

ORDINANCE No. 2016-01

AN ORDINANCE ADOPTING AMENDMENTS TO THE CODE OF PUBLIC LOCAL LAWS AND ORDINANCES OF CARROLL COUNTY, MARYLAND

WHEREAS, The Board of Commissioners of Carroll County, Maryland ("the Board"), has enacted and codified the "Code of Public Local Laws and Ordinances of Carroll County, Maryland";

WHEREAS, the Board is charged under State law with the duty and responsibility for establishing comprehensive policies and programs to promote the health, safety, and general welfare of the inhabitants of the County and accordingly deems the subject amendment necessary to accomplish these duties and responsibilities; and

NOW, THEREFORE, BE IT ENACTED by the Board of County Commissioners of Carroll County, Maryland:

ARTICLE I. AMENDMENTS.

Section 1. The Code of Public Local Laws and Ordinances of Carroll County, Title IX, General Regulations, Chapter 94, Parks and Recreation, § 94.053 Hunting and Firearms, is deleted in its entirety and replaced as follows:

§ 94.053 HUNTING AND FIREARMS.

No person in a park shall hunt, trap, or pursue wildlife at any time. No person shall use, carry, or possess firearms of any description, air-rifles, spring-guns, bows and arrows, slings, or any other form of weapons potentially dangerous to wildlife or to humans, or any instrument that can be loaded with and fire blank cartridges, or any kind of trapping device, except as designated by the Manager. No person shall shoot into park areas from beyond park boundaries. This section does not apply to the Cooperative Hunting Program conducted by the State of Maryland and the Hap Baker Firearms Facility.

Section 2. The Code of Public Local Laws and Ordinances of Carroll County, Title IX, General Regulations, Chapter 94, Parks and Recreation, § 94.058, Metal Detecting, is added as follows:

§94.058 METAL DETECTING

No person shall use a metal detector upon any athletic field. Any ground that is disturbed during the metal detecting process must be returned to its previous condition. Any items discovered that are of historical significance are the property of Carroll County.

Section 3. The Code of Public Local Laws and Ordinances of Carroll County, Title IX, General Regulations, Chapter 94, Parks and Recreation, § 94.059, Geocaching, is added as follows:

§94.059 GEOCACHING

Geocaching is permitted at Carroll County parks only after contacting the Department, sharing the location and contents and receiving approval of placement of cache.

Section 4. The Code of Public Local Laws and Ordinances of Carroll County, Title IX, General Regulations, Chapter 94, Parks and Recreation, § 94.060, Remote Control Unmanned Aircraft and Model Rockets, is added as follows:

§94.060 REMOTE CONTROL UNMANNED AIRCRAFT AND MODEL ROCKETS

Use of remote control unmanned aircraft and model rockets requires approval by the Manager, including the location and schedule of usage.

Section 5. The Code of Public Local Laws and Ordinances of Carroll County, Title IX, General Regulations, Chapter 94, Parks and Recreation, § 94.113(D)(1) and (2), Permits, is deleted in its entirety and replaced as follows:

§ 94.113 PERMITS.

(D)Appeal.

(1) Within ten days after receipt of an application, the Manager shall apprise an applicant in writing of the reasons for refusing a permit, and the applicant shall have the right to appeal in writing within ten days to the Director of the Department of Recreation and Parks, or its successor agency. The Director shall consider the application under the standards set forth in division (C) above and shall sustain or overrule the Manager's decision within ten days.

(2) The applicant shall have the right to appeal the Director's decision within ten days to the County Commissioners, which shall consider the application under the standards set forth in division (C) above and sustain or overrule the Director's decision

within ten days. The decision of the County Commissioners shall be final.

Section 6. The Code of Public Local Laws and Ordinances of Carroll County, Title IX, General Regulations, Chapter 94, Parks and Recreation, § 94.114 Permanent Ban From Park Premises, is deleted in its entirety and replaced as follows:

§ 94.114 SUSPENSION OR PERMANENT BAN FROM PARK PREMISES.

(A) **Authority.** Where the conduct of any person while within a park indicates that, during future visits to the park, the person is more likely than not to violate the provisions of this chapter or to commit a crime under the laws of this state or the United States, the Director of the Department of Recreation and Parks or designee is empowered to order the person permanently banned from the park premises for any stated period of time, up to a permanent ban.

(B) **Order.** The order shall be in writing, identify the person so banned, state the reasons therefor, and be signed by the Director. A copy of the order shall be delivered to the person banned in person or by certified mail. In the event that, despite diligent efforts, delivery of the written order cannot be accomplished in person or by certified mail, verbal notice of the order and its contents shall constitute delivery.

(C) **Appeal.** Within 30 days after delivery of an order of suspension greater than three months or banning a person from a park, the person banned shall have the right to appeal the order in writing to the Recreation and Parks Board, which shall sustain or overrule the order within 30 days after notice of appeal is received. The person banned shall thereafter have ten days in which to appeal further to the County Commissioners, which shall consider the order and sustain or overrule it within 30 days. The decision of the County Commissioners shall be final.

(D) **Application for removal of ban.** Following the expiration of one year after the issuance of an order banning a person from a park, and irrespective of whether the person appealed from the order, the person shall have the right to apply to the Director of the Department of Recreation and Parks for removal of the ban. The burden shall rest on the applicant to establish that the conduct upon which the order was based is not likely to recur. A refusal by the Director to remove the ban may be appealed in the same fashion as provided in division (C) above.

Section 7. The Code of Public Local Laws and Ordinances of Carroll County, Title IX, General Regulations, Chapter 94, Parks and Recreation, § 94.115, Rules and Regulations; Power to Promulgate, is deleted in its entirety and replaced as follows:

The Director of the Department of Recreation and Parks, or its successor agency; and his or her designated representatives are empowered to promulgate rules and regulations not inconsistent with the provisions of this chapter.

ARTICLE II. SEVERABILITY.

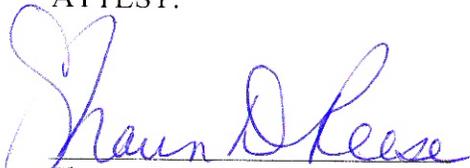
Should any provision, section, sentence, clause, or part of this ordinance be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause, or part of this ordinance, it being the intent of the County Commissioners that such remainder shall be and shall remain in full force and effect.

ARTICLE III. EFFECTIVE DATE.

This Ordinance shall become effective on **May 20, 2016.**

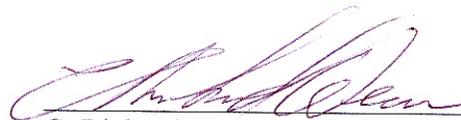
ADOPTED this 5th day of May, 2016.

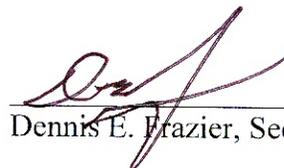
ATTEST:


Shawn D. Reese, County Clerk

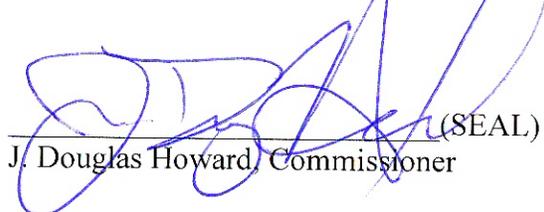
THE COUNTY COMMISSIONERS OF
CARROLL COUNTY, MARYLAND,
a body corporate and politic
of the State of Maryland


_____(SEAL)
Stephen A. Wantz, President

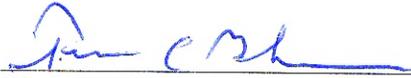

_____(SEAL)
C. Richard Weaver, Vice President


_____(SEAL)
Dennis E. Frazier, Secretary

_____(SEAL)
Richard S. Rothschild, Commissioner


_____(SEAL)
J. Douglas Howard, Commissioner

Approved for legal sufficiency:



Timothy C. Burke, County Attorney

Notice of Public Hearing published: 4/9/16 + 3/31/16
Public Hearing held: 4/2/16
Public Meeting to adopt Ordinance: 5/5/16
Notice of Adoption of Ordinance published: 5/12/16
Ordinance filed with Clerk of Court: 5/12/16

I hereby certify that the actions described above took place on the dates referred to above and that this Ordinance is effective as of the 20th day of May, 2016.



Timothy C. Burke, County Attorney

12230-0253/TCB/vmd/H:\ATTORNEY\Ordinances(Hearings)\Ch94(Parks&Recreation)\Ordinance.docx 04.25.2016

RETURN RECORDED ORIGINAL ORDINANCE TO:
County Attorney
225 North Center Street
Westminster, Maryland 21157