

ORDINANCE NO. 2014 - 3

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF SWATARA, PENNSYLVANIA, BY DELETING AND REPEALING CHAPTER 203 THEREOF, "PARKS AND RECREATION AREAS", AND REPLACING IT WITH A NEW CHAPTER 203, TO BE ENTITLED "PARKS AND RECREATION AREAS", WHICH CHAPTER PROVIDES FOR THE PRESERVATION OF PROPERTY, NATURAL RESOURCES AND WILDLIFE WITHIN THE PARK, RECREATION AND CONSERVATION AREAS OF THE TOWNSHIP, PROVIDES FOR HOURS OF OPERATIONS, PERMITS AND FEES, INSURANCE FOR USE OF THE PARKS AND RECREATION AREAS, RULES AND REGULATIONS RELATING TO THE PARKS AND RECREATION AREAS, THE DESIGNATION OF CURRENT PARKS AND RECREATION FACILITIES, AND PENALTIES FOR VIOLATION OF THE CHAPTER.

BE IT ORDAINED AND ENACTED, AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Commissioners of the Township of Swatara as follows:

SECTION 1. The Code of the Township of Swatara, Pennsylvania, Chapter 203, "Parks and Recreation Areas", is hereby amended and revised in its entirety to read as follows:

CHAPTER 203
PARKS AND RECREATION AREAS

§ 203-1. Purpose.

The intent and purpose of these regulations is to insure the preservation of public park lands, recreation facilities and conservation areas of Swatara Township, to regulate activities within these areas consistent with the enjoyment of unspoiled natural settings of park facilities and to prevent nuisances arising out of the use of such public park lands, recreation facilities and conservation areas.

§ 203-2. Preservation of Property, Natural Resources and Wildlife.

No person shall, in any park, recreation or conservation area of Swatara Township, injure, deface, disturb, befoul or in any manner destroy or cause to be destroyed any part of any recreation, park or conservation site owned by the Township, or any building sign, structure, equipment, utility or other property used or found thereon; remove or injure, destroy any tree, flower, shrub, plant or growing thing, or any rock or other mineral; kill trap, hunt, pursue or in any manner deliberately disturb or cause to be disturbed any wild bird or animal; throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond, lake or other body of water in or adjacent to any park, recreation or conservation area or any tributary, stream, storm sewer or drain flowing into

such waters, any substance, matter or things, liquid or solid, which may result in the pollution of such waters; dump, deposit or leave any bottles, broken glass, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse or trash anywhere within the park, recreation or conservation sites owned by the Township, but rather to make use of proper receptacles where provided, and where receptacles are not so provided, carry such materials away from the park and properly dispose of the same elsewhere.

§ 203-3. Hours of Operation

- A. The Board of Commissioners shall determine by Resolution the hours during which recreation and park areas shall be open to the public.
- B. In the event of hazardous conditions endangering life or property, any township park or facility may be closed at the discretion of the Township Administrator, Assistant Administrator, or his/her designee.
- C. Persons found on park property after the park is closed are subject to trespassing provisions under the Pennsylvania Crimes Code and Vehicle Code.

§ 203-4. Permits and Fees

- A. Permits.
 - (1) Facilities and areas in Township park, recreation or conservation sites shall be used for the purposes designated or implicit in their character. Scheduled use of park facilities including, but not limited to, organized and unorganized instruction, exhibition, competition, or demonstration shall require a Facilities Use Permit prior to such events being conducted.
 - (2) Facilities Use Permit Applications may be obtained at the Swatara Township Municipal Building, at the Reception Desk, located at 599 Eisenhower Blvd., Harrisburg, PA. or phone (717) 564-2551. The Application will also be available on the Swatara Township website at www.swataratwp.com.
 - (3) Swatara Township reserves the right to deny an application for a facility use permit if, in the opinion of the Township, the health, safety and welfare of the public is endangered. If the entire application is not denied, Swatara Township reserves the right to deny or approve certain activities requested by the user.
 - (4) Approved users of parks and facilities will be provided a copy of the signed permit application from the Township. Users will also

be provided a copy of Swatara Township Parks and Facilities Rules of Use. The signed permit and rules form should be maintained by the user or group contact during the time of the event at the park or facility.

B. Fees

- (1) Groups or individuals requesting reserved exclusive use of park facilities may be subject to a reservation or rental fee.
- (2) A refundable restroom key deposit of \$75 will be charged for each group or individual who wishes to reserve or rent a park facility, pavilion, or field. The \$75 fee will be refunded upon return of the restroom key as long as the key is returned within 48 hours of completion of reservation or rental period.
- (3) Individual or family groups of Non-residents of Swatara Township will be charged a NON-REFUNDABLE fee of \$100 for reservation or rental of any Swatara Township park, pavilion, field, or other facility. This fee is in addition to the \$75 key deposit per § 203-4B.(2). Professional or business organizations that operate for pecuniary gain will be charged a minimum non-refundable rental fee of \$150 per day per field or facility. See (6) below. Fees for non-profit organizations will be determined on a case by case basis depending upon the reason for use. This is in addition to the \$75 refundable restroom key deposit per § 203-4B.(2).
- (4) Swatara Township residents requesting use of a park, field, or facility will not be assessed a rental fee for that use unless that use involves a personal pecuniary gain. A key deposit as per § 203-4B.(2). above is still required as is damage responsibility per § 203-4A.(6). below.
- (5) Organized sports groups who reserve fields are issued restroom keys for the duration of their season. Failure to return the issued restroom key(s) within the specified time period listed on the Sports Association permit application will result in a fee of \$125 per key.
- (6) Damage Fees will be assessed to the renter of record on the Permit Application Form for actual costs, including staff time, for repair, replacement, or damage to Township property, facilities or equipment caused by attendees of the event.

§ 203-5. Insurance

- (A) Organized sports groups and professional or business organizations must provide liability insurance coverage at a minimum amount of \$1,000,000. (one million dollars). All certificates of insurance must provide for written notice of cancellation, revocation or modification prior to the date of the event(s).
- (B) All insurance certificates shall be originals and list Swatara Township as an Additional Insured. All certificates must be signed by a licensed insurance broker or insurance company representative. Sub limits shall not be less than the per occurrence limit amount required.
- (C) Insurance certificates must be received in the Swatara Township building Administration Department prior to the close of the last business day before the first date of park, field, or facility use requested by the organization or group's first event. Failure to provide the insurance certificate automatically voids the approved, permitted use of the park, field, or facility by the requesting individual or group.

§ 203-6. Park Rules and Regulations

- (A) The following rules and regulations are to be observed by all users of the Swatara Township Parks and associated facilities. Observation of these rules and regulations will help to preserve and maintain the longevity and usefulness of the parks, facilities, and associated equipment. Care of these items along with expected, proper, civil behavior will allow all users of these facilities to enjoy the setting and prevent nuisances. A handout of the Rules and Regulations will be provided to renters of facilities but failure to receive such handout or to be aware of the rules and regulations does not excuse any violation of them.
 - (1) No vandalism or defacing of property including the removal, injury or destruction of any tree, flower, shrub or plant or growing thing or any rock or other mineral
 - (2) No gambling
 - (3) No fighting
 - (4) No alcoholic beverages except by Township issued permit
 - (5) No littering or polluting of any fountain, pond, lake or any other body of water in or adjacent to any park, recreation or conservation area
 - (6) No fireworks except by permit
 - (7) No bicycles on fields or playgrounds

- (8) No profane language
- (9) No disorderly or disruptive behavior including but not limited to preventing any person from using any park or any facilities, or interfere with such use in compliance with the rules applicable to such use
- (10) No hanging on basketball hoops
- (11) No weapons
- (12) All animals must be kept on a 6 foot leash and it shall be unlawful for owners of domesticated animals to allow or permit those animals to be on or stationary (not walking past) within 25 yards of athletic areas, grandstands, bleachers, pavilions, rest rooms, or playground or park equipment
- (13) All animal waste must be cleaned up by the owner of the animal or person in control of the animal
- (14) No merchandising, sales, or display of items for sale (unless they are concessions, fundraisers, etc. for organized sports organizations or otherwise approved by Board of Commissioners, Administrator, Assistant Administrator or his/her designee).
- (15) No posting, pasting, fastening, painting, writing, drawing, carving, tacking, or affixing any placard, bill, notice, sign, advertisement, or any inscription whatsoever upon any structure, tree, stone, fence, thing or enclosure within any recreation, park or conservation area, or on any public lands, highway or roads adjacent to any recreation, park, or conservation area, except that the Administrator or Assistant Administrator may place or direct to be placed any informational signs within such areas.
- (16) No smoking, i.e. the carrying or holding by a person of a lighted cigar, cigarette, pipe or other lighted smoking device, within 25 yards of athletic areas, grandstands, bleachers, pavilions, rest rooms, or playground or park equipment
- (17) No killing, trapping, hunting, pursuing or in any manner disturbing or causing to be disturbed any wild bird or animal
- (18) No open fires without written permission of the Township Fire Marshal.
- (19) Licensed motor vehicles shall be permitted only on designated roadways. The speed limit for such vehicles on such roadways shall be 15 miles per hour. Motor scooters, motor cycles,

minibikes, go-carts and snowmobiles shall not be permitted on roadways designated for licensed vehicular traffic unless licensed for travel on public roads of the Commonwealth of Pennsylvania. All vehicles shall be parked in areas or places so provided and designated. Parking in places contrary to posted regulation and times is prohibited, and such vehicles may be removed by the Township at the owner's expense. All parking is prohibited after regular closing time. It shall be unlawful to clean, wash, repair or do any work whatsoever on private vehicles within recreation, park and conservation areas except for emergency repairs.

§ 203-7. Designated Parks and Recreation Facilities

The following are currently designated parks and recreation facilities under the control and direction of Swatara Township:

- Berard Memorial Park at Spring Hill on Pine Ridge Drive
- Bishop Park on Hanshue Street
- Bumps Randolph Park on Sue Drive
- Clown Park on Kaylor Drive
- Crest Park on Canyon Road
- Enhaut Park on Second Street
- Field of Dreams on Keckler Road
- Horner Park on South Harrisburg Street
- Lenker Manor I (Taylor Park) on Brisban Street/Lenker Road
- Lenker Manor II on Brisban Street
- Long Park on 65th Street
- Margie McNaughton Park on Chatham Glenn Way North
- McNaughton Family Park on Route 322, Paxton Street
- Plesic Park on Center Street
- Schiavoni Park on Bridge Road
- Vanatta Park on South 49th Street

Other parks and recreation facilities may be developed and upon their acceptance by the Township may become part of this designated list.

§ 203-8. Violation and Penalties

Any person who shall violate any provision of this chapter shall, upon conviction thereof, be sentenced to pay a fine of not less than \$30 nor more than \$600 and costs of prosecution, or, in default of payment of such fine and costs, to undergo imprisonment for not more than 30 days. Provided that, where violation of any provision of this chapter results in the removal, destruction, damaging, defacement or befouling of the recreation, park and conservation area or the contents thereof, the cost of maintenance, repair or replacement shall be charged to the convicted violator in addition to any fine. Provided, further, that any person convicted of violating any provision of this chapter may be denied further use of recreation and park facilities in addition to the imposition of fines and costs.

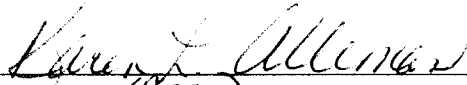
SECTION 2. Severability. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of Swatara Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

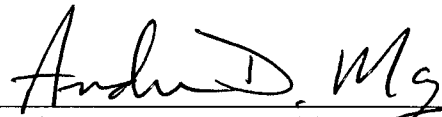
SECTION 3. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION 4. Effective Date. This Ordinance shall be deemed effective immediately upon its adoption.

ADOPTED this 12th day of March, 2014.

ATTEST:


Secretary (ASST)
(Seal)


Andrew D. Moyer, President
Board of Commissioners of Swatara Township