

**Exhibit 1**

**Discussion Draft**

**Park Rules and Regulations**

**May 25, 2016**

**FOR DISCUSSION PURPOSES ONLY**

# Park Rules and Regulations

## GOVERNING USE OF COMMISSION PARKS AND RECREATION FACILITIES IN PRINCE GEORGE'S AND MONTGOMERY COUNTIES

Effective \_\_\_\_\_, 2016

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## ***Chapter I: Purpose, Authority and Other Matters***

### **Section 1. Purpose**

The Commission has a responsibility to establish rules and regulations: to provide for the safe and peaceful use of Commission property and parks by the public; for the cultural, educational and recreational benefit and enjoyment of the public; and for the sustainable protection and preservation of the property, facilities, and natural resources entrusted to Commission stewardship.

### **Section 2. Authority**

These Regulations are promulgated pursuant to the Laws of Maryland, including the Maryland Code Ann., Land Use Article, Sections 17-101(d), 17-207, 17-208, 17-209, 17-302(b)(4), 25-804, and 25-807(c), each as amended from time to time.

### **Section 3. Administrative Directives**

(A) Subject to the limitation provided below in Subsection (D), the Commission authorizes a Director to issue Administrative Directives appropriate for the purposes enumerated in these Regulations.

(B) A Director must promulgate, modify, or rescind any Administrative Directive in writing, and must then:

(1) Transmit the Administrative Directive to the Planning Board of that county for publication together with its agenda advertising a regular meeting occurring at least ten (10) days after such transmittal. Publication with the agenda is for the purpose of providing public notice only, and no further action of the Planning Board is required.

(2) Cause the Administrative Directive, or the pertinent provisions thereof, to be: (a) published and maintained on the appropriate Commission website or websites; and (b) posted by signs affixed in appropriate places as required under these Regulations.

(3) Transmit the Administrative Directive to the Park Police and the Executive Director, Secretary-Treasurer, and General Counsel of the Commission.

(C) The adoption or modification of an Administrative Directive is effective on and after the later of: (1) the date specified therein as its effective date; or (2) the first date it has been both published and posted as provided above in Subsection (B). An Administrative Directive shall continue in full force and effect until a termination date specified therein or, if no such termination date is specified, indefinitely until it is modified or rescinded.

(D) A Director shall not issue any Administrative Directive that conflicts with these Regulations, or with any Commission Practice or other rule, regulation or policy of general applicability adopted by resolution, or other binding corporate action of the Commission.

**Section 4. Effective Date**

These Regulations will be effective at 12:01 AM on September 1, 2016, and remain in effect until such time as they may be modified or revoked as provided by law.

## ***Chapter II: Definitions and Construction***

### **Section 1. Definitions**

Terms capitalized in these Regulations are given the meanings prescribed in this Section.

(A) **Administrative Directive:** A policy, rule, procedure, mandate, or similar directive promulgated by a Director pursuant to Chapter I, Section 3 of these Regulations: (1) as applicable with respect to one or more specified Park Properties, Facilities, or Park Programs; and (2) for a purpose authorized by these Regulations.

(B) **Authorized Person:** A Director or another person who is authorized by the Director to take an action or make a determination on the Director's behalf as enabled or required by these Regulations.

(C) **Bicycle:** A bicycle or tricycle that is self-propelled, and not including any motorized or electronic assisted vehicle.

(D) **Commercial Activity:** Any activity on Park Property, whether for profit or not, that solicits, promotes, or effectuates a transaction for value with Commission patrons or visitors, or that otherwise employs Park Property, patrons, or visitors for a commercial purpose, including,

(1) selling, vending, or peddling of any sort (food, beverages, merchandise, amusements, services, etc.);

(2) advertising or promoting merchandise, services, memberships, events, amusements, etcetera (by distributing handbills, displaying signs, or otherwise);

(3) instructing or demonstrating anything for hire (classes for athletics, sports, dancing, tutoring, etcetera);

(4) holding any event open for admission to the general public in exchange for money or anything of value; and,

(5) producing commercial photography, videography, or films.

(E) **Commission:** The Maryland-National Capital Park and Planning Commission.

(F) **Department:** The Montgomery County Department of Parks and the Prince George’s County Department of Parks and Recreation (or a successor department).

(G) **Director:** A person

(1) appointed pursuant to the Maryland Code Ann., Land Use Article, Section 20-204, respectively as the

(a) Director of the Commission’s Montgomery County Department of Parks (or successor department thereto); or

(b) Director of the Commission’s Prince George’s County Department of Parks and Recreation (or successor department thereto);

or

(2) authorized to discharge a Director’s responsibilities during his or her extended absence or incapacitation.

(H) **Electronic Personal Assistive Mobility Device (EPAMD):** A pedestrian device that (1) has two (2) nontandem wheels; (2) is self-balancing; (3) is powered by an electric propulsion system; (4) has a maximum speed capability of fifteen (15) miles per hour; and (5) is designed to transport one person.

(I) **Encroach:** To cause any unauthorized use, occupation, possession, or obstruction of, or other interference with, Park Property, anything on Park Property, or the existing state of Park Property.

(J) **Facility:** Any structural or other improvement to Park Property. Facilities include ball fields, pavilions and other improvements to property that are not necessarily enclosed.

(K) **Organized Play:** Any sport or athletic contest or event that includes uniformed players and an assemblage of at least twenty five (25) people that may include contestants, officials, or spectators.

(L) **Park Police:** The police officers appointed by the Commission pursuant to the Maryland Code, Land Use Article, Section 17-301.

(M) **Park Program:** Any activity, program or event utilizing Park Property that is sponsored by the Commission and open to public attendance or participation.

(N) **Park Property:** Any land or water, devoted to park or recreation uses and owned, operated, or established otherwise by the Commission, and all vegetation or natural substances, and including any Parkway, Facility, and other buildings, fixtures, monuments, structures, and their contents located on such land or water.

(O) **Parkway:** Sligo Creek Parkway, Beach Drive, or Little Falls Parkway.

(P) **Permit:** A document issued by a Director or an Authorized Person affirmatively granting permission for its holder to undertake a specified act or activity otherwise prohibited by these Regulations, or for which these Regulations require a Permit as a condition of such act or activity. For the purpose of these Regulations, a Permit may include a contract, license or lease, Facility rental, Park Program or event, or a similar agreement made by the Commission in the ordinary course and which reasonably includes a grant of permission for the act or activity taken.

(Q) **Regulations:** These Park Rules and Regulations adopted by the Commission as of June \_\_, 2016.

(R) **Smoke:** Any use of a lighted cigarette, cigar, pipe, or similar device that is designed to ignite a solid material (including tobacco, cloves, marijuana, and similar materials of

any nature) and deliver the resultant smoke for ingestion as an inhalant. Smoking does not include Vaping.

(S) **Vaping:** Using e-cigarettes, vaping, and other devices that utilize electronic technologies to vaporize a liquid or sublimate a solid material to produce a gaseous discharge or vapor for ingestion as an inhalant. Vaping does not include Smoking.

**Section 2. Rules of Construction**

(A) When used in these Regulations, the terms “include” or “including” are used by way of example or illustration only, and not in any case for the purpose of limitation.

(B) When used in these Regulations, the singular form shall include the plural, the masculine shall include the feminine and neuter, and the feminine shall include the masculine and neuter.

### ***Chapter III: Regulation of Public Use***

#### **Section 1. Preamble**

The Commission celebrates diversity and welcomes the general public to share Park Property, Facilities, and Park Programs without regard to any person's race, sex, age, color, creed, national origin, marital status, sexual orientation, gender identity, or disability. The Commission may implement administrative policies, practices, and procedures complimentary to its abiding value of providing equal access and equitable opportunities for everyone to enjoy the property and experiences entrusted to the Commission stewardship.

#### **Section 2. Hours of Operation, Unauthorized Presence**

(A) Park Property and Facilities are open daily to the public from sunrise to sunset, except:

(1) An Administrative Directive may provide alternate hours of operation for a Park Property or Facility, including alternate hours deemed appropriate for any trail or trail segments that facilitate bicycle and pedestrian commuting, urban parks, athletic fields, tennis and basketball courts with lighting, and other facilities or areas as appropriate.

(2) A Park Program on Park Property or in Facilities may operate during extended hours.

(3) A Permit may authorize alternate hours of operation or the extended use of a Park Property or Facility.

(4) Parkways remain open twenty-four (24) hours a day for transient motor vehicle traffic only.

(5) An Authorized Person may establish a temporary holiday schedule for a Park Property or Facility.

(6) Operating hours are subject to applicable terms, conditions, and rules limiting access, use or participation, including the payment of applicable fees or similar charges for admission.

(B) The Park Police or other Authorized Person may open or close any Park Property, Facility or Parkway in the event of any exigent circumstance, emergency, inclement weather, or other appropriate official purpose. Such opening or closing will be posted in advance when possible for public notice.

(C) (1) No person shall enter, or be present within, a Park Property or Facility when closed. Violation of the foregoing may subject the violator to civil or criminal penalties.

(2) No person shall enter, or be present within, a business office or other area that is closed to public access. Violation of the foregoing may subject the violator to civil or criminal penalties.

### **Section 3. Regulation of Certain Assemblies**

(A) Any group of people that assembles to constitute or participate in a parade, procession, special event, demonstration, picket line, rally, or similar event on Park Property is required to procure a Permit authorizing such assembly, except as provided below in Subsection (B).

(B) A group consisting of twenty-five (25) or fewer people that assembles for an activity described above in Subsection (A) is not required to procure a Permit if all of the following requirements and conditions are met:

(1) The group must congregate outdoors in an area of the Park Property or Facility open to the general public, and at time when that area is open to the general public without any fee or charge for admission.

(2) The group must not engage in a Commercial Activity or any other activity for which a Permit is required by these Regulations.

(3) The group may congregate only where it is safe (e.g., without obstructing the flow of vehicle, bicycle, or pedestrian traffic), and only where the likelihood of damage to any Park Property or Facility is remote (e.g., without risk of damage to fitness equipment, sod, or protective coverings), each as determined in the discretion of the Park Police or other Authorized Person.

(4) The group must not use or assert use of any Park Property or Facility (or any area therein) to the exclusion of others, if the Commission ordinarily requires a Permit for exclusive use of such area (e.g., a pavilion, athletic field, or camping area).

(5) The group must not occupy a space or area that conflicts with, encroaches upon, obstructs, disrupts or otherwise interferes with the conduct of Commission business, or the use, quiet and peaceable enjoyment of a Park Property, Facility, or Park Program by others lawfully present in that space or area (including any such interference with the lawful use pursuant to this Subsection by another group that congregated first in the same area or its vicinity).

(6) The group must not affix signs, banners, or placards of any sort to a Park Property or Facility by any means whatsoever, including by placing stakes into the ground, unless it obtains a Permit.

(7) The group must not utilize equipment to amplify sound.

#### **Section 4. Permits**

(A) A Permit is required for any of the following purposes or circumstances:

(1) To reserve the use of a Park Property or Facility to the exclusion of others, including athletic courts or fields, recreation buildings, camping and group picnic areas, designated picnic shelters, and any other such facility as designated by Administrative Directive.

(2) To authorize the use of a Park Property or Facility for Organized Play.

(3) To authorize the use of a Park Property or Facility for any Commercial Activity.

(4) To authorize the possession or consumption of alcoholic beverages on Park Property or in a Facility in a place where it is not authorized by Administrative Directive.

(5) To authorize bus parking.

(6) To authorize the grading, excavation, or disturbance of land for archeological or geological purposes, which must be conducted or overseen by a qualified professional as determined by an Authorized Person.

(7) To authorize any construction activity on Park Property.

(8) To authorize the removal or felling of trees or other vegetation on Park Property.

(9) To authorize the assembly of any group for which a Permit is required by Section 3 of this Chapter.

(10) To authorize any event, use, or activity for which a Permit is required by these Regulations.

(B) Applying For a Permit

(1) Permit application forms may be obtained on the applicable Department’s website, Permit offices, or at other designated locations.

(2) The Commission may require payment of a fee or deposit with the submission of a Permit application.

(3) The Commission may require any supplemental information it deems necessary or appropriate to exercise due diligence in evaluating any Permit application.

(C) Evaluation of Permit Application

An Authorized Person may consider the following factors when evaluating a Permit application:

(1) Whether the requested Facility or activity area within Park Property is: (i) available on the date and time requested or another mutually accepted date and time; (ii) safe and appropriate for the specific event or use proposed in the application; and (iii) able to accommodate the proposed use without a likelihood of conflicts, disruptions, or incompatible experiences with other uses or activities in the Park Property or Facility;

(2) Whether the use or event proposed: (i) is consistent with maintaining the open, unspoiled, natural condition of the applicable Park Property; (ii) would create any unsafe condition in the area within or immediately surrounding the applicable Park Property or Facility; or (iii) would otherwise create or lead to a violation of any local, state or federal law;

(3) Whether any extraordinary security requirements or parking, vehicular and pedestrian traffic control or similar measures would be necessary or appropriate to keep good public order or mitigate public safety risks that may arise during the use proposed;

(4) Whether any measures would be necessary or appropriate to maintain adequate sanitation, provide adequate drinking water, and otherwise protect the public health during the use proposed;

(5) Whether the Permit applicant or any other party affiliated with, controlled by, or legally responsible to the Permit applicant has: (i) provided to the Commission any information in connection with the pending or any previous Permit application that was false or materially misleading; (ii) failed to comply on a prior occasion with the terms or conditions of any Permit issued by the Commission or another park or recreation agency without legal excuse; or (iii) on a prior occasion violated without legal excuse any applicable Commission rule or regulation;

(6) Whether the applicant has the financial capacity and other capabilities necessary to (i) adequately maintain the public health, safety, and welfare during the proposed use or event; and (ii) satisfy the cost of any general liability claims or property damage arising in connection with the applicant's proposed use or event; and,

(7) Whether the proposed use otherwise comports with the essential operations of the Commission and the general public health, safety, and welfare.

(D) Issuance or Denial of Permit Application

(1) Within a reasonable length of time following receipt of a completed Permit application, all required fees and deposits, and all information requested by an Authorized Person, the Authorized Person shall either issue the Permit or provide the applicant with a written statement indicating the reasons for denying the Permit.

(2) An Authorized Person may issue a Permit subject to any reasonable terms or conditions, including (i) any terms or conditions deemed appropriate to manage or adequately control a situation or factor described above in Subsection (C); or (ii) the terms or conditions described below in Subsection (E).

(3) A Permit may be issued for a single time use, seasonally, or on an indefinite basis as appropriate for the Park Property, Facility or applicable portion thereof.

(4) A written decision signed by the Director to deny a Permit shall constitute a final decision of the Commission.

(E) Permit Terms, Conditions and Special Rules

(1) Each Permit issued will be subject to the following terms and conditions:

(a) The Permit holder must make timely payment of all applicable fees and deposits.

(b) Any person participating in a permitted use or event must comply with all applicable local, state, and federal laws.

(c) Any person participating in a permitted use or event must comply with these Regulations and applicable Administrative Directives, unless, and only to the extent, otherwise provided or authorized by that Permit.

(d) Any person participating in a permitted use or event must comply with all terms and conditions included with the Permit.

(e) The Permit holder must maintain physical possession of the Permit onsite during the permitted use or event and must display the Permit upon request by Commission personnel.

(f) The Permit holder assumes liability for all claims for damage, injury, or loss to any persons or property arising in connection with the Permit holder's use or event, including any such claims attributable to a third-party invitee who participates in the Permit holder's use or event.

(g) No person participating in a permitted use or event may (i) in any way obstruct, delay, or interfere with the free movements of any other person; (ii) seek to coerce or physically disturb any other person; (iii) hamper or impede the conduct of any authorized business or activity on Park Property; or (iv) conduct any activities in a misleading or fraudulent manner.

(2) As a condition of issuing a Permit, the Commission may reasonably require the applicant to

(a) pay a reasonable fee or deposit in advance to defray or cover in full the Commission's estimated cost to facilitate the use or event proposed;

(b) procure, at the applicant's sole expense, one or more policies of insurance (i) naming the Commission as an additional insured, (ii) issued by underwriters acceptable to the Commission, and (iii) providing coverage for general liability or property damage at policy limits determined within the Commission's discretion; and

(c) procure, at the applicant's sole expense, one or more bonds issued by a surety acceptable to the Commission as necessary to guaranty the applicant's compliance with, and timely performance of, various obligations required as terms and conditions of the issuance of a Permit.

(3) A Permit authorizes the Permit holder to use the specified Facility or a site within Park Property to the exclusion of others for the limited purposes specified in the Permit, and only for the dates and times specified therein. During the effective period of a Permit, a Permit holder may limit the use of the site or facility more strictly than the limits imposed by these Regulations or applicable Administrative Directive, provided that any further limitation is lawful.

(4) The holder of an expired Permit and any other person who does not hold a Permit authorizing the use of a specified Facility or a site within Park Property must vacate that site or Facility promptly upon the arrival of a Permit holder who is so entitled.

(5) The Park Police or an Authorized Person may impose temporary rules to control vehicle parking and pedestrian access related to a permitted event, including ceremonial gatherings, rallies, demonstrations, and pageants.

#### (F) Revocation

Any violation of a rule, term, or condition of a Permit may result in immediate revocation of the Permit, loss of all privileges or authorization otherwise arising under the Permit, and forfeiture of any deposits and fees paid in connection with the Permit.

## ***Chapter IV: Prohibited Activities and Conduct***

### **Section 1. Preamble**

The Commission is committed to providing the residents of Montgomery County and Prince George's County with exceptional parks and recreational experiences to enjoy in a safe, healthy, and sustainable environment. Visitors to any Park Property and participants in any Park Program must behave in a manner that is respectful of others and preserves the public investment in assets entrusted to Commission stewardship. Certain conduct described further in this Chapter is accordingly prohibited, and any violation of these Regulations may result in civil or criminal penalties. These Regulations and this Chapter apply in addition to, and not in limitation of, any local, state, or federal law that concurrently prescribes or prohibits the conduct of a person present on Park Property.

### **Section 2. General Provisions**

(A) No person shall enter or be present in any Park Property or Facility when or where it is closed to public access, except as authorized by Permit or other invitation by an Authorized Person.

(B) No Permit holder or other person participating in a permitted use or event on Park Property shall violate any terms or conditions of the Permit, including the terms, conditions, and special rules listed in Chapter III, Section 4, Subsection (E).

(C) No person shall fail to promptly comply with a command or direction given by the Park Police or other Authorized Person to implement or enforce a provision of these Regulations, applicable Administrative Directive, or the terms and conditions of a Permit.

### **Section 3. Alcohol, Controlled Substances and Smoking**

(A) No person shall possess, use, or distribute beverages containing alcohol on Park Property, except as authorized by Permit or Administrative Directive.

(B) No person shall possess, use, or distribute illegal drugs or any controlled dangerous substance on Park Property if possession thereof is subject to criminal or civil prohibition.

(C) No person shall Smoke on Park Property or in any Commission vehicle, except as authorized for specified areas of designated Park Properties, Facilities or specified areas thereof by applicable Administrative Directive.

(D) No person shall use a Vaping device (1) inside Park Property or in any Commission vehicle; or (2) outside on Park Property in any area where such use is prohibited by posting.

(E) No person shall use chewing tobacco or any other smokeless tobacco product on Park Property in any area where such use is prohibited by posting.

**Section 4. Indecent Conduct, Harassment**

(A) No person shall urinate or defecate on Park Property other than in the restrooms or designated sanitary facilities.

(B) No person shall engage in the act of sexual intercourse or another sexual act of any nature, or shall perform any indecent or obscene act on Park Property.

(C) No person shall verbally threaten or harass another on Park Property, whether the threat or harassment is of a sexual nature or not.

**Section 5. Assembly, Obstruction and Interference**

(A) No person shall participate in an assembly or group for which a Permit is required by Chapter III, Section 3, unless the required Permit is issued.

(B) Notwithstanding whether a Permit is issued for an assembly or group, no person participating therein shall

(1) occupy a space or area that conflicts with, encroaches upon, obstructs, disrupts, or otherwise interferes with the conduct of Commission business or the use, quiet and peaceable enjoyment of a Park Property, Facility, or Park Program by others lawfully present in that space or area, including for the purpose of ingress, egress, pedestrian access, or traffic flow;

(2) affix signs, banners, or placards of any sort to any Park Property or Facility by any means whatsoever, including by placing stakes into the ground, except as authorized by Permit or Administrative Directive; or

(3) utilize equipment to amplify sound.

**Section 6. Interference, Official Duties**

(A) No person shall obstruct, hinder, or unreasonably interfere with any Commission employee acting in the course of his or her official duties.

(B) No person shall obstruct, hinder, or unreasonably interfere with a first-responder in the performance of his or her official duties.

(C) No person shall obstruct, hinder, or unreasonably interfere with a person engaging in activities pursuant to a valid Permit.

**Section 7. Destruction of Park Property**

No person shall deface, destroy, injure, misuse, or remove any Park Property.

**Section 8. Littering, Dumping and Storage**

(A) No person shall litter on Park Property, and all refuse and recyclable materials that originate during a person’s presence on Park Property must be placed in designated trash or recycling receptacles.

(B) No person shall deposit any refuse or recyclable materials in a designated trash or recycling receptacle located on Park Property, unless the trash or recyclable materials are generated as such during the person’s lawful presence on that Park Property.

(C) No person shall dump, abandon, discard, release, or spill any refuse, bulk trash, liquid or gaseous material, or similar objects or substances on Park Property, except as authorized by Permit, or unless an appropriate receptacle is provided expressly for public use and authorized by posted signage.

(D) No tangible property or material of any kind may be stored or otherwise maintained on Park Property, except as authorized by Permit.

### **Section 9. Posting Notices**

No person shall attach or post any notice, sign, or any similar objects on Park Property, except as authorized by Permit.

### **Section 10. Erecting Structures, Enclosures**

No person shall erect any structure, including a tent or shade canopy, or construct any enclosure on Park Property, whether temporary or permanent in nature, except as authorized by Permit or Administrative Directive. Unlawful Encroachment on Park Property is further regulated in Chapter VII.

### **Section 11. Commercial Activities**

No person shall solicit or otherwise undertake any Commercial Activity on Park Property, except as authorized by Permit or Administrative Directive.

### **Section 12. Amplified Sound and Noise**

No person shall operate any device to amplify sound or otherwise create excessive noise so as to disturb the peace and public enjoyment of Park Property, except as authorized by Permit or Administrative Directive for a particular place or location.

### **Section 13. Motorized Vehicle Service**

No person shall service, repair, clean, or wax any vehicle on Park Property, except in case of a bona fide emergency.

### **Section 14. Fireworks and Explosives**

No person shall possess or discharge any fireworks or other explosive materials or devices on Park Property, except as authorized by Permit.

**Section 15. Weapons**

No person shall carry, possess, or discharge a bow and arrow, dart, firearm, ammunition for a firearm, knife with a blade longer than three (3) inches, or any other dangerous weapon on Park Property except where authorized in designated areas by Administrative Directive; provided, that this provision does not apply to any law enforcement officer.

**Section 16. Gambling**

No person shall engage in gaming or gambling for money or any other thing of value on Park Property, except as authorized by Permit for charitable purposes.

**Section 17. Metal Detectors, Digging**

No person shall use a metal detector or dig into the surface of Park Property, except as authorized by Permit.

**Section 18. Animals & Wildlife**

(A) Except in designated areas, no person shall bring or possess an animal on Park Property without keeping it at all times on a physical leash that is attached to the animal by collar or harness.

(B) No person who brings an animal onto Park Property shall fail to immediately clean up and remove the animal's feces or other waste from the Park Property or dispose of the waste in a receptacle designated for that purpose.

(C) No person shall allow an animal to graze on Park Property, except as provided by Permit.

(D) No person shall abandon or release any animal, whether domestic or wild, anywhere on or about Park Property, except as authorized by Permit or by Administrative Directive.

Domestic animals that are lost, escaped, or abandoned on Park Property may be impounded and shall be treated in accordance with applicable local, state, and federal laws.

(E) No person shall bring or possess a domestic animal, except for a bona fide service animal, on Park Property in any area where such animals are prohibited as indicated by a sign posted by the Commission.

(F) No person shall catch, injure, destroy, or interfere in any way with any wildlife on Park Property, except as otherwise provided by Chapter VI, Section 7, Fishing and Section 10, Hunting/Trapping.

### **Section 19. Trees, Plants and Minerals**

(A) No person shall injure, destroy, or interfere in any way with any trees, plants, or minerals on Park Property, except as authorized by Permit or Administrative Directive.

(B) No person shall plant or harvest vegetation or cause the planting or harvesting of vegetation on Park Property, except as authorized by Permit or Administrative Directive.

(C) No person shall remove, cut, saw, or otherwise attempt to remove in any manner any live or dead trees, limbs, branches, roots, or any other part of a tree on Park Property, except as authorized by Permit.

### **Section 20. Found Objects**

(A) A person shall report and surrender to the Park Police any object or other personal property belonging to someone else promptly upon finding it. A person shall not fail to report and surrender found personal property as required by this subsection.

(B) Any Commission employee who takes possession of personal property that is found with a fair market value exceeding twenty (20) dollars must promptly notify the Park

Police. The Park Police may take custody of any such item of significant value as determined in its discretion.

(C) The Park Police shall maintain an inventory of the found objects in its custody or otherwise collected by Commission employees, and shall report to the Director periodically on the status thereof.

(D) A person who is the owner of any found item in the custody of the Park Police may recover such property by presenting proper identification and sufficient evidence of ownership at Park Police Headquarters.

(E) Any found items that are not claimed within three (3) months of receipt by the Commission shall be deemed abandoned and may be destroyed, donated to charity, or become the property of the Commission.

### **Section 21. Archaeological and Cultural Artifacts, Fossils**

No person shall dig into the surface of Park Property or remove fossils, archaeological, or cultural artifacts from Park Property, including projectile points, historic bottles, historic coins, and Civil War relics, except as authorized by Permit.

### **Section 22. Intended Use of Park Property**

No person shall misuse or abuse any Park Property by utilizing it in any manner other than as appropriate according to its intended design or in another manner in which the Commission normally employs that Park Property in the ordinary course.

## ***Chapter V: Regulation of Certain Recreational Activities***

### **Section 1. Aeronautical Activities**

(A) Piloted Aircraft. No person shall operate, fly, or launch any airplane, helicopter, gyrocopter, helium or hot-air balloon, hang glider, parachute, ultra-light plane, or similar craft or aerial vehicle that requires an onboard pilot from Park Property, except

(1) as authorized by Permit; or

(2) as authorized expressly for College Park Airport (i) by applicable state and federal aviation laws and regulations; and (ii) subject to applicable Administrative Directives.

(B) Remote Controlled and Similar Devices. No person shall operate, fly, control, or launch any model aircraft, model helicopter, model rocket, powered projectile, drone, unpersonned aerial vehicle, or similar airborne device remotely from Park Property, except

(1) as authorized by Permit, and only if conducted in a manner that is not hazardous to Commission personnel or the general public; or

(2) as authorized expressly in designated areas, subject to applicable Administrative Directives, and only if conducted in a manner that is not hazardous to Commission personnel or the general public.

(C) Prohibited Devices. Certain powered or unpowered flying devices, including manja or other types of kites or projectiles deemed to be hazardous to Commission personnel or the general public, may be prohibited by Administrative Directive.

### **Section 2. Amusement/Play Equipment**

The temporary construction and/or use of amusement play equipment, (including a moon bounce, carousel, dunk tank, ball crawl, and pony ride) is permissible only as authorized by Permit.

**Section 3. Athletic Fields**

Notwithstanding a Permit previously issued, an Authorized Person may cancel, suspend, or restrict the use of an athletic field if wet grounds or other unsuitable conditions may result in damage to the grounds or related areas.

**Section 4. Bicycling**

(A) All bicyclists and their passengers operating on Park Property must adhere at all times to applicable state and local laws, including the use of a helmet under Maryland Code, Transportation Section 21-1207.1, as amended from time to time.

(B) Unless otherwise posted, bicycling is permitted on roads on Park Property, including Parkways.

(C) Unless otherwise posted, bicycling is permitted on official paved and natural surface trails on Park Property, subject to the following requirements:

(1) Bicyclists must yield to pedestrians and horseback riders at any trail crossing and must otherwise exercise due care to avoid colliding with any other trail users.

(2) Bicyclists must not operate at a speed exceeding the lesser of:

(a) a posted trail speed limit, or, if no speed limit is posted, 20 miles per hour; or

(b) a speed that is reasonable and prudent under existing conditions or as directed by Park Police or other Authorized Person.

(3) Bicyclists must keep right, except as necessary to pass, and must alert other trail users before passing.

(4) Bicyclists operating on trails must yield to all vehicular traffic at intersecting roadways.

(C) A trail on Park Property where operating a Bicycle is allowed is deemed a “Public Bicycle Area” within the meaning of the Maryland Code, Transportation Article, Title 21, Section 21-101(o) as amended from time to time.

(D) No person shall operate a Bicycle on any surface, or in any Facility or other area that is not designed for bicycling or intended to withstand Bicycle use without damage, including building interiors, tennis courts, basketball courts, athletic fields, landscaped areas, skateboard equipment and other park structures.

### **Section 5. Boating**

(A) No person shall operate or launch a boat or other watercraft on any lake, stream, pond, river bank, or other Park Property except as authorized by Permit.

(B) Operators and occupants of permitted watercraft must comply with all applicable Administrative Directives and local, state, and federal law governing the use and operation of such watercraft.

### **Section 6. Camping**

No person shall camp on Park Property except as authorized in designated areas by Permit or Administrative Directive, and subject to payment of applicable fees.

### **Section 7. Fires**

(A) Fires are permissible only in (1) fireplaces or grills designated by the Commission for this purpose; and (2) personal grilling equipment or camp stoves in areas designated for picnics or camping.

(B) Before leaving a site after a fire, a person who makes the fire must

- (1) soak any hot coals with water thoroughly until they are cold; and
- (2) dispose of the wet coals in steel receptacles labeled "COALS ONLY," if available, or, if not available, remove the wet coals from Park Property.

(C) Making fires may be further limited or prohibited by Administrative Directive.

**Section 8. Fishing**

Unless otherwise posted, fishing is permissible on Park Property subject to compliance with the angler's licensing and other requirements set forth in the Maryland Code Ann., Natural Resources Article, Title 4, as amended from time to time, or in any other applicable local, state, or federal law.

**Section 9. Golf**

Playing or practicing golf is permissible only on established golf courses or driving ranges, or other golf practice areas designated by Administrative Directive.

**Section 10. Horseback Riding**

(A) Unless otherwise posted, horseback riding is permissible on designated trails, subject to the following requirements:

- (1) Horseback riders must yield to pedestrians and bicyclists.
- (2) Horseback riders must ride at a speed that is reasonable and prudent under existing conditions or as directed by Park Police or other Authorized Person.
- (3) To the extent possible, horseback riders must keep right, except as necessary to pass, and must alert other trail users before passing.
- (4) Horseback riders must yield to all vehicular traffic at intersecting roadways.

**Section 11. Hunting/Trapping**

(A) No person shall hunt on Park Property except

- (1) as authorized by Permit;
- (2) in areas designated by Administrative Directive; and,
- (3) in compliance with Administrative Directives and subject to applicable local, state, and federal laws.

(B) No person shall trap wildlife on Park Property except as authorized by Permit, which shall only be issued for a scientific or animal control purpose.

**Section 12. Picnicking**

Picnicking by a group of twenty-five (25) or fewer is permissible in designated picnic areas or as authorized by Permit or Administrative Directive. Picnic areas not requiring a Permit are available on a "first-come, first-served" basis.

**Section 13. Roller Skating and Similar Activities**

Roller skating, inline skating, roller-blading, self-propelled scooters, skateboarding and operating other self-propelled locomotive devices or equipment are permissible except (A) in areas where prohibited by Administrative Directive and posted accordingly; or (B) on any surface, or in any Facility or other area that is not designed or intended to withstand use of such device without damage, including building interiors, athletic fields, playground equipment, landscaped areas, and other park improvements.

**Section 14. Segways and Other Motorized Devices**

(A) No person shall operate an unlicensed motorized scooter, motorized or electrically assisted bicycle, segway, hover-board or similar motorized personal locomotive device except

(1) as authorized by Permit; or

(2) in areas where expressly designated by Administrative Directive and posted accordingly.

(B) The prohibition in this Section shall not apply to motorized wheelchairs and other equipment or devices necessary to accommodate a disability or impairment of personal mobility.

**Section 15. Swimming, Water Sports**

Swimming, wading, and other water sports in streams, ponds, lakes, and rivers is permissible only in areas authorized by Administrative Directive and posted accordingly.

**Section 16. Winter Activities**

(A) Snowshoeing and cross-country skiing are permissible in areas suitable under the circumstances.

(B) Ice skating, sledding, skiing, snowboarding, snowmobiling, tobogganing, tubing, or any other winter sports are permissible only in areas designated by Administrative Directive and posted accordingly.

***Chapter VI: Regulation of Traffic and Parking***

**Section 1. Preamble**

(A) To assure the public safety on Park Property, any operator of a vehicle must comply with applicable laws and regulations that pertain to such operation, including these Regulations and the Maryland Vehicle Law (Maryland Code Ann., Transportation Article, Titles 11 through 27).

(B) Notwithstanding a law, regulation, or posted traffic instruction, any operator of a vehicle on Park Property must comply with the direction or instruction given by the Park Police or other Authorized Person.

**Section 2. Permissible Roadways**

No person shall:

- (a) Operate any vehicle on Park Property, on a roadway, or street to which public access is prohibited.
- (b) Operate any motorized vehicle on Park Property in an area that is not designated as a roadway or street for vehicular traffic.

**Section 3. Speed Limit**

(A) Except as provided below in Subsection (B), no person shall operate any vehicle on Park Property at a speed exceeding the lesser of

- (1) twenty-five (25) miles per hour; or
- (2) the posted speed limit; and
- (3) a speed that is (i) reasonable and prudent under existing conditions; or (ii) as directed by an Authorized Person.

(B) No person shall operate any vehicle on Little Falls Parkway at a speed exceeding the lesser of

- (1) thirty-five (35) miles per hour; or
- (2) the posted speed limit; and

(3) a speed that is: (i) reasonable and prudent under existing conditions; or (ii) as directed by an Authorized Person.

**Section 4. Vehicle Weight Limit and Certain Activities**

(A) No person shall operate or park any vehicle (including a truck, bus or similar commercial vehicle) having a gross vehicle weight exceeding 10,600 pounds on Park Property or a Parkway, except

- (1) an emergency vehicle operated by any local, state or federal public safety agency;
- (2) a licensed tow truck assisting a vehicle disabled on Park Property;
- (3) a licensed commercial bus or school bus collecting or discharging passengers for the purpose of use and enjoyment of Park Property;
- (4) as authorized by Permit or Administrative Directive; or
- (5) as authorized specially for a single occurrence or event by permission granted by the Park Police or an Authorized Person.

(B) The operation of any food or merchandise truck, trailer, cart, gaming, amusement vehicle, or any other similar concession, while on Park Property is prohibited unless authorized by Permit or Administrative Directive.

**Section 5. Parking Regulations**

(A) (1) Vehicle parking on Park Property is allowed only during normal business hours for the use and convenience of Commission employees, patrons, and visitors.

(2) No person shall park any vehicle on Park Property at any time or for any purpose other than his or her lawful use and enjoyment of Park Property.

(B) No person shall stop, stand, idle, or park a vehicle on Park Property

- (1) in front of a public or private driveway;\*
- (2) on a sidewalk;\*
- (3) at an intersection, or within twenty (20) feet of an intersection;\*
- (4) no a crosswalk, or within twenty (20) feet of a crosswalk;\*

- (5) between a safety zone and the adjacent curb, or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless otherwise indicated by a posted sign, marking, or officer;\*
- (6) alongside any obstruction;\*
- (7) on a bridge or other elevated structure;\*
- (8) contrary to an official sign that prohibits, or regulates, stopping, standing, parking, or the manner of parking in general;\*
- (9) on the travel-portion of a roadway or public driveway;
- (10) on or within twenty (20) feet of any bicycle path, hiker path, bridle path, or access road or entrance thereto;
- (11) so as to obstruct another vehicle or traffic;
- (12) so as to occupy more than one parking space or to park across painted parking lines;
- (13) any Park Property when the property is not open to the public;
- (14) on any grassy area, tree, shrub, plant, or vegetation, unless specifically allowed by the Commission;
- (15) on any Park Property other than that designated for vehicular parking;
- (16) within fifteen (15) feet of a fire hydrant; or \*
- (17) within thirty (30) feet on the approach to any flashing signal, stop sign, yield sign, or traffic control device located at the side of a roadway.\*

*\* Violations of these provisions are subject to additional penalties pursuant to Md. Code Ann, Trans. §27-101.*

(C) A person who stops or parks any vehicle adjacent to any roadway on Park Property must

- (1) remove the vehicle from the traveled lane or traveled portion of such roadway;
  - (2) stop or park the vehicle in the same direction as authorized traffic movement;
- and

(3) position the vehicle with both sides of the wheels parallel to, and no more than twelve (12) inches from the curb, or the boundary of the roadway.

(D) (1) No person shall park a vehicle or otherwise obstruct any space, curb cut, ramp, passenger loading zone or similar traffic accommodation designated for individuals with disabilities only, except as otherwise provided below in Subsection (D)(2).

(2) Any person who parks a vehicle or otherwise uses a parking space or similar traffic accommodation designated for exclusive use by individuals with disabilities must visibly display on their vehicle the special disability registration placard or license plate issued by the Maryland Motor Vehicle Administration or a comparable agency of another state, territory, or sovereign jurisdiction.\*

(E) No person shall park or idle a bus on Park Property except as authorized by Permit, Administrative Directive, posting in an area designated for bus parking, or temporary permission granted by an Authorized Person.

## **Section 6. Impoundment of Illegally Parked or Abandoned Vehicles**

As provided by law, the Commission may:

(A) Remove and impound any vehicle parked on Park Property illegally at the owner's sole cost and expense.

(B) Sell or destroy a vehicle that remains unclaimed after impounding, upon giving due notice to the vehicle owner, and any other interested party entitled to notice by applicable law.

## ***Chapter VII: Encroaching on Park Property***

### **Section 1. Preamble**

As the steward of parkland, open spaces, and natural resources in Montgomery and Prince George's Counties, the Commission must ensure that Park Property is protected for use by the public and preserved for the general health and welfare. The Commission generally prohibits encroachments because they may:

- (A) Affect water quality, forest health, recreational experiences, or complicate intended plans for park uses.
- (B) Restrict or limit the public use and enjoyment of lands and other resources maintained by the Commission for the benefit of all residents.
- (C) Pose a safety hazard to the public and give rise to claims from resultant injuries.
- (D) Damage the natural environment and undermine the Commission's stewardship role in protecting natural features.
- (E) Destabilize public lands and increase the risk of consequential damage to adjacent private lands.
- (F) Result in taxpayer costs to restore degraded public lands.

### **Section 2. Encroachment Prohibited**

No person shall Encroach on Park Property except as authorized by Permit.

### **Section 3. Examples of Encroachments**

Examples of acts that Encroach include:

- (A) Erecting structures, fixtures, or structural elements (e.g., fences, tree-houses, swing sets, decks, pools, sheds, and retaining walls), or altering the property's non-structural features (e.g., pits, ditches, grading, tunnels, and channels).
- (B) Taking, planting, or disturbing vegetation (e.g., mowing, harvesting, grooming, applying pesticides, landscaping, gardening, and pruning).
- (C) Disposing of, or otherwise discarding, any material or objects (e.g., grass clippings, brush, yard waste, trash, debris, and recycling materials).

(D) Storing personal property, equipment, or materials (e.g., boats, recreational or other vehicles, firewood, supplies, and tools).

**Section 4. Enforcement**

A person who Encroaches on Park Property is subject to citation for a civil infraction of these Regulations. Such citation shall be in addition to, and not a limitation of, any other legal or equitable relief available in a court of competent jurisdiction.

## ***Chapter VIII: Violations and Miscellaneous Provisions***

### **Section 1. Violations and Penalties**

(A) A violation of these Regulations may result in administrative action by the Commission, including,

- (1) a verbal or written warning;
- (2) notification of a parent, guardian, next of kin, or other legally responsible third party;
- (3) revocation or suspension a Permit; and,
- (4) suspension of future admission to, or participation in, one or more Park Properties, Facilities, sponsored activities, or Park Programs.

(B) In addition to any administrative action taken, a violation of these Regulations may also result in any other action authorized at law or in equity, including,

- (1) civil/traffic citations for infractions with applicable fines or penalties as provided below in Subsection (C);
- (2) civil action seeking a court order to enjoin the violating person and compel or prohibit their future conduct or activities in relation to the Commission business;
- (3) a civil judgment for joint and several liability to pay the Commission and others for damages to Park Property, Facilities, and personal injuries caused alone or in concert with others; and
- (4) criminal prosecution, if applicable, as provided below in Subsection (D).

#### **(C) Civil Penalties for Infractions**

(1) Except as otherwise provided in this Section, any violation of these Regulations is subject to civil citation and a fine not to exceed (a) \$50 for the first infraction, (b) \$100 for a second or subsequent infraction, or (c) such greater amount as may be authorized by Maryland law. Maryland Code Ann., Land Use Article, Section 17-208.

(2) A violation of these Regulations for smoking a cigarette, cigar, or other tobacco product on Park Property in an area that is not designated for smoking by the

Commission as provided in Chapter IV, Section 3, is subject to civil citation and (a) a warning for a first infraction, (b) a fine of \$25 for a second or subsequent infraction, or (c) such greater amount of a fine as may be authorized by Maryland law. Maryland Code Ann., Land Use Article Section 17-207(b).

(3) A violation of these Regulations for hunting or trapping on Park Property without authorization is a misdemeanor punishable by fines, restitution, license suspension, and imprisonment as provided under Maryland law. Maryland Code Ann., Land Use Article, Sections 17-209(b) and 17-210; Natural Resources Article Section 10-1101.1.

(4) [Reserved].

(D) In addition to any administrative or civil action, penalty, or liability taken or imposed for a violation of these Regulations, any person who commits a misdemeanor or felony on Park Property is subject to arrest, prosecution and, upon conviction by a court of competent jurisdiction, punishment as provided by applicable local, state, or federal laws.

A person aggrieved by any administrative action taken by the Commission as a result of a violation of these Regulations may make a request for the appropriate Director to review such action. The request must be made in writing delivered within five (5) business days of the action under review, and the Director shall provide a written response to any timely request for such review.

## **Section 2. Employees Working**

These Regulations do not apply to Commission employees working reasonably within the scope of their employment duties or responsibilities to the extent they are assigned by an Authorized Person.

## **Section 3. Certain Exception for Park Programs**

A person who acts with good cause and reasonably at the direction of an Authorized Person working as part of a Park Program shall be deemed to have not violated these Regulations for such acts.

**Section 4. Severability**

If any provision of these Regulations, or its application to any person or circumstance, is held invalid for any reason in a court of competent jurisdiction, that invalidity shall not affect other provisions or any other application of these Regulations which can be given effect without the invalid provision or application, and, for this purpose, these Regulations are severable.

**Exhibit 2**

**Maryland-National Capital  
Park and Planning  
Commission**

**Park Rules and Regulations**

**Adopted March 21, 2001**

## Park Rules and Regulations

### GOVERNING USE OF COMMISSION PARKS AND RECREATION FACILITIES IN PRINCE GEORGE'S AND MONTGOMERY COUNTIES

Effective March 21, 2001

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Appendix: Administrative Directives

Park Rules and Regulations

## Duties and Programs

### *Chapter I: Purpose, Authority, Enforcement*

#### **Section 1. Purpose**

The Commission has a responsibility to establish regulations to provide for the safe and peaceful use of Commission property and parks by the public; for the educational and recreational benefit and enjoyment of the public; and for the protection and preservation of the property, facilities and natural resources of the Commission.

#### **Section 2. Authority**

A. Article 28, Section 5-113 of the Annotated Code of Maryland authorizes these Regulations and the posting of specific regulations at appropriate sites.

B. The Commission authorizes the Director (as defined in II A below) to promulgate special rules necessary and appropriate to administer these Regulations. Such rules must be in writing and may be obtained from the Department of Park and Planning of Montgomery County or the Parks and Recreation Department of Prince George's County.

C. Additional rules and regulations may apply at a specific facility or program. In the event such a rule or regulation issued for purposes of a specific facility or program conflicts with any applicable rule and regulation set forth herein, the rule or regulation provided herein shall be deemed to control.

#### **Section 3. Violations and Penalties**

A. Participant violations of the Code of Conduct set forth among the provisions of Chapter V of these Regulations will result in action by Commission Staff which may include, but is not limited to, the following:

- Verbal warning
- Notification of Parent/Guardian/Next of Kin
- Suspension from Commission programs, activities and facilities
- Liability for any damage to the property or facilities of the Maryland-National Capital Park and Planning Commission or the property and facilities of others resulting from acts of the participant, either solely or in concert with others
- Civil Citations/Traffic Citations
- Criminal prosecution under the laws of the State of Maryland

B. Any person violating the provisions of these Regulations may be issued a civil citation and, upon conviction, be punished by a fine not to exceed \$50.00 for the first offense, or

\$100.00 for the second or further offenses. Any person violating any Federal, State, County or local law or ordinance in force and applicable to park property, shall upon conviction thereof, be punished in accordance with the applicable penalty provisions of the law or ordinance (see Art. 28, Sec. 5-113(b)(3)).

## *Chapter II: Definitions*

### Section 1. Definitions

#### **A. Director**

The Director of the Department of Park and Planning in Montgomery County and the Director of Parks and Recreation in Prince George's County are the officials responsible for implementation and administration of Commission regulations on a regional basis for park property.

#### **B. Park Property, Commission Property**

Any land or water, devoted to park or recreation uses and owned, operated or established by the Commission, and all vegetation or natural substances, buildings, fixtures, monuments, structures and their contents located on Commission land or water.

#### **C. Public Bicycle Area**

Any highway, bike path, or other facility or area maintained by the State of Maryland, a political subdivision, or the Commission for the use of bicycles.

#### **D. Bus**

A motor vehicle designed to carry more than ten passengers; or any other motor vehicle that is designed and used to carry people for compensation.

#### **E. Permit**

Written permission and/or an official form issued by the Director or designee.

#### **F. Sexual Harassment** includes, but is not limited to, the following:

Verbal or physical sexual advances, including pressure for sexual activity; unwelcome sexually motivated comments, touching, pinching, patting or intentional brushing against; verbal harassment or abuse; and remarks or gestures of a sexual nature.

#### **G. Administrative Areas**

Property dedicated to the Commission's administrative functions and activities, such as buildings used for administrative activities, maintenance yards, police stations, as well as the sidewalks and the parking lots abutting those areas.

## *Chapter III: Regulation of Public Use*

**Section 1. Use by the General Public**

Park property and park and recreation programs are open to use by all members of the public regardless of race, gender, age, national origin, color, creed, disability, sexual orientation or impairment.

**Section 2. Hours of Operation**

A. Except for Commission employees or persons accompanied by Commission employees, no person shall be on Commission or Park property from sunset to sunrise unless that facility is officially open for public use.

B. Any park property may be closed by the Director to the public entirely or for certain uses. Such closing shall be posted in advance when possible for public notice.

C. Commission facilities or programs are subject to holiday schedules.

**Section 3. Permits**

A. Permits Are Required For:

- The reserved use of athletic fields, recreation buildings, camping and group picnic areas and certain other facilities as designated.
- Solicitation of contributions, signatures, or moneys.
- Conducting a parade, procession or rally. Conducting an assembly or rally using amplification equipment (also referred to as amplified speech).
- Conducting surveys, interviews or polls.
- Still photography, celluloid, or digital video filming for commercial purposes.
- Certain picnic shelters.
- Conducting any form of commercial speech. Commercial speech is defined as speech that promotes a product or service for profit or any other commercial purpose.
- Other activities and uses indicated as requiring a permit in Chapters V and VI of these Regulations.
- Teaching or instruction for hire.
- Notwithstanding any lease or other written agreement existing between a third-party and the Commission, any activity on Park Property not expressly authorized under the terms of such lease or agreement shall require a permit as provided in these Regulations.

B. Procedure For Permits: Permit applications may be obtained from the Park Permit Offices of the Departments or other designated locations for use of facilities or activities in the

appropriate County.

The permit shall be issued within a reasonable length of time following receipt of the application, all required fees and deposits, and all information requested by the Director, or the applicant shall be furnished a written statement indicating the reasons why the permit has been denied. In the event that a permit is denied, the applicant may apply to a court of record, having jurisdiction over the parties, within ten days of denial of permit, to obtain judicial review of such restriction and denial

C. Permits are Issued Subject to these Conditions:

1. Payment of all applicable fees and deposits;
2. Permits may be issued for a single time use, seasonally, or on an indefinite time basis for regional parks, athletic fields, recreation centers or community buildings.
3. Permits will be issued upon a determination by the Director or his/her designee that the facility or activity areas applied for 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 of the relevant park property and with public health, safety and welfare. The Director may deny permit if the request is inconsistent with maintaining the open, unspoiled, natural condition of the parks.
4. The application may be granted and the permit may be issued unless one or more of the following facts is found to exist:
  - a. That one or more of the statements in the application is not true.
  - b. When the applicant or any agent or representative of the applicant who will participate under the permit has previously violated any portion of the Regulations of the Commission, or has violated any of the terms and provisions of any prior permit.
  - c. When the permit seeks use of all or part of an administrative area.
5. Permits are issued subject to:
  - a. All regulations presently in effect, as though inserted as part of the terms of the permit.
  - b. Revocation at any time for violation of any provision of the permit.
  - c. Liability for any damage, injury or loss sustained by persons or property as a result of permittee's negligence or that of any member of that group.
6. The permit must be in the possession of the permittee and shown upon request.
7. The activities referred to shall be conducted strictly in conformance with the terms and conditions of the permit issued.
8. In conducting permitted activities no person shall:
  - a. In any way obstruct, delay or interfere with the free movements of any other person, seek to coerce or physically disturb any other person, or hamper or impede the conduct of

any authorized business or activity on any Commission property.

b. Conduct any activities in a misleading or fraudulent manner.

9. Whenever rallies, demonstrations, pageants, ceremonies or other special events are to be held on park property, special regulations as to the parking of vehicles and positions and movements of spectators may be promulgated by the Director or his/her designee. All persons within the area of such special regulations must obey or comply with the lawful orders of the Park Police or other authorized persons engaged in maintaining order.

10. A fee may be assessed to defray the cost of conducting certain events. Additionally, for a special event, the permittees assume personal liability for the costs of cleanup of the premises; loss, breakage or removal of park property, and for the conduct and good order of the group.

#### D. Permit Rules and Conditions

1. Violation of a rule or condition of a permit will be cause for immediate revocation of the permit, loss of all privileges of the permit, and forfeiture of any deposits and or fees paid for the permit.

2. Persons holding a permit for use of a site or facility will be entitled to exclusive use of the site or facility for the purposes specified in the permit on the dates and between the hours specified in the permit. On the dates and between the hours specified in the permit, persons holding a permit may, if otherwise permitted by law, limit the use of the site or the facility more strictly than the limits imposed by these regulations. Persons not holding a permit and using that site or facility must vacate that site or facility upon the arrival of a permit holder.

E. Permits are not required for unamplified speech, distributing non-commercial literature or informal gatherings of less than twenty-five people.

## *Chapter IV: Regulation of Traffic*

### **Section 1. Enforcement**

All applicable laws and regulations shall be observed when operating a motorized vehicle on park property. Any traffic direction from any Park Police Officer or person authorized to enforce traffic laws on Park Property shall supersede written or posted laws and regulations.

### **Section 2. Speed Limit**

No person shall operate any motorized vehicle in excess of twenty-five (25) miles per hour, unless speed limit is otherwise posted or directed.

### **Section 3. Permissible Roadways**

No person shall operate any motorized vehicle on Commission Property on a road or street to which public access is prohibited. No person shall operate a motorized vehicle on Commission property while off designated roads or streets.

### **Section 4. Trucks over One Ton, Commercial Vehicles, Buses**

Trucks, commercial vehicles (excluding taxicabs and tow trucks on service calls to disabled vehicles on Commission property) with commercial marking or tools of trade and buses shall not be operated on park property except by special permit.

### **Section 5. Parking Regulations**

A. No person may stop, stand or park a motor vehicle on Commission property:

1. in front of a public driveway;
2. Within an intersection;
3. Within twenty (20) feet of, or so as to obstruct, a crosswalk; or within 20 feet of an intersection;
4. On a bridge;
5. Any place an official sign prohibits, or regulates, stopping, standing, parking, or the manner of parking in general;
6. On the traveled portion of a roadway or public driveway;
7. On, or obstructing the entrance to, any bicycle path, hiker path, bridle path, or access road;
8. So as to obstruct another vehicle or traffic;
9. So as to occupy more than one parking space or park across painted parking lines;
10. During those hours when Commission property is not open to the public as defined in Chapter 111, Section 2.A., of these Regulations;

11. On any grass area, unless specifically allowed, or so as to injure any tree, shrub, plant, or vegetation;

12. In a fire lane;

13. On Commission property other than that designated for vehicular parking;

14. Within fifteen (15) feet of a fire hydrant; within thirty (30) feet of the approach to any traffic control device located at the side of a roadway or at an intersection.

15. In parking spaces which are designated for use only by persons with disabilities unless such vehicles display a special registration plate, a removable windshield placard, or a temporary removable windshield placard allowing such parking which is issued by Motor Vehicle

Administration of Maryland or similarly by another state, the District of Columbia, or another country.

B. Any vehicle which is to be stopped or parked adjacent to any roadway must be removed from the traveled portion of the roadway and stopped or parked in the direction of authorized traffic movement, with left wheels parallel to and within thirty-six (36) inches of the right edge or boundary of the roadway.

C. No bus shall park in a regional or local park except by permit and shall be parked in a designated area.

#### **Section 6. Impoundment of Illegally Parked Vehicles**

Any illegally parked vehicles may be removed and/or impounded by the Park Police at the owner's expense. After proper notification to the last known registered owner and each secured party, those vehicles may be destroyed if not claimed, pursuant to the provisions of the Maryland Vehicle Laws.

## *Chapter V: Regulation of General Conduct and Personal Behavior (Code of Conduct)*

### **Section 1. Policy**

The Commission is committed to providing the citizens of Montgomery and Prince George's Counties with quality parks and recreational opportunities in a safe, healthy and enjoyable environment. To fulfill this commitment, the provisions contained in Chapter V are hereby established as the "Code of Conduct" which shall apply to the use of Commission Property. The Code simply requires that participants in Commission programs, with or without a reasonable accommodation, must conduct themselves in a rational and reasonable manner, in accordance with the rules and regulations established by the Commission.

### **Section 2. Regulations**

A. No person shall violate any regulation posted for the operation of an individual Commission facility.

B. No person or permit holder shall violate any rule or condition on a permit.

### **Section 3. Alcohol/Tobacco, Controlled Substances**

Possession, use or distribution of alcohol (except by special permit); illegal drugs or controlled dangerous substances are prohibited. Smoking is prohibited in areas in which notice is posted.

### **Section 4. Indecent Conduct**

A. Urinating or defecating on Commission property other than in the places officially provided is prohibited.

B. No person shall engage in the act of sexual intercourse or other sexual act or indecent or obscene acts or sexual harassment on Commission property.

### **Section 5. Obstructing Entrances, Exits, Sidewalks**

No person(s) shall congregate or assemble in or about any public structure on Commission property in such a manner as to hinder or obstruct the proper use thereof.

### **Section 6. Employees: Interference with Duties and Programs**

A. No person may interfere with any Commission employee acting in the course of his or her

official duties.

B. No person may disrupt or obstruct participation in a Commission program, activity or at a Commission facility.

#### **Section 7. Unauthorized Presence**

A person requested to leave Commission property by authorized personnel must do so immediately.

#### **Section 8. Destruction of Park Property**

No person may deface, destroy, injure, misuse, or remove any Commission property.

#### **Section 9. Littering, Dumping and Storage**

A. No person may deposit, leave, or spill refuse or other substances on Commission property other than in receptacles provided for this purpose.

B. No person may deposit refuse from private premises in Commission trash receptacles.

C. No person may store material of any description on park property except by written authorization from the Director.

#### **Section 10. Posting Notices, Carrying Signs and Picketing**

Attaching or posting of notices, signs, or any other objects on Commission property is prohibited except by permit. Carrying signs or picketing on Commission property is prohibited except by permit.

#### **Section 11. Erecting Structures**

Enclosure of any area or erection of any structures on Commission property is prohibited unless authorized by permit.

#### **Section 12. Commercial Use**

Solicitation of any business, trade or occupation is strictly prohibited unless authorized by permit. This includes conducting class instruction for a fee and the taking of photographs and/or videos for commercial use.

#### **Section 13. Audio Devices and Noise**

No person may play an audio device or create excessive noise so as to disturb the peace.

**Section 14. Automobile Service**

No person may service any automobile on park property. Prohibited activities include washing, repairing, or performing other work, except in case of an emergency.

**Section 15. Powered Model Airplanes and Rockets**

No powered model airplanes or rockets shall be flown or launched from any park area except on officially designated areas or by permit.

**Section 16. Fireworks and Explosives**

No person may possess and or discharge any fireworks or other explosive pyrotechnics on park property, except by special permit.

**Section 17. Weapons**

No person shall carry or possess or discharge a bow and arrow, dart, firearm, knife with a blade of more than three (3) inches in length, or other dangerous weapon on park property except where permitted in designated areas. This provision does not apply to law enforcement officers and persons with legal permits.

**Section 18. Gambling**

No person may engage in gaming or gambling for money or any other thing in any form on Commission property except by written permission from the Director for charitable purposes.

**Section 19. Metal Detectors, Digging**

Using metal detectors and/or digging into the surface of park property is prohibited except by permit.

**Section 20. Domesticated Animals**

A. No animal may be brought upon park property unless it is on a leash, and is at all times entirely within the control of the person bringing it upon park property.

B. Persons bringing any animal upon park property are responsible for immediate cleanup and removal of the animal's defecation.

C. The grazing of any animal is prohibited except in those areas under lease for such purpose.

D. Persons may not abandon domestic animals on Commission property.

E. Domestic animals are not permitted at any time in certain posted areas of park property.

F. Domestic animals trespassing on park property may be impounded and shall be treated in accordance with applicable State and County statutes.

### **Section 21. Wildlife, Plants, Fossils, Minerals**

A. No person shall catch, injure, destroy or interfere in any way with any wildlife, plants, fossils, or minerals, except as provided in Chapter VI, Section 7, Fishing and Section 10, Hunting/Trapping.

B. Animals may not be released on Park Property without permission.

C. Planting vegetation or causing vegetation to be planted on Commission property is prohibited except by permit.

D. No person may cut or saw any live or dead trees or their parts, with any type of equipment, power or otherwise, on Commission property, or remove any live or dead trees from Commission property except by permission from Park Management.

### **Section 22. Lost and Found Objects**

Lost objects found on Commission property must be turned over to the Park Police and may be recovered by proper identification at Park Police Headquarters. Lost objects will be held by the Park Police for three (3) months.

### **Section 23. Intended Use of Park Property**

Use of park property for other than intended purposes is prohibited without prior authorization.

## *Chapter VI: Regulation of Recreational Activities*

The following activities are restricted to designated areas.

### **Section 1. Aeronautical Activities**

Aeronautical activities are permitted pursuant to airport regulations. Airplanes, helium/hot air balloons, hang gliders, parachutes, ultra-light planes, or any other person operated aircraft shall not be flown or launched from any Commission property except in officially designated areas by permit.

### **Section 2. Athletics**

Persons holding a permit for use of an athletic field are entitled to exclusive use of such areas on the dates and between the hours specified in the permit; however, exercising the privilege of play may be prohibited if wet grounds or other unsuitable conditions will cause damage to the field as determined within the discretion of the Director or his or her designee.

### **Section 3. Bicycling**

Bicycle riding is permitted only on roads or trails designated for that purpose and is prohibited on tennis courts, athletic fields and other areas not designated for bicycle use. Bicycle riding is subject to the following requirements:

- A. Bicyclists must yield to pedestrians and equestrians along the trail.
- B. Use of any unauthorized motorized vehicle and equestrians on the trail is prohibited.
- C. Bicycles shall not be operated at a speed greater than reasonable and prudent for existing conditions.
- D. No person shall operate any bicycle in excess of twenty-five (25) miles per hour, unless speed limit is otherwise posted or directed.
- E. Bicycle trail users shall yield to vehicular traffic at intersecting roadways.
- F. Bicyclists and hikers shall keep right except to pass and bicyclists must alert other trail users before passing.

G. Bicycle trails are considered to be "Public Bicycle Areas" and as such are subject to regulations the Maryland Vehicle Code.

H. Bicycle helmet laws are enforced on Commission property.

#### **Section 4. Boating**

A. No boat or other watercraft is allowed on lakes, streams, ponds, or river banks on Commission property except by permit.

B. Manually or electrically powered privately-owned boats or other watercraft are allowed by permit on designated Commission lakes.

C. Operators and occupants of permitted watercraft will comply with all Commission, Local, State, and Federal regulations governing the use and operation of watercraft.

#### **Section 5. Camping**

Camping is permitted only in designated areas and requires payment of a fee and possession of a permit.

#### **Section 6. Fires**

A. Fires are permitted only on public campgrounds and picnic areas, but are restricted to established fireplaces constructed for this purpose, and privately owned grills or stoves.

B. Before leaving the site, persons who have made fires shall wet the hot coals until they are thoroughly soaked and cold and shall dispose of the coals in steel receptacles marked "COALS ONLY," if available, or shall remove the coals from Commission property.

C. Building of fires may be prohibited or limited by the Director or his/her designee when a fire hazard exists.

#### **Section 7. Fishing**

Fishing is permitted only in designated areas and in compliance with Maryland State Angler's License requirements.

#### **Section 8. Golf**

Playing or practicing golf is not permitted except at golf courses.

**Section 9. Horseback Riding**

Horses are permitted only in designated or established areas and trails.

**Section 10. Hunting/Trapping**

A. Trapping is permitted on park property for scientific and animal control purposes and requires a Commission permit.

B. Hunting is permitted only in areas designated for hunting and must comply with Federal and/or Maryland State licensing requirements.

**Section 11. Picnicking**

Picnicking is permitted only in designated picnic areas. Picnic areas not requiring a permit are operated on a "first-come, first-served" basis.

**Section 12. Roller Skating/Roller Blading/In-line Skating and Skateboards**

Roller skating, roller-blading, in-line skating, and skateboarding are permitted only in areas designated for such use. Skateboarding is prohibited on hiker/biker trails.

**Section 13. Swimming, Water Sports**

Swimming and other water sports are permitted only in areas designated for such use.

**Section 14. Winter Sports**

Ice skating, sledding, skiing, snowboarding and snowmobiling or tobogganing are permitted on park property only where authorized by posted notice and only in accordance with special regulations on the posted notice.

**Section 15. Amusement/Play Equipment**

The temporary construction and/or use of amusement play equipment such as moon bounces, carousels, dunk tank, ball crawls, pony rides, etc. is prohibited except by special permits.

## Administrative Directives

The following Administrative Directives have been issued by the Montgomery County Director of the Department of Park and Planning:

- A. Group Picnic Area Policy: Reservations and Beer/Wine Policy April 3, 1981; July 1, 1982
- B. Recreation Centers Rentals to Nonprofit Organizations, June 10, 1982
- C. Recreation Centers Advanced Reservations July 1, 1982; July 17, 1982
- D. Administrative Fee for Unpaid Violations Flagged for State Motor Vehicle Bureau, October 3, 1983
- E. Local Parks Ball Field Policy July 15, 1991; September 14, 1998
- F. Brookside and McCrillis Gardens Rules February 17, 1983; October 13, 1998
- G. Little Bennett Regional Park Campsites, May 4, 1983
- H. Rockwood Manor Special Park Rules and Regulations; March 19, 1987

The following Administrative Directives have been issued by the Prince George's County Director of Parks and Recreation:

- A. Rules and Regulations for College Park Airport, June 8, 1983
- B. Rules and Regulations Governing After-Hours Use of Community Centers, June 28, 1979

**Exhibit 3**

**Maryland-National Capital  
Park and Planning  
Commission**

**Notice 09-03  
Indefinite Suspension of Enforcement of  
Certain Park Rules and Regulations**

**Adopted October 19, 2009**



The Maryland-National Capital  
Park and Planning Commission



**\*\*\*MEDIA RELEASE\*\*\***

## **ACLU of Maryland, Maryland-National Capital Park and Planning Commission Announce Agreement Protecting Free Speech Rights**

FOR IMMEDIATE RELEASE  
October 21, 2009

CONTACT: Meredith Curtis, ACLU of Maryland, 410-889-8555; [media@aclu-md.org](mailto:media@aclu-md.org)  
Andrea Davey, M-NCPPC, 301-952-4314; [public.affairs@ppd.mncppc.org](mailto:public.affairs@ppd.mncppc.org)

The American Civil Liberties Union of Maryland and the Maryland-National Capital Park and Planning Commission (M-NCPPC) announced today that M-NCPPC has decided to suspend enforcement of park regulations that the ACLU said inappropriately restricted First Amendment rights. M-NCPPC quickly responded to a letter sent October 12 by the ACLU of Maryland on behalf of Robin Ficker, a candidate for the Montgomery County Council, who was told that he could not have a volunteer carry a campaign sign while Mr. Ficker spoke with potential voters gathered at the Germantown Regional Park for a fireworks display.

In addition to suspending the regulations restricting individual and small groups of speakers, the M-NCPPC and ACLU have agreed to work together to consider revisions to the agency's regulations that protect the role that public parks play in providing a venue for free public discussion of political issues.

"The M-NCPPC's response to our concerns has been exemplary," said David Rocah, Staff Attorney for the ACLU of Maryland. "The officials recognized that the regulations deserve improvement and are working quickly to address our concerns. I wish that all public officials we deal with about important constitutional issues were as conscientious and responsive."

The M-NCPPC, which operates over 53,000 acres of parkland in Montgomery and Prince George's counties, has agreed to suspend enforcement of regulations that 1) require a permit for the solicitation of petition signatures outside of any park structure or building, 2) require a permit to conduct surveys, interviews or polls outside of any park structure or building for any non-commercial purpose, and 3) require a permit to carry signs or picketing by 25 or less individuals outside of any park structure or building.

"Understanding the important role parks play in facilitating community debate and the dissemination of ideas and free speech, no one has a more vested interest than the Commission in ensuring free access to the parks," said Samuel J. Parker, Jr., M-NCPPC Chairman. "We welcome the opportunity to partner with the ACLU to continue to examine our

policies, procedures, methods and means to ensure full compliance with the constitutional principles of free speech.”

Go online to read the M-NCPPC’s interim agreement:

[http://www.mncppc.org/Commission\\_Home.html](http://www.mncppc.org/Commission_Home.html) or [http://www.aclu-md.org/aPress/Press2009/MNCPPC\\_response.pdf](http://www.aclu-md.org/aPress/Press2009/MNCPPC_response.pdf)

Go online to read the ACLU of Maryland original letter to M-NCPPC:

[http://www.aclu-md.org/aPress/Press2009/LTR\\_MNCPPC.pdf](http://www.aclu-md.org/aPress/Press2009/LTR_MNCPPC.pdf)

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# NOTICE

No. 09-03

Issue date:

October 19, 2009

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## Indefinite Suspension of Enforcement of Certain Park Rules and Regulations

### 1. Declaration of Suspended Enforcement.

The Maryland-National Capital Park and Planning Commission ("Commission") has suspended all administrative, civil or criminal enforcement actions or activities predicated on the provisions of certain Commission Park Rules and Regulations (the "Regulations") enumerated as follows:

#### A) Chapter III, Section 3.A (2) (Permits):

No permit shall be required for the solicitation of petition signatures outside of any park structure or building; provided such solicitation does not obstruct, delay or interfere with the free movements of any other person, seek to coerce or physically disturb any other person, or hamper or impede the conduct of any authorized business or activity on any Commission property.

#### B) Chapter III, Section 3.A (4) (Permits):

No permit shall be required for conducting surveys, interviews or polls outside of any park structure or building for any non-commercial purpose; provided such conduct does not obstruct, delay or interfere with the free movements of any other person, seek to coerce or physically disturb any other person, or hamper or impede the conduct of any authorized business or activity on any Commission property.

#### C) Chapter V, Section 10 (Carrying Signs and Picketing):

No permit shall be required for carrying signs or picketing by 25 or less individuals outside of any park structure or building; provided the signs do not obstruct, delay or interfere with the free movements of any other person, seek to coerce or physically disturb any other person, or hamper or impede the conduct of any authorized business or activity on any Commission property.

Note: Attaching or posting of notices, signs, or any other objects on Commission Property is prohibited except by permit.

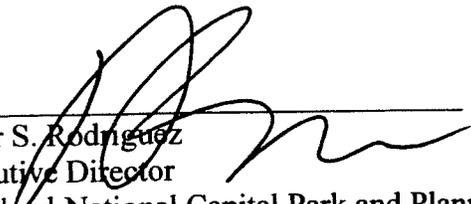
### II. Authority.

This notice is issued jointly by the Executive Director pursuant to the authority of Commission Practice No. 1-20, by the Director of the Montgomery County Department of Parks, and by the Director of the Prince George's County Department of Parks and Recreation, respectively, pursuant to the authority under the Regulations at Chapter I, Section 2 (B).

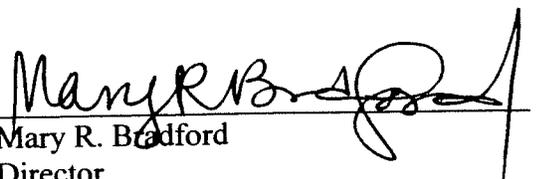


III. Effective Date.

This Notice is effective immediately and until further notice issued to modify, supersede or revoke it.



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Oscar S. Rodriguez  
Executive Director  
Maryland-National Capital Park and Planning Commission



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Mary R. Bradford  
Director  
Montgomery County Department of Parks  
Maryland-National Capital Park and Planning Commission



\_\_\_\_\_  
Ronnie Gathers  
Director  
Prince George's County Department of Parks and Recreation  
Maryland-National Capital Park and Planning Commission