ARTICLE III: PARKS AND RECREATION DIVISION

§ 1-12-30. PURPOSE OF THE PARKS AND RECREATION DIVISION.

The purpose of the Frederick County Parks and Recreation Division is to acquire, plan, develop, and maintain park land, park facilities and other county-owned land assigned by the BOCC and to create, develop and execute recreation programs for county residents.

(Ord. 05-35-396, 10-25-2005; Ord. 07-23-463, 6-26-2007)
§ 1-12-31. RULES AND REGULATIONS.

The Division may adopt rules and regulations for the conduct of business and the protection of park land, park facilities and other properties under its control, subject to the approval of the BOCC.

(1959 Code, § 30-15) (Ord. 05-35-396, 10-25-2005; Ord. 07-23-463, 6-26-2007)

§ 1-12-32. HOURS OF OPERATION.

(A) Park land shall be open to the public every day within designated hours as set by the Division Director:

(1) The Division Director or designee may close park land to public entry for the protection of park property, public health, safety or public welfare, by posting signs, or placing barricades in the vicinity of typical points of entry to the park land.

(2) The Division Director or designee may open or keep any park land open beyond normal hours of operation, for the protection of park property, public health, safety or public welfare, and by permit.

(B) Trespass. No person shall remain upon park land at any time between closing time of said park land and opening time of the following morning except by permit issued by the Division Director or designee.

(C) No person shall remain upon park land after a lawful command by any law enforcement officer or by the Division Director or designee to vacate the park land.

(1959 Code, § 30-18(j)) (Ord. 77-12-89, § II, 9-6-1977; Ord. 05-35-396, 10-25-2005; Ord. 07-23-463, 6-26-2007)

§ 1-12-33. FEES AND CHARGES.

No person shall use any park facility, park land or area for which a fee or charge has been established by the Division without payment of such fee or charge in advance.

(1959 Code, § 30-18(s)) (Ord. 77-12-89, § II, 9-6-1977; Ord. 05-35-396, 10-25-2005; Ord. 07-23-463, 6-26-2007)

§ 1-12-34. PERMITS.

(A) Application for a permit.

(1) Any person requesting use of park land or park facilities for which a permit is required must apply for and obtain a valid permit before such use.

(2) Permits will be issued in accordance with the rules and regulations of the Division.

(B) Permit requirements.

(1) Permits for exclusive use of any park facility or part thereof may be issued by the Division Director or designee.

(2) Applications for permits shall be made on a form provided by the Division.
The Division Director will determine whether the proposed use or activity is consistent with public health, safety and welfare.

The Division Director will determine whether the proposed use or activity is consistent with the size, location and available amenities of the relevant facility.

No permit shall be issued to anyone under the age of 18.

The permit holder shall keep the permit in his or her possession and shall present the permit to a law officer, park official or Division Director upon request.

The permitted activities shall be conducted in strict accordance with the terms and conditions of the permit. It shall be unlawful for a person to violate any provision of a permit.

The permit holder shall be responsible for the conduct and good order of the group participating in the permitted activity. It shall be the responsibility of the permit holder to reimburse the Division for any and all costs incurred as a result of loss, breakage, destruction, and/or removal of park land property and/or recreational facilities as well as any excessive clean-up of the premises.

Proof of insurance may be required for certain permits.

The Division Director or designee may revoke a permit at any time for violation of any provision of the permit, law or regulations, including, but not limited to, failure to produce proof of insurance or the use of misleading or fraudulent information in order to obtain a permit. Revocation of a permit will result in the loss of all privileges granted as well as the forfeiture of all fees paid for the permit.

Permits may be revoked by the Division Director or designee for any infraction of park rules and regulations at any time.

The Division Director may assess charges against a permit holder to recover costs related to misuse of park land or park facilities.

Certain activities by permit only.

Any performance shall have a permit allowing such performance.

No person shall place, construct or erect any building or structure of whatever kind, whether temporary or permanent in character, or run or string any public service utility into, upon, or across park land, except by permit.

Activities of “moon bounce” and animal rides or other similar activities shall have a permit allowing such activity.

Use of park facilities for tournament play is by permit only.

No person shall indulge in any exhibition, demonstration, parade, assembly, public meeting or any other public expression of view or carry out any performance without a permit issued by the Division.

Advertising of sale of goods or services is prohibited except by permit.

No person, in or on park land, shall dig or remove any soil, objects (submerged or not), rocks, stones, trees, shrubs or plants, downed-timber, or other wood or material, nor make any excavation by tools, equipment, blasting or other means or agency, except by permit.
(8) Other activities shall have a permit as deemed to require a permit by the Division.

(D) Certain activities prohibited on park land.

(1) Use of park land by any person for recreational activities which precludes use of the park by the general public.

(2) Any activity which is illegal under any federal or the State of Maryland law.

(3) Hindering or obstructing the use of any structure or facility on park land by other park visitors.

(4) Defacing, altering, injuring or disturbing any monument, park facility, boundary line, physical structure, land, sign, historic feature or ruin.

(5) Entering or exiting by vehicle, except at officially designated entrances and exits.

(6) Swimming in non-designated swimming areas.

(7) Boating in non-designated areas except by permit.

(8) Gaming or profit-making activities except by permit.

(9) Commercial use of utilities.

(10) Advertising of alcohol and tobacco products.

(11) Being nude, exposing him or herself or engaging in sexual intercourse or sodomy.

(12) Urinating or defecating in non-designated facilities or areas.

(13) Other prohibitions as deemed appropriate by the Division.

(1959 Code, § 30-18(c)) (Ord. 77-12-89, § II, 9-6-1977; Ord. 05-35-396, 10-25-2005; Ord. 07-23-463, 6-26-2007)

§ 1-12-35. PROTECTION OF PROPERTY, STRUCTURES AND NATURAL RESOURCES.

No person shall:

(A) Intentionally remove, alter, injure, destroy any tree, other plant, rock, soil or mineral without a permit.

(B) Dig trenches, holes or other excavations in park land without a permit.

(C) Introduce any plant, animal or other agent within park land without a permit.

(D) Harvest, grow, or cultivate a controlled substance.

(Ord. 05-35-396, 10-25-2005; Ord. 07-23-463, 6-26-2007)

§ 1-12-36. USE OF PARK LAND AND PARK LAND FACILITIES.

(A) The Division Director or designee may issue permits to reserve athletic fields, recreation buildings, group picnic areas, pavilions, camp sites, and certain other park land facilities and activities for the sole use of individual(s) or groups as designated on the permit. A person who does not hold a
permit for a specific place and where a permit has been issued for that same place at the same time, must surrender that place to the permit holder.

(B) Permits for reservation of facilities and activities are subject to the following conditions, in addition to the conditions listed in division (A):

1. The facilities or activity areas applied for are available and appropriate for the purpose specified in the permit.

2. A permit reserving a site or facility entitles the permit holder to its exclusive use on the date and times specified on the permit.

3. No person shall camp on park land, except by permit and in such areas as may be designated for such purpose by the Division.

(1959 Code, § 30-18(g)) (Ord. 77-12-89, 9-6-1977; Ord. 05-35-396, 10-25-2005; Ord. 07-23-463, 6-26-2007)

§ 1-12-37. ANIMALS GENERALLY.

(A) No person shall hunt, stalk, molest, harm, frighten, kill, injure, trap, chase, tease, shoot or throw objects at any animal.

(B) No person shall remove or have in his or her possession any non-domesticated animal except by permit or in accordance with posted regulations of the Division.

(C) All animals must be leashed on a tether no longer than 9 feet.

(D) No person shall allow any domesticated animal to create a nuisance.

(E) No person shall allow any domesticated animal to run at large except in designated areas.

(F) Riding animals may only be ridden in designated areas.

(G) In order to protect the resources, the Division Director may issue a permit for the control, removal or management of any non-domesticated animal.

(H) A person bringing any animal on park land is responsible for immediate removal and clean up of the animal’s defecation.

(1959 Code, § 30-18(b)) (Ord. 77-12-89, § II, 9-6-1977; Ord. 05-35-396, 10-25-2005; Ord. 07-23-463, 6-26-2007)

§ 1-12-38. FIRES.

(A) No person shall build or cause to be built any fire or use any type of heating device with combustible materials from which a fire could be ignited, except within designated areas.

(B) No person shall leave any fire or any type of heating device, unless attended by an adult.

(C) All fires or any type of heating device, shall be cold to the touch before leaving the area.

(D) Any lighted match, cigar, cigarette or other burning materials must be extinguished before disposal.
§ 1-12-39. NOISE; AMPLIFICATION OF SOUND.

It shall be unlawful for any person to:

(A) Install, use, operate or permit the use or operation within the park land of any of the following devices: Sound amplifying equipment such as loudspeakers, radios, tape players, phonographs, television sets, musical instruments or other devices for the production or reproduction of sound without authorization by permit. It is unlawful to use this equipment in such a manner as to be disturbing or a nuisance to persons of reasonable sensitivity to noise within the area of audibility.

(B) It is unlawful to yell, shout, whistle, sing or make any unpleasant and unnecessary noises to disturb the peace and quiet within any park land or cause discomfort or annoyance to persons of reasonable sensitivity to noise within the area of audibility, except for special programs at dates and times as authorized by permit.

§ 1-12-40. RECREATIONAL ACTIVITIES.

Certain recreational activities are restricted to designated areas of park land and/or otherwise regulated, pursuant to the provisions of this section.

(A) Bicycling: Bicycle riding is subject to the following conditions:

1. Riding is permitted on roads in park lands.
2. Riding is permitted on paths or other trails designated for that purpose.
3. Bicycles must be operated in a safe and controlled manner.
4. Bicycles are subject to speed limits and other posted traffic regulations.
5. Bicycles are subject to regulations under the state vehicle laws.

(B) Fishing: Fishing is permitted only in designated areas and in compliance with state and other applicable laws.

(C) Horseback riding: Horses are permitted only in designated areas and trails.

(D) Roller skating; rollerblading; skateboarding; mountain boarding: Roller skating, rollerblading, skateboarding and mountain boarding are permitted in designated areas only.

(E) Swimming; water sports: Swimming and other water sports are allowed only in areas designated for such activities and only during the hours specified.

(F) Winter sports:

1. The use of downhill skis or snowmobiles is prohibited on all park lands.
2. No person shall skate, sled, coast or walk on any ice.
§ 1-12-41. OPERATION AND PARKING OF MOTOR VEHICLES.

(A) No vehicle shall block or partially block any road, boat ramp, or trail. Vehicles must be parked in designated areas, unless specifically authorized by permit.

(B) No person shall operate a vehicle except on roadways or areas designated by the Division; provided however, no person shall operate any type of mini bike, trail bike, all-terrain vehicle, snowmobile or other vehicle that cannot be registered for operation on the public highways, except in such areas as may be designated.

(C) Traffic laws and parking regulations applied on public roads in the county are applicable in park land, unless otherwise set forth in this section.

(D) Pedestrian right-of-way. Pedestrians have the right-of-way over any vehicle.

(E) The speed limit for motorized vehicles in park land is the posted speed limit within the park land.

(F) No person shall exceed the posted speed limit on park land.

(G) Except for emergency repairs, the repair or maintenance of any vehicle on park land is prohibited.

(H) Any vehicle parked in violation of this section is subject to being towed without notice at the owner’s expense.

(I) No vehicles will be left on park land after official closing time of the park except by permit. Any vehicle parked in violation of this section is subject to being towed without notice at the owner’s expense and risk.

(J) Parking on park land is restricted to park users and permit holders.

§ 1-12-42. PEDDLING AND SOLICITING.

No person shall peddle or solicit business of any nature, collect any funds for any service, charity or any purpose, distribute handbills or other advertising matter, unless by permit.

§ 1-12-43. WEAPONS AND FIREWORKS.
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(A) No person shall have in his or her possession any firearm or weapon, including but not limited to bows, air guns, paint ball guns and slingshots, while on park land unless by permit. This section shall not apply to any persons authorized by law to carry firearms in the discharge of their official duties or to persons participating in programs sponsored and conducted by the Division that involve the use of such firearms and weapons.

(B) No person shall have in his or her possession any fire works or explosives on, over, or onto park land unless by permit.

(C) No person shall discharge any weapon, fireworks or explosives over or onto park land.

(1959 Code, § 30-18(o))  (Ord. 77-12-89, § II, 9-6-1977; Ord. 05-35-396, 10-25-2005; Ord. 07-23-463, 6-26-2007)

§ 1-12-44. LITTERING.

(A) No person shall litter on any park land. All litter shall be deposited in the containers provided for such purpose.

(B) Only litter that is a result of use within park land shall be discarded in the containers provided.

(C) Where no containers are available, litter shall be removed from the park land by the person or persons creating said litter.

(1959 Code, § 30-18(o))  (Ord. 77-12-89, § II, 9-6-1977; Ord. 05-35-396, 10-25-2005; Ord. 07-23-463, 6-26-2007)

§ 1-12-45. ALCOHOLIC BEVERAGES.

No person shall possess or consume alcoholic beverages on park land except in accordance with the alcohol use policy of the Division and with a valid permit issued by the Division Director.

(1959 Code, § 30-18(5))  (Ord. 77-12-89, § II, 9-6-1977; Ord. 90-01-599, 1-29-1990; Ord. 05-35-396, 10-25-2005; Ord. 07-23-463, 6-26-2007; Ord. 09-03-507, 12-2-2008)

§ 1-12-46. IMPERSONATING OR INTERFERING WITH EMPLOYEES.

(A) No person shall impersonate any employee of the Division.

(B) No person shall interfere, harass, hinder or disobey the lawful command of any employee or designee in the discharge of his or her duties.

(1959 Code, § 30-18(1))  (Ord. 77-12-89, § II, 9-6-1977; Ord. 05-35-396, 10-25-2005; Ord. 07-23-463, 6-26-2007)

§ 1-12-47. DISORDERLY CONDUCT; PUBLIC NUISANCE.

(A) No person shall engage in fighting or exhibit threatening, violent, disorderly or indecent
behavior.

(B) No person shall use obscene or profane language or make any obscene gesture or display.

(C) No person shall address any person present using language tending to incite a breach of the peace or to be inimical to the peace.

(D) No person shall create a condition that is hazardous or physically offensive to any person.

(E) No person shall engage in any conduct which disturbs the public peace while on park land.

(Ord. 05-35-396, 10-25-2005; Ord. 07-23-463, 6-26-2007)

§ 1-12-48. CRIMINAL PENALTIES.

It shall be a misdemeanor to violate any of the provisions of this article. Any person so convicted of a violation shall be fined not more than $500, or be sentenced to no more than 5 days in jail, or both, at the discretion of the court.

(1959 Code, § 30-18(t)) (Ord. 77-12-89, § II, 9-6-1977; Ord. 05-35-396, 10-25-2005; Ord. 07-23-463, 6-26-2007)

§ 1-12-49. CIVIL PARK INFRACTIONS.

(A) Pursuant to Chapter 634 of the Laws of Maryland 1984, being § 2-2-29 of the Frederick County Code (1979), any violation of the provisions of Article III of this chapter is a civil infraction and shall be called a civil park infraction. If after investigation, a civil park infraction is believed to exist or is observed directly by park personnel, the Frederick County Division Director of the Parks and Recreation Division or his or her division representative shall deliver a citation or a warning to the person or persons responsible for the infraction. If the infraction occurs inside of a vehicle, the driver shall also be cited as having control of the vehicle.

(B) The citation or warning, as provided for in this section, shall be in writing and shall contain the following:

1. The name and address of the person charged (or warned);
2. The nature of the violation;
3. The location of the violation;
4. The date(s) of the violation;
5. The amount of the fine to be assessed (or possible of assessment);
6. The manner, location and time in which the fine may be paid;
7. The person’s right to stand trial for the violation (if applicable); and
8. A certification by the Division Director or authorized designee attesting to the truth of the matters set forth.

(C) A fine of $50 is hereby imposed upon any person responsible for a civil park infraction for each violation. All fines shall be payable to the Board of County Commissioners of Frederick County,
Maryland, in the office of the Parks and Recreation Division, which shall remit same on a daily basis to the County Treasurer. Each day such violation is permitted to exist shall be considered a separate infraction.

(D) A person who receives a citation may elect to stand trial for the offense by filing with the Division Director a notice of intention to stand trial. The notice shall be given at least 5 days before the date of payment of the fine as set forth in the citation. On receipt of the notice of intention to stand trial, the Division Director shall forward to the District Court for Frederick County, Maryland, a copy of the citation and the notice of intention to stand trial. On receipt of the citation, the District Court shall schedule the case for trial and notify the defendant of the trial date. All fines, penalties or forfeitures collected by the District Court for park infractions shall be remitted to the Board of County Commissioners of Frederick County, Maryland, through the Frederick County Treasurer.

(E) If a person who receives a citation for an infraction fails to pay the fine by the date of payment set forth on the citation and fails to file a notice of intention to stand trial, a formal notice of the infraction shall be sent to the person’s last known address. If the citation is not satisfied within 15 days from the date of the notice, the person is liable for a fine of $100 for each infraction. If after 35 days, the citation is not satisfied, the Division Director may request adjudication of the case through the District Court. The District Court shall schedule the case for trial and summon the defendant to appear.

(F) Adjudication of an infraction under this section is not a criminal conviction, nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction.

(G) In a proceeding before the District Court, the violation shall be prosecuted in the same manner and to the same extent as set forth for municipal infractions in Md. Ann. Code, Art. 23A, § 3(B)(8) through (15). However, the County Attorney is hereby authorized to prosecute park infractions under this section.

(H) If a person is found by the District Court to have committed a civil park infraction, he or she shall be liable for the costs of the proceedings in the District Court.

(Ord. 90-06-604, 2-6-1990; Ord. 05-35-396, 10-25-2005; Ord. 07-23-463, 6-26-2007)