

ORDINANCE NO. 338

AN ORDINANCE OF THE BOROUGH OF SPRING CITY TO ENACT A PARK CODE FOR THE PURPOSE OF CREATING AN ATMOSPHERE CONDUCIVE TO THE ENJOYMENT OF, AND TO PROTECT THE SUBSTANTIAL PUBLIC INVESTMENT IN, SPRING CITY PARKS.

BE IT ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF SPRING CITY, COUNTY OF CHESTER, STATE OF PENNSYLVANIA, AND IT IS HEREBY ENACTED AND ORDAINED BY THE AUTHORITY OF THE SAME AS FOLLOWS:

SECTION 1.00 Short Title - This Ordinance shall be known and may be cited as the "Spring City Park Code".

SECTION 2.00 Purpose - To create an atmosphere conducive to the enjoyment of, and to protect the substantial public investment in, Spring City's parks.

SECTION 3.00 Intent - For the purpose of this Ordinance, all words used in the present tense include the future tense. All words in the singular number include the plural number, unless the natural construction of the word indicates otherwise. The word "shall" is mandatory and not directory.

SECTION 4.00 Specific Words and Phrases Defined:

Borough - The Borough of Spring City

Director of Parks - The member of the Council or Park and Recreation Board of the Borough of Spring City so designated or his or her authorized representative.

Park - Any part, reserve, playground, recreation center, swimming pool, watershed, or other place whatsoever owned, operated, or used by the Borough of Spring City and devoted to active or passive use whether within or without the corporate limits of the Borough of Spring City.

Permit - The written authorization, issued by the Director of Parks and Public Property, to conduct activities governed by this Ordinance.

Person - Any individual, firm, partnership, corporation, or association, or any agent, assistant, employee, or representative thereof.

SECTION 5.00 Regulations - It shall be unlawful for any person to do any of the acts hereinafter described within the limits of any part of the Borough of Spring City.

5.01 - General Uses and Activities

- (a) To break, cut, deface, disturb, injure, move, or remove any flowers, fruit, plant, tree, shrub, bench, apparatus, public sign, notice, or property
- (b) To gather, move, or remove any wood, turf, grass, soil, rock, sand, or gravel
- (c) To hunt for, shoot at, chase, catch, or kill or to attempt to shoot at, chase, catch, or sill, with or without dogs, any bird or animal
- (d) To throw stones or missiles
- (e) To throw or discard tin cans, bottles, glass, paper, rubbish, waste materials or litter of any description except in the containers provided by the Borough for the deposit of such items
- (f) To dump or discard any refuse, junk, dead animal or offensive matter of any kind
- (g) To post or erect any bills, notices, or advertising matter of any kind
- (h) To sell or offer for sale any merchandise, food, article or thing whatsoever, without a permit
- (i) To violate any posted rules for, or to misuse, any park, picnic area, playfield, swimming pool, or other recreational area
- (j) To engage in camping, archery, golfing, horseback riding, or any game, sport, or race except upon such grounds and areas, and at such times, as are specifically designated for such activities
- (k) To have any ceremony or any musical, theatrical, or other entertainment event without a permit

5.02 - Gaming

To engage in any unlawful gaming

5.03 - Use of Alcoholic Beverages

To consume, drink, or have possession or custody of any malt or brewed beverages or vinous or spirituous liquors except where a valid Commonwealth of Pennsylvania Liquor Control Board license is displayed

5.04 - Use of Firearms and Fireworks

- (a) To carry, have or discharge firearms, air or spring rifles or slings
- (b) To carry, have, or use any fireworks without a permit

5.05 - Use of Vehicles or Motor Vehicles, Bicycles, Skateboards

- (a) Except upon areas and at times specifically designated for such purposes, to operate a licensed or unlicensed motor vehicle of any type, to operate a bicycle, pedicycle, skimobile, or cart, or to roller skate or use a skateboard
- (b) To stand or park any vehicle, except at those places designated thereof

5.06 - Control of Pets

To permit any dog or other animal to be in any park except on a leash and under the control of the owner or temporary custodian thereof. All Health Codes governing animal-maintenance shall apply

5.07 - Use of Fire

- (a) Fires may be permitted only in a Borough-owned non-portable fireplace or picnic stove or in a privately-owned stove or similar device designed specifically for the cooking of food
- (b) To smoke in areas where forbidden by signs
- (c) To discard lighted matches, cigars or cigarettes or any other lighted material
- (d) To use or operate, in any natural area, any device that uses combustible fuel, including lanterns, stoves, heaters, or the like

5.08 - Use of Bodies of Water: Fishing, boating, swimming,
wading, floating, ice
skating

- (a) To fish at any time or at any place except in the Schuylkill River or Mill Pond
- (b) To use a boat upon any body of water except the Schuylkill River
- (c) To launch any type of boat or craft onto the Schuylkill River from the banks of the Borough-owned or controlled riverfront except at designated launch areas
- (d) To swim, bathe, wade, or float at any place except in a public swimming pool or the Schuylkill River
- (e) To ice skate or ice fish in or upon any lake, pond, stream, creek, or any body of water owned or controlled by the Borough, unless officially posted for such purposes

5.09 - Use of Bikeways

- (a) To operate any licensed or unlicensed motor vehicle (including motor bikes, mopeds, motor cycles, and skimobiles)
- (b) For the operator of a pedicycle not to yield the right-of-way to pedestrians
- (c) To horseback ride
- (d) To use skateboards, roller skates, wagons, carts, or other similar recreational devices, unless posted otherwise

5.10 - Time of Use

To be present therein for any purpose whatever between the hours of eleven o'clock P.M. and five o'clock A.M., prevailing time, except with a permit. This prohibition shall not apply to municipal personnel engaged in the performance of their duties

5.11 - Official Use

- (a) None of the above regulations shall preclude the Borough of Spring City or its agents or employees, from operating motor vehicles or motorized boats, entering bodies of water, engaging in controlled burning, posting signs and notices, bearing arms, or conducting any other activities in pursuant of its duties
- (b) From time to time, the Borough Council, with the approval of the Park and Recreation Board, may waive the regulations of the Park Code and designate temporary uses or activities as they relate to special and scheduled ceremonies or recreational activities

5.12 - Permits

- (a) All permits issued by the Borough shall be subject to Park Rules and Regulations and a person to whom such permits may be granted shall be bound by said rules and regulations as fully as though the same were inserted in said permits
- (b) Any person to whom such permits may be granted shall be liable for any loss, damage, or injury sustained by reason of negligence of said person
- (c) As a condition of issuing a permit, the Borough may require a permit applicant to secure liability insurance, to post bond, or to make any other guarantees the Borough considers reasonable
- (d) It shall be unlawful to conduct any activities for which a permit is required without first securing a valid permit to conduct such activities
- (e) It shall be unlawful to make any alteration to a permit

5.13 - Penalties

Any person who shall violate or fail to comply with the provisions of this Ordinance, or any regulations made thereunder, shall upon conviction before any court be sentenced to pay a fine not exceeding three hundred (\$300) dollars for each offense, plus costs, and in default of the payment of said fine and costs, said person shall be imprisoned for a period not exceeding ninety (90) days.

All fines and other money imposed or collected under the provisions of this Ordinance shall be paid into the treasury of the Borough of Spring City.

SECTION 2. All Ordinances or parts of Ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance.

SECTION 3. This Ordinance shall become effective immediately upon final enactment.

ENACTED AND ORDAINED this 2nd day of March, 1987.

Attest:

BOROUGH COUNCIL OF THE
BOROUGH OF SPRING CITY

Dennis Pittadunski
Secretary

Paul S. Jones
President

EXAMINED AND APPROVED THIS 2ND DAY OF MARCH, 1987.

Jean B. Jeffers
Mayor