

ENROLLED

COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND

2024 LEGISLATIVE SESSION

LEGISLATIVE DAY NO. 11

LEGISLATIVE BILL 2024-03

INTRODUCED BY: The President of the Council at the request of the County Executive.

AN ACT TO AMEND THE WICOMICO COUNTY CODE, CHAPTER 179 – REGULATIONS FOR PARKS AND RECREATIONAL FACILITIES.

WHEREAS, the County Executive and the Department of Recreation, Parks and Tourism recommend changes to the County Code, Chapter 179 – Regulations for Parks and Recreational Facilities; and

WHEREAS, the County Council endorses the amendment to Chapter 179 – Regulations for Parks and Recreational Facilities.

NOW, THEREFORE, UPON THE RECOMMENDATION OF THE COUNTY EXECUTIVE AND THE DIRECTOR OF RECREATION, PARKS AND TOURISM;

SECTION I: BE IT ENACTED AND ORDAINED BY THE COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND, IN LEGISLATIVE SESSION, that:

1. The Wicomico County Code, Chapter 179 – Regulations for Parks and Recreational Facilities is amended to read:

CHAPTER 179 – REGULATIONS FOR PARKS AND RECREATIONAL FACILITIES

REGULATIONS FOR PARKS, RECREATIONAL FACILITIES AND AREAS

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PURPOSE, AUTHORITY, AND ENFORCEMENT

The Wicomico County Council, upon the recommendation of the Wicomico County Recreation AND PARKS Commission, deems it advisable to establish certain rules and regulations concerning the use of County parks, recreational facilities, and areas and to establish penalties for violating the provisions of this bill. Chapter 179 of the Wicomico County Code, entitled "Parks, Recreational Facilities and Areas" is hereby enacted to read as follows:

Section 179-1 Definitions

As used in this text, the following terms shall have the meanings indicated.

Department – Wicomico County Department of Recreation, Parks and Tourism

Park – Any land or water devoted to park or recreational uses and owned, operated, or established by Wicomico County, Maryland, including but not limited to all parks, playgrounds, recreational areas, BEACHES, facilities, buildings, grounds and water

operated or administered by the Department of Recreation, Parks and Tourism for recreational purposes.

Vehicle – Any motor vehicle, moped, mini-bike, trail bike, ELECTRIC BIKE OR SCOOTER, all-terrain vehicle, snowmobile, or bicycle as well as other cycles.

WEAR AND CARRY PERMIT – A VALID PERMIT ISSUED PURSUANT TO TITLE 5, SUBTITLE 3 OF THE PUBLIC SAFETY ARTICLE OF THE MARYLAND ANNOTATED CODE.

Section 179-2 Applicability

The provisions of this chapter shall apply in and upon all parks within Wicomico County.

Section 179-3 Regulations

The following regulations shall apply to all parks.

- A. **Hours of Operation** – No unauthorized person or vehicle may enter or remain on any park or portion thereof from sunset to sunrise. Any park or portion thereof may be closed by the Director to public entry and travel during periods of construction or maintenance; when deemed necessary due to road conditions, park operations, or fire hazards; or for the protection of park property or the environment or the health, safety and welfare of the public. The closing shall be by order of the Director, and restricted areas shall be posted against public entry.
 - ~~1.~~ CERTAIN PARKS INCLUDE BALLFIELD OR COURT LIGHTING TO ALLOW FOR COUNTY-APPROVED PROGRAMS OR ACTIVITIES TO TAKE PLACE AFTER SUNSET. IN SUCH FACILITIES, THE PUBLIC MAY REMAIN ON PARK PROPERTY UNTIL 10 PM, OR UNTIL THE COUNTY-APPROVED PROGRAM OR ACTIVITY HAS CONCLUDED.
 - ~~1.~~ 2. COUNTY HARBOR FACILITIES MAY BE ACCESSIBLE AFTER HOURS TO APPROVED SLIP RENTERS FOR THE SOLE PURPOSE OF ACCESSING THEIR VESSELS AT THE LOCATION(S); OR TO THE GENERAL PUBLIC FOR THE SOLE PURPOSE OF ACCESSING PUBLIC WATERWAYS THROUGH COUNTY-OWNED BOAT RAMPS. AFTER-HOURS ACCESS FOR ANY OTHER PURPOSE MUST BE APPROVED IN ADVANCE BY THE DEPARTMENT.
- B. **Use** – Park property and recreation and park programs are open to use by all members of the public regardless of race, sex, national origin, SEXUAL ORIENTATION or creed. WHERE REQUIRED, permits shall be displayed upon request of Department personnel or law enforcement agencies with enforcement duties within the County.
- C. **Charges** - No person may make use of or gain admittance to facilities in any park, or portion thereof, for the use of which a charge is made by the Department unless he or

she shall have paid the fixed charges or price.

- D. **Interference with Department Employees** - No person shall interfere with any employee or agent of the Department while the employee or agent is acting in the course of his or her official duties.
 - E. **Advertising** – A person may not erect or post any sign, notice, or literature in a park nor use any loud speaker or public address system without first obtaining PERMISSION from the Department.
 - F. **Aeronautical Activities** – FLYING OF DRONES OR OTHER UNMANNED VEHICLES MUST FOLLOW FEDERAL AVIATION ADMINISTRATION (FAA) GUIDELINES, AS WELL AS LOCAL, STATE OR FEDERAL LAWS. Powered model airplanes or rockets may not be flown over or launched from any park except on areas designated for such purposes, or by permit. Airplanes, helium hot air balloons, hang gliders, parachutes, ultra-light planes, or any other person-operated aircraft shall not be flown or launched from park property except from areas designated for such purposes or by permit.
 - G. **Alcohol Sales** – The sale of alcoholic beverages is prohibited on park property unless a special permit is first obtained as set forth in Section 179-11(A) and all applicable state laws are complied with.
 - H. **Animals** – Owners of animals shall comply with the provisions of the animal control law AND POSTED RULES. Riding of horses, ponies, or other animals is prohibited except in those areas designated for such purposes by the Department. The grazing of any animal is prohibited except by permit.
 - I. **Automobiles** – A person may not wash, repair, or perform other work on any automobile on park property except in the case of an emergency. Waxing an automobile is permitted.
 - J. **Camping** – No person shall camp on park property except by permit and in such areas as may be designated for such purposes by the Department.
 - K. **Commercial Activities** – Peddling, soliciting, or conducting of any business, trade, or occupation, for commercial use is prohibited except by permit from the Department.
1. COUNTY-MANAGED FACILITIES MAY BE USED FOR “LOW-IMPACT” COMMERCIAL PHOTOGRAPHY AND FILMING PURPOSES IF SUCH USE DOES NOT (1) SIGNIFICANTLY INTERFERE WITH PUBLIC USE OF THE REQUESTED FACILITY OR LAND, AND (2) DAMAGE THE NATURAL, CULTURAL, OR HISTORICAL FEATURES OF THE FACILITY OR LAND. “LOW-IMPACT” IS DEFINED AS FILMING AND PHOTOGRAPHY ACTIVITIES IN PARK AREAS OPEN TO THE PUBLIC, INVOLVING TEN PEOPLE OR FEWER, AND USING MINIMAL EQUIPMENT THAT CAN BE

CARRIED.

2. COMMERCIAL FILM AND PHOTOGRAPHY USERS WITH A HIGH IMPACT ON PARK RESOURCES MUST OBTAIN A PERMIT OR USE AGREEMENT, AS WELL AS PAY ANY APPLICABLE SERVICE CHARGES.

- L. **Firearms** – EXCEPT AS SET FORTH IN SUBSECTION R, NO PERSON SHALL:

~~(1) No persons, other than a law enforcement officer, shall carry, OR possess or discharge a firearm on park property, except in those areas designated for such purpose.~~ A LAW ENFORCEMENT OFFICER OR A PERSON WITH A WEAR AND CARRY PERMIT; OR

~~(2) DISCHARGE A FIREARM ON PARK PROPERTY, EXCEPT AS PERMITTED BY STATE LAW.~~

- M. **Fires** – No person shall build or cause to be built any fire except within established barbecue grills OR DEDICATED CAMPFIRE AREAS provided by the Department. No person shall leave any fire, unless such fire is attended by a responsible person, and all such fires shall be thoroughly extinguished prior to leaving the site.
- N. **Fishing** – Fishing is permitted only in designated areas and in compliance with State law and posted rules.
- O. **Flora and Fauna** – Unless authorized by law, a person may not catch, molest, or kill any wildlife or disturb any nest, burrow, or den of any animal or fowl. A person may not injure, remove, or destroy any flora without permission of the Department. Planting of vegetation and/or digging into the surface of park property is prohibited except by permit.
- P. **Gambling** – Gambling, gaming, wheels of fortune, or other games of chance are prohibited unless a special permit is first obtained as set forth in Section 179- 11(A) and all applicable State laws are to be complied with.
- Q. **Golf** – Golf practice is prohibited on park property.
- R. **Hunting** – Hunting and trapping is prohibited on park property except by permit ~~for scientific and animal control purposes.~~
- S. **Littering** – No person shall (i) discard, deposit, dump, or allow to blow away refuse of any kind in or upon park property, except by placing such refuse in a container provided for such purpose; (ii) dispose of any refuse on park property, whether disposed of in a receptacle or not, if such refuse is not a result of use within the park.
- T. **Obstructions** – No person shall congregate or assemble in or about any PARK ENTRANCE OR EXIT, comfort station or other public structure on park property in such a manner as to hinder or obstruct the proper use thereof. Enclosure of any area or

erection of any structure on park property is prohibited unless a permit is first obtained from the Department.

- U. **Private Instruction** – A person may not utilize park property or any portion thereof for conducting private instruction or lessons where a fee is charged, unless a permit is first obtained from the Department.
- V. **SMOKING** – SMOKING OR VAPING IS PROHIBITED INSIDE ALL COUNTY BUILDINGS AND INDOOR FACILITIES AND IS PROHIBITED WITHIN 25 FEET OF BUILDING ENTRIES, OUTDOOR AIR INTAKES AND OPERABLE WINDOWS. SMOKING OR VAPING SHOULD NOT OCCUR IN CERTAIN OUTDOOR SPACES SUCH AS BLEACHER AREAS, CONCESSION STANDS OR OTHER AREAS DESIGNATED BY THE COUNTY AS NON-SMOKING AREAS. THESE DESIGNATED AREAS WILL BE COMMUNICATED TO THE PUBLIC THROUGH ON-SITE SIGNAGE. USE OF CANNABIS IN PUBLIC PARKS MUST FOLLOW ALL LOCAL, STATE AND FEDERAL LAWS. USE OF CANNABIS IN PUBLIC PARKS IS PROHIBITED.
- W. **Swimming** – Swimming and water sports are prohibited except at such times and places as may be designated for such purposes. Persons utilizing authorized areas shall comply with rules and regulations posted by the Department.
- X. **TREES** – No person may cut or saw any live or dead tree or part thereof with any type of equipment, power or otherwise, on park property or remove any live or dead trees from park property except by permit.
- Y. **Traffic** - (1) the operation of all motorized vehicles on park property shall be in compliance with all applicable laws and regulations. (2) Instruction from a Department employee or police officer, by gesture or otherwise, to reduce the speed of a vehicle, to bring it to a stop, to alter its direction, or to remove it from a restricted area shall immediately be obeyed by the operator or owner of the vehicle. (3) No person shall operate any motorized vehicle in excess of twenty- five (25) miles per hour, unless otherwise posted or directed. (4) ~~No person~~ **MOTORIZED VEHICLES shall operate any motorized vehicle ONLY BE OPERATED on park property other than on a road** PROPERTIES IN AREAS APPROVED FOR SUCH USAGE, INCLUDING ROADS, PARKING LOTS or ~~street to which public access has not been prohibited~~ DRIVEWAYS. (5) Buses, trucks, and commercial vehicles with commercial marking or tools of trade, with the exception of taxicabs, SCHOOL BUSES, and tool trucks on service calls to disabled vehicles, shall not be operated on park property unless a permit has first been obtained from the Department. (6) No person shall operate a vehicle in such a manner as to block or partially block any bicycle, hiker, bridle path, or access road.
- Z. **Watercraft** – No person shall operate any watercraft upon any County or park waters nor launch watercraft from County or park property except at such time and place as may be designated for such purposes by the Department and in compliance with any regulations promulgated by the Department and posted near watercraft launch sites.

Section 179-4 Destruction of Park Property

No person shall deface, alter, injure, destroy, misuse, or remove any monuments, boundary lines, physical structures, lands, installation, notices, signs, historical materials or artifacts or any other County property.

Section 179-5 Restrictions on Use and Activities

The Director is authorized to limit or restrict any park or section thereof to certain activities, uses, or age groups and to prohibit activities and uses of any park or section thereof, or to impose additional rules and regulations when deemed necessary for the health, safety, and welfare of the public or for the protection of park property. Such limits, restrictions, regulations or prohibitions shall be by order of the Director and posted in the affected areas.

Section 179-6 Use by Permit

Any person or persons holding a permit for the use of an athletic field, COURT, PAVILION, OR RENTED SPACE are entitled to the exclusive use of such area on the dates and between the hours specified in the permit.

~~Provided~~ HOWEVER that, in the event the grounds are wet or otherwise unsuitable to play USE without damage to the FACILITY, the permit shall be deemed revoked.

Section 179-7 Pemberton Historical Park AND PIRATE'S WHARF PARK

The use of metal detectors and/or digging into the surface of park property is strictly prohibited at Pemberton Historical Park AND PIRATE'S WHARF PARK.

Section 179-8 Paths and Trails

Those paths and trails designated by the Department as foot paths, nature trails or bicycle trails may be used only by pedestrians and non-motorized vehicles. Horses, horse-drawn vehicles, and motor vehicles shall be prohibited.

Section 179-9 Bridle Paths and Trails

Those paths and trails designated by the Department as bridle paths or horse trails may be used only by pedestrians, horses, or horse-drawn vehicles. All other vehicles, whether motorized or non-motorized, shall be prohibited.

Section 179-10 Trespassing

No person shall remain upon park property after a lawful command to remove by any law enforcement officer or by the Director of the Department or his/HER authorized representative.

Section 179-11 Permits

- A. Permits or written permission required under the provisions of this Chapter for the conduct of any activity or for the use of any park facility or portion thereof, except alcohol or gambling special permits, may be issued to any individual, group, or organization at the discretion of the Department. Requests for special permits for alcohol or gambling shall be forwarded to the Wicomico County Recreation AND PARKS Commission for review and comment. The request, with the recommendation of the ~~Recreation~~ Commission, shall then be forwarded to the County Council of Wicomico County EXECUTIVE for final action.
- B. Application for a permit shall be made upon a form furnished by the Department and shall be accompanied by any fee established by the Department and approved by the Wicomico County Council in Executive Session.
- C. Permits will be issued for a single-time use, seasonally, or on a definite time basis for regional parks, athletic fields, recreation centers, or County-owned community buildings.
- D. Permits will be issued upon a determination by the Director or his/HER designee that the facilities or activity areas requested are available and appropriate for the purpose specified in the permit and that the proposed use or activity is consistent with the size, location, and available amenities or the relevant park property and with the public health, safety, and welfare.
- E. False or misleading statements in the application or prior violations of this Chapter or the terms or provisions of any prior permit shall be grounds for denial of a permit.
- F. The holder of a group permit issued by the Department shall be financially responsible for the destruction of park property by any person covered by the permit.

Section 179-12 Harbor Facilities

- A. ~~Bivalve~~ CEDAR HILL and Nanticoke harbors and each and every harbor facility now or hereafter maintained by Wicomico County shall be under the immediate direction of the Director ~~of the Department~~ of Recreation, Parks and Tourism.
- B. The unauthorized use of boat slips, OR MOORING OF VESSELS TO ANY COUNTY-OWNED PROPERTY, by any person, firm, or corporation is prohibited. Any vessel occupying such slip OR MOORING WITHOUT PERMISSION OF THE DEPARTMENT, shall be subject to removal without notice at the owner's expense. In the event of removal, all costs incurred in the removal, storage, and preservation of the vessel shall be the liability of the owner of the vessel.

- C. The County Council of Wicomico County shall have the authority and power, in Executive Session, from time to time, to make rules and regulations for the use of said harbor facilities for the protection of the public health, safety, and welfare.

Section 179-13 Violations and Penalties

Any person who violates any provision of this Chapter or any rule, regulation, directive, restriction, or permit issued pursuant thereto shall be guilty of a civil infraction and shall be subject to a fine of not less than twenty-five (\$25.00) nor more than one thousand dollars (\$1,000.00). A schedule of fines for violations has been established by resolution of the County Council of Wicomico County. Each day the violation continues shall constitute a separate violation.

Section 179-14 Authority to Issue Citations

The Sheriff and any Deputy sheriff of the Wicomico County Sheriff's Department, any person appointed by the Governor of the State of Maryland as a special police officer with respect to the property described in said commission, and any person designated by resolution of the Wicomico County Council as having authority to enforce the provisions of this chapter shall have authority to issue citations for civil infractions of this Chapter.

WICOMICO COUNTY RECREATION, PARKS & TOURISM

Section	Sub-section	Subject	Fine
179.3	a	Hours	\$ 50.00
179.3	c	Avoiding Charges (i.e. Special Events)	\$ 50.00
179.3	d	Interfere w/ employees	\$ 50.00
179.3	e	Unauthorized Advertising	\$ 50.00
179.3	f	Aeronautical	\$ 50.00
179.3	G	ALCOHOL SALES	\$ 500.00 MAX*
179.3	h	Animals	\$ 50.00
179.3	i	Automobiles	\$ 50.00
179.3	j	Camping	\$ 50.00
179.3	k	Commercial Activities	\$ 50.00
179.3	l	FIREARMS including bow and arrow	\$ 100.00
179.3	m	Fires	\$ 50.00
179.3	N	FISHING	\$ 50.00
179.3	O	FLORA AND FAUNA	\$ 100.00
179.3	P	GAMBLING	\$ 50.00
179.3	Q	Golf	\$ 50.00
179.3	R	HUNTING	\$ 100.00
179.3	s	Littering (minor)	\$ 50.00
179.3	S	LITTERING (GROSS)	\$ 100.00
179.3	t	Obstructions/building	\$ 50.00
179.3	u	PRIVATE INSTRUCTION - Lessons for a fee	\$ 50.00
179.3	V	SMOKING	\$ 50.00
179.3	W	Swimming	\$ 50.00
179.3	X	TREES	\$ 100.00
179.3	Y	Traffic & Parking	\$ 50.00
179.3	Z	Watercraft	\$ 50.00
179.4		Destruction	\$ 100.00
179.7		Metal Detectors @ PHP OR PIRATE'S WHARF	\$ 100.00
179.8		Path/Trails non motorized designated use	\$ 50.00
179.9		Paths/Horse Trails -BRIDLE PATHS	\$ 50.00
179.10		Trespassing	\$ 50.00
179.11		Permits	as posted
179.12B		Unauthorized Boat Slip use	\$ 100.00
Chapter 156		Any unlawful disposal of litter, garbage, Refuse or rubbish	\$ 100.00 plus the cost of clean up

**as set by the Alcoholic Beverages Article of the Maryland Annotated Code*

New fines approved by County Council _____(INSERT DATE)

SECTION II: BE IT FURTHER ENACTED AND ORDAINED BY THE COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND, IN LEGISLATIVE SESSION, that the County Code is hereby amended to include the changes recited in Chapter 179 – Regulations for Parks and Recreational Facilities set forth above.

SECTION III: BE IT FURTHER ENACTED AND ORDAINED BY THE COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND, IN LEGISLATIVE SESSION THAT this bill shall be known as Legislative Bill No. 2024-03 of Wicomico County, Maryland, and shall take effect sixty (60) days after its final passage, unless a proper Petition for Referendum thereof shall be filed prior to said date; in which event, the Bill shall not take effect until the expiration of thirty (30) days following the approval of this Bill by a majority of the qualified voters of the County voting in any such referendum.

Certified correct as passed and adopted by the County Council of Wicomico County, Maryland this 2nd day of July, 2024.

ATTEST:

COUNTY COUNCIL OF
WICOMICO COUNTY, MARYLAND

Laura Hurley
Laura Hurley, Council Administrator

John T. Cannon (SEAL)
John T. Cannon, Council President

I HEREBY CERTIFY that copies of the above Bill are available to the public, the press and other news media at the time of its introduction.

Laura Hurley (SEAL)
By: Laura Hurley, Council Administrator

COUNTY COUNCIL
OF
WICOMICO COUNTY, MARYLAND

2024 Legislative Session

Legislative Day No. 11

LEGISLATIVE BILL NO. 2024-03

INTRODUCED BY: The Council President at the request of the County Executive.

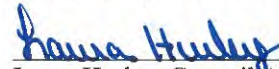
Legislative Bill 2024-03: AN ACT TO AMEND THE WICOMICO COUNTY CODE, CHAPTER 179 – REGULATIONS FOR PARKS AND RECREATIONAL FACILITIES.

Introduced and read first time on May 21, 2024. Ordered posted and public hearing scheduled for July 2, 2024 at 6:00 p.m.



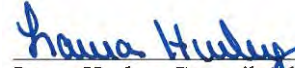
Laura Hurley, Council Administrator

PUBLIC HEARING: Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, the Bill was read for a second time at a public hearing held on July 2, 2024.



Laura Hurley, Council Administrator

CERTIFICATION: The undersigned hereby certifies that this Bill was Approved and Adopted by the County Council of Wicomico County, Maryland, on the 2nd day of July, 2024.



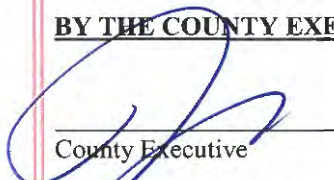
Laura Hurley, Council Administrator

Presented to the County Executive for approval this 3rd day of July at 1:15 a.m./p.m. (5 days §411)



Laura Hurley, Council Administrator

BY THE COUNTY EXECUTIVE:



County Executive

APPROVED

Date: 7/3/24
(21 days §411)

VETOED

Date: _____

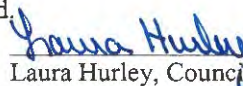
BY THE COUNCIL:

Option One: This Bill, having been approved by the County Executive and returned to the Council, becomes law on July 3, 2024 and effective on: September 1, 2024.
(60 days §311)

Option Two: This Bill, having received neither the approval nor the disapproval of the County Executive with 21 days of its presentation, stands enacted on _____ and becomes effective on _____. (60 days §311)

Option Three: This Bill, being exempt from the Executive Veto stands enacted on _____ and becomes effective on _____. (Charter Section 305)

ENROLLMENT: Legislative Bill No. 2024-03 is herewith submitted to the County Council of Wicomico County for enrollment as being the text as finally passed.



Laura Hurley, Council Administrator