

## **Chapter 16**

### **Parks and Recreation**

#### **Part 1**

#### **Parks**

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**Part 1****Parks****§16-101. Definitions.**

As used in this Part, the following terms shall have the meanings indicated:

*Board* - Supervisors of Old Lycoming Township.

*Parks and recreation* - includes all lands, and facilities under the control of Old Lycoming Township or that may come under its control while this Part is in effect.

*Person* - refers to individual persons, groups or organizations who shall request use of the facilities as indicated in this Part or who shall use such facilities.

*Recreation Commission* - a commission set up by the Board of Township Supervisors to make recommendations to the Board of Supervisors. Old Lycoming Township Recreation Commission.

*Secretary* - Township Secretary.

(*Ord. 158, 10/8/1991, §I*)

**§16-102. Hours.**

1. The recreational area shall be open between the hours of 8 a.m. and 9 p.m. prevailing time, unless the time is extended for a scheduled, supervised activity, in which event, the closing time shall be ½ hour after the completion of such activity. No unauthorized person shall be on the premises after the closing time.

2. If the recreational facility becomes hazardous for public use due to weather, fire, water, construction or other conditions, it may be closed at the discretion of the Board of Supervisors or its designee. Whenever possible, notice of the closing will be posted at the recreational facility at least 24 hours in advance of the closing.

(*Ord. 158, 10/8/1991, §II*)

**§16-103. Use of Facilities.**

1. Recreational areas will be opened to the public use at the hours scheduled unless closed to public use by the Township. [*Ord. 231*]

2. Only charcoal fires and portable gas-fired grills shall be permitted and shall be closely monitored and completely extinguished by the user before the site is vacated.

3. The following acts are prohibited on the premises of Township parks and recreation areas: (A) the possession, use or consumption of alcoholic or malt beverages; (B) the possession, use or operation of minibikes; (C) the possession, use or operation of snowmobiles, except for official Township use, (D) overnight camping.

(*Ord. 158, 10/8/1991, §III; as amended by Ord. 231, 10/14/2008*)

**§16-104. Vehicle Restrictions.**

1. Operating or parking any vehicle on park property not designated for a cartway or parking is prohibited unless permission is specifically given by the Township. Township maintenance vehicles or emergency vehicles are allowed on park property to

perform such work as necessary. Operating or parking any vehicle on park property in an unauthorized, reckless, or negligent manner as to become a nuisance to other park users is prohibited.

2. The following shall be defined as operating in an unauthorized manner, but not limited hereto:

A. Operating on areas other than cartways especially designed and constructed for vehicular traffic. This shall not apply to vehicles of the Township and authorized emergency vehicles.

B. Washing, repairing or servicing of vehicles is prohibited in parks. Abandonment of such vehicles is prohibited. If mechanical disablement occurs, immediate steps must be taken for removal.

C. All other laws pertaining to motor vehicles in general shall be enforced by Old Lycoming Township Police on park property.

D. All nonlicensed motorized vehicles are prohibited in all park areas. Horses, snowmobiles and mopeds are especially prohibited and barred from any and all park properties. Licensed motorbikes and motor vehicles are restricted to posted parking areas. Bicycles are allowed on designated bicycle paths.

E. Motorized wheelchairs used by handicapped individuals are allowed in all park areas.

F. Parking of motor vehicles shall be in designated areas only.

(*Ord. 158, 10/8/1991, §IV*)

### **§16-105. Park Regulations.**

1. Use or possession of alcoholic beverages or controlled substances is prohibited. Persons under the influence of alcohol or controlled substances shall be prohibited from entering or using the parks.

2. Abusive, indecent or threatening language or any indecent act shall be prohibited.

3. Carrying of firearms, air rifles, bows and arrows, slings, slingshots, fireworks and any other weapon shall be prohibited.

4. Pets are prohibited from the recreation park with the exception of guide or service dogs, as those terms are defined under the Americans with Disabilities Act, or regulations promulgated thereunder. [*Ord. 231*]

5. All trash, garbage and litter shall be deposited in the refuse cans provided. Scattering, dropping, dumping or leaving any trash, litter or substance of any kind in the park by any person is prohibited.

6. Intentionally breaking, cutting down, removing or in any manner injuring or defacing any ornament, tree, plant, shrub, fern, flower and turf is prohibited.

7. Damaging, destroying, defacing, adding to or removing from any park property, including equipment, facilities and the natural environment, is prohibited.

8. No person shall deface or destroy any notices, rules or regulations for the regulation of the park posted or in any manner permanently fixed within the limits of the same.

9. Disturbance of water flow in pools, ponds, or basins is prohibited.
10. Disturbance of bird's nests, eggs or any other wildlife habitat is prohibited.
11. Erection of any temporary or permanent structure, such as tree houses or platforms, clubhouses, goalposts, fences, tents, etc., is prohibited unless written authorization by the Board of Supervisors is provided.
12. Foot or bicycle traffic in unlighted areas after sundown shall be prohibited.
13. Golf is specifically prohibited within the park.
14. Roller skating and skate boarding shall be confined to those areas specifically designed for such pastime.

(*Ord. 158, 10/8/1991, §V; as amended by Ord. 231, 10/14/2008*)

**§16-106. Erection of Temporary and Permanent Facilities.**

1. Erection of temporary backstops, goalposts, crowd-control fences and barriers is allowable by permit with the following restrictions:

A. Permits must be secured no later than 48 hours prior to the erection of said structures.

B. Specific dates must be included in the application for both the installation of and removal of said structures.

C. Temporary structures shall not be in place for a period of time greater than specified on the permit and shall be removed no later than the date given for removal on the permit. Structures not removed shall be removed by the Township and the charge for such removal, and storage of same, shall be payable by the person making the application for the permit. [*Ord. 231*]

D. All temporary structures shall be kept in good repair and shall be repaired, replaced or removed by the applicant within 72 hours of any public function.

E. Permits for the erection of temporary structures shall be granted based on their intended use, the function or use of the area and their impact on the use of the park and public safety. Permits for erection of temporary structures must be approved the Board of Township Supervisors.

2. Erection of permanent facilities and structures, modification of present facilities, the planting of trees, shrubs, sod and any other action with permanent or lasting impact on the park is allowable only by permit with the following restrictions.

A. All permanent additions or alterations shall be considered in light of future development plans for the area intended and in the comprehensive plan for the park system of Old Lycoming Township.

B. Permanent structures shall conform to all Township, County, State or other prevailing applicable codes.

C. All plans for permanent improvements shall be reviewed by the Recreation Commission and presented to the Board of Supervisors for their consideration and approval. [*Ord. 231*]

D. Inasmuch as all park properties are public property and are maintained for the use and enjoyment of all residents, it shall not be permissible for any person or group or organization to erect or maintain the use of any facility and/or structure for restricted usage. All improvements shall become the property of the Township

and come under the control of the Township. In the event a private party or organization wishes to make substantial investments in the improvements of a park facility or construction of an approved structure, arrangements can be made to give priority in scheduling the use of that facility or structure to the donor for a period of time not to exceed 12 calendar months. This priority can be renewed for an additional 12-month period by the approval of the Recreation Commission and Secretary. At the conclusion of the approved priority period and in the event of the failure to renew the priority by the Recreation Commission and Secretary, said donor shall relinquish any claim for priority in scheduling the use of the improved area and shall be subject to the same scheduling sequences and priorities as all other applicants. The terms for priority scheduling shall be agreed to in writing prior to the commencement of any improvements.

(*Ord. 158*, 10/8/1991, §VI; as amended by *Ord. 231*, 10/14/2008)

#### **§16-107. Permits for Food Services and Retailing.**

1. Permits issued by the Pennsylvania Department of Health may be required to sell any food items. Permits are required for the sale of retail items. All profits must go to the organization sponsoring the fund raising events. Permits may be issued for the following: [*Ord. 231*]

A. Sales of refreshments and retail items during games, practices and other park-centered activities.

B. Sales of admission tickets.

2. Issuance of a permit by the Codes Enforcement Officer in no way absolves the applicant from procuring additional permits or conforming to regulations as required by the Township, County, State, or any other governing bodies having jurisdiction in the retailing of food or merchandise. [*Ord. 231*]

(*Ord. 158*, 10/8/1991, §VII; as amended by *Ord. 231*, 10/14/2008)

#### **§16-108. Specialty Areas.**

The general park system contains a number of specialty areas including, but not limited to, hike/bike trails, tennis courts, picnic pavilion, baseball fields. Each specialty area requires specific regulations concerning proper use of that individual facility. Leases will be required, in the discretion of the Board of Supervisors. This Part shall in no way restrict the Board of Township Supervisors from formulating and posting restrictions for those specific areas in addition to the general restrictions in this Part.

(*Ord. 158*, 10/8/1991, §VIII; as amended by *Ord. 231*, 10/14/2008)

#### **§16-109. Motorized Vehicles and Horses Prohibited.**

1. *Use by Motorized Vehicles Is Prohibited.* No person or persons shall ride, utilize, operate, occupy or possess any motorized vehicle in, on or upon that portion of the bikeway within Old Lycoming Township. For the purposes of this Part, a motorized vehicle shall include, but not be limited to, snowmobiles, trailbikes, minibikes, motorcycles, automobiles, trucks, tractors and any other type of vehicle other than bicycles.

2. *Vehicles Prohibited; Exception.* The use of motorized vehicles by personnel of

Old Lycoming Township, Pennsylvania Department of Transportation, police or other authorized personnel is hereby excepted from this Part. Motorized wheelchairs operated by handicapped individuals are also excepted.

3. *Horses Prohibited.* No person or persons shall ride or possess horses or ponies in, on, or upon that portion of the bikeway within Old Lycoming Township.

4. *Violations and Penalties.* A person or persons who violate the provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$50 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, or other maximum as established by State law, to a term of imprisonment not to exceed 90 days. [Ord. 231]

(Ord. 158, 10/8/1991, §IX; as amended by Ord. 231, 10/14/2008)

#### **§16-110. Pavilions to Be Available for Exclusive Use.**

The pavilions within the Township park shall be available to the public for utilization on an exclusive basis, provided that reservation is made for the use thereof with the Township Secretary of Old Lycoming Township. Reservations for utilization of the pavilions within the Township Park shall be made by contacting the Township Secretary of Old Lycoming Township, who shall grant use of same on a first-come first-served basis. Township recreational programs will take priority.

(Ord. 158, 10/8/1991, §X)

#### **§16-111. Responsibility for Damages.**

1. Any person or persons utilizing the pavilions within the Township recreation area shall be responsible for any damage caused to the Township property or the Township facilities and shall clean the area prior to leaving.

2. Failure to clean premises; violations and penalties any person or persons failing to clean the premises prior to leaving shall be sentenced to pay a fine of not less than \$100 for the first offense not less than \$250 for each subsequent offense, and not more than \$1,000 plus costs and, in default of payment of said fine and costs, or other maximum as established by State law, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. [Ord. 231]

(Ord. 158, 10/8/1991, §XI; as amended by Ord. 182, 7/9/1996, §2.E; and by Ord. 231, 10/14/2008)

#### **§16-112. Liability of Township.**

In utilizing the parks and parks pavilions within the Township recreation area, any person or persons hereby agree to the utilization of the premises as is and hereby waive and relinquish any and all claims against the Township arising out of or in any way connected with the utilization of Township premises or facilities. Further, any person or persons utilizing the Township park and facilities hereby agree to indemnify, save and hold harmless Old Lycoming Township of and from any and all liability claims, demands, suits, actions or attorney's fees for injuries, whether same are personal injury or property damages arising out of or in any way connected with the utilization of the

Township property or facilities.

(*Ord. 158, 10/8/1991, §XII*)

**§16-113. Commercial Traffic, Soliciting and Advertising.**

Commercial traffic, the posting of signs, the distributing, selling, servicing or renting of any commodity whatever or soliciting for any purpose is prohibited on all park grounds unless stated elsewhere in this Part.

(*Ord. 158, 10/8/1991, §XIII*)

**§16-114. Advertised Assemblies.**

No gathering or meeting of any kind assembled through advertisement shall be permitted in a park or recreation facility without written authorization from the Board of Supervisors.

(*Ord. 158, 10/8/1991, §XIV*)

**§16-115. Violation and Penalties; Liability.**

1. Any person violating any of the foregoing sections or subsections of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$50 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, or other maximum as established by State law, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. [*Ord. 231*]

2. In addition to the above, the Recreation Commission and Board of Township Supervisors, in lieu of or in addition to the above penalties, may impose restrictions or limitations on the use of the recreation facility granted to such person.

3. Any person who violates any of the foregoing rules and regulations to the injury of Township property or to the person or property of any other person shall be liable for such injury in addition to payment of the fines and penalties set forth in this action. This Section shall not be construed to limit such liability in any manner.

(*Ord. 158, 10/8/1991, §XV; as amended by Ord. 231, 10/14/2008*)