

COUNTY COUNCIL
OF
TALBOT COUNTY, MARYLAND

2022 Legislative Session, Legislative Day No. : January 11, 2022

Bill No.: 1496

Expiration Date: March 17, 2022

Introduced by: Mr. Callahan, Mr. Divilio, Mr. Leshner, Mr. Pack, Ms. Price

A BILL TO REPEAL AND REENACT CHAPTER 102, "PARKS AND RECREATION," TALBOT COUNTY CODE AND TO ENACT A NEW CHAPTER 76 ENTITLED "GOLF BOARD"

By the Council: January 11, 2022

Introduced, read first time, ordered posted, and public hearing scheduled on Tuesday, February 8, 2022 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

By Order: 
Secretary

A BILL TO REPEAL AND REENACT CHAPTER 102, "PARKS AND RECREATION," TALBOT COUNTY CODE AND TO ENACT A NEW CHAPTER 76 ENTITLED "GOLF BOARD"

BE IT ENACTED BY THE COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND, that:

SECTION ONE: Chapter 102 of the Talbot County Code, entitled "Parks and Recreation," shall be and is hereby repealed in its entirety and reenacted as set forth herein.

Chapter 102, PARKS AND RECREATION

§ 102-1. Applicability.

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

§ 102-2. Definitions.

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

COUNTY

Talbot County, Maryland.

DEPARTMENT

The Talbot County Department of Parks and Recreation.

DIRECTOR

The Talbot County Director of Parks and Recreation.

HOUSEHOLD GARBAGE

The waste materials from normal household living conditions.

LITTER

All rubbish, waste matter, refuse, trash, debris, dead animals, or other discarded materials of every kind and description.

PARK

Any land or water devoted to park or recreational uses and owned, operated, or established by the County, including but not limited to all parks, playgrounds, recreational areas, facilities, buildings, grounds, and water operated or administered by the Department for recreational purposes.

VEHICLE

Any motor vehicle, moped, mini-bike, trail bike, all-terrain vehicle, snowmobile, motorized scooter, or bicycle, as well as other cycles.

§ 102-3. Department created.

The Talbot County Department of Parks and Recreation be and the same hereby is created.

§ 102-4. Powers and duties of Department.

The Department shall be responsible for the organization and conduct of public recreation and public parks in all areas of the County not presently controlled by one of the municipal subdivisions. It shall also be responsible for the organization and conduct of public parks, playgrounds, and other recreational facilities open to the public which are so located, excepting Hog Neck Golf Course. It shall encourage development of cooperative programs and joint use of facilities among the various political subdivisions of the County and act as a clearinghouse for coordination of ongoing programs. It shall coordinate use of the facilities with the Board of Education. The Department shall have such other duties as may be prescribed by directive of the County Manager or by legislative act of the County Council not inconsistent with the County Charter.

§ 102-5. Regulations.

A. The following regulations shall apply to all parks under the authority of the Department:

- (1) Hours of operation – No unauthorized person or vehicle may enter or remain on any park or portion thereof from dusk to dawn. 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.
- (2) Use – Park property and recreation and park programs are open to use by all members of the public. Permits shall be displayed upon request of Department personnel or law enforcement agencies with enforcement duties within the County.
- (3) 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.
- (4) 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.
- (5) 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 a permit from the Department.

- (6) Aeronautical activities – Powered model airplanes or rockets may not be flown over or launched from any park except on areas designated for such purposes or with written authorization from the Department. 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.
- (7) Animals – Owners and handlers of animals shall comply with the provisions of Chapter 15 (Animals) of the County Code. 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.
- (8) Automobiles – A person may not wash, repair, or perform other work on any automobile on park property except in the case of an emergency.
- (9) 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.
- (10) Commercial activities – Peddling, soliciting, or conducting of any business, trade, or occupation, including the taking of photographs and motion pictures for commercial use is prohibited except by permit from the Department.
- (11) 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.
- (12) Firearms – No persons, other than a law enforcement officer or a person holding a valid license, shall carry, possess, or discharge a firearm on park property except in those areas designated for such purpose.
- (13) Fires – No person shall build or cause to be built any fire except within established barbecue grills provided by the Department at picnic areas. No person shall leave any fire, unless such fire is attended by a responsible person at least eighteen (18) years of age, and all such fires shall be thoroughly extinguished prior to leaving the site.
- (14) Fishing – Fishing is permitted only in designated areas and in compliance with State law and posted rules.
- (15) 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.
- (16) Golf – Golf practice is prohibited on park property.

- (17) Hunting – Hunting and trapping is prohibited on park property except by permit for scientific and animal control purposes.
- (18) Littering – No person shall dump or dispose of litter in or upon any park except in a designated trash receptacle. No household garbage shall be deposited in or upon any park or in any trash receptacle in any park.
- (19) Obstructions – No person shall congregate or assemble in or about any 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.
- (20) 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 other vehicles shall be prohibited.
- (21) 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.
- (22) Trespassing – No person shall remain upon park property after a lawful command to vacate the same by any law enforcement officer or by the Director or his/her authorized representative.
- (23) 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.
- (24) Traffic
 - (a) The operation of all motorized vehicles on park property shall be in compliance with all applicable laws and regulations.
 - (b) 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.
 - (c) No person shall operate any motorized vehicle in excess of twenty-five (25) miles per hour, unless otherwise posted or directed.
 - (d) No person shall operate any motorized vehicle on park property other than on a road or street to which public access has not been prohibited.

- (e) Buses, trucks, and commercial vehicles with commercial marking or tools of trade, with the exception of taxi cabs 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.
 - (f) No person shall operate a vehicle in such a manner as to block or partially block any bicycle, hiker, bridle path, or access road.
- (25) 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. Nothing herein shall be deemed to prohibit the operation of watercraft such as kayaks, canoes, and personal watercraft where appropriate to do so, in the Department’s sole discretion.

§ 102-6. 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 rules and regulations in addition to those set forth in § 102-5 herein 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.

§ 102-7. 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 may be issued to any individual, group, or organization at the discretion of the Department.
- 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 County Council from time to time by resolution.
- 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 the Director’s 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. Any persons holding a permit for the use of a facility or activity area are entitled to the exclusive use of the area(s) described therein on the dates and between the hours

specified in the permit; provided, however, that Director reserves the right to revoke any permit if, in the Director's sole discretion, the premises upon which the permitted use or activity is to occur are unsuitable for, or would be damaged by, such use or activity at the time when it is scheduled to occur.

- F. 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.
- G. 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.

§ 102-8 Violations and penalties.

- A. 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 \$50.00 for an initial violation and a fine of \$100.00 for any subsequent violations; provided, however, that any person who violates § 102-5(A)(11), (12), (13), (15), (16), (17), or (18) of this chapter shall be subject to a fine of \$500.00 for an initial violation and a fine of \$1,000.00 for any subsequent violations. Each day a violation continues shall constitute a separate violation and shall be subject to a separate fine, with no requirement for additional citations or assessments.
- B. Enforcement. The Director or his/her designee shall enforce this chapter and for that purpose shall have and may exercise the same authority as that granted to the Chief Code Compliance Officer in Chapter 58, Enforcement of Code. This includes, without limitation, authority to issue administrative abatement orders, civil penalties, fines, and all other available remedies as provided in Chapter 58. Additionally, the Sheriff and any Deputy Sheriff of the Talbot County Sheriff's Department shall have such authority to enforce this chapter.
- C. Rebuttable presumption. It shall be a rebuttable presumption that any chapter bearing a person's name and/or address which is found at a location in violation of this section is the property of the person whose name and/or address it bears; and it shall be a rebuttable presumption that this person placed or caused the chapter to be placed at the location where found.

§ 102-9. Advisory Board created.

There is hereby created a Talbot County Parks and Recreation Advisory Board.

§ 102-10. Advisory Board members, tenure; compensation, Chairman.

The Talbot County Parks and Recreation Advisory Board shall consist of ten (10) voting members, including one (1) member from the County Council, the County Manager, and the Director of the Department of Parks & Recreation as *ex officio* nonvoting members. The term of the County Council representative shall expire with the Council elective term of office. The appointed members shall be selected as follows: one member each from the

Towns of Easton, St. Michaels, Oxford, and Trappe, as nominated by those respective bodies and appointed by the Council; one (1) member each from Chapel District, Easton District, and the Bay Hundred District, and three (3) at-large members, two (2) of whom shall be appointed by the County Council and one (1) of whom shall be nominated by the Talbot County Board of Education and appointed by the County Council. Existing appointments shall continue for their full current terms, and the members from Chapel District and the Easton District shall serve a partial term from July 1, 2016, and July 1, 2017, respectively, and shall be eligible for consideration for reappointment to a subsequent four (4)-year term. As each term expires, the new appointment shall be for a term of four (4) years, to commence from the first day of July of the year in which it is made or until a successor is appointed. Vacancies, except for those at the expiration of a term, shall be filled in the same manner as an original appointment and for the unexpired term. Members of the Advisory Board shall receive no compensation for their services. The Advisory Board shall annually elect a Chairman and Vice Chairman from its membership. From time to time, the County Council or the Advisory Board may create subcommittees and task forces whose members may but need not be members of the Advisory Board.

§ 102-11. Duties and functions of Advisory Board.

The Advisory Board shall assess the recreational needs and resources of the County and may coordinate with community organizations to promote recreational opportunities for the general public. It shall review the annual budget request prepared by the Director. It shall make recommendations to the Director and the County Council regarding the staffing, maintenance, and operation of recreational facilities and programs, as well as landings, docks, and other public property under its management. The Advisory Board shall make recommendations to the County Council relating to plans and policies for public recreation, the organization of recreational councils, the establishment of recreational programs, and plans for the acquisition of land for public recreation and open space prepared by the Office of Planning and Zoning. The Advisory Board shall meet as needed, but not less than quarterly. All meetings shall be open to the public, unless applicable Maryland law permits an executive or closed session. The Advisory Board shall report on its activities annually and at such other times as requested by the County Council.

§ 102-12. Director of Parks and Recreation.

The County Council shall appoint a Director of Parks and Recreation, who shall be a department head within the organizational structure of the County and shall supervise the operations of the Department, subject to the authority of the County Manager. The Director shall annually prepare a budget request for the Department, which shall first be submitted to the Talbot County Parks and Recreation Advisory Board for approval. The budget request shall be prepared in accordance with applicable County regulations and the provisions of this chapter.

SECTION TWO: AND BE IT FURTHER ENACTED, that a new Chapter 76, entitled “Golf Board” shall be and is hereby added to the Talbot County Code, as follows:

Chapter 76, GOLF BOARD

§ 76-1. Golf Board.

There shall be created a Talbot County Golf Board which shall consist of three (3) residents of Talbot County who shall serve terms of three (3) years each. The Golf Board shall be the successor to the body formerly known as the "Talbot County Park Board," the latter having existed as an official County board since 1974. The members of the Talbot County Park Board as of January 1, 2001, shall become the members of the Talbot County Golf Board. The terms of the members shall be assigned by the County Council with one (1) term expiring on June 1, 2001, and one (1) expiring on that same date each year thereafter. The Golf Board shall annually select a Chairman and Vice Chairman from its membership.

§ 76-2. Director of Golf Operations.

The County Council shall appoint a Director of Golf Operations, who shall be a department head within the organizational structure of the County and shall supervise all golf operations of Talbot County, subject to the authority of the County Manager. The Director of Golf Operations shall annually prepare a budget request, which shall first be submitted to the Golf Board for approval.

§ 76-3. Golf program operation.

The Hog Neck Golf Course and all programs of the Golf Board are expected to operate on a self-sustaining basis and to contribute annually to the Parks and Recreation budget such sums as may be fixed by the County Council in the annual budget.

§ 76-4. Duties and functions of Golf Board.

The Golf Board shall advise the Director of Golf Operations and the County Council relating to policies, planning, development, operation, management, fees, budgeting, staffing, and maintenance of the Hog Neck Golf Course and all other County-operated golf programs collectively as a self-supporting enterprise. The Golf Board shall meet as needed, but at least quarterly. All meetings shall be open to the public, unless applicable Maryland law permits an executive or closed session. The Golf Board shall report on its activities to the Council no less than annually and at such other times as requested by the County Council.

§ 76-5. Annual budget.

The fiscal or budget year begins on the first day of July and ends on the last day of June of the succeeding year. The budget request for the Hog Neck Golf Course and other golf programs shall be prepared in accordance with applicable County regulations and the provisions of this chapter.

SECTION THREE: AND BE IT FURTHER ENACTED, that if any provision of this Bill or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Bill which can be given effect without the invalid provision or application, and for this purpose the provisions of this Bill are declared severable.

SECTION FOUR: AND BE IT FURTHER ENACTED, that the Talbot County Office of Law, in consultation with and subject to the approval of the County Manager, may make non-substantive corrections to codification, style, capitalization, punctuation, grammar, spelling, and any internal or external reference or citation included in this Bill, as finally adopted, that are incorrect or obsolete, with no further action required by the County Council. All such corrections shall be adequately referenced and described in an editor's note following the section affected.

SECTION FIVE: AND BE IT FURTHER ENACTED, that this Bill shall take effect sixty (60) days from the date of its passage.

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PUBLIC HEARING

Having been posted and Notice of time, date, and place of hearing, and Title of Bill No. _____ having been published, a public hearing was held on Tuesday, _____, 2022 at _____ p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

Susan W. Moran, Secretary

BY THE COUNCIL

Read the third time.

ENACTED: _____

By Order _____
Susan W. Moran, Secretary

Callahan -

Divilio -

Leshner -

Price -

Pack -

EFFECTIVE: _____