

**TOWNSHIP OF SOUTH MIDDLETON  
CUMBERLAND COUNTY, PENNSYLVANIA**

**ORDINANCE No. 2018-01**

**AN ORDINANCE ESTABLISHING RULES AND REGULATIONS FOR  
PARKS, RECREATIONAL AREAS, AND OTHER FACILITIES BELONGING TO OR  
UNDER THE JURISDICTION OF THE TOWNSHIP; ASSIGNING CERTAIN AUTHORITIES AND  
DUTIES IN CONNECTION THEREWITH; ESTABLISHING AND PROVIDING FOR THE POWERS AND  
DUTIES OF THE PARK AND RECREATION BOARD; PROVIDING FOR ENFORCEMENT AND  
PENALTIES; AND TO MAKE REPEALS**

**IT IS HEREBY ENACTED AND ORDAINED** by the Board of Supervisors in and for the Township of South Middleton, Cumberland County, Pennsylvania, as follows:

**ARTICLE I: PURPOSE, AUTHORITY, AND DEFINITIONS**

**Section 101: Short Title**

This Ordinance shall be known and may be cited as the South Middleton Township Parks and Facilities Ordinance.

**Section 102: Purpose**

The purpose of this Ordinance is to provide rules and regulations governing the use and supervision over, and conduct in, certain Township facilities, specifically its parks and recreational areas.

**Section 103: Applicability**

This Ordinance shall apply to all Township facilities under the jurisdiction of or owned by the Township, unless expressly exempted. This Ordinance shall not apply to the following facilities or activities:

- A. The dedication, occupation, use, or cutting of Township roads, highways, sidewalks (not located in a Township park, parkland, or park property), or other similar rights-of-way;
- B. Municipal parking facilities not located in or adjacent to a Township park, parkland, or park property;
- C. Pedestrian easements not located in or adjacent to a Township park, parkland, or park property;
- D. Conservation easements, agricultural security areas, or any other parcel of land subject to open space or agricultural conservation; and
- E. The use or occupancy of Township-owned or operated buildings, structures, or other facilities not located on or in a Township park, such use which shall be subject to rules and regulations that may be promulgated by the Board of Supervisors, or delegated to the Township Manager, or subject to some other local, State, or Federal law, rule, or regulation.

**Section 104: Construction**

In the interpretation of this Ordinance, its provisions shall be construed as follows:

- A. Any term in the singular shall include the plural and *vice versa*, unless the context otherwise clearly requires;
- B. Any term in the masculine shall include the feminine, neuter, or other; and
- C. Any reference or statement indicating the "Township" taking action, in an administrative, enforcement, or other official capacity, shall be construed as the Township official, department, or committee, designated by the Board of Supervisors, as taking such an action.

**Section 105: Powers and Duties of the Board of Supervisors**

The Board of Supervisors shall have supreme authority over, and hold final approval on, all policy decisions, including the approval of fees, the issuance of permits, temporary designations, authorizations, grants of approval, appeal decisions, or other actions for all Township facilities and recreational activities, unless otherwise delegated to another person or entity through official action.

**Section 106: Powers and Duties of the Director**

Administration and enforcement of parks and recreation regulations in the Township shall be delegated to the Director, under the guidance and direction of the Township Manager and Board of Supervisors. The Director shall determine appropriate uses of parks, parkland, and park property, manage those uses through a permitting process in accordance with this Ordinance, develop and administer recreation and leisure programs, and oversee compliance with the provisions of this Ordinance, as well as any rules or regulations that may be promulgated by the Board of Supervisors or the Department from time to time.

**Section 107: Definitions**

The following words or phrases when used in this Ordinance shall be defined as follows unless the context clearly otherwise requires:

**Alcohol or alcoholic beverage:** As that term is defined in the Pennsylvania Liquor Code (47 P.S. §1-101, *et seq.*, as amended).

**Animals:** Cats, dogs, horses, or other domestic animals, any fowl or birds, amphibians, reptiles, or other wildlife. "Domestic animal" shall include cattle, donkeys, llamas, or other ungulates.

**Athletic association:** Any Township-recognized or affiliated nonprofit corporation established for the purpose of organizing, promoting, or overseeing amateur athletics in the Township.

**Athletic contest or event:** Practices, scrimmages, or competitive games.

**Athletic field or area:** Any parcel of land designated by the Township and used for athletic events, whether or not lined for that purpose. The term shall include hard courts, such as those used for basketball, tennis, or roller hockey, ice rinks, frozen ponds, or other similar facilities.

**Controlled substance:** Any substance or its precursor identified by the Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act (*35 P.S. § 780-101, et seq., as amended*).

**Department:** The administrative group or department of the Township responsible for parks, recreation, and leisure activities.

**Director:** The person, reporting directly to the Township Manager, charged with administrative responsibility for parks, recreation, and leisure activities, or the Manager's designated representative.

**Facility:** A park, recreation area, athletic area, trail, open space, or recreational easement, or building or structure located thereon, as well as any parking areas thereto, owned, operated, or controlled by the Township.

**Guarantor:** Any person who, pursuant to this Ordinance, is responsible for compliance with this Ordinance or any other law or regulation. The term shall include any person designated as a "responsible party" on any application for a Township facility usage or special use permit.

**Harmful material:** Any item or agent (biological, chemical, radiological, and/or physical), which has the potential to cause harm to humans, animals, or the environment, either by itself or through interaction with other factors.

**Juvenile:** A person who has not yet attained his eighteenth birthday.

**Open space:** A parcel of public park land set aside to retain land, water, flora, fauna, historic, or aesthetic features in their natural state, scenic or open condition, parcel size to be based on the surface area necessary to maintain the integrity of the unique site characteristics. Public use shall be based on the preservation of the unique site characteristics and the scope of facility development to be based on the evaluated carrying capacity of the site.

**Park or parkland:** Any parcel of land, regardless of development, water area, recreation area, or open space owned or under the jurisdiction of the Township and used for active or passive recreational purposes.

**Park property:** Any real or personal property, or improvements of or relating to parks, open space, trails, or park facilities belonging to the Township. Park property shall include all trees, plants, shrubs and vegetation, all natural terrain formations, all rocks, stones and boulders, and all improvements to the park areas such as tables, benches, railings, fountains, canopies, roads, sidewalks, fireplaces, buildings, bridges, stands, decks, and equipped play areas.

**Park Roads:** Roads and drives in and upon the parkland of the Township which are intended for public use but are not intended to be used for any public purpose normally and usually associated with and incidental to public streets and thoroughfares. Park roads shall not be used

for purely private purposes, such as access to private property adjoining park property, except with the express permission of the Township.

**Parks and Recreation Board:** The Parks and Recreation Board of the Township.

**Pedestrian:** A person afoot.

**Permit:** Any license or written authorization issued by the Township authorizing a special event or activity on or in a Township facility.

**Person:** Any natural individual, corporation, company, association, joint stock association, firm, partnership, sponsor, or any other public or private association or entity, or any designated responsible person as provided for herein.

**Playability:** The determination, pursuant to guidelines provided herein, as to whether the condition of an athletic field or area can adequately support the commencement or continuance of an athletic event.

**Playground or play area:** An area used for outdoor play or recreation that is designed, equipped, and set aside for children's play.

**Political activity:** An act engaged in by candidates for public office, political groups, political parties, or political committees.

**Public assemblage:** The gathering or coming together of 20 or more persons for any purpose.

**Recreation area:** Any play area, pool, aquatic facility, or pavilion whether located within or immediately adjacent to a park. The term shall include an "athletic facility."

**Recyclable materials:** Those items identified in the Township Solid Waste and Recycling Ordinance (*Ordinance No. 2009-10*).

**Responsible party or person:** Unless otherwise defined or provided for, any person, group, club, organization, or the like pursuant to this Ordinance who is responsible to the Township, or when applicable, third parties, or both. A responsible person shall be at least 18 years of age, and not under the influence of alcohol or a controlled substance.

**Roller Skate:** Any shoe with a set of wheels attached for skating over a flat surface or a metal frame with wheels attached that can be fitted over the sole of a shoe. The term shall include quad-style and inline skates, skateboards, and hover boards but shall exclude shoes that have wheels protruding slightly from the heel that allow the wearer to alternate between walking and rolling, also referred to as "roller shoes."

**School District:** South Middleton School District.

**School Entity:** As that term is defined in the Pennsylvania Public School Code of 1949, as amended (*24 P.S. §1-101, et seq.*).

**Special event:** Any assemblage open to the public with no minimum number of attendees or other private assemblage where at least two hundred fifty (250) people are brought together to watch or participate in an activity. Examples of special events include summer festivals and concerts, athletic tournaments, large picnics, holiday/national celebrations, parades, camps, fundraisers, or exhibitions. Any event that involves the use of temporary stands, structures, or wiring, the setting off of fireworks, that which may impact traffic flows or require road closures, utilizes volunteers to carry out the event, requires extraordinary action on the part of the Township prior to, during, or immediately after the event, or may have a disruptive or detrimental impact on the facility, other facility users, or the general health, safety, or welfare of the public shall also be considered special events.

**Tobacco product:** Any product made or derived from tobacco that is intended for human consumption, including but not limited to cigars, cigarettes, electronic cigarettes, roll-your-own tobacco, vapor tobacco, and smokeless tobacco.

**Township:** Township of South Middleton.

**Township manager:** The Township official created by Ordinance No. 1994-07.

**Township official:** Any elected or appointed member of the Board of Supervisors, Parks and Recreation Board, employee of the Township, volunteer, or other individual designated as such by the Board of Supervisors.

**Trail:** A defined path for designated non-motorized use (i.e. pedestrian, cyclist, bridal), or where specifically designated for motorized use. Trails are generally constructed of compacted soil, gravel, asphalt, or concrete material, and are located on dedicated park property, trail easements, or within established multiuse trail corridors.

**Bridle trail:** Those paths designated by signage where horseback riding is permitted.

**Traffic:** Pedestrians, ridden or herded animals, or vehicles.

**Vehicle:** Any mechanized means in or by which a person may travel or something is carried or conveyed, whether moving on wheels, runners, tracks, or the like.

**Animal-drawn vehicle:** A mechanized piece of equipment pulled by one or more horses, or other draft animal.

**Human-powered vehicle:** A vehicle powered by muscle power. The term shall include, without limitation, bicycles, non-motorized scooters, recumbent bicycles/tricycles, pedicycles, and pushcarts, but shall not include baby carriages, wheel chairs, or sled vehicles. Roller skates, as defined herein, shall be specifically excluded from this definition.

**Motorized or motor vehicle:** A road vehicle powered by an electric or internal combustion engine. The term shall include, without limitation, automobiles, buses, recreational vehicles, motorcycles, gators, mopeds, snowmobiles, all-terrain vehicles, go-carts, golf carts, tractors, or any other medium propelled by means other than

muscular power, including any device attached to and pulled by such a vehicle, such as a trailer or camper.

**Oversized vehicle:** A motor vehicle, boat, or trailer, whether or not attached to another vehicle, which meets or exceeds at least two of the following criteria, exclusive of fixtures, accessories, or property: (1) 23 feet in length; (2) eight feet in height; or (3) seven feet in width.

**Sled vehicle:** A non-animal drawn, non-motorized vehicle or toy used to slide downhill on or over ice or snow, such as, but not limited to, sleds, sleighs, and toboggans.

**Volunteer:** Any person who has registered as a volunteer in a Township parks and recreation program, has been accepted by the Township as an authorized volunteer by virtue of express written permission, whether in an applicable permit or other means, and who is performing volunteer duties.

**Weather event:** A declared weather related emergency or disaster declaration issued by the Township.

## **ARTICLE II: PARKS AND RECREATION BOARD**

### **Section 201: Creation of Parks and Recreation Board**

There is hereby created a Parks and Recreation Board for the Township.

### **Section 202: Powers and Duties of the Board**

The Parks and Recreation Board shall serve as the advisory body for the Township on issues relative to the development of the parks, trails, open spaces, recreational activities, resources, and similar facilities in the Township. On such matters, it shall make recommendations to the Board of Supervisors and serve as a liaison between the Township and its citizens. The Parks and Recreation Board shall operate under the authority of, and have only those powers expressly delegated to it by, the Board of Supervisors.

### **Section 203: Membership and Terms of Office**

- A. The Parks and Recreation Board shall consist of seven members chosen by the Board of Supervisors in accordance with the following:
  1. Five members shall be appointed as citizen members to represent the community at-large. In making appointments, the Board of Supervisors shall take into consideration the residence, age, background, and demographics of the Township so as to provide a diversity of opinion and experience. At-large members shall serve for a term of five years, or until their successors are appointed, except that members first appointed shall

- have their terms staggered so that no more than one at-large member's term expires annually;
2. One member of the Board of Supervisors shall serve as an *ex officio* member for a term of one year;
  3. The Directors of the School Board of the School District may nominate one of its members to serve a term of two years; said nominee shall not serve until after appointment by the Board of Supervisors in accordance with this Ordinance.
- B. The term of the *ex officio* and School Board representatives shall expire upon the termination of his service on the board from which he was appointed if such a vacancy occurs prior to expiration of his term on the Parks and Recreation Board.
  - C. All members, including the *ex officio* and School Board representative, shall have full voting rights.
  - D. No person shall be appointed to the Parks and Recreation Board unless that person is at least 18-years-of-age and an elector of the Township.
  - E. Members of the Parks and Recreation Board may succeed themselves.
  - F. With the exception of the *ex officio* member and citizen members of the Township Planning Commission, no employee or elected or appointed official of the Township shall be eligible to be appointed to the Parks and Recreation Board.
  - G. Members of the Parks and Recreation Board in place at the time this Ordinance was approved pursuant to Ordinance No. 2014-10 shall continue on in their current terms-of-office.

#### **Section 204: Adoption of Rules and Regulations (Bylaws)**

The Parks and Recreation Board may promulgate and adopt rules and regulations, hereinafter referenced as "bylaws," for the orderly procedure and running of its meetings and conducting of business under its jurisdiction. However, any such rule or regulation shall be consistent with the provisions of the Second Class Township Code and this Ordinance and may be overruled, amended, rejected, or superseded by the Board of Supervisors.

#### **Section 205: Officers**

At its annual reorganizational meeting held in January, or as soon thereafter as practical, the members of the Parks and Recreation Board shall appoint from its membership a chairman, secretary, and such other officers necessary for the orderly conduct of its business. Neither the *ex officio* nor School District representative shall be eligible to serve as Chairman. The term of each office shall be one year, with the opportunity for reelection as may be specified in the Parks and Recreation Board's bylaws.

#### **Section 206: Meetings**

The Parks and Recreation Board shall meet at least monthly and in accordance with the Sunshine Law (65 Pa.C.S. §§ 701-716). Special meetings may be called at the direction of the Township Manager, the Director, the Chairman, a majority of board members, or upon the direction of the Board of Supervisors. A quorum, consisting of a simple majority, of the Board shall be in attendance before action of an official nature may be taken.

**Section 207: Compensation**

Members of the Parks and Recreation Board shall not receive compensation for their service on the board.

**Section 208: Vacancies**

Vacancies occurring other than by expiration of term-of-office shall be filled for the portion of the unexpired term and made in the same manner as the original appointment.

**Section 209: Removal from Office**

The Board of Supervisors may remove any member of the Parks and Recreation Board for any reason or no reason at all including, but not limited to dereliction or negligence of duty, absence from three consecutive regularly scheduled meetings, or absence from 50 percent of total meetings in a calendar year.

**Section 210: Committees**

The Parks and Recreation Board may organize temporary or standing committees as it deems necessary in order to carry out its responsibilities. Committees may be created and its members appointed pursuant to board bylaws.

**Section 211: Staff**

The Parks and Recreation Board shall utilize staff from the Township's Parks and Recreation Department to carry out the duties outlined in Section 202. However, all staffing assignments and authority shall remain under the sole jurisdiction of the Board of Supervisors or as delegated by it to the Township Manager.

**Section 212: Funding and Revenue**

The Board of Supervisors retains the sole authority to receive and distribute funds related to parks, facilities, recreation, and leisure activities offered by the Township. All funds that may be designated to the Parks and Recreation Board shall be deposited in the Township's General Fund, unless dedicated to a specific use or account, and appropriated by the Board of Supervisors.

**Section 213: Reports to the Board of Supervisors**

The Parks and Recreation Board shall make full and complete reports to the Board of Supervisors at such times as may be designated or requested by the Board of Supervisors.

## **ARTICLE III: RULES AND REGULATIONS**

### **Section 301: Authority to Promulgate and Adopt Regulations**

- A. The Township is authorized to promulgate and adopt reasonable rules and regulations regarding the administration and operation of the Department, as well as the time, place, limitation and extent of use of any park, parkland, park property or facility owned or operated by the Township, including uses now existing or contemplated. Additional rules and regulations may be adopted as necessary to implement applicable federal and state laws and regulations.
- B. The Director may propose, and the Parks and Recreation Board shall consider, the adoption, amendment, or deletion of any rule, regulation, policy, procedure, or ordinance affecting the Township's stewardship of its parklands, properties, and facilities or design and administration of leisure and recreation. The recommendation of the Board shall be forwarded to the Board of Supervisors for final approval, unless otherwise provided for by this Ordinance for official action of the Board of Supervisors.
- C. All rules, regulations, or policies adopted by Board of Supervisors shall be available for public review in the Department's administrative offices, and as per applicable law.

### **Section 302: Applicability of Rules and Regulations to Township**

No provision herein shall cause any act necessarily performed by any officer or employee of the Township, or other person duly authorized by the Board of Supervisors to be unlawful in accordance with this Ordinance, so long as performed within the proper and necessary scope of employment with the Township.

### **Section 303: Park Hours of Operation**

- A. All Township parks, parkland, and park property, are closed from sundown to sunrise, except when otherwise designated by the Township, or is an athletic area that is specially lighted for evening use in which case the facility shall close at 11:00 p.m. ET, unless otherwise approved by the Township. No person shall be in or on any park or park property, during the hours the facility is closed.
- B. Hours of operation may be posted at all facilities; however the absence of such posting shall not negate the provisions of this Section.
- C. Parks and other designated-facilities shall be closed for athletic events from November 1 to March 31 unless an extension is otherwise approved by the Township.

### **Section 304: Closing of Parks**

The Township may close any park, parkland, or park property, or portion thereof, or order the cessation of any activity occurring therein, at any time for the protection of the property, the public's health, safety, or welfare or when otherwise determined that such action is in the Township's best interests by the Township Manager or his designee.

**Section 305: Buildings and other Structures in Parks**

Without the express written permission of the Township, it shall be unlawful for any person in a Township park, parkland, or park property to:

- A. Construct or erect any building or structure, whether permanent or temporary,
- B. Run or string any utility line or other facility into, upon, or across the lands of a Township park;
- C. Mark, deface, disfigure, damage, injure, displace, remove, or tamper with any building, bridge, table, bench, fireplace, railing, paving or paving materials, water line or other public utility facility, or parts or appurtenances thereof, any sign, notice, or placard, whether temporary or permanent, any monument, stake, post, or other boundary marker, or other structure, equipment, facility, or any other park property, or appurtenances whatsoever, either real or personal;
- D. Walk, climb, stand, or sit upon any monument, vase, planter, fountain, railing, fence, or upon any other property not designated or customarily used for such purpose; or
- E. Attach a rope or cable or other contrivance to any fence, railing, bridge, bench, or other structure.

**Section 306: Public Restrooms and Washrooms**

All persons shall maintain restrooms and washrooms in a neat and sanitary condition.

**Section 307: Plants, Trees, and Soil**

Without the express written permission of the Township, it shall be unlawful for any person in a Township park, parkland, or park property to:

- A. Dig or remove any soil, rock, sand, or stone, or make any excavation by hand, tool, equipment, blasting, or other means or agency. Only surface metal detection is permitted;
- B. Damage, cut, carve, mark, transplant, or remove any tree, shrub, plant, or other wood or plantlike material, including leaves, needles, or pinecones, injure the bark, pick the flowers or seeds of any tree or plant, dig in, disturb any grass areas or in any other way injure the natural beauty or usefulness of any park;
- C. Introduce any plant. The bringing in of wood or logs, including firewood, into a park is expressly prohibited; or
- D. Climb or attach a rope, cable, or other contrivance to any tree;

**Section 308: Littering; Harmful Substances**

Without the express written permission of the Township, it shall be unlawful for any person in a Township park, parkland, or park property to:

- A. Take into or carry through, any rubbish, refuse, garbage, or other harmful material. Refuse or rubbish generated while using a Township facility shall be deposited in an appropriate

- receptacle. Where such receptacles are not provided, all rubbish or waste shall be carried away from the facility by the person responsible for its presence and properly disposed of elsewhere;
- B. Fail to place recyclable materials or items brought into a Township facility in an appropriate recycling container. Recyclable items shall be sorted from non-recyclable materials prior to disposal in the receptacle. Where recycling containers are not provided, all recyclable material shall be carried away from the facility by the person responsible for its presence and properly disposed of elsewhere;
  - C. Throw away or discard any match, whether lit or unlit, or any cigar, cigarette, tobacco, paper, or other material within or against any building, boat, or vehicle, or under any tree or in underbrush, open field or path. Any lit item shall be properly extinguished prior to disposal in a proper receptacle;
  - D. Throw, discharge, or otherwise place or cause to be placed in the waters, wetlands, pond, lake, stream, or other body of water in or adjacent to any Township facility, or any tributary, stream, storm sewer, or drain flowing into the same, any substance, matter, or thing, liquid or solid, which will or may result in the pollution of said waters or the clogging of storm or sewer drains; or
  - E. Release a pesticide or other agent or harmful substance in a facility.

### **Section 309: Animals, Generally**

Without the express written permission of the Township, it shall be unlawful for any person in a Township park, parkland, or park property to:

- A. Tie or hitch an animal to any tree or plant;
- B. Hunt, molest, harm, frighten, kill, trap, pursue, chase, tease, shoot, or throw projectiles at any animal or remove or have in one's possession the eggs, nest, or young of any wild animal. Included herein are poisonous snakes, the killing of which is prohibited by law;
- C. Ride a horse except on designated bridle trails. Horses shall be thoroughly broken, properly restrained, and ridden with due care, shall not be allowed to graze or go unattended, and shall remain on a designated bridle trail at all times. Any person who rides a horse into or within a park shall equip the horse with horse hampers, horse diapers, or some similar waste remediation device;
- D. Release or abandon an animal; or
- E. Feed any wildlife or feral animal. Birds may be fed corn, seeds, or birdfeed.

### **Section 310: Dogs, Specifically**

In addition to the provisions of Section 309, the following shall also apply to domestic dogs (*Canis lupus familiaris*) brought into a Township park, parkland, or park property:

- A. Unless it is in a designated area where such activity may be permitted (i.e. a dog park), no person shall cause or permit a dog to run loose, or walk a dog without a leash, appropriate in size, strength, and thickness for the breed, said leash to be no longer than six feet in length unless the leash is retractable, functional, and can bring the dog within six feet of the handler when necessary. The handler of the dog shall be in actual, physical contact with and exercise complete control of said leash, and over the dog, at all times. Electronic leashes shall be

prohibited unless the handler can demonstrate an actual medical condition that otherwise would restrict the use of a standard collar and leash. Furthermore, any person who is accompanied by a dog while in a Township facility shall, in addition to any fine or penalty as hereinafter set forth, be liable for any injury to any person or other domestic animal caused by the dog and further shall indemnify the Township as set forth in Section 702(B);

- B. Any person having custody of a dog in a park or on park property shall be responsible for the removal of any solid waste from the dog;
- C. Dogs that are considered vicious or have a history of biting or attacking people or other animals, with or without provocation, may be prohibited from Township parks, parkland, or park property at the discretion of the Township Manager or his designee;
- D. No person shall leave a dog unaccompanied in a motor vehicle in a Township parking area during the months of May through September; and
- E. Dogs are prohibited in play areas and in any building or structure unless the dog is being used as a trained service dog or is trained for law enforcement purposes and is under the control of a law enforcement officer. During the months of May through September, dogs may be allowed in a building or structure provided the dog is muzzled, physically restrained (i.e. held or carried) by the handler, or leashed, said leash to be no longer than two feet in length. Electronic collars shall not be permitted in buildings or structures.

### **Section 311: Motor Vehicles**

Without the express written permission of the Township, it shall be unlawful for any person in a Township park, parkland, or park property to:

- A. With the exception of an emergency situation and/or Township personnel, operate or drive a motor vehicle in any area except on park roads or in parking areas or other areas as may on occasion be specifically designated by the Township as temporary park roads, cart ways, or parking areas;
- B. Drive or operate a motor vehicle in excess of 15 mph;
- C. Park a motor vehicle, whether attended or unattended, anywhere except in a designated parking area, except when necessary to avoid conflict with other traffic or in compliance with the directive of a Township official, law enforcement officer, or official traffic control device;
- D. Park in a handicap stall without a valid government-issued handicap license or placard;
- E. Wash, repair, or otherwise perform maintenance on a motor vehicle;
- F. Drive or operate an oversized vehicle or motor vehicle adapted for more than twelve passengers. Buses which are used to carry visitors may be allowed provided that prior written permission is obtained from the Township prior to entry into a park or park property;
- G. Cause or permit a motor vehicle in tow of another vehicle to enter a park or park property or drive on or through a park or park property, except that in the case of a breakdown a disabled vehicle may be towed to the nearest exit;
- H. Operate or drive a motor vehicle containing a person or object projecting or hanging outside of or beyond the vehicular limits;
- I. Fail to yield to pedestrians, roller skaters, horses, horse-drawn vehicles, or human-powered vehicles where applicable;
- J. Pass or overtake another motor vehicle that has stopped or yielded to a pedestrian;
- K. Fail to park clearly within a designated parking stall, or to take-up more than one parking stall. Oversized vehicles are prohibited in parks, parkland, or on park property unless authorized in writing by the Township and then only in designated parking areas;

- L. Operate a snowmobile; or
- M. Excluding the exception for a weather event as set forth herein, or in areas designated for long-term parking, leave a motor vehicle standing or parked when the facility is closed to the public;
  - 1. During a weather event, and for three days thereafter, the Township may designate certain parking areas at Township facilities to be utilized by the public for long-term motor vehicle parking. Permitted parking at any time is at the vehicle owner's risk.
  - 2. This Paragraph shall not be construed as to impose any extraordinary duty or liability upon the Township, and furthermore the Township shall not be responsible for any damage to, or theft of or from, any parked motor vehicle, whether during a weather event or at any other time parking is permitted.
  - 3. When parking during a weather event is permitted, the Township does not guarantee maintenance of any designated parking area;

### **Section 312: Human-Powered Vehicles**

Without the express written permission of the Township, it shall be unlawful for any person in a Township park, parkland, or park property to:

- A. Operate a human-powered vehicle in a reckless manner or without reasonable regard to the safety of others, which includes but is not limited to carrying more passengers at a time than the number for which the vehicle is designed and equipped, except that children may be carried in seats securely attached to the vehicle. No person riding a human-powered vehicle shall attach himself or his vehicle to the outside of a motor vehicle being operated upon a park road;
- B. Ride a human-powered vehicle in a sitting area, play area, athletic area, or any area restricted to its operation;
- C. Fail to yield the right-of-way to pedestrians, roller skaters, horses, or animal-drawn vehicles;
- D. Stop so as to impede the flow of traffic;
- E. Fail to alert a pedestrian when overtaking or passing from behind; or
- F. Leave a human-powered vehicle lying on the ground, set against a tree, on a path, or in any place or position where other persons might be reasonably likely to trip over or be injured by it. When unused, bicycles shall be stored on a bicycle rack, when one is provided and there is space available.

### **Section 313: All Other Vehicles**

In addition to the requirements and restrictions provided for in Sections 311 and 312, all other vehicles in a Township park, parkland, or park property shall be operated in a safe and lawful manner.

### **Section 314: Roller Skating and Skateboarding**

No person shall roller skate in a Township park, parkland, or park property except in places specifically designated for such a purpose, but in no case shall any picnic table, railing, bench, or stairs be used for jumping or riding upon regardless of their location. The term "roller skate" shall be any shoe with a set of wheels attached for skating over a flat surface or a metal frame with wheels attached that can be fitted to the sole of a shoe. The term shall also include quad-style and inline skates, skateboards, and

hover boards but shall exclude “roller shoes” or shoes that have wheels protruding slightly from the heel that allows the wearer to alternate between walking and rolling.

### **Section 315: Firearms and Weapons**

Unless permitted through express written authorization by the Township, it shall be unlawful for any person to discharge in any Township park, parkland, or park property a pistol, revolver, rifle, shotgun, BB gun, air gun, spring gun, paintball gun, dart gun, boomerang, slingshot, bow, or other weapon or device that fires, launches, or otherwise propels a projectile in which the propelling force is gunpowder, a spring, tension, or air, or in which loaded or blank cartridges are used. Starter pistols may be used for certain athletic events provided prior notice is provided to the Township. Nothing contained herein shall prohibit any person licensed under the Pennsylvania Uniform Firearms Act (*18 P.S. §6109*) from possessing a firearm as provided therein.

### **Section 316: Explosives, Fireworks, and other Ignitable or Combustible Materials**

- A. No person shall kindle, build, maintain, or use a fire in any Township park, parkland, or park property except in designated grilling areas, unless otherwise permitted by the Township. When and where authorized, all fires shall be contained in an appropriate grill receptacle or similar device, and continuously be under the care and observation of a competent person sixteen years of age or older, from the time the fire is kindled until it is completely extinguished and the burn area cool to the touch.
- B. Charcoal or gas-fired grills are the only types of grills authorized in Township parks; wood-fired grills are prohibited.
- C. Within designated grilling areas, all charcoal or gas-fired grills shall be setback at least ten feet from any building, tree, or underbrush.
- D. Within designated grilling areas, all charcoal or gas-fired grills shall not be lit beneath the branches of any tree.
- E. No person shall have in his possession any device, material, or substance that can be used to cause an explosion.

### **Section 317: Peddling and Solicitation**

With the exception of Township-approved concessions sales, it shall be unlawful for any person in a Township park, parkland, or park property to offer for sale or otherwise distribute any good, service, food, drink, or other item of value, including by sample, or the taking of orders for future delivery with or without accepting advance payment, for the goods, services, or orders; nor shall any individual beg or panhandle for monetary or other contribution.

### **Section 318: Advertising; Posting of Signs or Literature**

Without the express written permission of the Township, it shall be unlawful for any person in a Township park, parkland, or park property to:

- A. Post, paint, affix, distribute, deliver, place, cast, or leave about any bill, billboard, placard, ticket, handbill, circular, or advertisement. Youth sports sponsorship signs may be allowed but shall be removed when the playing season is completed or at the order of the Township and shall conform to the standards in Article 17 of the Zoning Ordinance, *as amended*;
- B. Display any advertising sign or material on a vehicle, with the exception of a sign attached to a vehicle to identify the vehicle or a sign lawfully placed on a taxi, bus, or delivery vehicle; or
- C. Use images of Township facilities for commercial purposes.

### **Section 319: Noise**

Without the express written permission of the Township, it shall be unlawful for any person in a Township park, parkland, or park property to use a loudspeaker, public address system, or amplifier, or play or cause to be played any radio, audio device, television or stereo equipment, musical instrument, or other similar device, at a volume which is reasonably anticipated to disturb or annoy others.

### **Section 320: Political Activity**

No person shall post, stand, or otherwise place a political sign in any Township park, parkland, or park property. Political signs may be placed at a Township facility designated as a polling place no sooner than 24 hours prior to the opening of the polls and shall be removed no later than 24 hours after the polls close. Nothing contained herein in anyway shall abridge or infringe on a person's rights as protected by the United States and Pennsylvania Constitutions, including freedom of speech, assembly, and the right to petition one's government for redress or grievance.

### **Section 321: Alcoholic Beverages, Controlled Substances, and Tobacco Use**

It shall be unlawful for any person in a Township park, parkland, or park property to:

- A. Use or possess any alcoholic beverage;
- B. Use, possess, manufacture, or distribute any controlled substance, except with the possession of a lawful prescription from a person licensed by law to prescribe and administer controlled substances;
- C. Be under the influence of any intoxicating beverage or controlled substance; or
- D. Smoke or use any tobacco product.

### **Section 322: Gambling; Games of Chance**

Without the express written permission of the Township, it shall be unlawful for any person in a Township park, parkland, or park property to wager for money or any other item of value on an athletic event; or play, engage, or take part in any game of chance or competitive sport for money.

### **Section 323: Minors**

It shall be unlawful for any person to knowingly, or through negligent supervision, permit a juvenile/minor to be in any park, parkland, or park property 30 minutes or more after the facility is closed or to permit a child aged seven or under to be in a park, including in or around a playground or play area, unless under the supervision of a responsible person, or permit a child aged ten or under to swim or wade in authorized areas within a park, and pursuant to Section 331, unless under the supervision of a responsible person. For the purposes of this Section, a “responsible person” shall be a person of reasonable age and ability and not intoxicated or under the influence of a controlled substance.

### **Section 324: Playgrounds and Play Areas**

The Board of Supervisors may adopt, or delegate to the Director to promulgate and enforce, reasonable rules and regulations for the safe utilization and operation of playgrounds and play areas. The following shall apply in all playgrounds and play areas:

- A. Playgrounds and play area equipment shall be limited to use by children aged 12 and under. No adult shall be permitted in a playground or play area unless he is accompanying a child aged 12 or under.
- B. All children aged seven and under shall be under the supervision of a responsible person at all times. Supervision of all children shall be the sole responsibility of the parent, legal guardian, or responsible person and not of the Township.
- C. It shall be unlawful for any person defined as a Sexual Offender pursuant to the Act commonly referred to as Megan’s Law (42 Pa.C.S. § 9799.10 *et seq.*) to be, at anytime, within 500 feet of a playground or play area.
- D. No person shall bring a glass bottle or other glass containers into a playground or play area, excepting bottles or containers used in the care and feeding of infant children.
- E. Playground equipment shall not be moved or altered in any way without the express permission of the Township.

### **Section 325: Disorderly Behavior**

It shall be unlawful for any person in a Township park, parkland, or park property to:

- A. Enter an area posted as “closed to the public” or any other unauthorized or restricted area;
- B. Engage in threatening, abusive, or indecent activity or language at any time, engage in any conduct or behavior tending to breach the public peace, or engage in a course of conduct or commit acts that endangers the safety or wellbeing of others;
- C. Gain or attempt to gain admittance to a facility, the use of which charge of admission is required, without paying such a fee; or
- D. Disturb or interfere with any person or party occupying any permitted area or participating in any authorized activity, including but not limited to interfering with the duties of, or harassing a referee or coach immediately before, during, or after an athletic event.

### **Section 326: Loitering**

Township personnel shall have the right to question any person loitering or prowling in a Township park, parkland, or park property in a place, at a time, or a manner not usual for law-abiding individuals or under circumstances that warrants alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted shall include, but not be limited to the fact that the person takes flight upon appearance of a Township official or peace officer, refuses to identify himself, or manifestly endeavors to conceal himself or any object. Unless flight by the person or other circumstances make it impracticable, a Township official may, prior to the notification of law enforcement authorities, afford the person an opportunity to dispel any alarm which would otherwise be warranted, by requesting him to identify himself and explain his presence and conduct at the facility. This Section shall not apply where the person is accompanied by his parent, guardian, or other adult person having his care, custody, or control, or where that person is exercising his First Amendment rights as protected by the United States and Pennsylvania Constitutions, including freedom of speech, assembly, and the right to petition one's government for redress or grievance.

### **Section 327: Unlawful Exposure; Lewd Acts**

It shall be unlawful for any person in a Township park, parkland, or park property to:

- A. Appear in public so that the person's genitals or anus are exposed or covered with less than a fully opaque covering, or the display of female breasts with less than a fully opaque covering of the nipple and areola, provided that breast feeding shall not be considered a violation of this Section whether or not the nipple is covered during or incidental to the feeding;
- B. Urinate or defecate in any area other than in those facilities specifically designed for such purposes; or
- C. Engage in any form of sexual activity.

### **Section 328: Camping**

No person shall camp or stay overnight in any Township park, parkland, or park property except in areas that may now or in the future be designated for such purposes and only upon the prior written authorization of the Township.

### **Section 329: Hitting of Golf Balls**

No person shall hit golf balls in any Township park, parkland, or park property except in areas that may now or in the future be designated for such purposes.

### **Section 330: Fishing**

- A. Fishing shall be permitted from all locations in Township parks, parkland, or park property pursuant to Pennsylvania law, except that fishing shall not be allowed in open swimming areas or where specifically prohibited by the Director. Any person who engages in fishing shall obey all posted guidelines and comply with all applicable Township, state, and federal laws and regulations.
- B. Failure to remove fishing line fragments and hooks from land and waters under the jurisdiction of the Township shall be unlawful.

### **Section 331: Fountains, Pools, and Water**

Without the express written permission of the Township, it shall be unlawful for any person in a Township park, parkland, or park property to:

- A. Swim, wade, or ice skate in any waters or waterways in or adjacent to any facility, except in such waters and at such places and times as are provided therefore, and in compliance with such regulations as are herein set forth or may be hereafter adopted; or
- B. Use any water fountain, drinking fountain, pool, sprinkler, reservoir, lake, or other water contained in a facility for the purpose of washing or cleaning himself, his clothing, or other personal belongings. This Section shall not apply to medical emergencies or in those areas within facilities which are specifically designated for personal hygiene purposes, such as bathrooms or shower rooms, provided however, that no person shall wash his clothes or personal belongings in such areas; or
- C. Except in an emergency situation, permit any animal under his control to use any water or drinking fountain, pool, sprinklers, reservoir, lake, or any other water contained in a park to swim or wade in a waterway within fifty feet of a person fishing or for the purpose of washing or cleaning said animal.

### **Section 332: Aviation**

No person shall start, take off from, or land an aircraft, hot air balloon, parachute, hang glider, powered paraglider, model rocket, remote controlled plane, drone, or other flying apparatus in a Township park, parkland, or park property without the express written permission of the Township.

### **Section 333: Picnic Areas**

It shall be unlawful for any person or group of persons to hold a picnic in any Township park, parkland, or park property where such an activity is prohibited.

### **Section 334: Interference with Township Officials in the Performance of Their Duties**

It shall be unlawful for any person to impersonate a Township official or interfere with, harass, or hinder any Township official in the discharge of his duties.

### **Section 335: Applicability of Township Ordinances**

All ordinances of the Township shall be in full force and effect in Township parks, parkland, and park property. If there is a conflict between the provisions of this Ordinance and other ordinances of the Township, the more restrictive shall apply.

## **ARTICLE IV: FACILITY USE PERMITS**

### **Section 401: Permits required**

- A. A permit shall be required for a special event or the exclusive use of all or a portion of a Township park, parkland, or park property when the facility is otherwise closed to the public, provided that no permit shall be required for any action or event organized or administered by the Township.
- B. School entities shall be exempt from the provisions of this Section provided they notify the Township at least 72 hours in advance of scheduling a visit. However, priority for use of parks, parkland, or park property shall be in accordance with Section 402.
- C. Special events, as defined in this Ordinance, shall have additional permit requirements, as hereafter provided, beyond those required for exclusive facility usage.
- D. Nothing contained herein in anyway shall abridge or infringe on a person's rights as protected by the United States and Pennsylvania Constitutions, including freedom of speech, assembly, and the right to petition one's government for redress or grievance.

### **Section 402: Availability; Priority of Usage**

All applications for the use of a Township park, parkland, or park property are dependent upon the availability and suitability of the facility for the proposed use. Persons will be assigned space, or permits issued where applicable, according to the order of receipt of the application, facility availability, and in accordance with the following order of priority:

- First priority – Township
- Second priority – School District
- Third priority – Youth organizations affiliated with South Middleton Township Parks and Recreation
- Fourth priority – All other school entities located within the corporate limits of the Township
- Fifth priority – Nonprofit or not-for-profit groups located within the corporate limits of the Township whose purpose is to provide a service to residents, charitable purposes, or engage in fundraising, upon receiving authorization from the Board of Supervisors to do so
- Sixth priority – All other persons, including for-profit entities, located within the corporate limits of the Township
- Seventh priority – School entities located outside the corporate limits of the Township
- Eighth priority – Nonprofit or not-for-profit groups located outside the corporate limits of the Township whose purpose is to provide a service to the general public, charitable purposes, or engage in fundraising, upon receiving authorization from the Board of Supervisors to do so

- Final priority – All other persons

### **Section 403: Facility Use Approval Process**

A permit shall only be approved by the Township in accordance with this Ordinance and any rules or regulations specific to the facility that may be promulgated by the Board of Supervisors, or delegated to the Parks and Recreation Board or the Director, from time to time. Facility use approvals will be contingent upon the condition that all applicable rules, regulations, and laws will be strictly adhered to on the part of the applicant, failure of which may result in the immediate termination of any permit approval. The decision on a permit application by the Township's designated official to render such a decision will be final.

### **Section 404: Permit Application**

- A. Permits for a facility reservation or special event in or on any Township park, parkland, or park property shall be obtained by application to the Department on a form and in a manner pursuant to Township rules and regulations.
- B. In addition to paying all applicable fees, a person seeking issuance of a facility use or special event permit, excluding certain pavilion rentals as provided for in Section 405, should file the application as early as practically possible but at least 7 days prior to the requested use date. All permits will be issued on a first come, first served basis in accordance with Section 402 above. If the facility is to be used by a group or organization, the application shall be made in the name of the organization and signed by an officer or authorized representative of the organization. Any person intending to hold a special event on Township property shall submit an application and receive approval from the Township for the use of the requested facility.

### **Section 405: Pavilions**

The Township offers a number of open air picnic areas for personal and public use. In addition to the order of usage priority, as provided for in Section 402, the Board of the Supervisors may establish, or delegate to the Director the ability to administer and enforce, reasonable rules and regulations for the use of pavilions for when total number of people in attendance or the intended use does not meet the definition of a special event as provided for in Article V. In all other instances, a permit shall be required.

### **Section 406: Duties of Permittee**

- A. A facility usage or special event permit applicant shall assure and agree to the following, any violation of which may result in the immediate termination of the permit approval:
  1. That the proposed activity or facility usage will not unreasonably interfere with or detract from the public's health, safety, welfare, recreation, or general enjoyment of the facility;

2. That the use applied for and approved will be the only activity undertaken by the applicant;
  3. That the proposed activity will not entail additional expense or extraordinary or special supervision by the Township unless agreed to by the Township;
  4. For events involving juveniles, that all persons associated with the event are legally authorized to do so and have undergone all required background checks pursuant to all applicable local, state, and federal laws;
  5. The facility desired has not been reserved for another use on the date and time requested in the application; and
  6. The ability to pay all associated fees.
- B. Permits issued under this Ordinance shall be subject to all current and future regulations and instructions as may be prescribed by the Township, any violation of which may result in the immediate termination of the permit approval. The following non-all-inclusive standards and guarantees shall be provided by and agreed to by any permit applicant prior to approval of a permit:
1. Restrictions on the number or designations of persons who may participate in a permitted activity;
  2. Restrictions on the days of the week and the time of day that a particular facility may be used by the permittee;
  3. Requirements for maintenance to be undertaken by the permittee and all guarantors regarding the sanitation, cleanliness, and appearance of the facility following usage;
  4. Provisions for security and the maintenance of law and order, including compliance with noise, parking, safety, and other appropriate measures. The Township may, at its own discretion, require additional security, at the permittee's expense, on the premises to enforce the policies of the facility's usage;
  5. Restrictions on the installation of apparatus or modification in any manner, either temporary or permanent, by the permittee to a facility or adjacent structures;
  6. Requirements that all applicable fees shall be paid prior to use, unless other payment arrangements have been authorized;
  7. Requirements that a certification of insurance in accordance with Section 701, naming the Township as the additional insured, shall be on file at the Township prior to any permit being approved;
  8. Requirements that the permittee and all guarantors shall be bound by all Township rules, regulations, and applicable ordinances as though the same were included in said permit; and
  9. A guarantee that the permittee and all guarantors are and shall be responsible for those persons attending the event and for the enforcement of all Township rules and regulations.

#### **Section 407: Guarantors**

As part of any application for a facility usage or special event request, the applicant shall, in addition to any other required information, provide the names and addresses of at least two individuals who, together with the permittee, shall be considered and held to be guarantors, and shall, in addition to other requirements and obligations provided for in Section 406, be responsible for the following:

- A. Compliance with, and when required or ordered to do so by a Township official or duly-sworn peace officer, enforcement of all applicable Township rules and regulations;

- B. Cleanup of the Township facility immediately after facility usage;
- C. Payment of any damages to persons or property, including but not limited to the Township or others using the facility; and
- D. Payment of all fines, penalties, liabilities, and indemnifications as set forth in Section 802.

**Section 408: Permits not Transferable**

Permits granted by the Township, shall be used solely for the use provided for in the permit shall be lawful for that purpose only. The permittee may not assign, sublet, or transfer its rights or privileges to any other person, group, or organization without written authorization from the Township to do so.

**Section 409: Requirement to Produce Permit upon Request**

A person shall produce for inspection any permit he claims to have upon the request of any Township official who shall desire to inspect the same for the purpose of enforcing compliance with any local, state or federal law, rule, or regulation.

**Section 410: Revocation of Permits**

The Township may revoke a permit upon a finding of violation of any local, state, or federal rule, regulation, or law. Revocation of a permit may result in the forfeiture of any or all fees.

**Section 411: Certain Persons Prohibited from Obtaining a Permit**

Any person banned or denied access to a Township facility shall not be eligible to obtain a permit during the time in which such restrictions are in place. Any person subject to this Section may appeal such a determination to the Parks and Recreation Board. Appeals of decisions of the Parks and Recreation Board shall be made to the Board of Supervisors whose decision shall be final.

**Section 412: Fees**

- A. From time to time, the Board of Supervisors may promulgate fees for permits and other uses of Township facilities and may rely upon recommendations of the Parks and Recreation Board for the formulation of such fees.
- B. The Township retains the right to add additional fees to any permit already issued.
- C. The Township shall have the authority to charge a fee for any damage done willfully or accidentally by any person using a Township facility, regardless of whether a permit was issued or not.

**Section 413: Refunds**

No refunds will be issued for a cancelled special event or facility usage reservation. Refunds will not be issued due to weather conditions existing on the reserved date or at the time of the event.

## **ARTICLE V: SPECIAL EVENTS**

### **Section 501: Special Event Permits**

In addition to the requirements provided for in Article IV, relating to facility use permits, additional requirements shall be met by a permittee prior to the holding of a special event in a Township park, parkland, park property. Any agreements, certificates, assurances, specifications, special permissions, or plans provided for or required by this Section shall be considered part of the facility use permit and together shall be considered a special event permit. Anything permitted solely by the written authorization of the Township shall be so authorized on the permit and nothing outside of the permissions granted on the permit beyond that which is permitted under this Ordinance.

### **Section 502: Amplified Sound**

A special event permittee may utilize an amplified sound device provided they obtain permission from the Township prior to usage.

### **Section 503: Vending**

A special event permit shall be required from the Township if any attendee of the event will be offering, with or without charge, any items or food at the event. Notwithstanding the foregoing, any private event with fewer than two hundred fifty (250) attendees may receive prior written authorization from the Township to offer food without charge in lieu of obtaining a special event permit. As a condition to sell food or wares upon parkland or park property, the Township may require additional products liability insurance and inspection of food products and facilities by a qualified third-party inspector or agency at the Township's choosing.

### **Section 504: Portable Toilets, Trash Receptacles, and Disposal of Waste Material**

The special event organizer shall be responsible for providing an adequate number of portable toilets, trash receptacles, and hand sinks when necessary or ordered by the Township. In determining the necessity for, and number and placement of, portable toilets, trash receptacles, or hand sinks, the applicant shall rely on generally recommended industry standards for such devices. Existing park facilities, including portable toilets, restrooms, and dumpsters are for general park users and may not be used in place of or to supplement event requirements. If facilities must be left overnight, the event organizer shall be solely responsible for locking or otherwise securing the units to avoid damage. The Township shall not be liable for any damage or theft to or from these units.

## Section 505: Public safety plan

As part of the application, for a special event in excess of 250 attendees, the Township may require, as part of the special event permit, the inclusion of a public safety plan, which shall include:

- A. The name, address, phone/fax numbers, and email address(s) of the applicant, owner, event sponsor, and onsite event supervisor;
- B. Whether the proposed event is to be conducted for, on behalf of, or by a third-party entity or organization, whether for- or not-for-profit, and the name and contact information for such entity or organization;
- C. The location and purpose of the event;
- D. The date, days, and times when the event is anticipated to be held, including the exact start and end times;
- E. The setup, tear-down, and cleanup dates and times;
- F. For parades, the route to be traveled, including the starting point and termination point;
- G. The approximate number of persons who will be attending the special event and the approximate number of persons who will participate in the event as volunteers or workers;
- H. A listing of the types of vehicles used to support and/or to be showcased in the event along with the approximate number and description of any vehicles which will participate in the special event, if applicable;
- I. The cost of attendance (if applicable) and whether the event is open to the public or strictly a private event;
- J. The approximate number and description of the types of animals anticipated to be part of the special event, if any;
- K. If applicable, a plan for the disposal of waste water, including capture and containment, as approved by the Township. All water generated must be disposed of through an approved sanitary sewage system that is constructed, maintained, and operated according to law;
- L. A map or diagram detailing site locations and/or routes, along with written descriptions of the following:
  1. Amplification devices: Types used and for what purposes;
  2. Electrical requirements: Voltage, amperage, and apparatus associated with electrical needs for activities, vendors, attendees, etc.;
  3. Emergency medical stations: First aid or emergency medical services based on special event risk factors;
  4. Equipment: Types of equipment used to service the event and/or to be showcased in the event;
  5. Fire lanes: Contingency plan for access by firefighting and emergency medical vehicles, equipment, and personnel;
  6. Litter control: Number, size, and location of trash receptacles, as well as trash removal and disposal;
  7. Parade, race, and similar activities: Start and finish locations, as well as water stations;
  8. Portable toilets: The number of portable sanitation stations;
  9. Signage: Type of proposed on-site and off-site signage, including quantity, dimensions, and materials;
  10. Street closures and detours: A statement as to whether the special event will occupy all or only a portion of the width of the streets, sidewalks, or other public rights-of-way proposed for pedestrian and vehicular traffic control;

11. Structures: All temporary structures, including but not limited to booths, buildings, stages, bleachers, fences, tents, awnings, and canopies. All structures shall adhere to the Township's Building Code and Fire Prevention and Safety Code;
12. Vendors: List each vendor, including products and services to be offered. The merchandise, products, and services shall not be in violation of any federal, state, or local law or regulation. The offering of alcoholic beverages, tobacco products, or adult-related or pornographic items is strictly prohibited; and
13. Parking: A plan to accommodate parking requirements for those participating or attending the event.

#### **Section 506: Emergency Medical Personnel**

Where the presence of emergency medical personnel is necessary, requested, or utilized, the Township shall have the authority to require the event sponsor or onsite event manager to employ such number of uniformed emergency medical personnel, up to and including paramedics, as may be designated by the Township.

#### **Section 507: Fire Watch Personnel**

- A. When, in the opinion of the Township or public safety personnel on site, it is essential for public safety in any other place where people congregate, or because of the number of persons or the nature of the special event, the event organizer shall provide one or more fire watch personnel, as required and approved by the Township, to remain on duty during the times such places are open to the public, or when such activity is being conducted.
- B. Fire watch personnel shall keep diligent watch for fires, obstructions to means of egress and other hazards during the time such place is open to the public or such activity is being conducted and take prompt measures for remediation hazards, extinguishment of fires that occur, and assist in the evacuation of the public from structures.
- C. Fire watchers should be familiar with the structure or area where the event is to occur. They should know where manual fire alarm stations and fire protection equipment are located and be able to use them if necessary.
- D. Fire watchers shall be at least 18-years-of-age, not under the influence of any mind-altering substances before, during, and immediately after the event (e.g. drugs or alcohol), and be on site at all times. A fire watcher may be under the age of 18 if they are a registered volunteer fire fighter with a local fire company.

#### **Section 508: Crowd managers**

When determined necessary, trained crowd managers shall be utilized during an event in accordance with generally accepted safety practices.

### **Section 509: Signage**

Signage indicating “Event in Progress” or “Race in Progress,” or directional or informational signage, may be posted at designated posts on park roads or park entrances on the day of the event. The attaching of signs, banners, fliers, or decorations to any park property (i.e. buildings, monuments, fences, benches, vegetation, etc.) is prohibited.

### **Section 510: Use of Spray Paint/Chalk**

The use of aerosolized spray paint or spray chalk/surveyors’ paint on paved or concrete roadways or trails is strictly prohibited. Spray paint/spray chalk shall only be used on grass/turf or dirt services and only with prior approval by the Township. The use of flour or tape may be used on such services but shall be removed immediately following the event.

### **Section 511: Notification of Adjoining Properties**

Depending on the nature of the special event and activity proposed, the Township may require the applicant, prior the issuance of a permit, inform residents and businesses adjacent to the area of the special event, of the date, time, and nature of the event.

### **Section 512: Staking**

Without Township approval, staking is prohibited. However, water, lead, or sand weights may be used.

## **ARTICLE VI: REGULATIONS FOR USE OF ATHLETIC FIELDS AND AREAS**

### **Section 601: Purpose**

The Township is committed to providing high-quality recreational facilities for the benefit of its residents. This includes the use of its athletic fields and areas. The Board of Supervisors believes that specific regulations and restrictions must be placed on the use of athletic fields for safety reasons, as well as for maintaining the quality of the facilities. The Board of Supervisors further believes that the overuse or abuse of Township athletic fields may result in turf decline and safety hazards jeopardizing the continued future use of the fields and areas and those who may wish to use them.

### **Section 602: Use of Athletic Fields and Areas**

The use of athletic fields and areas, including the prioritization of users as provided for in Section 402, the scheduling of athletic events, and terms of conditions of usage shall be solely vested in the Township. Athletic field usage requests shall be made on a form and in a manner pursuant to Township rules and regulations, with the applied usage only to be permitted upon the issuance of a special event permit as provided in Article V and hereafter.

### **Section 603: Hours**

Parks and other designated-facilities shall be closed for athletic events from November 1 to March 31 unless an extension is otherwise approved by the Township. Practices and competitions shall not be scheduled to begin before 10:00 a.m. ET, unless otherwise approved by the Township.

### **Section 604: Permits Required**

Athletic competitions shall be considered "special events" and require the obtainment of a permit by the applicant. Spontaneous or unorganized athletic events (i.e. "pick-up games") that do not meet the definition of a special event or public assemblage, and whose participants do not utilize a pavilion, do not require a permit or other approval by the Township, provided the provisions of Section 402 are adhered to. However, the Township reserves the right to order the cessation of such activity in accordance with Section 304.

### **Section 605: Duties of Athletic Associations**

Prior to any athletic event, it shall be the responsibility of each specific athletic association to inspect the athletic field for safety or playability, determine whether an athletic event may continue, and provide information regarding field conditions to the league as set forth herein for the use of athletic fields.

### **Section 606: Playability; Field Conditions**

- A. If any of the following conditions exist, the athletic association or coach shall cancel the athletic event and affirmatively prevent the use of the athletic field by others:
- (1) When soil moisture is so high that standing water or muddy conditions exist;
  - (2) When standing water or mud exists in high traffic areas, such as goal mouths, base areas, or base paths, regardless of soil moisture levels elsewhere on the field;
  - (3) When the turf is saturated to such an extent that walking on the field disturbs or moves the turf, causes water to surface or the thinning of the turf, damage to the grass root structures, the creation of divots, or engaging in any other activity on a wet surface after which it may dry causing an uneven surface or further damage to already worn areas;
  - (4) When frost or snow is on the field. In such an instance, the athletic event shall be postponed until the frost has dissipated. If postponement is not possible, the athletic event shall be cancelled; or
  - (5) In drought conditions, when the turf on 50 percent or more of the playing surface has turned dormant.
- B. Regardless of the appearance of field conditions, no athletic event shall take place when one inch or more of rain has accumulated in a 24-hour period preceding the scheduled athletic event or when there is steady rain on the day of the athletic event. For the purposes of this Section, "steady rain" shall mean that the rain has fallen at a consistent (heavy, light, or moderate) rate and at a continuous pace at various times throughout the day.

**Section 607: Special Regulations for Baseball and Softball Fields**

For athletic events occurring on baseball or softball fields, the “home team” shall be responsible for all necessary field maintenance care. Under no circumstances shall infields that have standing water or puddles be brushed off with a broom, squeegee, or other device.

**Section 608: Special Regulations for Basketball, Volleyball, and Tennis Courts**

The following provisions shall apply to all outdoor basketball, volleyball, and tennis courts:

- A. Courts are available for public use on a first come, first served basis, and in accordance with Section 402;
- B. Court time is limited to the activities of basketball, volleyball, or tennis on those respective courts only;
- C. All vehicles, including but not limited to bicycles, roller skates, and skateboards are strictly prohibited on all courts;
- D. Rubber soled shoes shall be worn at all times, with the exception of sand volleyball courts on which players may be barefooted; and
- E. At peak times, when persons may be waiting for use, consideration shall be given to such persons and playing time limited.

**Section 609: Additional Prohibited Acts**

In addition to the other restrictions and prohibitions set forth herein, the following activities are prohibited:

- A. Destruction of Township property or the removal or tampering of any vegetation, including but not limited to field turf;
- B. Removing or relocating benches or bleachers;
- C. Failure to remove from the field and properly secure in a designated area athletic equipment, including soccer goals and flags; and
- D. Ignoring or removing a sign stating “field closed,” “keep off the grass,” or such other restrictive signage otherwise stating that a facility that has been closed to the public.

**ARTICLE VII: LIABILITY AND INSURANCE**

**Section 701: Insurance**

- A. Prior to issuance of a special event or facility usage permit, the Township may require the following insurance coverage as the minimum required in the name of the permittee in the amount of \$500,000 combined single limit for bodily injury and property damage for each occurrence or claim made with an aggregate of \$1 million.
- B. The Township shall be named as an additional insured to any insurance coverage.
- C. Each policy of insurance shall require the insurance carrier to notify the Township at least 30 days in advance of the effective date of any reduction or cancellation of the policy. The

cancellation or reduction of insurance coverage shall be cause for automatic suspension of the permit until the coverage is reinstated. All policies shall be kept in force for the period of the permit.

- D. As a condition precedent to the issuance of any permit to sell food or wares upon park land or park property, the Township may require products liability insurance in addition to the requirements of Section 504.

## **Section 702: Liability**

- A. As a condition for granting a permit under Section 401 and/or Article V, the permittee, guarantor, or responsible party shall be jointly, severally, and individually liable for any violation of this Ordinance, any federal, state, or local law or regulation, or any fine or penalty levied there from, and shall be liable for damage to any person or property arising from or associated with the conduct, event, or activity which was in violation of this or any other Township ordinance, regulation, or other applicable local, state, or federal law or regulation.
- B. When a violation under this Ordinance results in legal action, civilly or criminally, or injury or damage to persons or property, the permittee, guarantor, or responsible party shall indemnify and hold the Township harmless from any claim, lawsuit, judgment, award, verdict, or the like. In addition, the indemnity herein set forth shall include any and all costs, fees, expenses, and other payments or expenditures made by the Township. Said indemnity shall also include the value of any labor or other service required from or provided by the Township.
- C. The Township has no duty to keep the premises safe for entry or use by others for recreational purposes, nor does the Township have a duty to give any warning of potentially dangerous conditions to persons entering for recreational purposes. Therefore, the Township may not provide winter maintenance on trails or any other areas of the Township Parks including, but not limited to, snow removal, ice removal or ice mitigation. The Township does not extend any assurance that the premises are safe for any purpose, nor assume responsibility for or incur liability for any injury resulting therefrom, pursuant to the Recreational Use of Land and Water Act, 68 P.S. § 477-1, *et seq.*

## **ARTICLE VIII: FINES AND PENALTIES**

### **Section 801: Enforcement**

The provisions of this Ordinance, and any rule or regulation authorized thereby, may be enforced by any Township official, employee, or other Township designee who may revoke a permit or reservation if, in his judgment, the facility is being used improperly or illegally, or for a violation of any local, state, or federal law, rule, or regulation. Persons, other than those herein designated, may only enforce the provisions of this Ordinance by presenting to the Township proof of a violation of this Ordinance, or other applicable local, state, or federal law or regulation. Said proof shall be considered and investigated prior to bringing the violating party or guarantor before a court of competent jurisdiction.

## **Section 802: Fines and Penalties**

- A. In addition to any penalty or liability, any person violating any provision of this Ordinance, and all persons standing *in loco parentis* to any juvenile who has not arrived at the age of criminal responsibility who has violated any provision of this Ordinance, shall be guilty of a summary offense and, upon conviction thereof, pay a fine of not less than \$100 or more than \$500, together with costs of prosecution, and in default of payment thereof, be committed to and imprisoned in the County Prison for a period not exceeding 30 days.
- B. The minimum and maximum fine set forth in Section 802(A) shall be doubled each time a Township official requests that an activity, conduct, or other prohibited action cease but the activity, conduct, or prohibited action continues in defiance of the order.
- C. Failure to comply with this Ordinance or failure to comply with instructions from a Township official, shall subject the offending party or guarantor to the fines, penalties, liabilities, and indemnity provisions of this Ordinance.
- D. Each violation of this Ordinance or any condition, prohibition, restriction, or other limitation shall be considered a separate violation, each subject to the fines set forth herein.
- E. In addition to any fines or liability herein set forth, a violator of this Ordinance shall further be liable to the Township for any and all damage caused to Township property, and all costs or losses sustained or incurred by the Township arising from or associated with the permitted or unpermitted event, including but not limited to the cost of labor, fees, materials, and all other incidental or consequential costs or losses.
- F. Violations of state or federal law or regulations shall be punishable as set forth in the law or regulation being violated, or as determined by those authorized to enforce the law or regulation.

## **Section 803: Ejection and Future Ban of Use**

- A. Violators shall be subject to ejection from the park, parkland, or park property and/or the seizing or confiscation of any property, thing, or device used in violation of any of the provisions of this Ordinance.
- B. Any person who violates this Ordinance; any limitation, restriction, prohibition, or condition of the permit; any state or federal law or regulation; or any Township rule, regulation, or policy shall forfeit any entitlement, right, or claim, whether real or perceived, towards any future use of Township facilities, and further shall have no claim against the Township, its officials, employees, or designees for failure to issue a permit in the future.

## **ARTICLE IX: MISCELLANEOUS PROVISIONS**

### **Section 901: Severability**

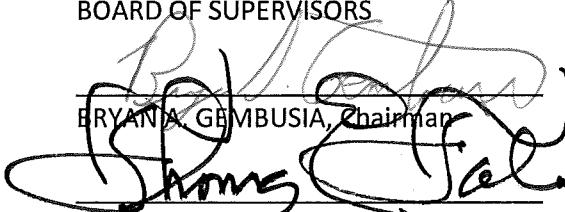
In the event that any provision, section, sentence, clause, or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause, or part of this Ordinance or other ordinances affected by this Ordinance, it being the intent of the Board of Supervisors that such remainder shall remain in full force and effect.

**Section 902: Repealer**

All other ordinances or parts of ordinances inconsistent with the provisions of this Ordinance, including but not limited to Ordinances No. 2014-10, 2010-05, and 1984-04, and Sections IV – V of Ordinance No. 1971-01, are repealed insofar as they are inconsistent with the powers, duties, and responsibilities enacted hereby.

ENACTED AND ORDAINED this 8<sup>th</sup> day of Feb, 2018.

SOUTH MIDDLETON TOWNSHIP  
BOARD OF SUPERVISORS

  
BRYANNA GEMBUSIA, Chairman

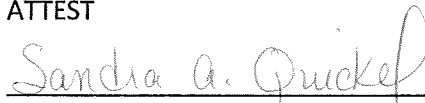
  
THOMAS E. FALEY, Vice Chairman

  
RONALD P. HAMILTON, Member

  
R. DUFFMANWEILER, Member

  
WALTER G. REIGHARD, Member

ATTEST

  
SANDRA A. QUICKEL, Secretary

