

ORDINANCE #279

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF LOWER POTTS GROVE, MONTGOMERY COUNTY, PENNSYLVANIA REPEALING AND REPLACING, IN ITS ENTIRETY, CHAPTER 16, PART 1, OF THE CODE OF ORDINANCES OF THE TOWNSHIP OF LOWER POTTS GROVE, ESTABLISHING PARK RULES AND REGULATIONS

WHEREAS, the Township created The Code of Ordinances of the Township of Lower Pottsgrove by Ordinance 192 adopted 3/23/1995. (hereinafter referred to as "Code of Ordinances"); and

WHEREAS, it is the intention of the Board of Commissioners (the "Board") that all references to any provision within the Code of Ordinances shall include the Ordinances, or portions thereof, adopted by the Board pursuant to which such provision became part of the Code of Ordinances; and

WHEREAS, Chapter 16, Part 1 of the Code of Ordinances, by virtue of Ordinance No. 192 adopted by the Board 03/23/1995 Park Regulations; and

WHEREAS, the Board has determined that Chapter 16, Part 1 of the Code of Ordinances should be repealed and replaced in its entirety; and

NOW THEREFORE, BE IT ORDAINED AND ENACTED AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Commissioners of Lower Pottsgrove Township, Montgomery County, Pennsylvania

SECTION 1. ESTABLISHMENT OF PARK RULES AND REGULATIONS.

CHAPTER 16: PARKS & RECREATION PART 1: PARK RULES AND REGULATIONS

[HISTORY: Adopted by the Board of Commissioners of the Township of Lower Pottsgrove 03-23-1995 by Ord. No. 192. Amendments noted where applicable.]

GENERAL REFERENCES

Parks and Recreation Board – See Chapter 1, Part 6.

§101. DEFINITIONS.

- A. This Part shall be known as and may be cited as the "Lower Pottsgrove Park Rules and Regulations."
- B. As used in this Part, the following terms shall have the meanings indicated:

PARK – a tract of land acquired and or designated by the Township for public recreational use including, but not limited to playgrounds, playing fields and open spaces left in their natural state.

VEHICLE – any of the devices listed below.

- 1. MOTOR VEHICLE – any device which is self-propelled and used for carrying one or more occupants, passengers or goods. For the purpose of this

regulation, trailers and semitrailers that are used in conjunction with a motor vehicle shall also be included in this definition.

2. RECREATIONAL VEHICLE OR DEVICE, MOTORIZED – any self-propelled vehicle used primarily for recreational purposes, including, but not limited to: go-carts, mini bikes, motorcycles, snowmobiles, or all-terrain vehicles (ATVs).
3. RECREATIONAL VEHICLE OR DEVICE, NONMOTORIZED – any device used primarily for recreational purposes that may employ wheels and/or blades of any kind (metal, wooden, plastic, rubber, etc.), including but not limited to bicycles, skateboards, rollerblades, roller skates.

§102. GENERAL SUPERVISION; ADOPTION OF RULES AND REGULATIONS.

All Township parks shall be operated and maintained under the general supervision of the Board of Commissioners and the Parks and Recreation Board. The Parks and Recreation Board shall have the power to recommend to the Board of Commissioners, rules and regulations governing the use of parks within the Township provided such rules and regulations are not contrary to any statute or ordinance. It shall be the duty of the Parks and Recreation Board, assisted by the Lower Pottsgrove Police Department, to enforce the provisions of this Part and all rules and regulations adopted hereunder.

§103. RULES AND REGULATIONS.

The following Rules and Regulations are set forth for the use of the parks in the Township of Lower Pottsgrove:

§103-1. Hours of Operation; Park Entrances.

A. No person or persons shall be allowed in Township parks except between the hours of sunrise and sunset. Special permits may be issued for activities/events occurring between sunset and sunrise as per §102-4.

B. Persons shall enter and leave the park by the entrances and exits provided for that purpose.

§103-2. Activities Involving Vehicles in Township Parks.

A. No motor vehicle shall be operated or parked in any area of a Township park except in access driveways and designated parking areas.

B. It shall be unlawful for any person to operate any vehicle carelessly or recklessly in a Township park, and no person shall operate a vehicle in a Township park at a speed in excess of 15 miles per hour.

C. No person shall park any vehicles, attended or unattended within any Township park between sunset and sunrise.

D. Use and operation of motorized recreational vehicles and devices within a Township park is prohibited unless areas are specifically designated for such use.

E. Use and operation of nonmotorized recreation vehicles and devices is prohibited within a Township park except in parking areas, designated driveways, or other specifically designated areas.

F. The washing, painting, servicing, cleaning, or repair of any vehicle shall not be permitted within any Township park.

§103-3. Prohibited Activities and Possessions.

All of the following activities are prohibited within Township parks:

- A. Possessing, selling, distributing, or consuming intoxicating beverages.
- B. Smoking or use of tobacco-based products.
- C. Gambling or any obscene or indecent act.
- D. Any criminal conduct as defined in the statutes of the Commonwealth of Pennsylvania, ordinances of the Township of Lower Pottsgrove.
- E. Possessing or using firearms or other weapons, including but not limited to: air rifles, spring guns, bow and arrows, slingshots, paint ball guns, BB guns or rifles, darts or any other missiles or projectiles, unless a special permit has been acquired from the Township and use is under adequate supervision in a properly designated area. Hunting, shooting, paintball, and trapping are also prohibited.
- F. Possessing or igniting any explosives or fireworks. (Fireworks shall be defined by the National Fire Protection Association Standards).
- G. Damaging or causing the injury, fouling, or defacement of any park property whether real or personal.
- H. Throwing, discharging, or otherwise placing or causing to be placed on the waters of any pond, lake or stream in any park, or any tributary, storm sewer or drain flowing into a park any substance, matter or thing, liquid or solid, which is in violation of any federal, state or local statute, rule, regulation or ordinance.
- I. Cutting, removing, injuring or destroying any vegetation.
- J. Transporting and/or discarding trash, garbage, or any other matter, including but not limited to: grass clippings, brush, refuse, and other debris from private property to/on Township parks for the purposes of disposal. Trash receptacles in any park are to be used only for the immediate needs by individuals participating in or observing authorized activities at the park.
- K. Outdoor burning for any reason.
- L. Cooking fires, except in designated cooking grills or stoves provided by the Township. Fires must be completely extinguished before leaving the site.
- M. Feeding, annoying, striking, injuring, maiming, or killing any animals or birds, including the destruction of or interference with their nests, resting, or breeding places.

- N. Playing or conducting activities and games in areas other than those designated for such activities and games.
- O. Swimming, ice skating, wading or diving.
- P. Metal Detecting.
- Q. Any activity likely to result in injury to persons or damage to property.
- R. Driving golf balls.
- S. Distributing, posting, placing, painting any advertising materials, handbills, signs, notices, placards, or other devices within the park without a valid permit. Only official Township postings and advertisements, or those first approved by the Township, may be placed or distributed in its parks.

§103-4. Activities/Uses Prohibited, Unless Permitted by the Township.

The following activities/uses are prohibited in parks, except when specifically permitted in writing by the Parks and Recreation Board or its designee upon application thereto. The Township Manager will issue all permits and a registration fee will be required to insure proper use and care of park property. See §106 for information regarding permitting. The Township reserves the right to deny the issuance of any permit application if the Township Manager determines that the health, safety or welfare of any persons would be jeopardized, that there is a risk of damage to Township property or that such activity would create an unreasonable disturbance to other persons by the granting thereof.

- A. Sound-amplification equipment.
- B. Camping and/or bonfires.
- C. Privately owned cooking grills or stoves. Fires must be completely extinguished before leaving the site.
- D. Boating.
- E. Gardening.
- F. Organized team and/or league sports.
- G. Music, theatrical, or other entertainment.
- H. Soliciting of any kind.
- I. Activities/events which occur between the hours of sunset and sunrise.
- J. Riding of horses.

§103-5. Animals.

- A. Releasing or abandoning wild and/or domestic animals in a park is prohibited.

- B. All animals, wild or domestic, are prohibited on sports fields whether or not on a leash or other means of control.
- C. No animal shall be brought into a park unless it is accompanied by and under reasonable control of a handler and firmly secured by means of a collar and leash or other device so it cannot stray beyond the control of the handler.
- D. The handler of any animal shall immediately remove and dispose of any feces deposited by the animal in a sanitary manner.

§104. METHOD FOR EXCEPTIONS.

Any person requesting exception or exemption to or from any of these rules may direct such request, in writing, to the Township Manager, who shall refer such request to the Board of Commissioners for any action, and such action shall be taken at a regular public meeting of the Board of Commissioners. The Board of Commissioners have total discretion in the approval or disapproval of any request and may only grant an exception or exemption upon the showing of extraordinary circumstances for the benefit of the township residents which are not contrary to the general health, safety and welfare of any person or the community. The Board of Commissioners, when possible, will seek recommendation from the Parks and Recreation Board.

§105. ENFORCEMENT.

The Township Manager and his/her staff shall exercise general supervision over persons occupying or using any park and over the care, maintenance and replacement of Township property and equipment in the park and shall keep such property and equipment in a clean and sanitary condition. In addition, the Lower Pottsgrove Township Police Department is authorized to enforce the provisions of this Part.

§106. USE BY PUBLIC.

Upon resolution of the Board of Commissioners, the Township shall have the right to exclude from any Township park any person who is not a resident or employee of a taxpaying business in Lower Pottsgrove Township. The Board of Commissioners may likewise by resolution specify the conditions under which any particular park or building therein may be used by the public or by any organization or group. The Board of Commissioners, when possible, will seek recommendation from the Parks and Recreation Board.

§107. PERMITS FOR USE BY GROUPS.

The Parks and Recreation Board shall provide for the issuance of permits for the use of parks by groups desiring to engage in organized games, overnight camping, use of picnic tables/pavilions, or for any other special purpose including those set for in §102-4 above. Any person to whom a permit is issued shall agree to indemnify and hold the Township, its employees and agents, harmless from any liability for any loss, damage, claim or costs, including attorneys' fees, as a result of the use of the park by the permittee, any member of permittee's group, guest, invitee or any other person. Upon approval, applicant shall pay a fee as adopted by resolution from time to time by the Board of Commissioners.

- A. Persons, groups, or organizations holding a valid permit shall have priority in the use of a park and/or its facilities. Priority for issuance of a permit shall be given in the following order:
1. Lower Pottsgrove Township residents
 2. Organizations located in Lower Pottsgrove Township
 3. Organizations whose membership is made up of a majority of Lower Pottsgrove Township residents
 4. Organizations whose membership includes Lower Pottsgrove Township residents, but whose membership does not consist of a majority
 5. Persons, groups or individuals who do not reside in, are not located in, or serve Lower Pottsgrove Township residents.
- B. Persons, groups or organizations wishing to reserve a park facility shall apply for a permit before occupancy. It is strongly recommended that applications for permits be made at least seven (7) days prior to the time of the planned activity for which the permit is being requested and submitted along with the scheduled reservation fees as may be established from time to time must be paid at time of application.
- C. The permit application shall specify the following information:
1. Full name, address and telephone numbers of the sponsoring person or organization
 2. Maximum number of people who will attend the activity
 3. Date[s] and hour[s] for which the activity is scheduled
 4. The nature of any equipment which the permittee intends to bring to the park in connection with the activity
 5. Facilities requested to be used and such other pertinent information as the Parks and Recreation Board may require
 6. Private residents are exempt from the following insurance provisions. Groups or organizations holding events for less than 20 people are exempt from the following insurance provisions providing that no equipment will be brought to the park. In all other instances, a certificate of insurance must be provided to the Township at the time of application evidencing a policy of insurance naming Lower Pottsgrove Township, its Board of Commissioner, agents, servants, and employees as additional insured, by an insurance company acceptable to the Township and with per occurrence and aggregate limits of not less than the following requirements:
 - General Liability: \$1,000,000
 - Property Damage: \$500,000
 - Medical Expenses: \$5,000
 - Personal and Adv Injury: \$1,000,000

- General Aggregate: \$2,000,000
- Products – Comp/Op Aggregate: \$2,000,000

7. Permit fee as specified in the fee schedule adopted by the Board of Commissioners from time to time.

- D. Use of any park facilities or areas not authorized by the permit shall constitute sufficient grounds for expulsion from the activity from the park and other enforcement remedies as set forth herein.
- E. The application for such permit shall be in the name of a person who shall be responsible for ensuring that all park rules are followed and ensuring that all refuse and other materials utilized in connection with the activity is collected and immediately removed by the permitted from the park following the activity. In the event that containers have been provided by the Township within the park, they may be utilized for disposal of such refuse if they are sufficiently empty to accommodate the amount of refuse produced by the activity. In no event shall refuse be allowed to remain anywhere in the park unless completely contained in Township-provided containers.
- F. For activities for which police security is deemed necessary by the Township, such security shall be supplied and paid for by the sponsor(s) of the activity and shall be a condition of the issuance of the permit. The Township may require a security deposit to insure payment of the police security.
- G. Permits will be issued based upon the following conditions:
 - 1. No proposed activity shall be inconsistent with the terms or conditions contained in any instrument by which the particular park land was donated to or purchased by the Township.
 - 2. The activity shall not present a threat to the public health, safety, or general welfare.
 - 3. The Township Manager, Parks and Recreation Board, or designee shall designate in the permit the specific area or areas within the park wherein the activity is to be conducted.
 - 4. The permit shall contain any additional conditions necessary to preserve the public health, safety or welfare in any particular park.
 - 5. Any permit may be revoked at any time by the Township Manager or designee if the permit holder violates any of the terms, conditions, or requirements of the permit or this chapter, or if the permit holder fails to keep the designated area free of refuse, garbage, and rubbish.

§108. CONCESSION/VENDOR PERMITS.

No person, firm, corporation or association shall sell any food, beverage, article, product or service of any kind in a park without a permit as provided in this Part. The Township Parks and Recreation Board or its designee shall have the absolute authority and discretion to refuse such consent in any instance for any reason.

- A. Each person, firm, corporation or association desiring to apply for a vendor permit as described above must submit a written application containing the following information:
1. The full name, address and telephone of the applicant.
 2. The park in which the applicant proposes to sell.
 3. Dates when the vendor is planning to sell.
 4. Products or services to be sold.
 5. Description of any equipment owned by the vendor which will be used to sell the product or services specified. Vendors will not be allowed to use Township facilities such as pavilions, sports fields, or equipment such as grills, etc. for sales or services, unless expressly permitted by the Township.
 6. The insurance provisions set forth in §106.D.6 above shall apply.
 7. Permit fee as specified in the fee schedule adopted by the Board of Commissioners from time to time shall be paid at time of application.
 8. If vendor desires to sell food, vendor must submit proof of a Montgomery County Health Department Food Handling permit with the Township vendor permit application, as required by the Montgomery County Health Department.
- B. Any permit holder who violates or permits the violation of any provision of this Part shall be subject to immediate revocation of the permit by the Township and the penalties set forth in this Part.

§109. FEES.

Fees for use of Township parks shall be established from time to time, by resolution of the Board of Commissioners, which may be recommended by the Parks and Recreation Board.

§110. PENALTY.

- A. Violation of any provisions of this Part or the rules and regulations adopted pursuant hereto or any other statute, regulation or ordinance shall subject the violator to removal from the park, in addition to all other penalties set forth herein.
- B. Any person, firm, or corporation who shall violate the provisions of this Part or the regulations adopted pursuant hereto shall, upon conviction thereof, pay a fine not to exceed six hundred dollars (\$600.00) restitution for damages to Township property and costs of prosecution and, in default of payment thereof, shall undergo imprisonment of not more than thirty (30) days. All prosecutions for violations under this Part shall be brought in the name of Lower Pottsgrove Township and all fines shall be paid to the Township and shall be applied to the general funds of said Township.
1. Each violation of this ordinance shall constitute a separate offense and shall be punishable as such hereunder.

2. Each day a violation is committed shall constitute a separate offense and shall be punishable as such hereunder.
3. This section shall not preclude the Township from any other remedy it may have at law or equity.
4. Parents and/or legal guardians of person(s) less than 18 years of age shall be liable for payment of any/all fines and restitution assessed.

SECTION 2. REPEAL OF PRIOR ORDINANCE. This Ordinance repeals the existing Chapter 16, Part 1 of the Code of Ordinances, and all ordinances or portions thereof inconsistent herewith.

SECTION 3. SEVERABILITY. The provisions of this Ordinance are severable. If any section, clause, sentence, part or provision thereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decisions of the court shall not impair the validity of any of the remaining sections, clauses, sentences, part or provisions of the Ordinance. It is hereby declared to the intent of the Board of Commissioners of the Township of Lower Pottsgrove that this Ordinance would have been enacted if such illegal, invalid or unconstitutional section, clause, sentence, part or provision had not been included herein.

SECTION 4. EFFECTIVE DATE. This Ordinance shall become effective immediately upon adoption.

ORDAINED AND ENACTED by the Board of Commissioners of the Township of Lower Pottsgrove this 3rd day of March, 2008.

LOWER POTTSBGROVE TOWNSHIP
BOARD OF COMMISSIONERS

By: Bruce L. Foltz
Bruce L. Foltz, President

Attest: Michele M. Cappelletti
Michele M. Cappelletti, Secretary