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CHAPTER 19

PARKS AND RECREATION

Part 1

Establishment of Parks and Recreation Places

§101. Definitions. As used in this Ordinance, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

(a) Park or Parks – unless specifically limited, shall be deemed to include all parks playgrounds, recreation areas, recreation structures and facilities, and also entrances and approaches thereto, and all other land or property or structures under the jurisdiction of the Recreation Board, now or hereafter owned or acquired by the Borough for park or recreational purposes. Borough parks include but are not limited to the following:

	<u>Name of Park</u>	<u>Location</u>
1	Lehigh Street Park	on Lehigh Street
2	Hemlock Street Park	on Hemlock Street
3	Pine Street Park	on Pine Street and Susquehanna Street
4	Linesville Park	on Vine Street and Buffalo Street

(b) Rules and Regulations – any rules and regulations hereby or hereafter promulgated by the Recreation Board under the authority herein conferred.

§102. Park Hours. All parks shall be opened daily to the public at such hours as the Recreation Board may from time to time designate, but in no event shall any person be permitted to be in attendance in any park between dusk and sunrise, unless special permission is granted by the Recreation Board, or Borough Council.

§103. Prohibited Conduct. No person in attendance at a park shall:

(a) Injure, deface, remove, cut or damage any of the trees, plants, shrubs, turf, buildings, structures, signs, or fixtures, or any other property of the Borough located within the park.

(b) Litter any area of the park with garbage, paper, bottles, cans or other waste material; nor dispose of the same in any way except in receptacles designated for such purpose.

(c) Kindle or maintain any fire in the park except in fireplaces or areas specially designated for that purpose and located by authority of the Recreation Board or Council.

(d) Remove any park equipment, bench, seat, table or other appliance without permission of the Recreation Board or Borough Council.

(e) Injure, deface, destroy or remove any notice, rule or regulation posted at any place within the park by authority of the Recreation Board or Council; nor shall any notice or placard be posted within the park other than by authority of the Recreation Board or Borough Council.

(f) Set up any booth, table or stand for the sale of any part or service whatsoever within the limits of the park without permission of the Recreation Board; distribute, sell, service or rent any services or commodity or solicit for any purpose without permission of the Recreation Board or Borough Council.

(g) Operate, stop or park any vehicle, bicycle or other means of conveyance except in areas where permitted or designated by proper authority of the Recreation Board or Borough Council, or operate the same in a reckless or negligent manner or in excess of any posted speed limit or in such a manner as to become a nuisance to other area users.

(h) Operate commercial vehicles, unless providing authorized services.

(i) Bring onto the premises, possess or consume any alcoholic beverage or illegal drugs of any kind; no person shall enter the park in an intoxicated state or otherwise be under the influence of alcohol or illegal drugs.

(j) Carry or discharge any firearms, slingshots, firecrackers, fireworks or other missile propelling instruments or explosives or arrows, or other dangerous weapons which have such properties as to cause annoyance or injury to any person or property, unless permission has been granted by the Recreation Board or Borough Council in designated areas; Police Officers in the performance of their duties will be exempt from these provisions.

(k) Play ball, swim, golf, pitch horseshoes, engage in archery, camp, or launch dock or land any boat, engage in finding buried objects with special detectors, or participate in any other form of recreation, sporting endeavor or pastime, except in those areas which may be designated from time to time for that purpose by the Recreation Board or Borough Council.

(l) Disrobe or change clothing except in buildings or facilities made available for that purpose.

(m) Disturb the peace by any conduct so as to annoy any other person using the park for recreational purposes.

(n) Operate a snowmobile, minibike, motorcycle, or any vehicle, recreational or otherwise, except on designated roads, trails, or areas set aside for their use.

(o) Use threatening, abusive, insulting, profane or obscene language or words.

(p) Commit any disorderly or immoral acts.

(q) Hold any public meeting or rally with more than five (5) persons or engage in any marching or driving as member of a military, political or other organization without permission of the Recreation Board or Borough Council, which requires a statement of information, including the name of the organization, its purpose, number of persons expected to be invited, except duration and name(s) of person(s) in charge.

(r) Disobey a proper order of a Police Officer or Recreation Board member, or Council member, or disobey or disregard or fail to comply with any rule or regulation, warning, prohibition, instruction or direction given by authorized person and posted or displayed by sign notice, bulletin, card, poster, or when notified or informed as to its existence by the Recreation Board, Borough Council, or an authorized person.

(s) Hunt for, capture or kill, or attempt to capture or kill, or aid or assist in the capturing or killing of, in any manner, any wild bird or wild animal of any description, with game or otherwise, and to that end, it is unlawful for any person to carry onto or possess in any park, a shot gun or rifle or pistol or firearm of any make or kind unless specific permission is granted for a designated area by authority of the Recreation Board or Borough Council.

(t) No pet(s).

§104. Fishing. All laws pertaining to fishing in the Commonwealth shall apply to fishing in parks and recreation areas, and provisions thereof are hereby incorporated by reference.

§105. Reservation for Specific Uses. The use of all parks shall be on a first come, first serve basis unless otherwise reserved:

(a) by annual permission granted by the Recreation Board or Borough Council for the scheduling of various league games, etc.;

(b) for school or college athletic games, practice, contests, or exhibitions;

(c) for regularly scheduled school district or municipal recreation programs;
or

(d) by permission granted by the Recreation Board or Borough Council for a specific requested use.

§106. Authorization to Promulgate Additional Rules or Change Existing Rules. The Recreation Board is authorized to establish additional rules and regulations as deemed necessary and with approval of the Borough Council, or Borough Council is authorized to establish additional rules and regulations or change existing rules as it deems necessary.

§107. Authority to Close Areas. Recreation facilities which become hazardous for public use due to weather, water, fire or unforeseeable conditions may be closed only at the discretion of the Borough Council.

§108. Enforcement. The Police Officers or Code Enforcement Officers are charged with enforcement of the provisions of this Ordinance and of the rules and regulations promulgated by the Recreation Board or Borough Council.

§109. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

§110. Severability. If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this ordinance. It is hereby declared as the intent of the Borough Council that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

§111. Penalties. Any person, firm or corporation who shall violate any provision of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.00), and in default of payment, to undergo imprisonment for a term not exceeding thirty (30) days. Each day that a violation of this ordinance continues, shall constitute a separate offense.

Part 2
Authority to Make Regulations

§201. Authority to make Regulations. Council may, from time to time, by resolution, establish rules and regulations for the management and control of activities and conduct in parks, recreational areas, playgrounds, school grounds, cemeteries, public or semi-public parking lots, public thoroughfares, and private business parking lots and thoroughfares held open to the public within the limits of White Haven Borough. (Ord. No. 1980-3, 7/17/80, Sec. 2)

§202. Penalty for Violation. Any person, firm or corporation who shall violate any provision of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.00), and in default of payment, to undergo imprisonment for a term not exceeding thirty (30) days. Each day that a violation of this ordinance continues, shall constitute a separate offense.

EDITORS NOTE: Section 202 has been changed to be consistent with Part 1, Section 111. Old Section 202 established fines of between \$25.00 and \$300.00, which conflicted with Part 1, Section 111.

Part 3
Liquor and Alcoholic Beverages

§301. Restrictions on Public Transportation and Use. No person shall transport or possess on his or her person or in a motor vehicle any beer, wine or alcoholic beverage in an open container, or consume any beer, wine or alcoholic beverages in or upon any street, sidewalk, alley, park, recreation area, tennis court, school grounds, cemetery, public or semi-public parking lot, private business parking lot open to the public or public way of the Borough or areas under jurisdiction of the Police Department except as provided in Sections 302 through 315. (Ord. No. 1980-2, 8/12/80, Sec. 1)

§302. Permit required for Transportation, Possession or Consumption in Park or Playground. No person shall possess, carry or transport any beer, wine or other alcoholic beverage in an open container, or consume any beer, wine or alcoholic beverage in or upon a park or playground in the Borough, except as provided in Sections 303 through 313. (Ord. No. 1980-2, 8/12/80, Sec. 2)

§303. Application for Permit. Any person seeking issuance of a permit to consume or possess beer, wine, liquor or other alcoholic beverages shall personally present nine (9) copies of a written application to Council, at a Council Meeting scheduled for general business purposes. The application, at minimum, shall conform with the requirements of Section 304. Council shall have the right at the meeting to question the applicant and to request any additional information as it feels necessary to render its decision as to whether it shall or shall not issue the permit. The "permit" shall be in the form of a formal resolution of Council approving the application subject to the terms and conditions as set forth in Section 307 as well as subject to any other terms and conditions Council feels are necessary to protect the public health, welfare and safety. (Ord. No. 1980-2, 8/12/80, Sec. 3, as amended by Ord. No. 1-1984, 5/10/84)

§304. Information on Application. The application for a permit shall set forth the following information:

- (a) The name, address and telephone number of the person seeking the permit;
- (b) The name, address and telephone number of the headquarters of the organization or association requesting the permit and of the authorizing and responsible head of that organization or association;
- (c) The name, address and telephone number of the person who will be the chairman and who will be responsible for the conduct of the activity;
- (d) The date when the activity is to be conducted;
- (e) The specific location of the activity proposed;
- (f) The approximate number of persons who will participate in the activity;

(g) The hours when the activity will start and terminate; and

(h) Any additional information which Council finds reasonably necessary to make a fair determination as to whether a permit should be issued.

(Ord. No. 1980-2, 8/12/80, Sec. 4)

§305. Late Applications may be considered by Council. Council, where good cause is shown, shall have authority to consider any application under this Part which is filed less than 20 days before the date when the activity is proposed to be conducted. (Ord. No. 1980-2, Sec. 5)

§306. Time Limit for Consideration by Council and for Notifying Applicant of Denial of Permit. Council shall act on the application no later than the next scheduled meeting of Council for general business purposes. Should the permit application be for a date between the date of the Council meeting at which the petition is presented and the next scheduled meeting of Council, as aforementioned, and the application is not approved at the Council meeting at which the application is presented, the application shall be deemed to have been denied. A "permit" is a privilege which Council, in its sole discretion, has the right to grant or withhold. A "permit" is not a public legal right. Should any party applicant obligate himself or herself to third parties in anticipation of a grant of a "permit", and before a "permit" is issued by Council by way of a formal resolution, and should the "permit" be denied and the party applicant thereafter become legally damaged by virtue of applicant's pre-approval obligations to third parties, or if the applicant shall himself or herself suffer damages, then the applicant shall be responsible for the damages and Council shall not be in any way responsible therefore. There shall be no appeal from Council's denial of a permit as its decision to grant or withhold a permit is a purely administrative act. (Ord. No. 1980-2, 8/12/80, Sec. 6, as amended by Ord. No. 1-1984, 5/10/84)

§307. Conditions for Grant of Permit. Council shall issue a permit as provided for under this Part when, from a consideration of the applicant and from such other information as may otherwise be obtained, they find that:

(a) The conduct of the activity proposed will not substantially interrupt the safe and orderly activity of the park or playground in question or the safe and orderly movement of traffic, pedestrian and vehicular.

(b) The conduct of the activity will not require the diversion of so great a number of Police Officers of the Borough to properly police the activity so as to prevent normal police protection to the Borough.

(c) The concentration of persons of the activity will not unduly interfere with proper utilization of the parks and playgrounds or with proper fire and police protection of the parks and playgrounds and areas contiguous to those areas.

(d) The conduct of the activity is not reasonably likely to cause injury to persons or property, provoke disorderly conduct or create a disturbance.

(e) The conduct of the activity is not reasonably likely to cause littering or a health hazard to the citizens of the Borough.

(Ord. No. 1980-2, 8/12/80, Sec. 7)

§308. Hours Permit in Effect. No permit shall be granted under this Part for an activity to convene before 9:00 a.m. or terminate after 2:00 a.m. (Ord. No. 1980-2, 8/12/80, Sec. 8)

§309. Alternate Permits. Council, in denying an application for a permit, shall be empowered to authorize the activity on a day, at a time, or at a location different from that named by the applicant. An applicant desiring to accept an alternate permit, shall, within two (2) days after notice of the action of Council, file a written notice of acceptance with the Secretary. An alternate permit shall conform to the requirements for and shall have the effect of a permit under this Part. (Ord. No. 1980-2, 8/12/80, Sec. 10)

§310. Copies of Permits furnished Certain Officials. Immediately upon the issuance of a permit the secretary shall send a copy to each of the following: the Mayor, the Fire Chief, the President of Council and the Chairperson of the police committee and any other Borough officials affected by the permit. (Ord. No. 1980-2, 8/12/80, Sec. 11)

§311. Revocation of Permits. The chief of Police or Council shall have the authority to revoke any permit issued under this Part upon violation of any of the standards prescribed for issuance by Section 307. (Ord. No. 1980-2, 8/12/80, Sec. 12)

§312. Custody of Permit. The activity chairperson or other person heading or leading the activity shall carry the permit upon his or her person during the conduct of the activity. (Ord. No. 1980-2, 8/12/80, Sec. 13)

§313. Permit Holder to comply with Applicable Laws and Ordinances, and with Conditions of Permit. The permit holder under this Part shall comply with all permit directions and conditions, and with all applicable laws and ordinances. (Ord. No. 1980-2, 8/12/80, Sec. 14)

§314. Penalty for Violation. Any person or the chairman of any activity or the person in charge of or leading any activity subject to this Part, who violates any provision of this Part or any items of a permit granted under this Part, shall be guilty of an offense, and upon conviction, shall be subject to a fine not less than One Hundred (\$100.00) Dollars or more than Three Hundred (\$300.00) Dollars and costs of prosecution for each violation, and in default of payment of fine and costs, to imprisonment, not to exceed 30 days for each violation. (Ord. No. 1980-2, 8/12/80, Sec. 15)