

ORDINANCE NO. 01-15

AN ORDINANCE TO DEFINE AND ESTABLISH PROCEDURES,
REGULATIONS, AND TO PROHIBIT AND REGULATE CERTAIN
ACTIVITIES WITH RESPECT TO THE PROTECTION AND
PRESERVATION OF PARKS, TRAILS, OPEN SPACES, AND
OTHER PROPERTIES OWNED, CONTROLLED OR MANAGED
BY THE TOWN OF LAYTONSVILLE, MARYLAND

BE IT ORDAINED, by the Mayor and Council of Town of Laytonsville, Maryland in public meeting assembled that an ordinance defining and establishing Procedures, Regulations and Requirements with respect to Parks, Trails, Open Spaces, and other properties owned, controlled or managed by the Town of Laytonsville is hereby enacted to read as follows:

**ORDINANCE ESTABLISHING REGULATIONS OF
PUBLIC PARKS, TRAILS, OPEN SPACE AND OTHER
TOWN PROPERTY**

Section 1. Policy:

The Town is committed to providing the residents of Laytonsville with quality park and recreational opportunities in a safe, healthy and enjoyable environment. To fulfill this commitment, the provisions contained with this Ordinance and any Rules and Regulations adopted by Resolution of Mayor and Council shall apply to the use of all Town Parks, Trails, Open Space and Public Property. This Ordinance requires that participants in Town programs, with or without a reasonable accommodation, must conduct themselves in a rational and reasonable manner, in accordance with this Ordinance and the Rules and Regulations established by the Town.

Section 2. Intended Use of Town Park, Trails and Open Space and other Public Property:

Park properties, Trails and Open Space are provided and maintained by the Town of Laytonsville for the benefit of all residents of the Town and members of the greater Laytonsville

area community. Authorized uses without permit or authorization include, but are not limited to: walking, jogging, use of exercise stations, nature walks, bird watching, picnicking (in limited locations) and similar activities. Authorized uses shall occur during normal daylight hours, leave no lasting impact on the park and trail properties, and display appropriate respect to other park and trail users and neighboring properties. Use of park and trail property for other than intended purposes is prohibited without permit or authorization of the Mayor of the Town of Laytonsville or his/her designee, including, but not limited to those uses and activities required by this Ordinance and the Rules and Regulations adopted by Resolution of the Mayor or Council subject to permit approval.

Sec. 3. Definitions:

Open Space - A non-Agricultural, natural or unimproved area of property which is not intended to be occupied by substantial buildings or structures.

Mayor and Council - The Mayor and Council of the Town of Laytonsville, Maryland and any designee of the Mayor delegated responsibility for inspection and enforcement activities.

Park - An area designated by the Mayor and Council for public, active or passive recreation purposes and social interaction or nature related activities.

Rules and Regulations - Those rules, regulations and requirements enacted by Resolution of the Mayor and Council applicable to the use, enjoyment and safety of Town Parks, Trails, Open Spaces and Property owned by the Town of Laytonsville.

Town Property - Property owned, controlled or managed by the Town of Laytonsville which does not include the Town Hall, public sidewalks and public streets.

Trails - An area designated by the Mayor and Council. Trails shall not include public streets, sidewalks, bike paths, or areas for motorized transport or recreation.

Section 4. Locations Applicable:

The following public areas are designated as Parks, Trails and Open Space, excluding the Town Hall and the Town Hall property located at 21607 Laytonsville Road, Laytonsville, Maryland 20882:

- A. Miller Park located on Second Street and Sundown Road more particularly described as Lot 1C and 2C of LenMar Park Subdivision.
- B. Jones Farm Park and Trails within the Rolling Ridge Community (excluding category I Conservation Areas covered by State Statute and reflected on recorded plats) more fully described as Parcel B, Block A in the Rolling Ridge subdivision.
- C. All off street trails maintained by the Town. Such trails are to be designated on maps posted at Town Hall.
- D. All Open Space Properties owned, controlled or maintained by the Town. The location of Open Space Properties shall be designated on a map posted at Town Hall.
- E. Any property owned, controlled, or maintained by the town designated by a future resolution approved by the Mayor and Council of Laytonsville, Maryland.

Section 5. General Regulations:

The use of Parks, Trails and Open Space, and the regulation of activities and conduct in these areas are governed by the provision of this Ordinance and the “Rules and Regulations of Park, Trails and Open Space Use” adopted by resolution of the Mayor and Council, as amended from time to time and are incorporated as part of this Ordinance. A copy of the Rules and Regulations will be posted in Town Hall and are available upon request to the Town Clerk.

Section 6. Prohibited Activities:

The following activities, conduct and use of Towns, Parks, Trails and Open Space are prohibited:

A. Destruction of Park Property: No person shall deface, destroy, injure, misuse, or remove any town property from Parks, Trails and Open Space without authorization from the Mayor.

B. Alcohol/Tobacco, Controlled Substances:

- i.** Possession, use or distribution of alcohol (except by special permit), illegal drugs or controlled dangerous substances is prohibited.
- ii.** Smoking is prohibited in areas in which notice is posted.
- iii.** Tobacco distribution materials shall be considered trash and failure to properly dispose of cigarette butts and similar materials shall be considered littering.

C. Indecent Conduct

- i.** Urinating or defecating in Parks, Trails and Open Space other than in the places officially provided is prohibited.
- ii.** No person shall engage in any sexual act or indecent or obscene acts or sexual harassment.

D. Motorized Vehicle Service:

No motorized vehicles, motorcycles, motor scooters, ATVs and golf carts may enter, or be operated upon or be serviced upon any Park and Trails, excepting maintenance vehicles authorized by the Mayor or emergency vehicles.

E. Fireworks and Explosives:

No person may possess and or discharge any fireworks or other explosive

pyrotechnics on Park Property, except by special permit issued by the Mayor or the Mayor's authorized designee.

F. Weapons:

Possession and use of weapons follows State of Maryland and Montgomery County law.

- G.** Any conduct, activities or use of property subject to this Ordinance which is prohibited by the "Rules and Regulation of Parks, Trails and Open Space Use" adopted by the Mayor and Council.

Section 7. Violations and Penalties:

- A.** The Mayor, the Mayor's designee or any public officer having jurisdiction within the Town may enforce the provisions of this Ordinance and the "Rules and Regulations of Parks, Trails and Open Space Use."
- B.** Violations of this Ordinance and the Rules and Regulations of Parks, Trails and Open Space Use are declared to be municipal infraction and enforced pursuant to the provisions of Title 6, §6-102, et. seq. Local Government Article, Md. Code Annotated, as amended. The maximum penalty for each initial violation shall be \$500 plus damages as defined. Repeat violations will double in cost.
- C.** Criminal Statutes of the State of Maryland and Montgomery County remain in full force and effect, notwithstanding any provision contained in this Ordinance or the Rules and Regulations.
- D.** In addition to any other penalty or remedy for violation of this Ordinance or the above referenced Rules and Regulations, the Mayor or the Mayor's designee may

seek equitable or legal relief in any court of competent jurisdiction to punish or abate any violation and such court shall have jurisdiction to grant such relief.

Section 8. Appeals:

The approval, approval with conditions or denial of any permit required by this Ordinance or the “Rules and Regulations for Park, Trails and Open Space Use” may be appealed to the Town Council or the failure of the Mayor to act on an application for such a permit within thirty (30) days, provided the appeal is filed with the Town Clerk not more than seven (7) days following the date of the action subject to the appeal, the Town Council may grant, grant with conditions or deny the appeal, with or without a formal public hearing.

Adopted this _____ day of _____, 2015 by the Town Council of Laytonsville, Maryland.

Dan Prats, Mayor

THIS IS TO CERTIFY that the foregoing Ordinance was adopted by the Town Council of Laytonsville in public meeting on the _____ day of _____, 2015 and shall become effect on the _____ day of _____, 2015

Charlene Dillingham, Clerk