

**FOR THE PURPOSE OF ADOPTING A CALVERT COUNTY PARKS &
RECREATION ORDINANCE AND CODIFYING THE SAME AS
CHAPTER 82 OF THE CALVERT COUNTY CODE**

WHEREAS, the Board of County Commissioners of Calvert County, Maryland (the "Board of County Commissioners") are authorized to provide, maintain, and operate community, social, and recreational services that promote the health and welfare of county residents pursuant to Maryland Annotated Code, Local Government Article, §1-604 and §12-901(b)(2);

WHEREAS, the Department of Parks & Recreation has recommended adoption and promulgation of this Ordinance pertaining to use and presence at parks and recreation facilities;

WHEREAS, a public hearing regarding this ordinance was duly advertised in at least one newspaper of general circulation for two consecutive weeks before the public hearing, as required by Section 9-105 of the *Local Government Article* of the Maryland Annotated Code and held on October 1, 2019, at which time the Board of County Commissioners received public comment;

WHEREAS, the Board of County Commissioners has considered this Ordinance and its impact upon opportunities for the citizens of Calvert County to improve overall well-being, celebrate community, and enjoy leisure pursuits; and

WHEREAS, upon due consideration of the comments of the public and staff, and in furtherance of the public health, safety and welfare, the Board of County Commissioners finds that it is in the best interest of the public health, safety and welfare of the citizens of Calvert County, Maryland, to adopt the provisions set forth herein.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners that the following be adopted as the Calvert County Parks & Recreation Facility Ordinance and published at Chapter 82 of the Calvert County Code:

§82-1-101. Purpose & Applicability. The purpose of this Chapter is to establish provisions: for the public's safe and peaceful use of County parks and park land; for recreational and educational benefit and enjoyment; and for the protection and preservation of the property, facilities and natural resources of the County. Park land and recreation programs conducted on park land are open for use by all members of the public without discrimination.

§82-1-102. Definitions. The following terms have the meanings indicated:

- A. *Adult*: A natural Person age 18 or older.
- B. *Board of County Commissioners*: Board of County Commissioners of Calvert County, Maryland, a body corporate and politic.
- C. *Child or Children*: A natural Person under the age of 18.
- D. *Commercial Vehicle*: A motor vehicle used for transporting goods or paying passengers.
- E. *Department*: The Calvert County Department of Parks and Recreation, its successors and assigns.
- F. *Department Official*: An employee of the Department.

- G. *Designated Swimming Area*: An open water area designated by flags, signs, netting, or, if none of the foregoing along public waterfront, extending 300 feet into deeper water from the mean-high-water line.
- H. *Director*: The Director of the Department, or designee.
- I. *Domestic Animal*: An animal of a species of vertebrates that has been domesticated by humans so as to live and breed in a tame condition and depend on humankind for survival, and shall include any equine or bovine animal, goat, sheep, swine, dog, cat, and poultry.
- J. *Electronic Cigarette*: Any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. The term includes any such device, whether manufactured, distributed, marketed, or sold under any other product name or descriptor.
- K. *Litter*: Any refuse as defined in §119-2 of this Code, as amended from time to time, discarded and left lying in an open or public place.
- L. *Motorized Recreation Vehicle*: Any off-highway vehicle including, but not limited to, all-terrain vehicles, as defined by Maryland Annotated Code, Transportation Article, Section 11-103.3, as amended from time to time, recreational off-highway vehicles, and off-highway motorcycles including but is not limited to, electronic bikes ("e-bikes"), mini-bikes, scooters, amphibious vehicles, go-carts, dune buggies, and golf carts.
- M. *Motorized Unmanned Aircraft*: An unmanned aerial vehicle (UAV) (or uncrewed aerial vehicle) or an aircraft without a human pilot on board or powered aerial vehicle that does not carry a human operator, uses aerodynamic forces to provide lift, can fly autonomously or be piloted remotely. Commonly referred to as rockets, drones or model airplanes.
- N. *Park Patron*: A person visiting or using a Park Property.
- O. *Park Property*: Real and personal property, and improvements that are managed by the Department for the use and benefit of the public for recreation, the protection of wildlife habitats, or the protection of natural, scenic, or historical resources.
- P. *Parking Area*: Any designated part of any park road, drive, or special area contiguous thereto that may be set apart for the standing or stationing of vehicles or watercraft trailers.
- Q. *Parks and Recreation Advisory Board*: Volunteer resident advisory board to assist the Department of Parks & Recreation achieve the goals of establishing services which meet community needs through public input.
- R. *Permit*: Official document issued by the Department giving a Park Patron authorization to conduct a specific activity during the time period, subject to certain conditions as set forth within that document and this Chapter 82.
- S. *Person*: Includes an individual and a domestic or foreign, public or private corporation, business trust, statutory trust, estate, trust, partnership, limited partnership, limited liability company, association, a joint venture, or any other legal or commercial entity.
- T. *Smoking*: The act of lighting, smoking, or carrying a lighted or smoldering cigar, cigarette, or pipe.

- U. *Special Event*: Any preplanned entertainment, sporting, cultural, business, or other type of activity (including, without limitation, parades, festivals, races, tournaments, concerts, etc.) presented to a live audience and open to the public with or without an entry charge that is to be held in whole or in part upon Park Property or that may inhibit the usual flow of pedestrian or vehicular travel or which deviates from the established use of the place or building. Excludes activities not open to the public including private indoor facility rentals, pavilion rentals, or other activities for which a Permit has been issued by the County.
- V. *Vaping*: The act of using an Electronic Cigarette.
- W. *Weapon*: Is:
- (1) A device capable of propelling a projectile at high velocity by mechanical means, by explosion, or by expanding gas, including but not limited to a firearm, crossbow, or longbow; or
 - (2) A dirk knife, bowie knife, switchblade, sand club, metal knuckles, razor, or nunchaku; and a device capable of inflicting death or bodily harm to an individual, maiming or destroying wildlife, or destroying property.

§82-1-103. Authority.

- A. *Establishment, Acquisition and Operation*: The Board of County Commissioners is authorized and empowered to establish, acquire, and operate public parks and recreational systems, including, without limitation, golf courses, beaches, nature areas, conservation lands, community centers, pools, and all properties and equipment incident, useful or necessary therefor; and to designate, acquire and improve, extend, operate and maintain lands, buildings and other facilities for public parks, parkways, playgrounds, recreational centers, and for other recreational purposes, including the acquisition and operation of golf courses, beaches, nature areas, conservation lands, community centers, pools, and to conduct a program of recreational activities.
- B. *Custody, Control and Management*: The Board of County Commissioners has the custody, control, and management of all Park Property heretofore or hereafter designated or acquired by the County for parks, parkways, playgrounds, recreational centers, conservation and for other recreational purposes, and may, without limitation:
- (1) Plan, lay out, improve, develop, embellish, preserve, and maintain all such parks, parkways, playgrounds, golf courses, beaches, nature areas, conservation lands, pools, and recreational centers and facilities;
 - (2) Construct and reconstruct, alter, and renew buildings and other structures and facilities and equipment and maintain the same;
 - (3) Employ, as authorized in §86-1-102 of this Code, as amended from time to time, and fix the compensation of qualified professionals, and such other officers or employees as may be deemed necessary;
 - (4) Provide, conduct, and supervise the program of recreational activities;
 - (5) Charge and collect reasonable fees for the use of such facilities, privileges, and conveniences as may be provided;

- (6) Operate revenue facilities and accommodations in and upon properties owned and controlled by County for the purposes aforesaid and to rent out the same upon such terms and conditions as are deemed to be in the public interest;
- (7) Establish citizens' advisory boards as deemed necessary; and
- (8) Permit for the exclusive use of facilities.
- C. *Rules and Regulations:* The Board of County Commissioners may make, alter, amend, and repeal rules and regulations for the protection, regulation and control of all Park Property.
- D. The Board of County Commissioners authorizes the Director, through recommendation by the Parks and Recreation Advisory Board in public meeting, to implement the requirements of Chapter 82 through regulations and policies adopted, promulgated, and modified from time to time.

§82-1-104. Penalties.

- A. A person who violates any provision of this Chapter is subject to:
 - (1) A civil penalty upon the issuance of a citation for said violation. The civil penalty, if not paid to Calvert County within thirty days of the issuance of a citation, may be recovered by the County in a civil action in the nature of debt. Unless otherwise provided by a specific provision, civil penalties shall be in the amount of \$50.00 for each violation with each day constituting a separate violation; and
 - (2) May result in the person being ineligible to participate in rentals, activities, or programs offered by the Department, as determined necessary and appropriate by the Director for the execution of the principles of this Chapter.
- B. In addition to any other fine or penalty that may be levied, whether civil or criminal, violation of any provisions of this Chapter may result in the violator being ordered to leave the property by a Department Official or law enforcement, and may be ordered not to return. Any suspension or order issued pursuant to this section may vary according to the established codes of conduct, but shall be no more than one (1) year in duration. A person who fails to leave when requested, or returns before authorized may be found guilty of a misdemeanor and, upon conviction, is subject to a fine of One Thousand Dollars (\$1,000.00), imprisonment not exceeding 6 months, or by any combination of such fine and imprisonment. Every day of such violation shall constitute a separate offense.
- C. Nothing contained in this section shall prohibit the Board of County Commissioners from enforcing this Chapter by any other means.

§82-2-101. General Provisions.

- A. It is unlawful for any person in or on Park Property to:
 - (1) Light a fire, except in fixtures supplied by the Department;
 - (2) Set off fireworks, unless expressly permitted, in writing, by the Director;
 - (3) Carry, possess, use, discharge, or have readily available, a Weapon unless exempt by Maryland Annotated Code, Criminal Law Article, §4-101(b);
 - (4) Dive, leap or fall from any structure, except from diving structures open for use and located in designated areas at pool facilities;

- (5) Utilize glass containers, except when purchased at Chesapeake Hills Golf Course or when permitted by §82-2-104(B)(2);
- (6) Discard litter in any manner or amount except in an approved receptacle;
- (7) Utilize dumpsters within Park Property for any trash from outside of any Park Property;
- (8) Golf in undesignated areas;
- (9) Swim outside a Designated Swimming Area;
- (10) Encroach on Park Property;
- (11) Use Park Property for commercial purposes without express written permission from the Director;
- (12) Dock or moor watercraft within One Hundred (100) feet of docks, launches, wharves, piers or ramps, except during the launch or retrieval of the watercraft;
- (13) Fish or crab in an area not designated for such purpose or without proper license;
- (14) Disturb, destroy, remove, or damage any cultural or natural resource including, without limitation, vegetation, without express written authorization from the Director;
- (15) Disturb, destroy, remove, or damage any Park Property or amenity including, but not limited to, picnic tables, trash cans, groin structures at the beach, or signage;
- (16) Cut, carve, or injure the bark, limbs, or branches of vegetation at any Park Property; mutilate, transplant, or remove trees in any way, collect or remove flowers, seeds, or fruits of any tree, plant or shrub except in areas designated for that activity, without prior written authorization of a Department Official;
- (17) Dig in or otherwise disturb grass areas, or any other way injure or impair the natural beauty or usefulness of any area;
- (18) Pile debris or material of any kind on or about any tree or plant, or attach any rope, wire or other contrivance thereto, whether permanent or temporary in character or in use;
- (19) Skateboard, skate, in-line skate, or bicycle on any Park Property other than pathways, sidewalks, or designated skate parks;
- (20) Leave any personal property, including but not limited to vehicles, watercraft, or bicycles, within a Park Property after operating hours or overnight without lease or other express written authorization from the Director;
- (21) Post, affix, or place any materials on any Park Property without express written authorization of the Director;
- (22) Sleep or camp overnight in any area of a park property not designated for camping, including beaches, lawns, fields, and wooded areas, without express written authorization of the Board of County Commissioners;
- (23) Sleep on park benches, picnic tables, or other structures not specifically designated for such use;
- (24) Set up tents, shacks, or any other temporary shelter for the purpose of overnight camping, except in designated camping areas with prior written approval, nor shall any person leave within a Park Property, after closing hours, any movable structure or vehicle to be used or that could be used for such purpose, without express written authorization of the Board of County Commissioners;

- (25) Use a generator without express written authorization of a Department Official;
 - (26) Operate a Motorized Unmanned Aircraft within or above Park Property without express written authorization from the Director;
 - (27) Use a metal detector, except in designated areas;
 - (28) Engage in any physical altercation;
 - (29) Enter upon restricted areas, interfere with, disrupt or interrupt a Special Event, or other activity not open to the public, without proper authority; or
 - (30) Use gas grills, pull behind grills, smokers, or deep fryers unless permitted as part of a Special Event or with express written authorization from the Director.
- B. It is unlawful for any Person on Park Property to sell or to offer for sale to any Person any product or service without required Permits and express written authorization from the Director.
- C. It is unlawful for any Adult to enter and remain in a designated play area, where signage is posted, unless the Adult is supervising or accompanying Child or Children who are visiting the play area or the Adult is a Calvert County government employee or contractor conducting work in or around the area.
- D. It is unlawful for any Person to utilize Chesapeake Hills Golf Course for activities not designated for this Park Property, including, without limitation, cart path use if not playing golf, biking, sledding, or swimming without express written authorization from the Director.
- E. The following provisions are specific to camping facilities. In addition to the provisions of §82-2-101(A), *supra*:
- (1) A Permit must be obtained to spend the night in any Park Property;
 - (2) Length of stay requirements, quiet time designations, and vehicle allocations are defined in campground rules and regulations as amended from time to time;
 - (3) A maximum of six persons, and two tents, or one tent and one recreational vehicle allowed per camp site;
 - (4) No parking in roadways or vacant camp sites;
 - (5) During designated quiet time, there will be no access to the campground facility except for law enforcement or Department Officials to ensure the safety of park patrons;
 - (6) Children are not permitted camping privileges unless accompanied by an Adult for the full duration of the camping period;
 - (7) Camping is only allowed in designated camp sites and never allowed on the beach;
 - (8) Amplified music is not allowed on beach, or in picnic areas;
 - (9) Consumption of alcohol is allowed at Breezy Point Campground within a campsite;
 - (10) Dumping refuse, as defined in §119-2 of this Code, as amended from time to time, in restrooms or shower buildings is not permitted. Fish cleaning remnants must be disposed of properly in a designated container;
 - (11) Boats and Motorized Recreational Vehicles within campground are prohibited, however, electric wheelchairs are permitted;
 - (12) Parking of Commercial Vehicles and commercial equipment is prohibited in campgrounds unless conducting work on behalf of the County or otherwise authorized by the Director;

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- (13) Overnight storage of Motorized Recreational Vehicles, boats, trailers and other vehicles is not permitted except with either an active overnight camping Permit and physical presence of the registered park patron, or express written authorization of the Director;
- (14) Dumping of waste water, whether grey or black, is prohibited except when properly connected to a designated dump station, sewer hook-up, or mobile pump truck appropriate for the type of waste being discharged;
- (15) All vehicles and trailers must be able to provide proof of registration; and
- (16) Permanent structures or structures requiring a Permit with the Department of Planning & Zoning are not permitted.

§82-2-102. Hours of Operation. The Department shall adopt regulations and rules pertaining to the hours of operations and closing of Park Property. Regular park hours shall be posted at Park Property and through County electronic information outlets. Park Property without lighting should be open civil dawn to civil twilight. Notwithstanding:

- A. Any section or part of any Park Property may be declared closed to the public by the Director at any time and for any interval of time, either temporarily or at regular and stated intervals, and either entirely or for certain uses, as necessary and appropriate given the basis for the closure.
- B. No Person shall be on Park Property outside of hours of operation unless that facility is officially open for public use for a Special Event or planned activity. Exceptions to this include:
 - (1) Law enforcement personnel in the performance of their duties;
 - (2) Department Officials in the performance of their duties; and
 - (3) Persons authorized or accompanied by law enforcement or Department Officials in the performance of their duties.
 - (4) Persons with a valid and current campsite agreement, or lease.

§82-2-103. Traffic; Vehicles; Parking.

- A. All law enforcement officers and Department Officials are authorized and designated by the Director to direct traffic as deemed necessary and appropriate.
- B. All persons shall observe and obey all posted traffic signs.
- C. The speed limit in all parks is as posted, or, if not posted, ten (10) miles per hour.
- D. Vehicles and Motorized Recreation Vehicles are allowed, if at all, in designated areas only. Use of a Vehicle or Motorized Recreation Vehicle on pedestrian pathways, sidewalks, and boardwalks is prohibited.
- E. It is unlawful within or on Park Property, except when necessary to avoid conflict with other traffic or to comply with the directions of a Department Official or law enforcement officer, for any person to:
 - (1) Park any vehicle in any place or area designated by sign or marking as a "no parking" zone, in grass areas, or areas otherwise for restricted use, unless the person is using the vehicle for such restricted use;

- (2) Park or stand any vehicle of excessive length in any parking space except those designated by sign or marking for boat trailer parking or for recreational vehicle parking, or park or stand any boat trailer or recreational vehicle in any parking space other than one designated by sign or marking for such purpose;
 - (3) Double-park any vehicle on any roadway or parkway or other park area, unless directed to do so by a law enforcement officer or Department Official; or
 - (4) Park any vehicle on any roadway or parkway or other park area not designated for parking by sign or marking, unless directed to do so by a law enforcement officer or Department Official.
- F. Government owned or leased vehicles are exempt from these restrictions when being operated for a governmental purpose.

§82-2-104. Alcoholic Beverages.

- A. Consumption of alcoholic beverages on Park Property is prohibited except that it may be authorized: by Special Event Permit; at Chesapeake Hills Golf Course; Breezy Point Beach & Campground; and Wisner Hall at Kings Landing Park, under the following conditions:
- (1) Consumption of alcoholic beverages is only allowed during the hours the Park Property is open to use by the public or as otherwise authorized by Permit;
 - (2) Consumption of alcoholic beverages is prohibited in restroom facilities, parking areas, playground areas, and Designated Swimming Areas;
 - (3) Consumption of alcoholic beverages is allowed only on leased campsites at Breezy Point Beach & Campground; and
 - (4) Consumption of alcohol at Breezy Point Beach & Campground is restricted to beer not served from kegs, and wine. Spirits, and liquor products are prohibited.
- B. Sale of alcoholic beverages to the public on Park Property is allowed at Chesapeake Hills Golf Course, and for Special Events with an approved Permit issued by the Department, provided:
- (1) The sale of alcoholic beverages is restricted by Permit from the Calvert County Board of License Commissioners, and State Comptroller, for events and activities; and
 - (2) Glass containers are permitted at Chesapeake Hills Golf Course, and during Special Events for which a Permit has been issued expressly granting approval for use of glass containers.

§82-2-105. Smoking, Vaping and Tobacco.

- A. Smoking, vaping or use of tobacco products are prohibited in and on Park Property except as specified below:
- (1) In an outside area adjacent to an employee workplace designated by the County Administrator and being at least One Hundred feet (100') from an indoor facility entrance; and
 - (2) At Chesapeake Hills Golf Course in outdoor areas at least One Hundred feet (100') from an indoor facility entrance.

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- B. Signage for all Park Property shall be posted conspicuously at each entrance specifying this prohibition.
- C. This section adds to and does not replace or restrict the application of any other federal, state or local law, rule, regulation, or policy.

§82-2-106. Animals.

- A. Domestic Animals are generally permitted in and on Park Property during park hours of operation with the following restrictions:
 - (1) Domestic Animals must be under restraint or control of a competent person by means of a chain, leash, or other similar device, or is in a secure cage or other secure enclosure. This provision shall not apply to working and hunting animals that are working or hunting on Park Property with the approval of the Director; and are under their handlers' direct and immediate voice control, and are responsive to their handlers' commands.
 - (2) The owner and custodian of a Domestic Animal shall be jointly and severally responsible for the removal of all excreta deposited by the animal upon Park Property.
- B. Notwithstanding the provisions of 82-2-106(A), above, it is unlawful for any person on Park Property:
 - (1) To bring animals, with the exception of service or law enforcement animals, on athletic fields;
 - (2) To bring animals, with the exception of service or law enforcement animals, to pool facilities, within indoor facilities, Battle Creek Cypress Swamp Sanctuary, Breezy Point Beach, or Chesapeake Hills Golf Course without express written authorization from the Director;
 - (3) To have a horse or horseback ride outside of designated areas, with the exception of service or law enforcement animals.
 - (4) To intentionally molest, harm, hunt, kill, trap, frighten, or chase any animal, unless authorized in writing by the Board of County Commissioners, State of Maryland, or Calvert County Sheriff's Office to do so;
 - (5) To take, molest, harm, frighten, kill, trap, hunt, chase, tease, shoot, or throw projectiles at any Domestic Animal, wild animal, mammal or marine life, including, without limitation, terrapins and crabs;
 - (6) To remove or cause to be removed or have in their possession the young of any wild animal, including, but not limited to, the eggs, nests, or young of any animal, reptile, or bird;
 - (7) To take live shellfish without proper authorization from the State of Maryland;
 - (8) To give, offer or attempt to give to any wild animal any food, tobacco, alcohol, foreign object or other known noxious substances or attempt to pet any wild animal;
 - (9) To transplant or remove any animal except in areas designated for that use with written permission from the Director; and
 - (10) To introduce any plant or animal species by willful abandonment, negligence, or by any other means, without written authorization from the Director.

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BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland that, in the event any portion of this Ordinance is found to be unconstitutional, illegal, null or void, by a court of competent jurisdiction, it is the intent of the Board of County Commissioners to sever only the invalid portion or provision, and that the remainder of the Ordinance shall be enforceable and valid, unless deletion of the invalid portion would defeat the clear purpose of the Ordinance, or unless deletion of the valid portion would produce a result inconsistent with the purpose and intent of the Board of County Commissioners in enacting this Ordinance;

BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland that the foregoing recitals are adopted as if fully rewritten herein; and

BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland that this Ordinance shall be effective upon recordation and publication of a fair summary.

DONE, this 22nd day of October, 2019 by the Board of County Commissioners of Calvert County, Maryland, sitting in regular session.

Aye: 5

Nay: 0

Absent/Abstain: 0

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
OF CALVERT COUNTY, MARYLAND**

Karen S. Phelps
Clerk

Thomas E. Hutchins
Thomas E. Hutchins, President

Kelly D. McConkey
Kelly D. McConkey, Vice President

Approved for form and legal
sufficiency by:

John B. Norris
John B. Norris, County Attorney

Earl F. Hance
Earl F. Hance

Mike Hart
Mike Hart

Steven R. Weems
Steven R. Weems

Received for Record
at 12:45 o'clock 10/23, 2019
recorded in Liber KPS No. 59
Folio 181
COUNTY COMMISSIONERS
ORDINANCES AND RESOLUTION.

Batney P. Smith