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 permit[1] 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.

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.

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[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.

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.

SECTION VIII. PENALTIES

A. CRIMINAL PENALTY

A violation of any provision of these Rules and Regulations is a criminal offense and, on conviction, is punishable by a court-imposed fine of up to $1,000 for each offense. *(City Code Article 19, § 51-4.)*

B. ENFORCEMENT BY CITATION.

(1) A violation of these Rules and Regulations may also be enforced by issuance of:

(i) a prepayable environmental citation issued under City Code Article 1, Subtitle 40 {"Environmental Control Board"} and imposing a civil fine of $250 for a 1st offense, $500 for a 2nd offense, and $1,000 for a 3rd or subsequent offense;

(ii) a prepayable civil citation issued under City Code Article 1, Subtitle 41 {"Civil Citations"}and imposing a civil fine of $250 for a 1st offense, $500 for a 2nd offense, and $1,000 for a 3rd or subsequent offense; or

(iii) a prepayable criminal citation issued under City Code Article 19, Subtitle 71 {"Special Enforcement Officers"} and imposing a criminal fine of $200 for each offense. *(City Code Article 19, § 51-3(a).)*

(2) The issuance of a citation to enforce these Rules and Regulations does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law. *(City Code Article 19, § 51-3(b).)*

Ernest W. Burkeen

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