

MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject Disruptive Behavior—Recreation	Number 8-13
Originating Department Department of Recreation	Effective Date

Montgomery County Regulation on:

DISRUPTIVE BEHAVIOR—RECREATION PROGRAMS

DEPARTMENT OF RECREATION

Issued by: County Executive
Regulation No. 8-13
COMCOR 41.00.01

Authority: Code Section 41-4
Supersedes: Executive Regulation 25-05
Council Review: Method (2) under Code Section 2A-15
Register Vol. 30 No. 9

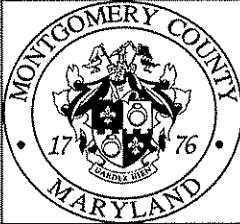
Comment Deadline: September 30, 2013
Effective Date: _____
Sunset Date: None

Summary: This regulation amends Executive Regulation 25-05, which authorizes the Department of Recreation to restrict the participation of disruptive persons in County-sponsored recreational programs.

Address: Written comments on these regulations should be sent to:

Jeffrey A. Bourne, Chief
Division of Facilities and Capital Programs
Department of Recreation
4010 Randolph Road
Silver Spring, Maryland 20902

Staff Contact: For further information or to obtain a copy of this regulation, contact Jeffrey A. Bourne at jeffrey.bourne@montgomerycountymd.gov or (240) 777-6800.



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Section 1. General Provisions

- A. Authority. In accordance with the authority conferred under Chapter 41, Section 41-4, of the Montgomery County Code, 2004, as amended (hereinafter referred to as the “Code”), the County Executive hereby promulgates this regulation to implement County law governing citizen participation in the County’s comprehensive public recreation program.
- B. Applicability. This regulation applies to all recreation programs created under Section 41-1 of the Code.

Section 2. Definitions

For purposes of this regulation, the following words and phrases have the following meanings unless the context clearly indicates otherwise:

Department - Montgomery County Department of Recreation.

Director - The Director of the Montgomery County Department of Recreation or the Director’s designee.

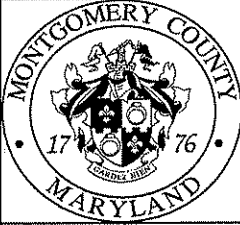
Disruptive behavior – means behavior that a reasonable person would find disrupts the normal functions being carried on in a recreation facility.

Program manager – means a person designated by the Director to oversee a recreation program.

Recreation facility - Any building, grounds, or transit vehicle owned, leased, or used by the County in connection with any recreation program.

Recreation program – Any activity organized for general public participation and operated by the Department as a component of the public recreational program authorized under Section 41-1 of the Code.

Weapon – Any instrument that a person can use to cause physical injury to another person. Weapons include, but are not limited to, knives, metal knuckles, and firearms as defined in the federal Gun Control Act of 1968 (18 U.S.C. § 921 (a)).



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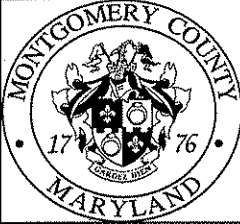
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Section 3. Prohibited Conduct

- A. While participating in a recreation program, a person must not:
- engage in disruptive behavior;
 - carry a weapon into a recreation facility, except as otherwise provided by law; or
 - engage in any conduct that is specifically prohibited by a notice conspicuously posted at a recreation facility.
- B. A person must not refuse, after engaging in conduct prohibited under subsection (A), to accurately identify himself or herself when asked to do so by a staff person assigned to the recreation facility.

Section 4. Enforcement

- A. If a person engages in conduct prohibited by Section [III.] 3.(A), a program manager may issue a written order to the person that:
- suspends the recipient's participation in the applicable recreation program for a period not exceeding 90 days;
 - requires the recipient to receive prior written permission from the program manager before returning as a participant in the recreation program; or
 - imposes any other reasonable condition intended to assure that the normal activities of a recreation program are not unreasonably disrupted.
- B. An order issued under subsection (A) must notify the recipient that he or she may meet with the Director to discuss any reasons why the recipient's participation in the applicable recreation program should not be suspended. The notice must specify the proposed place, date, and time of the meeting. The meeting must initially be scheduled to be held within five business days after the order is delivered to the recipient. At the request of the recipient, the Director may reschedule the meeting at a later date. If a meeting is held, the Director may affirm, modify, suspend, or rescind the order.



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- C. An order issued under subsection (A) alone does not prohibit the recipient from attending or participating in other programs at the recreation facility where the disruptive behavior occurred while the order remains in effect. However, a staff person in charge of the recreation facility may issue an order that denies the recipient access to that facility under Section 32-19C of the County Code in addition to issuing an order under subsection (A).
- D. A person must not violate an order issued under subsections (A) or (C).
- [E. A person whose participation in a recreation program has been suspended under subsection (A) may request and receive a prorated refund for any unused portion of the fees that the person has paid to participate in the program.]

Section [2.] 5. Severability

If a court holds that a portion of this regulation is invalid, the other portions remain in effect.

Section [3.] 6. Effective Date

This regulation takes effect 30 days after approval by the County Council.

Isiah Leggett
County Executive

Approved as to Form and Legality
Office of County Attorney

By [Signature]
Date 8/22/13
Walter E. Wilson