

CHAPTER 16

PARKS AND RECREATION

(Reserved to accommodate future enactments)



ORDINANCE NO. 1 OF 2015

AN ORDINANCE OF THE BOROUGH OF PORT ROYAL TO ESTABLISH RULES AND REGULATIONS FOR THE USE OF MOYER PARK AND/OR ANY OTHER DESIGNATED RECREATIONAL FACILITY WITHIN THE BOROUGH AND PENALTIES FOR DISORDERLY CONDUCT OCCURRING AT OR ANY OTHER VIOLATION OF THE RULES AND REGULATIONS FOR THE USE OF MOYER PARK AND/OR ANY OTHER DESIGNATED RECREATIONAL FACILITY WITHIN THE BOROUGH.

The Borough Council of the Borough of Port Royal hereby enacts and ordains as follows:

MOYER PARK RULES AND REGULATIONS.

1 - MOYER PARK RULES AND REGULATIONS and PUBLIC PARK RULES AND REGULATIONS.

1.1 Purpose. The purpose of this Ordinance is to establish rules and regulations concerning the conduct of the public in the use and management of Moyer Park and any other designated recreational facilities and areas within the Borough.

1.2 Application of Provisions.

a. The Rules and Regulations as set forth in this section shall apply to all persons, associations, partnerships and corporations that shall use Moyer Park and any other designated recreational facilities and areas within the Borough.

b. Other designated recreational facilities and areas shall include any park, recreational facility or area within the Borough that is designated, by appropriate resolution of Port Royal Borough Council, for recreational use.

1.3 Rules and Regulations for Conduct Enumerated. The rules and regulations for the conduct of all persons is as follows:

a. **Tampering With Park Property Prohibited.** No person shall willfully mark, deface, disfigure, injure, tamper with or displace or remove any buildings, tables, benches, recreational equipment, fireplaces, railings, paving or paving materials, water lines or other public utilities or parts or appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts, or other boundary markers or other structures or equipment facilities or park property or appurtenances whatsoever, either real or personal.

b. **Restrooms.** All persons shall cooperate in maintaining restrooms and washrooms in a neat and sanitary condition. No person above the age of five (5) years shall use the rest rooms and washrooms designated for the opposite sex.



c. Removal of Soil, Rocks, Plants, Etc. No person shall dig or remove any soil, rock, sand, stones, trees, shrubs or plants or other wood or materials or make any excavation by tool, equipment, blasting or other means or agency.

d. Construction of Buildings, Etc. No person shall construct or erect any building or structure of whatever kind, whether permanent or temporary or run or string any public service utility into, upon or across such lands, except on special written permit issued hereunder.

e. Damaging Trees or Plants. No person shall damage, cut, carve, transplant or remove any tree or plant or injure the bark or pick flowers or seed of any trees or plant, dig in or otherwise disturb grass areas or in any other way injure the natural beauty or usefulness of any area.

f. Climbing or Walking on Trees or Monuments. No person shall climb any tree, or walk, stand or sit upon monuments, vases, planters, fountains, railings, fences or upon any other property not designated or customarily used for such purposes.

g. Tying Domestic Animals to Trees or Plants. No person shall tie or hitch a domestic animal such as a dog or cat, to any tree or plant.

h. Pollution of Waters. No person shall throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream or other body of water in or adjacent to any park or any tributary stream, storm sewer, or drain flowing into such water any substance, matter or thing, liquid or solid, which will or may result in the pollution of the waters.

i. Dumping Refuse in Waters. No person shall have brought in or shall dump in, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage or refuse or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any park, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where same are provided; where receptacles are not provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere.

j. Driving Restricted to Certain Areas. No person shall drive any vehicle on any area except the paved park roads or parking areas or such areas as may on occasion be specifically designated as temporary areas including motorized vehicles such as mini bikes and mopeds.

k. Parking Restricted to Certain Areas. No person shall park a vehicle in other than an established or designated area and such shall be in accordance with posted directions or with the instruction of any Borough employee who may be present.

l. Parking Vehicles Overnight Prohibited. No person shall leave a vehicle standing or parked overnight in established parking areas or elsewhere in the park area.

m. Bicycles to Be Placed in Racks. No person shall leave a bicycle in a place other

than a bicycle rack when such is provided and there is space available.

n. Bicycle Safety. No person shall ride a bicycle without reasonable regard to the safety or others.

o. Bicycle Hazard. No person shall leave a bicycle lying on the ground or paving or set against trees, or in any place or position where other persons may trip over or be injured by them.

p. Firearm Prohibition. No person shall carry or possess firearms of any description, or air-rifles, spring-guns, bows and arrows, slings or any other forms of weapons potentially inimical to wildlife and dangerous to human safety or any instrument that can be loaded with and fire blank cartridges or any kind of trapping device. Shooting into park areas from beyond park boundaries is forbidden except instructional classes, such as archery as shall be under the direction of official Borough authorization.

q. Picnicking. No person shall picnic or lunch in a place other than those designated for that purpose.

r. Exclusive Use of Picnic Areas. No person shall use any portion of the picnic area or any of the buildings or structures therein for the purpose of holding picnics to the exclusion of other persons, nor shall any person use such areas and facilities for an unreasonable time if the facilities are crowded.

s. Extinguishing Fires and Trash Disposal. No person shall leave a picnic area before the fire is completely extinguished and before all trash is placed in the disposal receptacles where provided. If no such trash receptacles are provided, then trash shall be carried away from the park area by the picnicker to be properly disposed of elsewhere.

t. Certain Games Prohibited. No person shall take part in or abet the playing of any games involving thrown or otherwise dangerous propelled objects such as stones, arrows, javelins, horseshoes, quoits, or model airplanes, unless there is specific authorization from the appropriate Borough official. The use of recreational equipment such as soccer ball, football or a kick ball shall be used only in those areas set apart for such forms of recreation.

u. Dogs or Cats Shall Be Leashed. No person shall allow a dog or cat of which the person is in charge to go upon any part of the park property or recreational area unless held by a leash not longer than six (6) feet.

v. Sale of Goods and Advertising Unlawful. No person shall sell or offer for sale, any goods, wares or merchandise whatsoever, or to display or distribute any advertising device, circular or card in any park or recreational area except upon a written permit issued by the appropriate and authorized Borough official.

w. Dogs and Cats Prohibited. No person shall allow a dog or cat of which the person is in charge to go upon any part of any fenced in athletic field at any time, for any reason.



x. **Waterfowl Feeding Prohibited.** No person shall feed, cause to be fed or provide food or other sustenance essential for growth or maintenance of, domestic or migratory waterfowl, including Canada geese, in Moyer Park and the designated recreational facilities and areas within the Borough. No person shall create or foster any condition or allow any condition to exist or continue, which results in a congregation or congestion of domestic or migratory waterfowl.

y. **Smoking Confined to Certain Areas at Certain Events.** No person attending an athletic and/or recreational event that takes place on Borough property shall smoke in any area closer than fifty (50) feet from the boundary of any athletic field and/or within fifty (50) feet of any of the event participants whether or not such participants are engaged in event activities. No smoking shall take place in any restrooms serving an athletic and/or recreational event on Borough property during the course of an athletic or recreational event. Smoking is prohibited within fifty (50) feet of any area where food or beverages are served. This prohibition shall apply only to those athletic or recreational events where any of the participants are eighteen (18) years of age or younger. Violations of this prohibition shall be punishable as prescribed by law.

z. **Hitting of Golf Balls in Parks Prohibited and/or Golfing Prohibited.** Findings: The Mayor and Borough Council of the Borough of Port Royal in the County of Juniata, Commonwealth of Pennsylvania find that the hitting of golf balls in Moyer Park and the designated recreational facilities and areas within the Borough not specifically designated for such use, poses a substantial risk of damage to property in the area and a risk to the health, safety and well being of the general public by reason of the risk of personal injury resulting from persons being struck by a golf ball. **Golfing Prohibited.** It shall be unlawful for any person to engage in the hitting of golf balls within the boundaries of Moyer Park and the designated recreational facilities and areas within the Borough, unless the park or recreation area is specifically designated to allow the hitting of golf balls or unless the hitting of golf balls is otherwise permitted by the Port Royal Borough.

1.4 Disorderly Conduct Prohibited. All persons shall conduct themselves in a proper and orderly manner while in Moyer Park and the designated recreational facilities and areas within the Borough and in particular as follows:

a. **Alcoholic Beverages.** No person shall bring alcoholic beverages, drink alcoholic beverages at any time nor shall any person be under the influence of intoxicating liquor, except those programs that have been issued permits by the appropriate Borough official and nothing contained herein shall be in disregard of other appropriate Borough Ordinances concerning the drinking of alcoholic beverages in a public place.

b. **Explosives and Fireworks.** No person shall have in his possession or set or otherwise cause to explode or discharge or burn any fireworks or explosives of flammable materials, or discharge them or throw them into any such areas from lands or highways adjacent thereto. This prohibition includes any substance, compound, mixture, or compound that would be



dangerous from any of the foregoing standards.

c. **Fires and Flammable Materials.** No person shall build or attempt to build a fire except in those areas and under such regulations as may be designated and posted. No person shall drop, throw or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper or other flammable material within any park or recreational area or on any highways, roads, or streets abutting or contiguous thereto.

d. **Areas Closed to the Public.** No person shall enter an area posted as "Closed to the Public" nor shall any person use or abet in the use of any area in violation of posted notices and for the purpose of this section and other applicable State Statutes and ordinances shall be considered to be a trespasser.

e. **Gambling Unlawful.** No person shall gamble or participate in or abet any game of chance except in such areas and under such regulations as may be designated by the authorized Borough official.

f. **Sleeping on Benches and Disorderly Conduct.** No person shall sleep or protractedly lounge on the seats or benches or other areas or engage in loud, boisterous, threatening, abusive, insulting or indecent language or engage in any disorderly conduct or behavior tending to breach the public peace.

g. **Disturbing or Interfering with Authorized Activities.** No person shall disturb or interfere unreasonably with any person or party occupying any area or participating in any activity under the authority of a permit issued by an authorized Borough official.

h. **Posting Handbills.** No person shall paste, tack or otherwise post any sign, placard advertisement, or inscription whatever, nor shall any person erect or cause to be erected any sign whatever on any public lands or highways or roads adjacent to a park.

1.5 Opening and Closing Hours. Public parks and recreational areas shall be open to the public every day of the year during the designated hours except for unusual and unforeseen emergencies. The opening and closing hours for each individual park or recreational area shall be posted therein for public information at the entrances.

1.6 Closing Time of Parks. All parks shall be closed to the public one-half (.5) hour after sundown until one-half (.5) hour after sunrise.

1.7 Certain Park Areas May Be Closed at Certain Times. Any section or part of any park may be designated closed to the public at any time and for any interval of time either temporary or at regular and slated intervals (daily or otherwise) and either entirely or merely for certain uses.



1.8 Permits for Special Events. All Borough permits for special events in Moyer Park and the designated recreational facilities and areas within the Borough shall be obtained by application to the Borough in accordance with the following procedure:

a. Application. A person, association, corporation or partnership seeking issuance of a permit hereunder shall file an application with the Borough stating:

1. The name and address of the applicant.
2. The name and address of the person, corporation, associations or partnerships sponsoring the activity, if any.
3. The day and hours for which the permit is desired.
4. The park or portion thereof for which such permit is desired.
5. Any other information which the Borough shall find reasonably necessary to a fair determination as to whether a permit should be issued hereunder.

b. Standards for Issuance. Standards for issuance of a use permit by the Borough include the following findings:

1. The proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park.
2. The proposed activity and use will not unreasonably interfere or detract from the promotion of public health, welfare, safety and recreation.
3. The proposed activity or uses that are reasonably anticipated will not include violence, crime or disorderly conduct.
4. The proposed activity will not entail extraordinary or burdensome expense or policing by the Borough. All applications shall be made at least seven (7) days in advance of the proposed use. The Borough reserves the right to request a deposit for the use of Moyer Park. In the event a deposit is requested, it shall be held in trust by the Borough as security against any damages, vandalism or destruction to its playgrounds or recreation facility. The Borough Code enforcement officer or such other designee shall make an inspection of the park, playground or recreation area immediately after the actual use applied for and if the area is found to be in order shall authorize return of the security deposit. The Borough may in the exercise of his discretion waive the deposit provisions for any church, civic, social and fraternal organizations having their registered agent or principal office or headquarters within the Borough.
5. The facilities desired have not been reserved for other use at the date and hour requested in the application.

a. Permittee Subject to Park Rules and Regulations. A permittee shall be bound by



all park and recreation area rules and regulations and all applicable ordinances fully as though the same were inserted in the permits.

b. **Liability for Loss, Damage or Injury; Insurance.** The person to whom the permit is issued shall be liable for all loss, damage or injury sustained by any person whatever by reason of the negligence of the person or persons to whom the permit shall have been issued. The Borough shall have the right to require any permittee to submit evidence of liability insurance covering injuries to members of the general public arising out of such permitted activities in such amount as may be determined by the Borough prior to the commencement of any activity for which a permit has been issued, but in no event shall it be less than twenty-five thousand (\$25,000.00) dollars per person and fifty thousand (\$50,000.00) dollars per accident.

c. **Revocation of Permit.** The Borough shall have the absolute authority to revoke a permit upon finding of a violation of any rule, regulation or ordinance or upon good cause shown.

1.9 Enforcement.

a. Port Royal Borough, its code enforcement officer or such other lawful designee shall in connection with their duties imposed by law, diligently enforce the provisions of this section and all other applicable ordinances.

b. Port Royal Borough, its code enforcement officer or such other lawful designee shall have the authority to eject from the park area any person or persons acting in violation of this section.

c. Port Royal Borough, its code enforcement officer or such other lawful designee shall have the authority to seize and confiscate any property, thing or device in the park used in violation of this section.

d. This section shall also be enforced by any Police or Police Department with jurisdiction over and in the Borough of Port Royal.

1.10 Penalty. Any person violating the provisions of this section shall upon conviction thereof pay a fine of a minimum of \$100.00 and not to exceed \$500.00 for a first offense and a minimum of \$200.00 and not to exceed \$1000.00 for any second or subsequent offense. A violation of any and each section of this Ordinance, shall constitute a separate offense.

1.11 Park Defined. The use of the word park herein is intended where not specifically stated, to include Moyer Park and the designated recreational facilities and areas within the Borough.

1.12 Notice of Regulations. Appropriate signs setting forth these regulations shall be erected in all parks of the Borough.

1.13 Fee Schedule for Use of Parks and Recreational Areas, Facilities and Programs.



The Mayor and Borough Council shall establish by resolution on an annual basis or more often as may be required, a fee schedule to be charged to members of the public for the use and participation in the Moyer Park and the designated recreational facilities and areas within the Borough.


THIS ORDINANCE shall be effective 5 days after its enactment AND upon adoption of this Ordinance, the Borough Secretary shall cause the above-amended ordinance to be inserted in the Borough Code of Ordinances.

ENACTED AND ORDAINED THIS 10th day of August, 2015.

Attest:

PORT ROYAL BOROUGH

BY:


[Signature]
Secretary

[Signature]
President

