

Introduced by: Councilmember Snipper

First Reading: March 21, 2011

Second Reading: July 11, 2011

Effective Date (Section 1): July 12, 2011

Effective Date (Section 2): November 7, 2011

CITY OF TAKOMA PARK, MARYLAND

ORDINANCE NO. 2011-10

(Amending the *Takoma Park Code* to provide for the adoption of regulations for community use of public space, parks, and buildings.)

WHEREAS, the City is in the process of reviewing and updating its rules and procedures regarding the use and rental of public space and buildings, including establishment of permit procedures, rental rates, operational rules, priority of use, and services; and

WHEREAS, the Council desires to move the Code provisions regarding the issuance of permits for community use of parks and public buildings and the rules, policies, and procedures governing the use of public parks, recreation facilities, and public buildings from the *Takoma Park Code* to administrative regulations so that these rules of use can more easily be revised and tailored to specific facilities, types of functions, and uses; and

WHEREAS, upon adoption of regulations for community use of City buildings, parks, and other public space and facilities, then the current *Takoma Park Code* provisions on the use of public parks, public space, and public buildings, and permits for the use of the same, will be repealed; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND.

SECTION 1. Title 14, Health and Safety, of the *Takoma Park Code* is amended as follows:

Chapter 14.20. ~~Morals and Conduct~~ Public Space and Public Buildings.

14.20.010 Adoption of regulations establishing permit procedures and requirements; fees and rules and guidelines for use of public space and buildings.

The City Manager or his or her designee may, by regulation, establish fee schedules, permit procedures, rules, schedules, terms, and conditions for community use of City buildings, parks, recreation facilities, and other public space and facilities. All such regulations shall be adopted pursuant to the procedure set forth in Chapter 2.12 (Administrative Regulations) of this Code.

Section 1 of this Ordinance shall be effective immediately upon adoption of this Ordinance.

SECTION 2. Title 14, Health and Safety, Chapter 14.20, Morals and Conduct, Article 3, Offenses Against Public Peace, Sections 14.20.090, 14.20.100, 14.20.110, 14.20.120, 14.20.170, and 14.20.180 of the *Takoma Park Code* are repealed as follows:

~~Article 3. Offenses Against Public Peace.~~
~~Division 1. Public Lands, Assemblages and Conduct.~~

~~14.20.090 — Definitions.~~

~~“Community based group” shall be any group, organization or person, whose membership is primarily composed of City residents, that is not a paid solicitor and:~~

~~1. May be charging admission, soliciting funds or selling goods, for a charitable, educational, nonpartisan political, athletic, arts/cultural or other noncommercial purpose; and~~

~~2. Is not promoting or selling commercial goods or services for or conducted on behalf of a for-profit business enterprise. (Prior code § 8-15)~~

~~14.20.100 — Applicability — Exemptions.~~

~~A. The provisions of this article shall apply to all persons using public parks, space and/or buildings.~~

~~B. A community based group which has been granted a permit for use of a public park or building shall be exempt from the provisions of Section 14.20.180(A)(1) and (B)(1). (Prior code § 8-16)~~

~~14.20.110 — Fee schedule and guidelines for use of public space.~~

~~The City Administrator or his or her designee shall have the authority to establish and revise, as necessary, a fee schedule and guidelines which shall apply to all activities covered under the provisions of this article. (Prior code § 8-17)~~

~~14.20.120 — Revocation of permit — Restoration of property.~~

~~The Mayor and Council expressly reserve the right to revoke any permit given to occupy public space in accordance with the provisions of this article. When a permit shall have been revoked the person who held the permit shall, on notice from the Mayor and Council, restore the sidewalk, parking, street, park or public building to its original condition, as nearly as possible, where it has been disturbed. (Prior code § 8-18)~~

~~14.20.170 — Permit for use of parks and public buildings.~~

~~The City Administrator or his or her designee shall issue permits for use of parks and public buildings in consultation with the principal user of the park and/or building. (Prior code § 8-23)~~

~~14.20.180 — Use of public space and buildings.~~

~~_____~~ A. All persons using any public park or space shall abide by the following rules and regulations:

- ~~_____~~ 1. To accept no admission fees or to sell or offer for sale any merchandise, article or thing, whatsoever, without the specific consent of the City Administrator or his or her designee;
- ~~_____~~ 2. Not to practice, carry on, conduct or solicit for any trade, occupation, business or profession without the written permission of the City Administrator or his or her designee;
- ~~_____~~ 3. To permit no beer, wine or other alcoholic beverages on public property;
- ~~_____~~ 4. To preserve public parks and recreation facilities;
- ~~_____~~ 5. Not to post or erect any bills, notices, paper or advertising device or matter of any kind;
- ~~_____~~ 6. Not to throw or leave paper or other rubbish anywhere except in the receptacles provided for the purpose;
- ~~_____~~ 7. Not to indulge in riotous, boisterous, threatening or indecent conduct or abusive, threatening, profane, obscene or indecent language;
- ~~_____~~ 8. Not to make or kindle fires except in places provided therefor, and to extinguish all fires, matches, cigarettes, cigars or other burning matter when leaving;
- ~~_____~~ 9. To leave parks clean and orderly;
- ~~_____~~ 10. Not to remain on a City-owned recreational park after 9:00 p.m., unless especially authorized to do so by the City Administrator or his or her designee;
- ~~_____~~ 11. No hard ball playing except on Hodges Field, where only children 12 years of age and under and none others may play hard ball.

~~_____~~ B. All persons using any public building shall abide by the following rules and regulations:

- ~~_____~~ 1. To accept no admission fees or to sell or offer for sale any merchandise, article or thing, whatsoever, without the specific consent of the City Administrator or his or her designee;
- ~~_____~~ 2. Not to practice, carry on, conduct or solicit for any trade, occupation, business or profession without the written permission of the City Administrator or his or her designee;
- ~~_____~~ 3. To permit no beer, wine or other alcoholic beverages on public property or buildings;
- ~~_____~~ 4. To preserve public buildings and recreation facilities;
- ~~_____~~ 5. Not to post or erect any bills, notices, paper or advertising device or matter of any kind;
- ~~_____~~ 6. Not to throw or leave paper or other rubbish anywhere except in the receptacles provided for the purpose;
- ~~_____~~ 7. Not to indulge in riotous, boisterous, threatening or indecent conduct or abusive, threatening, profane, obscene or indecent language;
- ~~_____~~ 8. To leave buildings clean and orderly, to turn off lights, lock buildings and turn thermostat according to instructions above it;
- ~~_____~~ 9. To vacate public buildings by the time specified on the permit or no later than 10:00 p.m. (whichever occurs first);
- ~~_____~~ 10. No smoking or carrying of lighted smoking materials is permitted in public buildings. No food or drink will be permitted in the Council Chamber; no food or drinks in gymnasium except on balcony;
- ~~_____~~ 11. Users are responsible for restoring premises to original conditions, i.e., setting up and replacing tables and chairs. Tables being used for social events, demonstrations, classes, etc.,

must be covered with paper, plastic or cloth. All personal effects must be removed at the time the event is concluded;

~~12. No decorations shall be affixed to the ceiling, floor or walls. No confetti or rice may be used in a public building. Nails, screws, tacks or other hanging devices must not be used;~~

~~13. Regularly scheduled religious services shall not be permitted.~~

~~C. The City Administrator or his or her designee shall be authorized to erect appropriate signs calling attention to the closing time of the parks and other rules and regulations governing use of public parks, space and buildings.~~

~~D. A violation of this section is a Class C offense. (Prior code § 8-24)~~

Section 2 of this Ordinance shall be effective on November 7, 2011.

SECTION 3. Effective Date.

Section 1 of this Ordinance shall be effective immediately upon adoption of this Ordinance. Section 2 of this Ordinance shall be effective on November 7, 2011.

ADOPTED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND, THIS 11TH DAY OF JULY, 2011, BY ROLL-CALL VOTE AS FOLLOWS:

AYE: Williams, Wright, Clay, Robinson, Seamens, Snipper, Schultz

NAY: None

ABSENT: None

ABSTAIN: None

EXPLANATORY NOTE

Additions to the existing language of the *Takoma Park Code* are shown by underlining.

~~Deletions~~ to the existing language of the *Takoma Park Code* are shown by ~~strikeout~~.

* * * * indicates language of the *Takoma Park Code* which is not reproduced in this Ordinance and which is not being changed.