

**Chapter 84**

**PARKS AND RECREATIONAL FACILITIES**

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[HISTORY: Adopted by the Mayor and Council of the City of Hyattsville 12-1-69. Sections 84-1, 84-4, 84-6A and C, 84-7A, C and D, 84-9, 84-13 and 84-19 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

**GENERAL REFERENCES**

- Municipal Infractions - See Ch. 20.
- Police Department - See Ch. 30.
- Alcoholic beverages - See Ch. 38.
- Dogs and other animals - See Ch. 52.
- Peace and good order - See Ch. 87.
- Peddling and soliciting - See Ch. 90.

**§ 84-1. Definitions.**

For the purposes of this chapter, the following words and terms shall have the meanings respectively ascribed to them by this section:

**LIBRARY** - The William Pickney Magruder Memorial Library Branch of the Prince George’s County Library System. [Added 12-19-83 by HB No. 15-83]

**PARKS** - All property owned, leased or operated by the City for park, playground or recreational purposes and shall include all the property described in the deed from William P. Magruder and wife, dated April 11, 1927, as the same is recorded in Liber 279 at Folio 447 in the land records of prince George’s County, Maryland, and which is known as the “William Pickney Magruder Park.”

**PUBLIC PROPERTY** - All buildings, fountains, public conveniences or other improvements to the parks and all equipment used for the recreational activity and for the increase of the enjoyment of the

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parcs, whether the same may have been purchased, acquired or owned by the City, as well as any property donated by any individual, group of individuals, firm or corporation to the City for use in the parks and for recreational activity and enjoyment of such parks.

VEHICLE - All conveyances, whether drawn by horse or other beast of burden, bicycles or any motor vehicle or conveyance propelled by machinery, whether gasoline, steam or electricity.

### **§ 84-2. Responsibilities of Parks and Recreation Committee. [Amended 3-3-75]**

The Parks and Recreation Committee shall make recommendations to the City Council for improvements to parks and recreation and shall carry out orders and directions of the City Council respecting same. Such Committee shall see that the parks and recreation budget is sufficient for improvements and maintenance and that the provisions thereof are properly carried out. Such Committee shall also see that the provisions of this chapter are complied with.

### **§ 84-3. Authority of police officers.**

All police officers of the City and all county police, state police, sheriffs and deputy sheriffs having police authority in the City shall have police authority throughout the parks and may enter parks at any time for the purpose of maintaining peace and order, enforcing the provisions of this chapter and for other police purposes and may arrest and remove from parks any person violating the provisions of this chapter or any other ordinance or law applicable to the City.

### **§ 84-4. Area designations for William Pickney Magruder Park. [Repealed and Reenacted on 2-16-99 by HB 99-02]**

A. For the purpose of this chapter, the Department of Parks and Recreation shall be responsible for submitting a plan designating permitted uses and areas of such permitted uses in William Pickney Magruder Park to the City Council. The City Council shall approve the plan, subject to any modifications or changes deemed necessary and proper by the City Council.

B. From time to time, as deemed necessary, changes to designated uses and areas of such uses incorporated in the plan may be initiated by the Department of Parks and Recreation and submitted to the City Council in the form of a resolution for the Council's approval.

C. A listing of uses and the designated areas of uses for William Pickney Magruder Park, as set forth in the plan shall be maintained by the City Clerk and shall be made available to the public upon request.

D. Set aside for the availability of use of the fields of William Pickney Magruder Park will be extended in order of priority as defined below. First priority for use of available fields shall be given to the City of Hyattsville for City use and activities. Second priority for the use of available fields shall be given to organizations which predominately serve the youth of the City of Hyattsville. A list of those organizations which are currently meeting that criteria will be maintained by the Department of Parks and Recreation. All other organizations can obtain permits for field time, if at the time requested fields are available for use; and, at the sole determination of the Department of Parks and Recreation, they will not be damaged from overuse.

### **§ 84-5. Use of parks by residents and nonresidents of City; fees. [Amended 9-21-87 by No. 9-87 and 4-19-93 by HB No. 2-93]**

A. The right to use parks for the purpose of recreation is hereby reserved for the residents of the City, provided that the parks may be used by persons not residing in the City when no permit for a

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particular area has been issued for the use thereof to a resident so long as the hours for which the use is desired do not conflict with permits issued.

B. Fees charged for the use of the pavilion area within Magruder Park shall be set by resolution of the City Council who may exempt charitable or non-profit organizations from this fee.

### **§ 84-6. Hours of operation. [Amended 9-20-71; 3-3-75]**

A. The parks shall be open for general use by the public between the hours of sunrise and sunset, except where the use of any part thereof has been granted to a person or group of persons pursuant to a permit issued therefor by the Director of Parks and Recreation. [Amended 12-19-83 by HB No. 15-83]

B. It shall be unlawful for any person to enter within the parks between the hours of sunset and 12:00 midnight, with or without a vehicle, without a permit to do so.

C. It shall be unlawful for any person to enter upon the parks between the hours of 12:00 midnight and sunrise. [Amended 12-19-83 by HB No. 15-83]

### **§ 84-7. Application and issuance of permits. [Amended 3-3-75]**

A. Upon application thereof, the Director of Parks and Recreation shall issue a permit to any persons or organization for the exclusive use of any one of the areas designated for such purposes for a period not exceeding two (2) hours twice a week, provided that no other application has theretofore been received by the Director of Parks and Recreation for the use of such area at the same time. Any group of persons or any organization or church society may secure the exclusive use of two (2) areas in the parks for a period not exceeding six (6) hours, once each calendar year. Nothing herein contained shall prevent any such group of persons, organizations or church societies from securing a permit for the use of one (1) area for two-hour periods at other times during the year when a permit has not been previously issued for the same time. Whenever a group of persons, organization or church society shall hold a permit for the exclusive use of two (2) areas in the parks as herein before provided, the remainder of the parks may be used by the general public in accordance with this chapter. [Amended 12-19-83 by HB No. 15-83]

B. Whenever the Director of Parks and Recreation shall receive an application for the use of any area in the parks for which a permit has previously been issued, the Director of Parks and Recreation shall advise the applicant of the outstanding permit and shall refuse the application for the succeeding permit for that particular area.

C. The Director of Parks and Recreation shall consider first all requests of applications for the use of Area Nos. 12, 13, 14, 15, and 16 in William Pickney Magruder Park for league games, and permits shall be issued by the Director of Parks and Recreation, and the calendar of William Pickney Magruder Park activities shall show that the dates are closed for the time when such league games are to be played. [Amended 12-19-83 by HB No. 15-83]

D. All permits issued for any area are subject to revocation at any time if, in the opinion of the Director or Chairman of the Parks and Recreation Committee, the weather is unfavorable or the condition of the area is such as not to be usable.

### **§ 84-8. Determination of controversies as to priority of permits. [Amended 3-3-75]**

In a controversy concerning the priority of permits issued as provided in §84-7 or the right to use any area in the parks and in the case of a difference of opinion arising between various persons respecting

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the use of any such area, the Director of Parks and Recreation shall be notified to settle the dispute, and his ruling shall be final.

### **§ 84-9. Use of parks for baseball or softball restricted. [Amended 9-20-71]**

No person shall use any part of William Pickney Magruder Park for baseball or softball, except Area Nos. 12, 13 and 14, and no person shall bat at any ball except on the diamond.

### **§ 84-10. Operation and parking of vehicles.**

No vehicle shall be driven or operated in the parks except upon the roads therein provided for vehicular traffic, and no vehicle shall be operated over such roadways at a greater rate of speed than fifteen (15) miles per hour. No vehicle shall be parked or left standing in the parks except in the areas set aside in the parks for parking purposes. Whenever the area set aside for parking is filled so as not to permit the parking of additional vehicles, such vehicles shall be taken from the parks.

### **§ 84-11. Conduct warranting removal from park; revocation of permit. [Amended 3-3-75]**

In any park, any person who shall cause any unnecessary damage to City property or shall engage in any boisterous conduct or use any vulgar or profane language or be disorderly in any manner or who shall fail to exhibit a permit for the use of a particular area in a park whenever requested shall be subject to immediate removal from the park. Any person or group of persons who shall so conduct himself or themselves as to warrant immediate removal from the park shall not be entitled to a permit to use any part of the parks at any time in the future, and, if permits have already been issued for future use of the parks by such person or group of persons, the same shall be revoked without notice by the Director of Parks and Recreation.

### **§ 84-12. Conduct of spectators at games held in parks.**

Spectators at games in the parks shall stay off the diamonds or areas in which the game in question is in progress and shall not interfere with the rights of any permit holder.

### **§ 84-13. Sale of articles and/or merchandise for personal gain prohibited; exceptions.**

No person shall sell or offer for sale for personal gain any article or merchandise whatsoever within the parks; provided, however, that the City Council may, by concession, sell the right or privilege to sell merchandise in the parks under such terms and upon such conditions as the City Council may fix.

### **§ 84-14. Soliciting prohibited.**

No collections, contributions or solicitations for personal gain shall be permitted in the parks.

### **§ 84-15. Washing, waxing or other vehicle maintenance prohibited in or near parks.**

It shall be unlawful for any person to wash, polish, wax, or in any way work upon any automobile or other vehicle within the confines of any park or on Fortieth Avenue bordering on William Pickney Magruder Park.

### **§ 84-16. Carrying of firearms prohibited; exception.**

The carrying of firearms or any other dangerous weapon in the parks is prohibited, except by duly authorized police.

**§ 84-17. Maintenance of open fires restricted.**

No person shall ignite any fire at any place in the parks except in the fireplaces provided for that purpose, and such fires shall be extinguished by the persons lighting the same before leaving the park in question.

**§ 84-18. Young children to be accompanied by adult; other restrictions.**

No child less than six (6) years old shall be permitted in the parks unless accompanied by a parent or some responsible person. No child with a contagious disease or skin infection shall be permitted in the parks.

**§ 84-19. Running at large of dogs and other animals prohibited.**

No dogs or domestic pets shall be permitted to run at large in the parks.

**§ 84-20. Special permit required for use of alcoholic beverages. [Amended 3-3-75]**

No whiskey, beer, wine, spirituous or malt liquor or any intoxicating drink of any kind shall be kept, carried or consumed at any time within the confines of the parks except by special permit. The Parks and Recreation Committee shall review all special permits before approval is granted.

**§ 84-21. Use of glass beverage containers prohibited. [Added 10-20-75]**

No glass beverage containers shall be kept, carried or used at any time within the confines of the parks.

**§ 84-22. Violations and penalties. [Added 11-3-80 by HB No. 21-80; Amended 8-2-82 by HB No. 14-82]**

Violations of §§84-16 and 84-20 of this chapter shall be punishable as a misdemeanor. All other violations of this chapter, with the exception of §84-10, shall be punishable as a municipal infraction as provided in Chapter 20 of this Code. The fine for any single initial violation shall be twenty dollars (\$20.00), and the fine for each repeat of that offense shall be forty dollars (\$40.00).