

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

BETSY CUNNINGHAM et al. :

Plaintiffs : Civil Action No. JFM-03-1058

vs. :

KIMBERLY AMPREY FLOWERS et al. :

Defendants :

CONSENT DECREE

ADDENDUM A

RULES AND REGULATIONS

of the

CITY OF BALTIMORE.

DEPARTMENT OF RECREATION

AND PARKS

Affecting Management, Use, Government And

Preservation With Respect To All Land,

Property and Activities Under The Control Of

THE DIRECTOR OF THE DEPARTMENT OF RECREATION AND PARKS

Whereas Article VII, Section 67(f) of the Baltimore City Charter, 1996 Edition, as amended, provides as follows:

“The Director of Recreation and Parks shall have the following powers and duties:

(f) To adopt and enforce rules and regulations for the management, use, government and preservation of order with respect to all land, property, and activities under the control of the Department. To carry out such regulations, fines may be imposed for breaches of the Rules and Regulations as provided by law.”

Now, therefore, the Director of the Department of Recreation and Parks on this _____ day of _____, 2013, does make, publish and declare the following Rules and Regulations for the government and preservation of order within all areas over which the regulatory powers of the Director extend. The new rules and regulations shall be effective as of this date. All former rules and regulations previously issued, declared or printed are hereby amended and superseded.

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SECTION I

A. DEFINITIONS

1. “Aggressive Solicitation” shall, pursuant to Article 19, Section 47-1(a) of the Baltimore City Code, as amended, mean soliciting which is accompanied by one or more of the following:
 - a. approaching, speaking to, or following a person in such a manner as would cause a reasonable person to fear bodily harm or the commission of a criminal act upon the person, or upon property in the person's immediate possession;
 - b. in the course of soliciting, touching another person without that person’s consent;
 - c. continuously soliciting from a person, or following the person, after the person has made a negative response;
 - d. intentionally blocking or interfering with the safe passage of a person or a vehicle by any means, including unreasonably causing a person to take evasive action to avoid physical contact;
 - e. using obscene or abusive language either during the course of soliciting or following a refusal; or

- f. acting with the intent of intimidating another person into giving money or another thing of value.
2. "Curfew" shall mean any time between 12 Midnight and 6:00 a.m., during which persons are prohibited from remaining, loitering or parking in any park.
3. "Department of Recreation and Parks" shall mean the department of the City of Baltimore which has the power and duty to manage and operate parks and recreation areas.
4. "Director" shall refer to the Director of the Department of Recreation and Parks who has such authority as provided in Article VII, Section 67 of the Charter of Baltimore City, 1996 Edition, as amended.
5. "Excreta" shall mean all matter eliminated from the bodily system, such as sputum, urine, and fecal matter.
6. "Intoxication" shall mean a state of any person being drunk, inebriated or under the influence of alcoholic beverages or spirituous liquors, taken internally.
7. **"Leafleting" is the distribution of non-commercial printed material or items while walking or standing and addressing the person to whom the material is offered in a manner consistent with laws applicable to such conduct in a public place. "Leafleting" includes the seeking and gathering of signatures on petitions.**
8. "Issuer" shall mean the Director of the Department of Recreation and Parks, or the Director's designated representative, who has authority to issue a permit for the use of a park area, defined hereafter.
9. "Owner" shall mean any person owning, operating, or having the use or control of a vehicle, animal or other personal property.
10. "Park" or "Parks," unless specifically limited, shall be deemed to include all parks, squares, monuments, playgrounds, athletic fields, stadia, stadia parking lots, tennis courts, golf courses, swimming pools, beaches, boardwalks, promenades, docks, piers, band shells, music pavilions, picnic areas, recreational areas and structures, museums, zoological and botanical gardens, places, circles, triangles, special or odd lots, center plots of dual highways (cultivated or uncultivated), roads, bridges, waters and land under water, and also entrances and approaches thereto, and all other land or property or structures under the jurisdiction of the Director of the Department of Recreation and Parks, now or hereafter owned or acquired by the City for park, recreation or music purposes, including all land under and space above the surface of the ground.
11. "Permit" shall mean any written authorization issued by or under the authority of the Director of the Department of Recreation and Parks for a specified park privilege, permitting the performance of a specified act or acts in any park.

12. “Person” shall mean any natural person, corporation, society, organization of persons, company, association, firm or partnership.

13. “Police Officer” shall mean any officer of the Baltimore City Police Department, Baltimore County Police Department, or Maryland State Police.

14. “Demonstration” shall mean any demonstration, picketing, speechmaking, marching, holding of vigils, and all other like forms of conduct which involve the communication or expression of views or grievances, engaged in by one or more persons, the conduct or purpose of which has the effect, intent or propensity to draw a crowd of onlookers. This term does not include casual park use by visitors or tourists which does not have an intent or propensity to attract a crowd of onlookers.

15. “Public Event” shall mean sports events, pageants, celebrations, historical reenactments, regattas, entertainments, exhibitions, fairs, festivals and similar events (including such events presented by the City), which are not “demonstrations” under paragraph 14 of this section, and which are engaged in by one or more persons, the conduct of which has the effect, intent or propensity to draw a crowd or onlookers. This term also does not include casual park use by visitors or tourists which does not have an intent or propensity to attract a crowd or onlookers. This term includes any event for which an entry fee is charged.

16. “Rules and Regulations” shall mean any rule or regulation of the Director of the Department of Recreation and Parks established pursuant to Article VII, Section 67(f) of the Baltimore City Charter, 1996 Edition, as amended.

17. “Solicitation” shall, pursuant to Article 19, Section 47-1(c) of the Baltimore City Code, as amended, mean any act by which one person requests an immediate donation of money or other thing of value from another or others in person, regardless of the solicitor's purpose or intended use of the money or other thing of value. The solicitation may be oral, written, or by other means of communication. Solicitation is not intended to mean sales or vending.

18. “Vending” shall mean sales of services, food, merchandise, or any other item, including but not limited to, an exchange of an item or service for tips or donations.

B. INTERPRETATION OF RULES AND REGULATIONS

For the purpose of these Rules and Regulations, certain words, terms and phrases, and their derivatives shall be construed and given the meaning specified in this section.

1. Any term in the singular shall include the plural; and the plural shall include the singular.

2. Any term in the masculine shall include the feminine and neuter; and the feminine shall include the masculine and the neuter.

3. Any requirement or provision of these Rules and Regulations relating to any act shall respectively extend to and include the causing, procuring, aiding or abetting, directly or indirectly, of such act.
4. No provisions hereof shall make unlawful any act necessarily performed by any Police Officer or employee of the Department of Recreation and Parks in line of duty or work, or by any person, his agents or employees, in the proper and necessary execution of the terms of any agreement with the Director.
5. Any act otherwise prohibited by these Rules and Regulations, provided it is not otherwise prohibited by law or local ordinance, shall be lawful if performed under, by virtue of, and strictly in compliance with the provisions of a permit and to the extent authorized thereby.
6. These Rules and Regulations are in addition to and supplement all municipal, state and federal laws, ordinances, and regulations.

C. TERRITORIAL SCOPE

All rules and regulations affecting parks shall be effective within and upon all areas under the jurisdiction of the Department of Recreation and Parks including parks in the corporate limits of Baltimore City, now or hereafter acquired and those which lie outside of the corporate limits of Baltimore City; now or hereafter acquired by the City for park purposes, to include but not limited to Mt. Pleasant Park in Baltimore County, the Pine Ridge Golf Course on Loch Raven and the Loch Raven Skeeet and Trap Shooting Range in Baltimore County, and shall regulate the use thereof by all persons.

SECTION II. PERSONAL BEHAVIOR

Rule 1. Disturbing the Peace - No person shall disturb the peace in any park by any act; nor shall any person behave in a disorderly manner.

Rule 2. Immorality and Indecency - No person shall do any obscene or indecent act in any park, or display, expose or distribute any obscene picture, banner or other object or enter a comfort station, or toilet set apart for the use of the opposite sex; nor shall any person loiter in any comfort station or toilet at any time; nor shall any person dress or undress in any park except in dressing rooms provided for such purposes.

Rule 3. Soliciting and Aggressive Soliciting - In accordance with Article 19, Section 47-3 of the Baltimore City Code, as amended, no person shall engage in aggressive solicitation in any park or on any property under the jurisdiction of the Department of Recreation and Parks. Except as otherwise provided by Article 19, Sections 47-4 and 47-5 of the Baltimore City Code, as amended, solicitation is lawful and no permit is required. However, the prohibitions to solicitation in Article 19, Sections 47-4 and 47-5 shall apply to all parks and all property under the jurisdiction of the Department of Recreation and Parks.

Rule 4. Intoxication - Use of Alcoholic Beverages - No person shall enter a park in an intoxicated condition; nor shall any person have in his possession, drink, use, sell, distribute, offer for sale, pass out or give away any alcoholic beverages whatsoever in any property under the jurisdiction of the Department of Recreation and Parks, except that: (1) in the case of premises or facilities leased or licensed to an organization, the use and sale of alcoholic beverages may be permitted by the Director in any portion of the premises of which exclusive use has been granted to such organization and its members or patrons; (2) in the case of premises leased to a concessionaire for restaurant purposes, the use and sale of alcoholic beverages may be permitted by the Director with the serving of meals; (3) alcoholic beverages may be used, served or sold on park property in conjunction with a permitted event if a proper permit is first obtained, except that no such permit shall be issued for the sale, use or consumption of alcoholic beverages at recreation centers operated by the Bureau of Recreation where the possession or use of alcoholic beverages is prohibited. Such permits shall be issued only if the Director first determines that said use, serving or sale will take place under controlled orderly circumstances and will not have a detrimental effect when considered in relation to the comfort, convenience, safety, welfare and order of the public in general. The Director when issuing any such permit may prescribe reasonable rules and conditions. Furthermore, the Permittee is responsible for obtaining any necessary permits or other authorization from the Board of Liquor License Commissioners.

Notwithstanding any of the above, the Permittee shall abide by all federal, state and local laws pertaining to the use, consumption and sale of alcoholic beverages.

Rule 5. Firearms, Weapons - No person shall wear or carry into or use in any park, any handgun, dirk knife, bowie knife, switchblade knife, star knife, sandclub, metal knuckles, razor, nunchaku, or any other dangerous or deadly weapon of any kind whatsoever (penknives without switchblade excepted), concealed upon or about his person; and no person shall wear or carry any such weapon, chemical mace, pepper mace, or tear gas device openly with the intent or purpose of injuring any person in any unlawful manner. For the purpose of this section, the Department of Recreation and Parks incorporates by reference those definitions for the aforementioned items and any additional items found in the Criminal Law Article, Sections 4-101 and 4-201 of the Annotated Code of Maryland, as amended.

Rule 6. Throwing Missiles - No person shall in any park, throw, cast, lay, deposit, hurl, propel or toss any stone, bottle, glass, glassware, crockery, or metal object or other substance, or any part thereof, with sharp edges or projections.

Rule 7. Sleeping - No person shall sleep or lie upon any park bench, seat, rail, balustrade, fence, step, doorway, platform, paved area or any other man-made surface or structure.

Rule 8. Conduct - No person shall interfere with, encumber, obstruct or render dangerous any park or part thereof; any person violating the above shall be responsible and shall be liable for the cost of removal of such interference, encumbrance, obstruction or dangerous condition of any park or part thereof.

Rule 9. Excreta - No person shall emit, eject, or cause to be deposited in any park, any excreta of the human body, except in proper receptacles designated for such purposes.

Rule 10. Entering and Leaving- No person shall enter or leave a park at points not designated as proper entrances or exits.

Rule 11 - Improper Admission - No person shall gain improper admission to, or use of, or attempted admission to any park or park facility, for which a charge is made, without paying the fixed charge or price of admission.

Rule 12. Disobeying Authorities and Signs - No person shall, in any park, disobey an order of a Police Officer or any park employee acting within the scope of his employment. Nor shall any person in any park disobey, disregard or fail to comply with any rule or regulation, warning, prohibition, instruction or direction, posted or displayed by sign, notice, bulletin, card, poster, or when notified or informed as to its existence by a Police Officer or other authorized person.

SECTION III. BEHAVIOR TOWARD OTHERS

Rule 13. Annoying and Following - No person shall annoy, follow or accost any other person in any park.

Rule 14. Immoral Soliciting - No person shall approach or solicit, for immoral or indecent purposes, any other person or persons in any park.

Rule 15. Snooping and Molesting - No person shall snoop, crawl, peep, creep up on, or molest, any person or persons within parked vehicles or anywhere else in any park.

Rule 16. Aiding or Abetting - No person shall do, aid, abet, or assist in doing any act injurious to any person, animal or property within any park.

Rule 17. Assault and Fights - No person shall engage in, instigate or encourage a contention or fight or in any way disturb the peace of others, or their organized or unorganized activity, or in any way endanger their life, person, property, health or safety, by words, actions or attempts, made directly or by aiding or abetting others to do so, in any park.

Rule 18. Gambling - No person, whether spectator or contestant, shall gamble, bet, take bets, wager, participate or conduct lotteries, games of chance, betting, or use any machine or instrument or other gambling device, in any park or recreation center, or bring into any park or recreation center such games or devices except by permit issued by the Director. All conditions imposed in the permit shall be complied with by the permittee or the permit shall be automatically revoked. Permittee shall comply with all city, state, and federal laws, ordinances and regulations which concern gambling.

Rule 19. Vending - No vending shall be permitted on any property under the jurisdiction of the Department of Recreation and Parks except in conjunction with a permitted activity sponsored by a non-profit organization or the Department of Recreation and Parks.

Rule 20. Advertising - No person shall engage in commercial advertising in any park in any manner whatsoever for any reason whatsoever, except by permit, to include but not limited to:

- a. distributing, posting or displaying any commercial flag, banner, sign or any other matter,
- b. Displaying by means of aircraft, kite, balloon, aerial bomb, loud speaker truck or vehicle, or any other matter for commercial advertising purposes above the surface or on the grounds of any park.
- c. Playing of any band, musical instrument or drum or causing any noise or other attraction for commercial advertising purposes.
- d. Having signs on motor vehicles of such size, color and design as to evidence intent on the part of the owner or operator to commercially advertise, except taxicabs and public transportation buses using normal transportation routes through the parks.

SECTION IV. TREATMENT AND USE OF PARK PROPERTY

Rule 21. Roads and Paths - No person shall injure, deface, displace, remove, fill in, raise, destroy, tamper with any drive, road, path, walk, promenade, boardwalk, bridle trail, bridge or approach thereto, take up, remove or carry away any asphalt curb, flagstone, rock, stone, gravel, sand, clay, earth or any construction material, or make any excavation of any kind in any park.

Rule 22. Structures - No person shall climb, cut, injure, mutilate, deface, displace, remove or destroy any wall, fence, shelter, seat, statue, balustrade, monument or other structure, building, post, railing, bench, seat-platform, stand or tree guard, in any park.

Rule 23. Public Utilities - No person shall, in any park, climb, cut, injure, mutilate, deface, extinguish, interfere with, displace, remove or destroy any telephone or telecommunication wire, pipe or main for conducting gas or water, or any hydrant, sewer, drain, receiving basin, covering, manhole or vent forming a part thereof, or any appurtenance or appendage conforming therewith, or any lamp, lamppost, or electric light apparatus, or light.

Rule 24. Signs and Signals - No person shall injure, deface, displace, remove or destroy any sign, notice, inscription, post, or surveyor's monument, erected or marked for any purpose, or any mile-stone, danger sign or signal, guide post or sign, or any signaling device, for traffic or otherwise.

Rule 25. Plants, Shrubs, Trees, Flowers -

- a. No person shall, in any park, cut, destroy, break, prune off, deface, set fire to, mutilate, injure, disturb, sever from the ground, or remove any growing thing, including but not limited to any plant, flower, flower bed, shrub, tree, growth, grass, or any branch, stem, fruit or leaf thereof.

- b. No person shall in any park attach any rope, cable or other contrivance to any growing thing, or set fire to any timber, tree, shrubs, plants, flowers, grass or plant growth, or suffer any fire upon other land to extend into park lands, unless authorized in writing by the Director. Picnic fires and grills shall be allowed only in designated areas or by permit. Ground fires are prohibited.
- c. No person shall tie, leave, or allow any animal to injure any tree, shrub, lawn or grass plot, or go upon any lawn, grass plot or planted area in any park.
- d. No person shall have in his possession in any park any tree, shrub or other plant or any branch, stem, flower, fruit or leaf thereof if such articles were taken from the park.
- e. No person shall plant any growing thing in any park, unless authorized in writing by the Director.

Rule 26. Special Grounds and Structures - No person shall, in any park, destroy, injure, deface, set fire to, displace, remove, break, mutilate, disturb the grounds, equipment and structures of any park property, to include but not limited to, playgrounds, golf courses, ball fields, athletic fields, stadia, tennis courts, picnic groves, zoos, museums, aquaria, field houses, pavilions, live animal housing, outdoor centers, swimming pools, bathing beaches, or any other area set aside for games, recreation, amusement and exhibitions.

Rule 27. Attachments and Projections - No person shall attach, string, adjust or suspend wires or similar objects in any park; nor shall any person erect, construct or maintain projections on, over or under any park, unless permitted by the Director. No person shall install, erect or construct any sign, building, structure or other physical utility or facility in any park, unless otherwise permitted in writing by the Director. The Director may order the removal or other disposal of any attachment or projection hereinabove described for which no permit is granted, or which violates the terms or conditions of any other permit, license or agreement.

Rule 28. Pollution of Waters - No person shall throw, cast, lay, drop or discharge into or leave in any body of water in any park, or in any swimming pool, or in any storm sewer, or drain flowing into said waters, or in any gutter, sewer or basin, any substance, matter or thing, whatsoever, which may or shall result in the pollution of said waters, thereby endangering the health, life and safety of the public or aquatic life using such waters.

Rule 29. Feeding Animals - No person shall give food or any other matter, substance or thing to any animals inhabiting any park.

Rule 30. Treatment of Animals - No person shall, within any park, molest, annoy, frighten, injure, kill, wound, trap, hunt, take, steal, chase, shoot, throw missiles at, remove or have in his possession any living creature found in said park, including all birds and other wild life found in any park whether said creature is the property of the Department of Recreation and Parks or a loan specimen or of other ownership, or a creature making its natural habitat in said park,

including any creatures on exhibit or in transit, or have in his possession any feral animal, reptile, bird, bird part, bird's nest or squirrels nest, or remove the young of any such animal or the eggs or young of any such animal, reptile or bird; or knowingly buy, receive, have in his possession, steal or give away any such animal, reptile, bird or egg so killed or taken.

Rule 31. Animals in Parks - No person owning or being custodian or having control of any animal whatsoever shall cause or permit same to go at large in any park; nor shall he bring and deposit or abandon such animal in any park areas. A dog may be brought into a park providing that such dog is continuously restrained by a leash not exceeding 6 feet in length, except that no dog shall be permitted in areas designated by signs as prohibited areas. Dogs may be unrestrained in areas so designated as "Dog Parks" by the department. All rules and regulations posted at the Dog Park areas must be adhered to for dogs to remain off leash. Any animal so found at large, or in violation of Dog Park area rules, or in prohibited areas may be seized and impounded or disposed of pursuant to the laws of Maryland and Baltimore City.

Rule 32. Animal Drinking- No dog or other animal shall be permitted to drink out of fountains, faucets or hydrants reserved, designed and designated for persons.

Rule 33. Horses - No person shall ride or lead a horse into or upon lawns or other areas of any park, unless permitted by the Director.

Rule 34. Trash Disposal and Dumping - No. person shall take into, carry through, leave in, or throw, cast, lay, drop, dump or discharge into or on, or suffer or permit any representative, agent, employee, person or animal in his or her charge to take into, carry through, leave in, throw, cast, lay, drop, dump or discharge into or on any park, any rubbish or garbage of any sort, including but not limited to ashes, dross, cinders, shells, fruit, fruit skins, vegetable foodstuff, paper, pasteboard, dirt, sand, oil, grease, clay, loam, stone or building rubbish, construction material, hay, straw, oats, sawdust, shavings or manufacturing, trade or household waste, vehicles or parts thereof as junk, old iron or other metal or objects made therefrom; or sick, diseased or dead animals, organic refuse or other offensive matter.

Rule 35. Newspapers - Any person placing or using a newspaper or any other paper or material to sit upon or lie upon, or for any other use, in any park, shall upon completion of such use, remove same from the park or place same in a receptacle designated for such purposes.

Rule 36. Responsibility for Treatment and Use of Park Property - Any person who injures in any manner whatsoever, including but not limited to defacement, displacement, removal, destruction, mutilation, extinguishment, interference, or disturbance, any park property, including but not limited to roads, paths, structures, public utilities, signs, signals, plants, shrubs, trees, flowers, or special grounds and structures, shall be responsible for such injury or damage and liable for the cost to have the park or any of the property within the park restored to its original condition.

Rule 37. Metal Detectors – Metal Detectors may not be used in parks, unless permitted by the Director.

Rule 38. Fishing, Crabbing, Bathing, Camping, etc. - Except by permit and as more specifically set forth in this Rule, no person shall fish, crab, bathe, swim, wade, camp, coast with sleds, ice skate, roller skate, build fires, or play games in any park, or in or on waters under the jurisdiction of the Department of Recreation and Parks, except in areas set aside and designated for that use by the Director.

A. Fishing and Crabbing - No person shall fish or crab in any park or in or on waters under the jurisdiction of the Department of Recreation and Parks except in areas set aside and designated by the Director, or by permit. Any person who engages in fishing or crabbing shall obey all posted guidelines and shall comply with all applicable city, state and federal laws, regulations and ordinances.

B. Camping – No person shall engage in camping or erect or maintain a tent, shelter or camp in any park, except in areas set aside and designated by the Director and by permit. No camping will be allowed in the Inner Harbor Park, War Memorial Plaza, Broadway Square, Broadway Pier or in other places designated by the Director as unsafe and/or unsuitable for camping.

C. Fires –

- (a) No person shall kindle, build, maintain, or use a fire in any place, portable receptacle, or grill except in places provided by the Department and so designated by sign or by special permit. Open or ground fires shall not be allowed in any park, except during special events and with the approval of the Fire Department and the Director. Any fire authorized by this subdivision shall be contained in a portable receptacle, grill, or other similar device, or in a grill established and maintained by the Department, and continuously under the care and direction of a competent person over eighteen (18) years of age, from the time it is kindled until it is extinguished. No fire shall be within ten feet of any building, tree, or underbrush, or beneath the branches of any tree.
- (b) When a drought has been declared by the City of Baltimore Department of Public Works, fires shall be prohibited on all Department of Recreation and Parks property, due to the dry conditions.
- (c) No person shall leave, throw away, or toss any lighted match, cigar, or cigarette, hot coals, or other flammable material within, on, near or against any tree, building, structure, boat, vehicle or enclosure, or in any open area.

D. Skiing, Sledding – No person shall ski, sled or coast on any kind of equipment in any park except in areas designated and maintained for such use.

E. Ice Skating – Ice skating is permitted at rinks maintained by the Department for such use, at such times and in accordance with the rules and regulations posted at each facility. No person shall go upon the ice of any lake or pond in any park, except at such places and at such times as may be designated by the Director.

F. Roller Skating, Skate Boarding – No person shall skateboard in any park except in areas set aside exclusively for this purpose by the Director, and in compliance with all rules posted in such

areas. Any person using rollerblades or roller skates in any park shall obey all park signs pertaining to the use of same. No person shall use rollerblades in any park, except on park drives or in areas designated for such use by the Director, and at times designated for such use. No person shall use rollerblades in a reckless manner, or so as to endanger persons or property.

Rule 39. Curfew - Except in the Inner Harbor Park and the Harbor's Public Pedestrian Promenade, no person or vehicle shall remain in any park between 12 Midnight and 6:00 A.M., unless by permit or otherwise authorized by Director. This rule shall not prohibit persons or vehicles from passing through any park during the time limit herein provided.

Rule 40. Maryland Zoo in Baltimore - No person shall enter or remain in any area of the Maryland Zoo in Baltimore which is enclosed by the perimeter protective fence between the time of one hour after sunset or one hour after ticket sales are discontinued at the entrance gates of the Zoo, whichever is later, and the resumption of ticket sales at said entrance gates on the following day.

Rule 41. Boating - No boats shall be operated or docked by any person in any water in any park except by permit or as otherwise regulated for a specific body of water.

Rule 42. Toy Aviation - Model Airplanes. etc. - No person shall engage in model airplane flying, toy aviation, model boating or model automobiling, except at places designated or maintained therefor.

Rule 43. Aircraft - No person shall voluntarily, except by permit, bring, land or cause to descend or alight within or upon any park, or operate, fly or cruise over any park, any airplane, helicopter, flying machine, balloon, parachute or other apparatus for aviation. The term "voluntarily" shall mean anything other than a forced landing.

Rule 44. Games In Designated Areas - No person shall throw, cast, catch, kick, play with or strike any game ball whatsoever or engage in any sport, game, or competition except in places designated or maintained therefor. Nor shall a person engage in, or play a game or other sport or contest of a nature different from the one for which the designated area was created, except in such areas as are officially set aside for diversified games.

SECTION V. TRAFFIC CONTROL

Rule 45. Maryland Motor Vehicle Laws - The Motor Vehicle and Traffic Laws of the State of Maryland as codified in the Transportation Article of the Annotated Code of Maryland, all applicable Administrative Orders of the Bureau of Transportation of the City of Baltimore, and all applicable ordinances of the Mayor and City Council of Baltimore, are hereby established as rules and regulations of the Department of Recreation and Parks, and shall be in effect in all parks with like effect as though set forth herein in full, and the traffic rules and regulations set forth herein are in addition to and supplement the provisions of this rule.

Rule 46. Traffic Summons - The Director of the Department of Recreation and Parks authorizes, in any park, the issuance of traffic tickets, by Police Officers and special traffic enforcement officers to persons violating the Motor Vehicle and Traffic Laws of the State of Maryland as

codified in the Transportation Article of the Annotated Code of Maryland, all applicable Administrative Orders of the Bureau of Transportation of the City of Baltimore, all applicable ordinances of the Mayor and City Council of Baltimore, and all applicable traffic rules and regulations of the Department of Recreation and Parks, now in effect or hereafter modified or amended.

Rule 47. Speed Limits - No person operating, driving or propelling any vehicle shall proceed at a speed greater than 25 miles per hour in any park, except where otherwise designated by an applicable Administrative Order of the Bureau of Transportation of the City of Baltimore and as otherwise designated by applicable ordinances of the Mayor and City Council of Baltimore, and except that no person shall operate, drive or propel any vehicle on any parking lot under the jurisdiction of the Department of Recreation and Parks at a speed greater than 15 miles per hour.

Rule 48. (a) Vehicles Allowed - The use of parks is restricted and limited to automobiles classed as pleasure vehicles, to include station wagons, vans, motorcycles, bicycles and recreational and passenger vehicles (limited to 9-person capacity only) and school buses. Vehicles adapted for more than 9-person capacity shall operate in any park only by permit. Vehicles constructed or adapted for or engaged in the carrying of merchandise or the hauling of equipment and appliances, such as trucks and trailers, but not limited thereto, are prohibited from using any park, except when necessary to make deliveries in such parks or where necessary because of fire, accident, impending danger, public disaster or other emergency or work authorized by the Department of Recreation and Parks.

(b) Bicycle and Motor Vehicle Riding - The riding of bicycles and motor vehicles including mini-bikes, motorcycles, dirt bikes, all-terrain vehicles, motor scooters or other engine propelled vehicles shall be prohibited on pedestrian walks and paths in all parks, on lawns in any park, on such vehicular roads so designated and on any other park area so designated or so posted as prohibited.

Rule 49. Vehicle Operators - No person shall operate a motor vehicle in any park with a learner's license. No person, who may not lawfully operate a vehicle within the State of Maryland, shall drive or operate a vehicle within any park. Students who are enrolled in a driver education course may operate a vehicle only in specifically designated locations under the jurisdiction of the Department of Recreation and Parks.

Rule 50. Towing - No person shall cause or permit a vehicle to be towed by another vehicle, in any park except in case of breakdown or other emergency which originated on park property.

Rule 51. (a) Repairs to Vehicles - No person shall in any park grease, lubricate, or make repairs to any vehicle except those of minor nature, and then only in case of emergency.

(b) Parking of Cars - No person shall run over or park an automobile or other motor vehicle partially or totally on lawn areas of any park unless otherwise permitted by designated signs; nor shall any person park an automobile or other motor vehicle on park roads posted as prohibited areas.

SECTION VI. PERMIT REQUIREMENTS

Rule 52. REQUIREMENT OF PERMIT – Except as otherwise provided in these Rules and Regulations, a person, organization or other entity desiring to hold a public event, picnic, private gathering, or demonstration or desiring to reserve a park space for their activity shall first obtain a permit from the Department of Recreation and Parks, Permits Section. **No permit is required for any picnic, private gathering, public event, or demonstration involving up to thirty (30) people, provided that the proposed activity does not include any temporary structures (such as stages, booths, tents, displays, tables, chairs etc.) or electronic sound amplification (a hand-held, battery operated megaphone is allowed without a permit, so long as its use will comply with relevant noise ordinances). Unless otherwise provided in these Rules, leafleting by up to 30 people is allowed without a permit. Demonstrations may take place without a permit in the areas specified in Rule 57.D below (“Instant Permission to Demonstrate”), subject to the provisions of Rule 57.D.** Permitted activities shall have priority for the use of the specific areas and times for which the permit is issued.

Excluded from this permit section are the permits required for the use of recreation centers or playgrounds. A person, organization or entity desiring to use a recreation center or playground must first obtain a permit from the Recreation Center Director in charge of those areas. Permits for the organized use of Athletic fields and courts are also covered under this section.

Rule 53. PICNICS AND PRIVATE GATHERINGS - Any group which seeks to reserve a specific area for picnics, outings or private gatherings or to bring a grill into a park must obtain a permit. Permitted activities shall have priority for the use of the specific areas and times for which the permit is issued.

Rule 54. GENERAL (NON-DEMONSTRATION) PERMITS - Applications

A. An application for a festival permit must be submitted to the Permits Office at least one hundred and twenty (120) days prior to the festival; an application for a public event must be submitted seventy-five (75) days prior to the proposed public event; and an application for a picnic or private gathering must be submitted at least thirty (30) days prior to the proposed picnic or private gathering.

Application for a permit shall be made on the appropriate application form available on the Department of Recreation and Parks website and at its office located at 3001 East Drive, Baltimore, Maryland 21217. The completed application form shall be submitted to the Permits Office, 3001 East Drive, Baltimore, Maryland 21217.

The application for a permit must contain the following information:

1. The name, address and day and evening phone number of the person or organization or other entity seeking the permit.
 2. The name, address and day and evening phone number of the person who will be responsible for conducting the public event, picnic or private gathering.
 3. The nature of the public event, picnic or private gathering. The Director reserves the right to request additional information if necessary.
 4. The date or dates, and hours during which the public event, picnic or private gathering is proposed to be held, including set up and disassembly time.
 5. The number of persons who will be engaged in such activities.
 6. Location to be used.
 7. The equipment and structures to be used during the activity.
 8. Information about any fees to be charged for the activity.
- B. Permit applications will be processed in order of receipt. Fully executed permit applications are subject to the terms and conditions stated on the permit and in these Rules and Regulations. No permit will be granted for a picnic, private gathering, or public event which will occur on more than 5 days, consecutive or not. A new permit application shall be filed for each new public event, picnic or private gathering.
- No permit application shall be processed until all required information and documentation has been submitted as requested and all appropriate fees have been paid in full.**
- C. Permitted activities will be allowed only between the hours of 7:00 A.M. and 9:00P.M., unless written approval is given by the Director.
- D. A permit will be issued unless the Issuer specifically finds that the proposed activity:
1. unduly interferes or conflicts with a previously issued permit;
 2. unduly impedes vehicular or pedestrian traffic;
 3. unduly impedes scheduled recreational activities;
 4. unduly impedes the operation and functioning of adjacent commercial activities;
 5. is of such a nature or duration that it cannot reasonably be accommodated in the particular area requested in the permit application; or

6. violates any law, ordinance or regulation of federal, state or city government, including these Rules and Regulations.

Notwithstanding a finding under this Rule 54D.1-6, the Issuer shall propose alternate sites and/or times, if available. The Issuer will endeavor to accommodate as many persons or groups as possible.

- E. A permit maybe revoked by the Director, his/her designee, a Park Ranger or a Police Officer for any of the following reasons:
 1. Violation of the terms or conditions of the permit.
 2. The activities or conduct of the permit holder present a clear and present danger to the public health, welfare and safety.
 3. The number of persons engaged in the permitted activity exceeds the number stated on the permit.
 4. The permit holder has failed to limit the permitted activity to the area designated on the permit.
 5. The activities of the permit holder constitute a violation of any applicable law or regulation.
- F. The Director, in his/her reasonable judgment, may waive any provision of these Rules when appropriate.

Rule 55. DEMONSTRATION PERMITS - Applications

A. An application for a demonstration permit must be submitted to the Permits Office at least **two** business days prior to the proposed demonstration. **In order to respond to imminent events or concerns, the 2-day advance notice requirement shall be waived by the Director if the size and nature of the activity will not reasonably require the commitment of municipal resources or personnel in excess of those which are normally available or which can be reasonably made available within the necessary time period.** Permitted activities shall have priority for the use of the specific areas and times for which the permit is issued.

Application for a demonstration permit shall be made on the appropriate application form available on the Department of Recreation and Parks website and at its office located at 3001 East Drive, Baltimore, Maryland 21217. The completed application form shall be submitted to the Permits Office, 3001 East Drive, Baltimore, Maryland 21217.

The application for a demonstration permit must contain the following information:

1. The name, address and day and evening phone number of the person or organization or other entity seeking the permit.

2. The name, address and day and evening phone number of the person who will be responsible for conducting the demonstration.
 3. The nature of the demonstration. The Director reserves the right to request additional information if necessary.
 4. The date or dates, and hours during which the demonstration is proposed to be held, including set up and disassembly time.
 5. The number of persons who will be engaged in such activities.
 6. Location to be used.
 7. The equipment and structures to be used during the activity.
 8. Information about any fees to be charged for the activity.
- B. Permit applications will be processed in order of receipt. Fully executed permit applications are subject to the terms and conditions stated on the Permit and in these Rules and Regulations. No permit will be granted for a demonstration which will occur on more than 5 days, consecutive or not. A new permit application shall be filed for each new demonstration.
- No permit application shall be processed until all required information and documentation has been submitted as requested and all appropriate fees have been paid in full. The Director shall waive the fees for a demonstration permit if the applicant attests under penalty of perjury that the required fee would inhibit his/her/its ability to engage in the permitted activity.**
- C. Permitted activities will be allowed only between the hours of 7:00 A.M. and 9:00P.M., unless written approval is given by the Director.
- D. A permit will be issued unless the Issuer specifically finds that the proposed activity:
1. unduly interferes or conflicts with a previously issued permit;
 2. unduly impedes vehicular or pedestrian traffic;
 3. unduly impedes scheduled recreational activities;
 4. unduly impedes the operation and functioning of adjacent commercial activities;
 5. is of such a nature or duration that it cannot reasonably be accommodated in the particular area requested in the permit application; or

6. violates any law, ordinance or regulation of federal, state or city government, including these Rules and Regulations.

Notwithstanding a finding under this Rule 55D.1-6, the Issuer shall propose alternate sites and/or times, if available. The Issuer will endeavor to accommodate as many persons or groups as possible.

- E. A permit maybe revoked by the Director, his/her designee or Park Ranger or Police Officer for any of the following reasons:
 1. Violation of the terms or conditions of the permit.
 2. The activities or conduct of the permit holder present a clear and present danger to the public health, welfare and safety.
 3. The number of persons engaged in the permitted activity exceeds the number stated on the permit, **subject to Rule 57.D below.**
 4. The permit holder has failed to limit the permitted activity to the area designated on the permit, **subject to Rule 57.D below.**
 5. The activities of the permit holder constitute a violation of any applicable law or regulation.
- F. A permit application for a demonstration will be reviewed within **one** business day of its submission.
- G. In granting a permit for a demonstration, the Issuer will exercise no discretion over the issuance of a permit hereunder, except as provided for in these Rules. Nothing in these Rules will be construed to interfere with the right of public assembly except as constitutionally permitted.
- H. In the event a permit for a demonstration is denied, the Issuer shall notify the applicant in writing immediately of the reasons for that determination.
- I. In the event that a permit application for a demonstration is denied due to the failure of the applicant to submit a complete and fully executed permit application or because the application is not in compliance with the provisions of the Park Rules, after pursuing alternate sites and/or times in accordance with Rule 54D, the Issuer may, within his/her discretion, within 3 days thereafter, file with the Circuit Court for Baltimore City an action requesting a judicial determination as to whether denial of the permit application was valid and proper. Notice of the filing of such an action with the Court will be immediately sent by first class mail, postage prepaid, **or by facsimile or e-mail, if available**, to the address of the person or organization on the permit application.

- J. An applicant whose permit application has been denied under this rule may file an action requesting a judicial determination as to whether denial of the permit application was valid and proper. Notice of the filing of such an action shall be immediately sent by first class mail, postage prepaid, **or by facsimile or e-mail, if available**, to the City Solicitor and to the Director of Recreation and Parks.
- K. In the event the decree or order of the Court affirms the action of the Issuer denying the permit the Director of the Department of Recreation and Parks shall cooperate in the expediting of any appeal brought by the person seeking the permit, in accordance with the Maryland Rules of Procedure.
- L. The Director, in his/her reasonable judgment, may waive any provision of these Rules when appropriate.

Rule 56. GENERAL CONDITIONS FOR PERMITTED ACTIVITIES

- A. The individual(s), organization(s), or group(s) sponsoring the public event, picnic, private gathering, athletic activity or demonstration must undertake in good faith to ensure good order and self-discipline in carrying on the permitted activity.
- B. In connection with permitted activities, temporary structures (including, but not limited to, speakers, stands, platforms, lecterns, chairs, portable sanitary facilities and press and news facilities) furnished by the permit holder and reasonably necessary for the conduct of the permitted activity may be authorized in the permit, provided prior notice has been given to the Director in the permit application.
 - 1. In the interest of protecting the park areas involved, the Director may impose reasonable restrictions upon the temporary structures permitted, including restrictions involving traffic and public safety considerations, and other legitimate park value concerns.
 - 2. All temporary structures erected by the permit holder must be done in a manner so as to cause the least possible damage to park property and basic park values and must be removed by the permit holder as soon as practicable after the conclusion of the permitted activity, but within the times and dates specified in the permit. The permit holder is responsible for any and all costs for damages to park property which results from the use of a temporary structure.
 - 3. **The permit holder, or the person in charge of a demonstration without a permit under Rule 57.D, shall exercise reasonable care under the circumstances to prevent damage to City property by those participating in the activity.**
- C. Sound amplification equipment reasonably necessary for the conduct of the permitted activity may be allowed, provided prior notice has been given to the Director in the permit application. Except as provided by law, the Director reserves the right to prohibit

or limit the use of sound amplification equipment, so that it will not disturb nonparticipating persons by loud or raucous noise levels created in, or in the vicinity of, the park area. **For a demonstration, a hand-held, battery operated megaphone is allowed without a permit, so long as its use will comply with relevant noise ordinances.**

- D. Unless otherwise provided in these Rules, no activity shall be held within 10 feet of the means of ingress or egress to any building or access road.
- E. In the case of a public event, the Director reserves the right to require that the permit applicant provide proof of adequate insurance coverage prior to the occurrence of the permitted activity and an appropriate refundable security deposit for property damage.

SECTION VII. SPECIAL CONDITIONS FOR INNER HARBOR PARK, INNER HARBOR PARK PROMENADE AND WATERFRONT PROMENADE

Rule 57. Inner Harbor Park and Inner Harbor Park Promenade. Notwithstanding the aforementioned provisions contained in the Rules and Regulations, special conditions apply to Inner Harbor Park and the Inner Harbor Park Promenade because of their location and immediate surroundings.

A. Inner Harbor Park. The Inner Harbor Park is the area lying along the north, west and south shores of the Inner Harbor, south of Pratt Street to the water's edge, east of Light Street to the water's edge and north of Key Highway to the water's edge, from the World Trade Center around the shoreline of the Inner Harbor to and including Rash Field. The Inner Harbor Park area includes the Inner Harbor Park Promenade, described in Section B below.

1. Vending is prohibited in the Inner Harbor Park without a written management, lease, wharfage or license agreement approved by the Director or Board of Estimates. Such management, lease, wharfage or license agreement shall describe the type of vending allowed and may impose conditions under which the vending can occur.
2. Bicycles, skates or skateboards can be in user's possession in the Inner Harbor Park but may not otherwise be used unless expressly approved by the Director.
3. Private Motorized Vehicles in the Inner Harbor Park and Promenade.
 - a. Private motorized vehicles are not allowed in the Inner Harbor Park or Promenade between 9:00 a.m. and 11:00 p.m. without a permit from the Director of Recreation and Parks. Permits may be granted only if vehicular access cannot be achieved during the hours for which no permit is required.
 - b. Vehicles are allowed to drive on the Promenade after 11:00 p.m. and before 9:00 a.m. without a permit if: 1) such access is necessary for deliveries, service providers, or construction vehicles; AND 2) the purpose for which vehicular access to the promenade is needed cannot be accomplished by using a public street or private

driveway. Vehicles cannot remain or park on the Promenade after the purpose for which access to the Promenade was needed is completed.

4. Leafleting

A group of more than 30 people may not leaflet without a permit. Leafleting by up to 30 people may be conducted without a permit¹ in all outdoor spaces in the Inner Harbor Park, except for the following:

-within 15 feet of the outermost line of tables used for restaurant dining, whether under permanent cover or outdoors, or within 5 feet of a permanent structure which is customarily used for eating purposes

-within 25 feet of any of the means of ingress or egress to any entrance of Inner Harbor Park, the Pavilions, other buildings or the Rash Field tunnel

-on the half of the Inner Harbor Park Promenade that borders the water; except that no leafleting may occur on the Promenade in the northwest corner of the Inner Harbor, between the Amphitheater and the water (from a line running north-south, beginning at the point where the water's edge turns at an angle west of Constellation Pier, to the concrete line running east-west from the point where the water's edge turns at an angle near the Light Street Pavilion)

-in the Amphitheater or in its seating area or in the brick areas on the sides of the Amphitheater that connect the Promenade with the plaza between the Amphitheater and Calvert Street (except that leafleting by up to 5 people is allowed northwest of the Amphitheater in the brick plaza located between the Amphitheater and Calvert Street, subject to the following:

a. Leafleting may occur in the brick plaza area, within the space bounded by the concrete lines bordering the flagpole areas, the street and a line running between the two flagpoles located by the pavilions and closest to the water.

b. Leafleting shall not take place within ten feet of any building or kiosk)

-within 15 feet of the waters of the West Shore Park Fountain

-in the areas on the front and sides of the Visitor Center.

5. No feeding of birds or animals in the Inner Harbor Park.

¹ If a permit has been issued for the use of any area, the permit holder has priority of use and no leafleting will be allowed for the duration of the permitted use.

6. No person shall sleep or lie upon any park bench, seat, rail, balustrade, fence, step, doorway, platform, paved area or any other man-made surface or structure.

7. In accordance with Article 19, Section 47-3 of the Baltimore City Code, as amended, no person shall engage in aggressive solicitation, as defined in Section I.A.1, in the Inner Harbor Park.

B. The Inner Harbor Park Promenade. The Inner Harbor Park Promenade (“Promenade”) is the brick walkway in the Inner Harbor Park along the water’s edge from the concrete stripe immediately west of the World Trade Center to 402 Key Highway. Walkways to the Promenade are not included.

1. All activities on the Promenade shall be free of charge and open to the public.

2. The Promenade will remain open year-round, 24 hours a day.

3. Bicycles, skates or skateboards can be in user’s possession on the Promenade but may not otherwise be used on the Promenade unless expressly approved by the Director.

4. No feeding of birds or animals from the Promenade.

5. No feeding aquatic life from the Promenade.

6. No diving, jumping or swimming from the Promenade, unless authorized by permit.

7. No fishing or crabbing from the Promenade.

8. No unauthorized docking of any vessels at, or adjacent to, any portion of the Promenade, including Water Taxi landings, except in designated areas. A fee is to be paid at the Dockmaster’s office immediately after docking in designated areas of public wharfage.

9. Gates or any other barriers, whether fixed or temporary, obstructing the Promenade are not allowed.

10. Vehicles on the Promenade. *See* Rule 57.A.3.

11. “Leafleting” and “solicitation” may occur on the interior one-half (“land side”) of the Promenade from the concrete stripe immediately west of the World Trade Center to the point where the Promenade turns to the southwest and from the point where the Promenade turns from southwest to the south and then east up to and including Rash Field. “Leafleting” and “solicitation” in these locations are allowed without a permit.

12. No public event, picnic, private gathering, demonstration or leafleting will be allowed within 15 feet of the outermost line of tables used for restaurant dining, whether under

permanent cover or outdoors, or within 5 feet of a permanent structure which is customarily used for eating purposes

13. No public event, picnic, private gathering, demonstration or leafleting will be allowed within 25 feet of any of the means of ingress or egress to any entrance of Inner Harbor Park, the Pavilions, other buildings or the Rash Field tunnel.

C. Permits. A person, organization or other entity desiring to hold a public event, picnic, private gathering, or demonstration—shall first obtain a permit from the Department of Recreation and Parks, Permits Section, unless such activity is expressly allowed without a permit under this Rule 57. The permit shall state the specific area where the activity will be authorized to take place and the total number of persons authorized to participate. **Activities for which a permit has been issued shall have priority for the use of the areas specified in the permit.** If required under this Rule 57, permits will be issued as follows:

1. Rash Field. The area between or bounded by the Promenade to the north, Marina Garage to the east, Key Highway to the south, and Kaufman Pavilion on the west. Public events that are sponsored or co-sponsored by the City or non-profit organizations and demonstrations are allowed with a permit. Vending shall be allowed for special events only by permit. **Leafleting by up to 30 people is allowed without a permit.**

2. Kaufman Pavilion. The structure located on the south shore at the northwest corner of Rash Field. No “activities” are allowed without a permit. Public events, **demonstrations**, picnics and private gatherings are allowed with a permit. **Leafleting by up to 30 people is allowed without a permit.**

3. Ceremonial Steps. The brick area between the front of the Maryland Science Center and the Promenade. No “activities” are allowed without a permit. Public events that are sponsored or co-sponsored by the City and no more than five private gatherings per calendar year, sponsored by the Maryland Science Center, the Maryland Academy of Sciences, or any other entity that operates the Maryland Science Center are allowed with a permit. **Leafleting by up to 30 people is allowed without a permit.**

4. West Shore Park. The park area in the Inner Harbor Park bounded by the Visitor Center on the north, Light Street on the west, the Maryland Science Center on the south, and the Promenade on the east. West Shore Park consists of two areas: 1) great lawn (southern two-thirds); and 2) fountain (northern one-third.)

- Fountain. The existing paved area and location of the public fountain that is approximately one-third of the northern portion of the West Shore Park to the western edge of the Promenade. This area includes the triangular brick paved area adjacent to and west of the Waterfront Promenade between the northernmost steps to the West Shore Park and the northernmost concessions kiosk. Public events that are sponsored or co-sponsored by the City are allowed with a Permit. Permits are not required for “speechmaking” of one or two individuals speaking and addressing a gathering of interested bystanders

about non-commercial matters. Speechmaking may be aided by props such as easels, posters, and other hand-held visual aids. **Leafleting by up to 30 people is allowed without a permit. When the fountain is in operation, leafleting and speechmaking may not be conducted within 15 feet of the waters of the fountain.**

- Great Lawn. The large grass open space, public walkways, steps to the promenade, public gardens and park services building that make up approximately two-thirds of the southern portion of the West Shore Park. Public or private events that are sponsored or co-sponsored by the City are allowed with a permit. Vending may be allowed for special events only by permit. **Leafleting by up to 30 people is allowed without a permit.**

5. Amphitheater. The outdoor theater area and steps located between the Pratt and Light Street pavilions. No activities are allowed without a permit. Public events that are sponsored or co-sponsored by the City are allowed with a permit. The number of people allowed will be determined by the type of event and public safety considerations.

Leafleting is not allowed in the Amphitheater or in its seating area or in the brick areas on the sides of the Amphitheater that connect the Promenade with the plaza between the Amphitheater and Calvert Street. However, leafleting by up to 5 people is allowed northwest of the Amphitheater in the brick plaza located between the Amphitheater and Calvert Street, subject to the following:

- b. Leafleting may occur in the brick plaza area, within the space bounded by the concrete lines bordering the flagpole areas, the street and a line running between the two flagpoles located by the pavilions and closest to the water.

- c. Leafleting shall not take place within ten feet of any building or kiosk.

6. Constellation Dock. The dock area adjacent to the Promenade on the south side of the Pratt Street pavilion. No activities are allowed without a permit. Public events that are sponsored or co-sponsored by the City and no more than five private gatherings per calendar year sponsored by Historic Ships in Baltimore, Inc. or any other entity that operates the U.S.S. Constellation Museum, are allowed with a permit. **In addition, demonstrations are allowed in the area of the pier south of the Constellation building with a permit. Leafleting by up to 30 people is allowed without a permit.**

7. Visitor Center (west side). The area west of the Visitor Center to the curb. **Demonstrations involving more than 30 people are allowed with a permit. A demonstration of up to 30 people is allowed without a permit. Leafleting by up to 30 people is allowed without a permit.**

8. Area 10. The grassy area between the World Trade Center and the Aquarium, west of the line of bollards/posts (extending south from the utility building) and north of the line of tree trunks along the south side. **Demonstrations involving up to**

30 people are allowed without a permit. Demonstrations involving more than 30 people are allowed with a permit. Leafleting by up to 30 people is allowed without a permit.

9. McKeldin Square and Meyerhoff Fountain. McKeldin Square is the large brick plaza lying at the southeast corner of the intersection of Pratt and Light streets. It is bounded on three sides by sidewalks that are part of the Park and that are covered by these rules. The Meyerhoff Fountain is a large fountain structure surrounded by walkways and grassy areas located adjacent to McKeldin Square. For the purposes of these Rules, the dividing line between the Square and the Fountain shall be the line of steps and light poles separating the Fountain from the main open area of the Square.

Public events sponsored or co-sponsored by the City or non profit organizations are allowed with a permit. Vending may be allowed by permit for special events only.

Demonstrations involving up to 30 people are allowed without a permit.

Demonstrations involving more than 30 people are allowed with a permit.

Leafleting by up to 30 people is allowed without a permit.

No public event, picnic, private gathering, or **demonstration shall be held on the Meyerhoff Fountain and/or the walkways or grassy areas immediately surrounding the Fountain itself.** No picnics shall be authorized on McKeldin Square.

10. Inner Harbor Park Promenade. Public events that are sponsored or co-sponsored by the City and non-profit organizations are allowed with a permit. Vending may be allowed by permit for special events only. **Leafleting may occur on the interior one-half ("land side") of the Promenade from the concrete stripe immediately west of the World Trade Center to the point where the Promenade turns to the southwest and from the point where the Promenade turns from southwest to the south and then east up to and including Rash Field. Leafleting in these locations is allowed without a permit.**

D. Instant Permission to Demonstrate.

This Rule 57.D shall take effect on October 1, 2013.

If a person or group otherwise qualified for a permit for a demonstration appears at one of the above-listed locations in this rule at which a demonstration is allowed, or at Broadway Square, Broadway Pier, Harris Creek Park, Canton Waterfront Park or War Memorial Plaza, with the purpose of conducting a demonstration, but does not have a permit to do so, a member of the Baltimore Police Department who responds to the location should contact the Head of Permits for the Department of Recreation and Parks, or his/her designee, by telephone or email or other similar means to report the situation and to determine whether there are any events with permits scheduled for that location. If there are no conflicting permits, the police shall allow the demonstration to proceed, unless precluded by one of the following:

- 1. the issuance of instant permission to demonstrate would result in any actual diminution, caused by the lack of advance notice, in the ability of the police department, or the ability of other governmental agencies, appropriately to organize and allocate their personnel and resources so as to fulfill their general missions and to protect the rights of both persons exercising free speech and other persons wishing to use the streets, sidewalks, other public ways, and parks;**
- 2. the size and nature of the space to be used for public assembly;**
- 3. the size of the group;**
- 4. the type of activities the group intends to engage in;**
- 5. the proposed event will create a substantial possibility of violent, disorderly conduct likely to endanger public safety or to result in significant property damage;**
- 6. the proposed event will create a substantial possibility of unreasonable interference with pedestrian or vehicular traffic or of danger to the public notwithstanding the deployment of available governmental personnel.**

In assessing whether the applicant shall be allowed to proceed with the activity requested without a permit, the fact that activity protected by the First Amendment is involved shall create a strong presumption that the activity should be allowed to proceed, assuming that no conflicting permit has been issued to others.

The police officer should ask the person or group leader for a contact name and address and for the reason why the person or group did not or could not apply for a permit under the normal permit application rules. The officer should convey that information to the Head of Permits. The response to the officer's inquiries or the failure to provide a response shall in no way be considered in deciding whether to grant or deny permission to demonstrate.

If the Head of Permits or his/her designee cannot be reached, and it cannot be determined whether there are any previously scheduled activities or events for the location at the time of the proposed demonstration, the police shall allow the non-permitted demonstration to take place, subject to the provisions above. In the event that a person or group with a permit to conduct an activity at the same time and place arrives at the location, persons engaged in non-permitted activities shall vacate the area for use by the permit holder and may be directed to disperse or relocate their activity. The fact that a person or group otherwise qualified for a permit for a demonstration does not have one shall not, by itself, be a basis to order the group to disperse, even if the Head of Permits cannot be reached.

If, at any time after the grant of permission to demonstrate without a permit, there is a material change in any of the criteria listed above in this Rule 57.D, which would have warranted denial of permission to demonstrate without a permit, that permission may be withdrawn.

Rule 58. Waterfront Promenade. Notwithstanding the aforementioned provisions contained in the Rules and Regulations, special conditions apply to Waterfront Promenade, outside of the Inner Harbor Park and as defined below:

• **Waterfront Promenade.** The approximately seven (7) mile Waterfront Promenade follows the water's edge from Canton Waterfront Park through Canton, Fells Point (including Broadway Pier) and Harbor East to connect with Inner Harbor Park and along the south and east shore to Webster Street and includes all Public Access Corridors as designated in an Urban Renewal Plan or other controlling document and as new sections may be opened beyond these locations.

The Waterfront Promenade crosses public and private property. The publicly controlled property through which the Waterfront Promenade crosses includes City parkland, Department of Transportation right-of-way, and land in urban renewal areas for which the Department of Housing and Community Development has authority. The privately controlled sections of the Waterfront Promenade are owned in fee or controlled privately under long-term ground leases. The private sections of the official Waterfront Promenade route are subject to stand-alone recorded Waterfront Promenade easements or easements contained in other agreements. The official Waterfront Promenade route and the sections of the Waterfront Promenade that are subject to Section VII, Rule 58 are shown on Exhibit B.

1. Unless temporary closure for private events is allowed under existing agreements between the City and property owners or ground leasees, all activities on the Waterfront Promenade shall be free of charge and open to the public.
2. Unless temporary closure for private events is allowed under existing agreements between the City and property owners or ground leases, the Waterfront Promenade will remain open year-round, 24 hours a day.
3. Vending is prohibited in the Waterfront Promenade without a written management, lease, wharfage, or license agreement approved by the Director or Board of Estimates. Such management, lease, wharfage or license agreement shall describe the type of vending allowed and may impose conditions under which the vending can occur.
4. Bicycles, skates or skateboards may be in user's possession on the Waterfront Promenade but may not otherwise be used on the Promenade unless expressly approved by the Director.
5. No feeding of birds or animals from the Waterfront Promenade.

6. No feeding aquatic life from the Waterfront Promenade.
7. No diving, jumping or swimming from the Waterfront Promenade.
8. No fishing or crabbing from the Waterfront Promenade, except in designated areas.
9. No unauthorized docking of any vessels at, or adjacent to, any portion of the Waterfront Promenade except in designated areas. A fee is to be paid at the Dockmaster's office immediately after docking in designated areas of public wharfage.
10. Gates or any other barriers, whether fixed or temporary, obstructing the Waterfront Promenade, are not allowed.
11. Private Motorized Vehicles on the Waterfront Promenade.
 - a. Unless allowed under existing easement agreements, private motorized vehicles are not allowed on the Waterfront Promenade between 9:00 a.m. and 11:00 p.m. without a permit from the Director of Recreation and Parks. Permits may be granted only if vehicular access cannot be achieved during the hours for which no permit is required.
 - b. Vehicles are allowed to drive on the promenade after 11:00 p.m. and before 9:00 a.m. without a permit if: 1) such access is necessary for deliveries, service providers, or construction vehicles; AND 2) the purpose for which vehicular access to the promenade is needed cannot be accomplished by using a public street or private driveway. Vehicles cannot remain or park on the promenade after the purpose for which access to the promenade was needed is completed.
12. Private motorized vehicles are not allowed on the Waterfront Promenade without written approval from the Director except in designated areas that are designed and approved for vehicular traffic.
13. No events, other than those expressly allowed in this section, will be allowed on the Waterfront Promenade unless allowed by easement agreements or by the Director.
Leafleting and soliciting are allowed without a permit only on the interior one-half ("land side") of the Promenade. No leafleting or soliciting is allowed on Promenade bridges or within 15 feet of either end of a bridge.
14. Broadway Pier. Public events and private gatherings attracting a maximum of 100 people are allowed on the pier area south of Thames Street to the water's edge with a permit. **Demonstrations involving more than 30 people are allowed on the pier area south of Thames Street to the water's edge with a permit. A demonstration of up to 30 people is allowed in the same area without a permit. Leafleting by up to 30 people is allowed without a permit.**
15. Broadway Square. In the area north of the kiosk and the steps by Thames Street, public events, private gatherings and demonstrations of more than 30 people

are allowed with a permit. Demonstrations of up to 30 people are allowed without a permit. Leafleting by up to 30 people is allowed without a permit.

16. Canton Waterfront Park. In the park area north of the Waterfront Promenade, public events, demonstrations of more than 30 people and picnics are allowed with a permit.

Demonstrations of up to 30 people are allowed without a permit. Leafleting by up to 30 people is allowed without a permit. No events will be allowed on the Korean War Memorial.

17. Harris Creek Park. In the park area north of the Waterfront Promenade, public events, demonstrations of more than 30 people, and picnics are allowed with a permit.

Demonstrations of up to 30 people are allowed without a permit. Leafleting by up to 30 people is allowed without a permit.

18. Pier 5. Leafleting is allowed on the half of the Promenade that does not border the water. No demonstrations are allowed on the grassy area. Any activity here does not include use of the Seven Foot Knoll Lighthouse.

PENALTIES

Except as otherwise provided by law, any violation of these Rules and Regulations of the Department of Recreation and Parks as herein provided, shall be triable in the District Court of Maryland for Baltimore City, and shall be punishable by a fine not less than \$250.00 and not exceeding \$2,000.00 in any one case.

ERNEST W. BURKEEN, JR.
Director
Department of Recreation and Parks