

CHAPTER 25

PARKS

BOROUGH OF WYALUSING
ORDINANCE NO. 25

AN ORDINANCE CHAPTER NO. 25, BOROUGH PARKS, OF THE CODE OF THE BOROUGH OF WYALUSING, COUNTY OF BRADFORD, COMMONWEALTH OF PENNSYLVANIA.

The purpose of this Ordinance is to regulate the Borough Parks as authorized under the Borough Code found at 53 P.S. § 47701. Power to maintain and improve: Any borough may provide, improve, maintain and regulate public parks, parkways and playgrounds, playfields, swimming pools, public baths, bathing places, indoor recreation centers and gymnasiums, hereinafter called "recreation places," within the borough limits or in any adjacent township or in any city or other borough if the other borough or city shall, by ordinance, signify its consent thereto

The Borough of Wyalusing hereby ordains and enacts as follows:

ARTICLE I
General Provisions

§ 1. PURPOSE.

This article is enacted to establish rules and regulations for the protection, care and control of the public parks, playgrounds and athletic fields in the Borough under the jurisdiction of the Borough and to regulate the conduct of persons on or within such Borough parks and playgrounds or using the facilities thereof.

§ 2. HOURS OF OPERATION.

Except for unforeseen emergencies and officially sanctioned, authorized, and supervised Borough events and activities permitted in writing by the Borough

Council of the Borough of Wyalusing, Bradford County, Pennsylvania, Borough parks and recreation areas shall from 10:00 p.m. until 6:00 a.m. be closed each day. The provisions of this section shall also apply to any adjacent Borough parking lot areas.

§ 3. PROHIBITED ACTS.

It shall be unlawful for any person on Borough property hereof to:

- A. Use threatening, abusive or insulting language.
- B. Do any obscene or indecent act.
- C. Throw stones or any sharp object such as javelins, arrows, spears, etc.
- D. Interfere with, encumber, obstruct or render dangerous any public way, path, walk, bridge or public place.
- E. Do any act tending or amounting to a breach of the peace.
- F. Climb or stand upon any fence, shelter, seat, bridge railing or support, statue or other erection.
- G. Introduce, carry or fire any firecrackers, or fireworks, unless authorized by permit from the Borough.
- H. Engage in, instigate, aid or encourage a contention or fight.
- I. Assault any person.
- J. Participate in betting, raffles, gambling or gaming or use or operate any slot machine or gaming table or other gambling instrument or sell fortunes without approval of Borough Council.
- K. Solicit gifts or contributions for any purpose without permission of the Borough Council.
- L. Possess or consume alcoholic beverages without permission of the Borough Council.
- M. Be under the influence of intoxicating alcoholic beverages.
- N. Possess, use or be under the influence of drugs, as defined and prohibited by the Pennsylvania Crimes Code.
- O. Give entertainment of any kind or transact business of any kind without permission of the Borough Council.
- P. Occupy a camp or campground or sleep overnight without permission of the Borough Council.
- Q. Sell, vend or give away any article of merchandise or other matter or distribute handbills or circulars without permission of the Borough Council.
- R. Kindle, build, maintains or use a fire except in fireplaces provided or in an approved container.
- S. Post, paint or affix or erect any sign, advertisement, banner or any other matter for attracting attention without permission of the Borough Council. No sign may be affixed or erected by piercing the surface of any structure.

- T. Possess or use guns, knives, slingshots or other dangerous weapons with the exception of law enforcement personnel or kitchen utensils used in food preparation.
 - U. Possess or use any explosive material that may cause an explosion when used either alone or in combination with some other material to produce rapid flaming combustion or administer a destructive blow to surrounding objects.
 - V. Kill, injure or disturb any animal or bird or damage any grass, tree, shrub or plant or any building, sign, structure or equipment upon any premises under the jurisdiction of the Borough.
 - W. Ride, drive or bring any horse upon any Borough property without written permission of the Borough Council.
 - X. Allow any dog to run at large. Dogs shall be permitted, provided that they are restrained by a leash not exceeding six feet in length and let or controlled by a person capable of controlling the dog, and further provided that the person in control of the dog shall be responsible for the removal of any feces deposited by the animal on Borough property or right-of-way.
 - Y. Drive or park any motor vehicle, including mini bikes, snowmobiles or other power-driven equipment, on Borough property as contemplated without permission of the Borough Council. Borough maintenance vehicles and those of Borough officials and employees and emergency vehicles shall be permitted.
 - Z. Swim, wade or otherwise go into any body of water within the Borough parks, playgrounds and recreation areas of the Borough of Wyalusing except in accordance with the rules and regulations relating to the use thereof. No combustion engine power-driven boats of any type shall be permitted on any body of water within the Borough parks, playgrounds and recreation areas.
- AA. Ride a bicycle or fly a model airplane in any Borough Park or athletic field in such a manner as to interfere with another's enjoyment of the facilities of the Borough Park or playground.

§ 3.1. TENTS, STANDS AND OTHER STRUCTURES.

No person shall erect or occupy any tent, stand or other structure in any Borough park or playground or sell or give away from any such tent, stand or other structure any food, drink or other thing, without the written permission of the Borough Council.

§3.2. MISCELLANEOUS PROVISIONS.

No person on or within a Borough park or playground shall:

- A. Sell, expose for sale, or give away goods, wares or circulars or post or display

any sign, placard or advertising device without written permission by the Borough Council.

B. Play, engage, or take part in any game or competitive sport for money or other valuable thing without written permission by the Borough Council.

C. Solicit alms or contributions for any purpose without the written permission of the Borough Council.

D. As part of a group, move in a military or civic parade, drill or procession without written permission of the Borough Council; nor shall any individual interfere with another's enjoyment of the facilities of the Borough park or playground.

§ 3.3. PERMITS; APPLICATION; GENERAL PROVISIONS.

A. All persons, parties, or organizations desiring to reserve Borough park facilities or request permission for activities requiring Borough approval must make application, in writing, to the Borough Council not fewer than 30 days prior to the date desired. Applications shall be available at the Wyalusing Borough Hall. Applications not submitted at least 30 days in advance may be denied.

B. Organizations utilizing facilities are responsible for the care of equipment and grounds utilized and the cleaning of the area at the completion of the event.

C. Organizations utilizing Borough park areas must present a certificate of insurance naming Wyalusing Borough as an additional insured as proof of liability insurance, covering injuries to participants during the period the facility is being used, in amounts as determined by the Borough Council based upon probable risk.

D. Organizations utilizing Borough park areas will be responsible for the coordination of traffic control and parking.

E. The Borough Council shall have the right to refuse or cancel the use of any facility to organizations or individuals for reasons of repair, construction or other reasons that may be detrimental to the care and upkeep of the area.

F. The use of alcoholic beverages by an organization may be permitted by the Borough Council in the Borough park areas; however, Subsection C of this section must be complied with.

G. The use of posted baseball fields will be by permit issued by the Borough Council with the exception of the Wyalusing Little League and Wyalusing Area School District.

H. The Borough shall have the right to grant exclusive franchise rights to a permit holder for the sale of merchandise, food and beverages for the period that the permit is in effect in the Borough park and on public roads surrounding the Borough park on the day or days of the permit.

I. Application. A person or group seeking issuance of a permit hereunder shall file an application with the Borough Secretary. The application shall state:

- (1) The name and address of the applicant.
- (2) The name and address of the person, persons, corporation or association sponsoring the activity, if any.
- (3) The day and hours for which the permit is desired.
- (4) The Borough Park or portion thereof for which such permit is desired.
- (5) An estimate of the anticipated attendance.
- (6) Any other information which the Borough Council shall find reasonably necessary to a fair determination as to whether a permit shall be issued.

J. Nothing herein shall be read to require the application for a permit for organized, officially sanctioned Borough events.

K. The Borough Council may, as it deems necessary, establish other rules, fees or procedures governing the use of Borough park facilities by resolution.

L. Any organization that requires a permit from the Pennsylvania Liquor Control Board for the sale of alcoholic beverages shall be required to obtain said permit before requesting permission from the Borough Council.

M. There shall be a non-resident rental fee set by Borough Council Resolution.

§ 3.4. ENFORCEMENT.

A. The Wyalusing Borough Ordinance Enforcement Officer shall diligently enforce the provisions of this chapter.

B. Said persons enumerated in Subsection A of this section shall have the authority to:

- (1) Cause the removal from the Borough parks of any person acting in violation of this article through law enforcement personnel.
- (2) Seize and confiscate any article of property brought into the Borough park areas or used therein in violation of this article.

§ 3.5. VIOLATIONS AND PENALTIES; RESPONSIBILITY FOR DAMAGED PROPERTY.

A. Any person who violates any provisions of this article or any posted Borough Council rules and regulations shall be deemed and adjudged a disorderly person and, upon conviction therefor, shall be punished by a fine not exceeding \$600, imprisonment for a term not exceeding 90 days or a period of community service not to exceed 90 days, or a combination thereof.

A. In addition to any fine or sentence imposed under Subsection A hereof, any person causing damage to any property within the Borough parks and playgrounds shall be held liable for the cost of repair or replacement necessitated by such damage.

THIS ORDINANCE shall take effect immediately upon adoption.