NOT IN
16 OPERATION.

17 (2) A PERSON IS GUILTY OF A MISDEMEANOR IF THE PERSON:

18 (I) IS IN A COUNTY PARK OR RECREATIONAL AREA AFTER
19 POSTED HOURS;

20 (II) IS ASKED TO LEAVE BY A GUARD, CUSTODIAN,
21 ATTENDANT, WATCHMAN, OTHER AUTHORIZED EMPLOYEE OF THE
22 DEPARTMENT OR BY A POLICE OFFICER;

23 (III) AFTER THE REQUEST, REFUSES OR FAILS TO LEAVE
24 AND REMAIN OUT OF THE PARK OR RECREATIONAL AREA DURING POSTED
25 HOURS; AND

26 (IV) HAS NO LAWFUL REASON FOR BEING IN THE PARK OR
27 RECREATIONAL AREA.

28 (E) THE DIRECTOR MAY DEVELOP POLICIES FOR THE OPERATION OF
29 UNMANNED AIRCRAFT SYSTEMS WITH THE PARKS THAT ARE NOT
30 INCONSISTENT WITH THE REQUIREMENTS OF FEDERAL AND STATE LAW.

1 (F) (1) The Director may exclude a person from a park for a violation of any provision of
2 this subtitle or for a violation of any criminal statute or a violation of any park rule while the
3 person is in a park.

4 (2) Notice of the exclusion may be issued by the Director or by a Department
5 official designated by the Director.

6 (3) An exclusion shall be for a period of time determined by the Director.

7 (4) A notice of exclusion shall be in writing and shall include:

8 (i) The date, length, and place of the exclusion;

9 (ii) The provision of law the person has violated;

10 (iii) A brief description of the offending conduct; and

11 (iv) A notice of the right to appeal.

12 (5) (i) A person may appeal a notice of exclusion in writing to the
13 Director not more than 15 days after receipt of the notice.

14 (ii) The Director shall forward the appeal to the Office of
15 Administrative Hearings.

16 (iii) [(1)] 1. A person aggrieved by the decision of the Office of
17 Administrative Hearings may appeal the decision of the Office to the Board of Appeals.

18 [(2)] 2. The appeal shall be on the record and determined in
19 accordance with the provisions of § 3-6-304 of the code.

20 (6) (i) A person who has been excluded from a park may not enter or
21 remain in the park at any time during the period of exclusion.

22 (ii) A person who violates subparagraph (i) of this paragraph is guilty
23 of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment
24 not exceeding 90 days or both.

25 § 30-1-204.

26 (A) TRAFFIC LAWS AND PARKING REGULATIONS APPLICABLE ON
27 PUBLIC ROADS IN THE COUNTY, INCLUDING ARTICLE 18 OF THE CODE, ARE
28 APPLICABLE ON PARK PROPERTY.

29 (B) THE USE OF ROADS, PATHWAYS, AND BIKEWAYS WITHIN PARK
30 PROPERTY IS SUBJECT TO REGULATIONS OF THE DEPARTMENT.

1 (C) A driver in a park shall immediately obey instructions, by gesture or otherwise,
2 from a Department employee or police officer to:

3 (1) Reduce the speed of the driver's vehicle;

4 (2) Bring the vehicle to a stop;

5 (3) Alter the direction of the vehicle; or

6 (4) Remove the vehicle from a restricted area.

7 (D) AN ILLEGALLY PARKED OR ABANDONED MOTOR VEHICLE MAY BE
8 TOWED FROM PARK PROPERTY AND IMPOUNDED AT THE OWNER'S EXPENSE.

9 [§ 30-1-205.

10 (a) A person who violates a provision of this subtitle or a regulation, directive,
11 restriction, or permit issued under this subtitle is liable for a civil violation.

12 (b) (1) A law enforcement officer authorized to make arrests shall issue citations
13 for civil violations if the officer has probable cause to believe that a person is committing or has
14 committed a violation.

15 (2) (i) A minor who is issued a citation is subject to the procedures and
16 dispositions provided under Title 3, Subtitle 8A of the Courts Article of the Annotated Code of
17 Maryland.

18 (ii) An adult who is issued a citation is subject to the procedures and
19 disposition of violations established under § 10-119 of the Criminal Law Article of the
20 Annotated Code of Maryland.

21 (c) An adult who is charged with a civil violation under this subtitle may pay a preset
22 civil penalty of \$25 or elect to stand trial, in which case the court may impose a civil penalty not
23 exceeding \$1,000 for each violation.]

24 SUBTITLE 3. [ADDITIONAL PROHIBITED ACTIVITIES; CRIMINAL] ENFORCEMENT

25 § 30-1-301.

26 (A) (1) A PERSON WHO VIOLATES A PROVISION OF THIS TITLE IS
27 GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT
28 EXCEEDING \$1,000 OR IMPRISONMENT FOR NOT MORE THAN 90 DAYS.

29 (2) A MINOR WHO IS ISSUED A CRIMINAL VIOLATION IS SUBJECT
30 TO THE PROCEDURES AND DISPOSITIONS PROVIDED UNDER TITLE 3, SUBTITLE
31 8A OF THE COURTS ARTICLE OF THE ANNOTATED CODE OF MARYLAND.

1 (3) AN ADULT WHO IS ISSUED A CRIMINAL VIOLATION IS
2 SUBJECT TO THE PROCEDURES AND DISPOSITION OF VIOLATIONS ESTABLISHED
3 UNDER § 10-119 OF THE CRIMINAL LAW ARTICLE OF THE ANNOTATED CODE OF
4 MARYLAND.

5 (B) (1) THIS SUBSECTION DOES NOT APPLY TO A VIOLATION UNDER §
6 30-1-204 OF THIS TITLE.

7 (2) AS PROVIDED IN THIS SUBSECTION AND IN ADDITION TO ANY
8 OTHER REMEDY AUTHORIZED BY LAW, THE DIRECTOR MAY ENFORCE THE
9 PROVISIONS OF THIS TITLE IN ACCORDANCE WITH ARTICLE 3, TITLE 6, OF THE
10 CODE.

11 (3) THE DIRECTOR MAY ISSUE CITATION TO A PERSON WHO
12 VIOLATES A PROVISION OF THIS TITLE

13 (4) THE CITATION SHALL:

14 (I) BE IN WRITING AND DESCRIBE WITH PARTICULARITY
15 THE NATURE OF THE VIOLATION, INCLUDING A REFERENCE TO THE COUNTY
16 CODE PROVISION THE PERSON HAS ALLEGEDLY VIOLATED;

17 (II) INCLUDE ANY CIVIL PENALTY PROPOSED TO BE
18 ASSESSED NOT TO EXCEED \$500; AND

19 (III) ADVISE THE PERSON THAT THE PERSON MAY CONTEST
20 THE CITATION OR PROPOSED CIVIL PENALTY BY FILING WITH THE DIRECTOR,
21 WITHIN 15 DAYS AFTER RECEIPT OF THE CITATION, A WRITTEN REQUEST FOR A
22 HEARING.

23 (5) EACH DAY OF A VIOLATION CONSTITUTES A SEPARATE OFFENSE.

24 (6) IF THE VIOLATOR DOES NOT REQUEST A CODE ENFORCEMENT
25 HEARING WITHING THE 15 DAYS REQUIRED UNDER THIS SUBSECTION, THE
26 CITATION AND ANY CIVIL PENALTY ARE DEEMED A NON-APPEALABLE FINAL
27 ORDER OF THE DIRECTOR.

28 (7) (I) EXCEPT AS PROVIDED IN THIS PARAGRAPH, THE CODE
29 ENFORCEMENT PROCEEDINGS SHALL CONTINUE AS PROVIDED IN §§ 3-6-206 AND
30 3-6-207 OF THE CODE AND ARTICLE 3, TITLE 6, SUBTITLES 3 AND 4 OF THE CODE.

31 (II) FOR PURPOSES OF THIS SUBSECTION:

32 (A) ALL REFERENCES TO THE "CODE OFFICIAL"
33 SHALL BE DEEMED TO REFER TO THE DIRECTOR;

1 (B) ALL REFERENCES TO THE “VIOLATOR” SHALL BE
2 DEEMED TO REFER TO THE PERSON WHO HAS RECEIVED A CITATION UNDER
3 THIS TITLE; AND

4 (C) ALL REFERENCES TO THE “HEARING OFFICER”
5 SHALL BE DEEMED TO REFER TO THE INDIVIDUAL DESIGNATED BY THE
6 DIRECTOR TO CONDUCT CODE ENFORCEMENT HEARINGS UNDER THIS TITLE.

7 (III) SECTION 3-6-206(C), (D), AND (E) OF THE CODE DOES NOT
8 APPLY TO A CITATION ISSUED UNDER THIS TITLE.

9 (C) (1) IN ACCORDANCE WITH §18-2-703 OF THE CODE, THE DIRECTOR
10 OF BUDGET AND FINANCE DESIGNATES PERSONS AUTHORIZED BY THE
11 DIRECTOR OF RECREATION AND PARKS TO HAVE PARKING ENFORCEMENT
12 AUTHORITY FOR VIOLATIONS OF THIS TITLE OR ARTICLE 18 OF THE CODE ON
13 COUNTY PARK PROPERTY.

14 (2) A VIOLATION UNDER § 30-1-204 OF THIS TITLE SHALL BE
15 ENFORCED IN ACCORDANCE WITH ARTICLE 18 OF THE CODE.

16 (D) THE COUNTY ATTORNEY SHALL PROSECUTE THE CIVIL VIOLATIONS
17 AT THE HEARINGS.

18 (E) THIS SECTION MAY NOT BE CONSTRUED TO PREVENT THE COUNTY
19 FROM INSTITUTING ANY APPROPRIATE ACTION OR PROCEEDING AT LAW OR IN
20 EQUITY FOR THE ENFORCEMENT OF VIOLATIONS OR THE CORRECTION OF THE
21 VIOLATIONS.

22 (F) THE PROVISIONS OF THIS SECTION SHALL BE IN ADDITION TO ANY
23 OTHER REMEDY ALLOWED BY LAW TO THE COUNTY FOR THIS PURPOSE.

24 [(a) The Department shall:

25 (1) Set reasonable regulations for the hours of park and recreational areas; and

26 (2) Post appropriate signs in conspicuous places informing the public of the
27 hours of operation and of the illegality of being on the property during times when the park is not
28 in operation.

29 (b) A person is guilty of a misdemeanor if the person:

30 (1) Is in a county park or recreational area after posted hours;

31 (2) Is asked to leave by a guard, custodian, attendant, watchman, other
32 authorized employee of the Department or by the police;

1 (3) After the request, refuses or fails to leave and remain out of the park or
2 recreational area during posted hours; and

3 (4) Has no lawful reason for being in the park or recreational area.

4 (c) A person who violates this section is guilty of a misdemeanor and on conviction is
5 subject to a fine not exceeding \$500 or imprisonment not exceeding 3 months or both.]

6 § 30-1-302.

7 [(a) As used in this section, “deer cooperator program” means a program conducted
8 by a licensed wildlife management company under the supervision of the Department of Natural
9 Resources, in cooperation with the county, to reduce the wildlife population of protected wildlife
10 determined to be overpopulated.

11 (b) A person may not hunt on any lands in the county under the control and
12 supervision of the Department.

13 (c) This section does not prohibit:

14 (1) The use of duck blinds installed by the Department; or

15 (2) Notwithstanding the provisions of Subtitle 2, a deer cooperator program,
16 subject to the following conditions:

17 (i) A program shall be conducted only during nighttime hours;

18 (ii) All venison shall be donated to a food bank or other charitable
19 organization, and all processing or butchering services shall be provided by Baltimore County
20 contractors, if feasible;

21 (iii) Notification of the dates and times of a program shall be published
22 in a newspaper of general circulation and prominently posted at multiple locations on the land at
23 least two weeks prior to the program; and

24 (iv) During a program, the land shall be closed to the general public.

25 (d) A person who violates this section is guilty of a misdemeanor and on conviction is
26 subject to a fine of \$100.]

27 THE COUNTY MAY SEEK A COURT ORDER AUTHORIZING THE COUNTY TO
28 OBTAIN RESTITUTION FROM ANY INDIVIDUAL FOR COSTS INCURRED BY THE
29 COUNTY IN RESTORING, REPAIRING, REPLACING, REMOVING AN
30 ENCROACHMENT, OR OTHERWISE MITIGATING THE LOSS OF OR DAMAGE TO
31 PARK PROPERTY.

1 [SUBTITLE] TITLE 4. LAKE ROLAND

2 § [30-1-401] 30-4-101.

3 The Department of Recreation and Parks or the Mayor and City Council of Baltimore, or
4 the entity that succeeds the Mayor and City Council in having jurisdiction over Lake Roland and
5 the adjoining lands owned by Baltimore City, may adopt regulations for the use of Lake Roland
6 and the adjoining property owned by the Mayor and City Council of Baltimore for recreational
7 and other purposes.

8 § [30-1-402] 30-4-102.

9 A person who violates a regulation adopted under the authority of this [subtitle] TITLE is
10 guilty of a misdemeanor.

11 SECTION 3. AND BE IT FURTHER ENACTED, that this Act shall, having passed by
12 the affirmative vote of five members of the County Council, shall take effect on July 18, 2016.