

SHOHOLA TOWNSHIP

PIKE COUNTY, PENNSYLVANIA

**159 Twin Lakes Road
Shohola, PA 18458
(570) 559-7394**

PARK ORDINANCE ORDINANCE No. 73



Shohola Township Park Ordinance

SECTION 1: TITLE

This document shall be known as “The Shohola Township Park & Recreation Rules and Regulations.”

SECTION 2: PURPOSE

These regulations are established to govern the conduct of the members of the public in parks and recreational facilities established and maintained by Shohola Township and The Parks and Recreation Committee and to protect public property.

SECTION 3: DEFINITIONS

Except where the context clearly indicates otherwise, the following terms used in this Ordinance shall have the following meanings:

- A. The term “Town or Township” shall mean the Township of Shohola.
- B. The term “Park or Park System” shall mean any lands or facilities owned or leased by the Township of Shohola and designated or used by the town for park or open space purposes.

SECTION 4: HOURS

- A. The park system and recreational facilities established, maintained and operated by the Township *are* open to all members of the public, except that permits may be issued to secure the exclusive right to use equipment and facilities as set forth below.
- B. No persons are permitted within the Park after 9:00pm or before 5:00am, without prior written consent of the Township.
- C. Any section or part of any park or recreational facility may be declared closed to the public by the Township at any time and for any interval of time, either temporarily or at regular and stated intervals and either entirely or for certain uses, as the Township shall find necessary. No persons are permitted within The Park while closed pursuant to this section.

SECTION 5: PERMITS

Permits are required for the following purposes:

- A. Use of recreational facilities by any political, religious, commercial, or social entity, group, club, or organization, for organized gatherings or demonstrations, or other events at which (1) 25 or more members of the group are expected to attend, and/or (2) there is an open invitation to the general public.

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- B. Use of athletic fields for organized, scheduled sporting events.
- C. To reserve any area in the Park System for exclusive use by a specific group of persons.
- D. Any event or activity requiring temporary assembly, installation, or use of equipment (i.e. stages, seating, audio/visual equipment, tents, etc).
- E. Any other purpose as set forth in this ordinance.

SECTION 6: APPLICATION FOR PERMITS

- A. Any person or association of persons desiring to obtain a permit shall make by request to the Township Secretary or other designee of the Township, either in person, telephone or by email, at least 48 hours in advance of the proposed use.
- B. When a fee is required, permits will not be issued until payment is received in full. The Township may make periodic or monthly payments arrangements with leagues and with other groups at the discretion of the Board of Supervisors upon written request.
- C. Permits are issued on a first come, first serve basis; however, priority shall be given to the activities of the Township. Requests for permits can be made for any dates, up to ten (10) business days in advance.
- D. No person under the age of eighteen (18) years shall be issued a permit to use the Park.

SECTION 7: GUIDELINES FOR ISSUANCE OF PERMITS

- A. The Township shall issue a permit hereunder when it is satisfied that:
 - 1. The proposed use will not unreasonably interfere with or detract from the general public use and enjoyment of the Park System.
 - 2. The proposed use does not present a substantial or unwarranted safety hazard.
 - 3. The proposed use is consistent with the purpose, capacity, and intended use of the facilities and equipment.
 - 4. The facilities desired have not been already reserved.
 - 5. The proposed use will not cause damage or injury to property.
 - 6. The proposed use complies with all applicable provisions of the Park Rules and Regulations, local, State, and Federal laws.

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- B. The Township reserves the right to require any requester to complete and submit a Special Event Application, or to provide other information about the proposed use as is necessary to assist in the determination under subsection A.

The Township and/or its Committee shall take into account the following considerations to fairly determine whether or not a permit should be issued hereunder and may require the requestor to complete a special event application to aid in its determination:

1. The size and purpose for which the park is normally used.
2. The facilities available to accommodate the intended use.]

SECTION 8: OPERATION AND PARKING OF MOTORIZED VEHICLES

- A. Unless authorized by Shohola Township, no person shall:
1. Park a vehicle on park grounds after 9:00pm and before 5am.
 2. Operate a vehicle and stop, park or stand upon any roadway or in any parking area in such a manner as to form an obstruction to traffic thereon.
 3. Drive upon any park grounds not designated for vehicles unless specifically authorized to do so by the Township.
 4. Operate a vehicle or park in any place where “No Parking”, “Do Not Enter” “Road Closed” or any sign or barricades that have been erected that would indicate that the area is not open to the general public without first obtaining permission from the Township.
 5. Operate or park a vehicle in such a manner as to block the exit or removal of another vehicle.
 6. Operate or park a vehicle in such a manner as to take up more than one designated parking spot.
 7. Park in an area designated for handicapped persons only without displaying a placard or a license plate legally issued to the operator.
 8. Operate a vehicle in excess of 5 M.P.H. within the Park.
 9. Operate any vehicle within the Park System in a careless manner, so as to risk injury or damage to persons or property.

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10. Operate any type of mini bike, scooter, dirt bike, ATV, snowmobile or other motorized vehicle that is not authorized for operation on public highways.
11. Wash or make mechanical repairs to vehicles except in cases of emergency.
12. Operate a vehicle in a manner that causes damage or injury to turf, lawn, or Park property.

SECTION 9: OPERATION OF BICYCLES

No person shall:

- A. Ride a bicycle upon any property within the Park System, except on specifically trails, roads, or other designated areas.
- B. Ride a bicycle in a careless manner, so as to risk injury or damage to persons or property.
- C. Ride a bicycle in a careless, negligent or reckless manner causing damage to a trail or property within the Park System.

SECTION 10: LITTERING

- A. No persons shall bring any waste paper, sweepings, ashes, household waste, glass, metal, yard waste, or carcass, refuse or rubbish or any dangerous or detrimental substance into the Park System and deposit the same, in a receptacle or any other place.
- B. All waste must be deposited in designated receptacles.

SECTION 11: VANDALISM

No person shall:

- A. Tamper with, mar, remove or destroy any official or authorized sign.
- B. Cut, deface, mar, destroy, break, write on or scratch any walls, floor, ceiling, tree, rock, fixture, or furniture.
- C. Cause damage to any park facilities, including restrooms, buildings, structures, property, or equipment.
- D. Engage in any form of graffiti activity within the Park System.

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SECTION 12: OTHER PROHIBITED ACTIVITIES IN THE PARK

No person shall:

- A. Cut, remove or destroy any tree, sapling, bush or shrub, living or dead, trim or otherwise deface or injure any tree or shrub, or remove foliage, tree or shrub, or pick, gather, uproot, remove or destroy any flower, plant or grass, remove any stone deposit except with written permission from the Township.
- B. Engage in any form of golfing activity.
- C. Fail to obey a posted park sign.
- D. Fly model powered planes except with written permission from the Township.
- E. Launch model rockets except with written permission from the Township.
- F. Illegal gambling.
- G. Pour or cause to spill or permit to escape in any area any oil, gas, salt, acid, or other harmful or noxious substance whether liquid, solid or gas without a Township permit.
- H. Urinate or defecate anywhere in the Park System except in a restroom or other facility provided for such purposes.
- I. Use a skateboard, in-line skates, or similar wheeled apparatus or equipment except within a designated area.
- J. Smoking is prohibited in the park, other than in designated areas selected by the Board of Supervisors.

SECTION 13: ILLEGAL DRUGS AND CONTROLLED SUBSTANCES

No person shall:

- A. Consume or possess any illegal drug, drug paraphernalia or controlled substance, as listed and defined in the act of April 14, 1972 (P.L. 233, No, 64), 35 P.S. § 780-101 et. Seq., known as the Controlled Substance, Drug Device and Cosmetic Act, while in or upon any property within the Park System.
- B. Enter or remain within the Park System while under the influence of any illegal drug or controlled substance.

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SECTION 14: PERSONAL CONDUCT

No person shall:

- A. With the intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof:
 - 1. Engage in fighting or threatening, or in violent tumultuous behavior.
 - 2. Make unreasonable noise.
 - 3. Engage in any other behavior which would constitute the offense of disorderly conduct, i.e. public drunkenness, loud and offensive language.
- B. Engage in any form of sexual activity.

SECTION 15: PEDDLING AND SOLICITING

No persons shall:

- A. Peddle or solicit business of any nature whatsoever or collect any fund for any service or charity, or distribute handbills or post other advertising matter including unauthorized signs on property within the Park System unless first obtaining permission in writing from the Township.
- B. Display or post political signs or engage in any form of electioneering on property within the Park System unless first obtaining permission in writing from the Township.

SECTION 16: USE OF AUDIO EQUIPMENT

No person shall:

- A. Use a loudspeaker, public address system or amplifier within or upon property within the Park System without written permission of the Township.
- B. Play or cause to play any radio, audio device, television or stereo equipment, or similar device, at a volume which is reasonably anticipated to disturb or annoy others without written permission of the Township.

SECTION 17: FIRES

No persons shall:

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- A. Set or cause to be set on fire any tree, woodland, or grassland.
- B. Set or cause to be set on fire any material, item, or property within the Park System which is not intended for such purposes.
- C. Build any fire except within metal grills for cooking purposes only.
- D. Drop, dump, throw or otherwise scatter lighted matches, ashes, cigars, cigarettes or other flammable material.
- E. Leave fires unattended at any time or not fully extinguished before being abandoned within the Park System.

SECTION 18: FIREWORKS AND EXPLOSIVES

The possession or discharge of any fireworks or explosives on property within the Park System is prohibited, except with written permission from the Township.

SECTION 19: ANIMALS, BIRDS AND REPTILES

No person shall:

- A. Pursue, catch, attempt to catch, strike, wound or kill any bird, animal, or reptiles or disturb any nest, lair, den, burrow or the like of any animal.
- B. Drive or pursue any wild bird or animal from the confines of the Park System.

SECTION 20: HUNTING AND TRAPPING

Hunting and Trapping is prohibited on all property within the Park System.

SECTION 21: DOGS, PETS AND OTHER ANIMALS

- A. All pets must be kept on a leash no longer than eight (8) feet long.
- B. Owners are responsible for the prompt and complete removal of the animal's excrement.
- C. No horses or ponies are allowed in the Park System.
- D. Shohola Township reserves the right to request any pet be removed from the Park System for any reason, with the exception of animals trained to assist disabled persons.

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- E. No pets allowed in the Playground Area.
- F. *No person shall* abandon or leave any animal unattended in the Park system.

SECTION 22: TRESPASS

Visitors must respect the park boundaries. Trespassing onto adjacent properties is prohibited by law.

SECTION 23: UNLAWFUL OBSTRUCTION

- A. No person shall force, threaten, intimidate, fence, enclose, or by any other means, prevent or obstruct any person from:
 - 1. Entering, leaving or making full use of the Park System.
 - 2. Accessing their personal property while within the Park System.

SECTION 24: HINDERING EMPLOYEES

No person shall:

- A. Interfere with or hinder any Committee Member or Township Employee or designee in the performance of his/her duties.

SECTION 25 FIREARMS and WEAPONS

- A. Possession of a firearm within the Park System shall be in accordance with the Pennsylvania Uniform Firearms Act (18 Pa.C.S.A §§ 6101 et seq.).
- B. Discharge of a firearm is prohibited, except in the following circumstances:
 - 1. By any law enforcement officer or military personnel while carrying out the duties and responsibilities of his/her position;
 - 2. In accordance with a special event permit granted in accordance with these Rules and Regulations.
- C. No person shall use a firearm or weapon in a manner which places another in fear of imminent serious bodily injury.
- D. Use or discharge of an air rifle, air gun, paintball gun, BB gun, sling-shot, cross bow, bow and arrow, or any other tension/air-propelled device is prohibited.

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- E. The following weapons are prohibited:
1. Any bomb, grenade, blackjack, sandbag, or metal knuckles;
 2. Any dagger, knife, razor or cutting instrument the blade of which is exposed in an automatic way by switch, push-button, spring mechanism, or otherwise or the blade is three (3) inches or longer and serves no common lawful purpose; or
 3. Other implement for the infliction of serious bodily injury which serves no common lawful purpose.

SECTION 26: FEES AND CHARGES

- A. The Township may establish and, from time to time, revise fees and/or charges associated with use of the Park System.
- B. No person shall use any facility, land or area for which a fee or charge has been established by the Township without pre-payment of such fee or charge.
- C. The Township may, at its discretion, waive a permit fee in whole or in part. It shall be the policy of the Township to waive fees for nonprofit organizations and on the basis of financial need, and not based upon the nature of the proposed use.

SECTION 27: STATE STATUTES, OTHER APPLICABLE REGULATIONS

All applicable statutes, rules, and regulations of the Commonwealth of Pennsylvania shall have full force and effect upon any property within the Park System and shall be enforced by those having appropriate jurisdiction.

SECTION 28: PENALTIES

- a. Violations of Sections 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, and/or 25 of this Ordinance are punishable as criminal summary offenses. Fines imposed pursuant to this section shall not exceed the greater of \$1,000.00 or the maximum amount authorized by law at the time of the offense. Punishment may also include imprisonment as authorized by law for punishment of summary offenses. Enforcement actions under this section shall be brought before the district magistrate for the magisterial district in which the Township of Shohola is situated at the time of the prosecution. The municipal solicitor may assume charge of the prosecution without consent of the district attorney, in accordance with law.
- b. The Township may, at its discretion, institute a civil proceeding to redress violation or enforce any provision of this Ordinance, as provided by law. Civil fines imposed under this section shall not exceed the greater of \$600.00 or the maximum amount authorized by law at the time of the offense. Nothing in this Ordinance shall be construed to limit the Township's legal remedies to pursue violations of or to enforce this Ordinance at law or in

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equity, or to seek remuneration for resulting damage to the premises or to property thereon.

SECTION 29: RULES AND REGULATION CHANGES

The Township Board shall adopt permits, applications and other forms referenced herein by separate resolution and may so amend them from time to time thereafter.

SECTION 30: SEVERABILITY

The provisions of this Ordinance are severable. If any sentence, clause or section of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not invalidate the remainder of this Ordinance, and it is hereby declared to be the intention of the Township of Shohola that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause or section not have been included herein.

This Ordinance ordained and enacted this ____ day of _____, 2012, by the Board of Supervisors of Shohola Township, Pike County, Pennsylvania, to be effective immediately.

SHOHOLA TOWNSHIP BOARD OF SUPERVISORS

ATTEST:

Diana Blume, Township Secretary