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# Chapter 61 — Parks and Recreation; Borough Property

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## Article I — Public Use of Property Owned by the Borough

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## Article I — Public Use of Property Owned by the Borough

### § 61-101 Recreation Places.

For purposes of this Article, the term “Recreation Places” shall mean and include all parks, playgrounds, baseball fields, and tot lots owned or maintained by the Borough.

### § 61-102 Use of Recreation Places.

Recreation Places are for the use, enjoyment, and benefit of the public, subject to the rules and regulations set forth in this Article.

### **§ 61-103 Other Borough Property.**

All property owned by the Borough, other than Recreation Places and Borough Hall, shall not be available for the use or benefit of the public without the prior approval of Council. Borough Hall shall be open to the public for the conducting of business during the days and hours set by Council from time to time.

### **§ 61-104 Closing of Recreation Places.**

Recreation Places may be closed during such hours as Council may deem appropriate, and all persons found within said Recreation Place(s) during these hours shall be subject to the penalties in § 64-107.

### **§ 61-104.1 Rules and Regulations for All Borough Properties.**

The following rules and regulations shall apply on all property owned or leased by the Borough:

- (a) Smoking is not permitted on any portion of the property.

### **§ 61-105 Rules and Regulations for Recreation Places.**

In addition to the rules and regulations set forth in § 61-104.1, the following rules and regulations shall apply upon all Recreation Places:

- (a) No person shall be in possession of or drink any alcoholic beverages.
- (b) No person shall be intoxicated.
- (c) No person shall possess or use glass containers.
- (d) No person shall commit any disorderly or immoral act.
- (e) No person shall ride or operate any bicycle, skateboard, all-terrain vehicle, or any unauthorized vehicle.
- (f) No person shall post any signs without prior approval by Council.
- (g) No person shall use profane or obscene language which would create the risk of public inconvenience, annoyance, alarm, or incitation of lawless behavior.
- (h) No person shall sleep on the ground or elsewhere, except in such places and at such times which may be designated by Council.
- (i) No vehicle shall be repaired mechanically, washed, painted, or have any other work performed on it.

(j) Cutting, mutilating, removing, or taking away of trees, shrubs, or flowers, or the removal, defacing, or damaging of any park or recreational area property is prohibited.

(k) Motor vehicles may not be parked except in designated parking areas.

(l) No domesticated animals are allowed in the Recreational Places unless hand-controlled by a leash. The individual in charge of an animal entering any Recreational Place is required to be in possession of proper implements for the gathering and disposing of animal feces. All feces must be collected immediately, removed from the Recreational Place, and disposed of in accordance with accepted sanitary standards.

(m) No persons shall violate any further rules or regulations adopted by Council, *provided* such rules or regulations are posted at least seven (7) days in advance in Borough Hall and in the Recreation Place(s) to which they apply.

### § 61-106 Additional Rules for the Playground of Adventure.

In addition to the rules and regulations set forth in § 61-104.1 and § 61-105, the following rules and regulations shall apply to the park/playground owned and maintained by the Borough located at East Stone Alley and Iron Alley:

(a) Eating of food shall occur only in the picnic areas designated by the Borough. No cooking of food is permitted.

### § 61-107 Violations and Penalties.

(a) **Civil Penalty.** Any person who violates any provision of this Article shall be subject to a civil penalty of Fifty Dollars (\$50.00).

(b) **Initial Determination of Violation.** Council hereby delegates the initial determination of violations under this Article to any police officer of the Borough. The police officer or the Borough Manager shall serve notice of the violation(s) upon the person determined to have violated this Article in person or by first class U.S. mail addressed to that person at his/her last known address. The notice shall include a description of the violation(s), the provision(s) of the Codified Ordinances violated (*i.e.* section, subsection, paragraph, etc.), the penalty imposed for each violation, and the time for payment prior to the commencement of a civil enforcement proceeding. Service shall be complete on the date of in-person service or the date of mailing.

(c) **Civil Enforcement Proceeding.** When the penalty imposed for a violation(s) of this Article is not voluntarily paid to the Borough within fifteen (15) calendar days after service of the violation notice under subsection (b), the Borough Manager shall initiate a civil enforcement proceeding in the name of the Borough before a magisterial district judge (or, where applicable under Borough Code § 3321(5), 53 PA. STAT. ANN. § 48321(5), the Lehigh County Court of Common Pleas). The civil enforcement proceeding shall be initiated by complaint or by such other means as may be provided by the Pennsylvania Rules of Civil Procedure. Any person found to have violated this Article in the civil enforcement proceeding shall be assessed court costs and reasonable attorney fees incurred by the Borough in the proceedings, in addition to the penalty provided.

(d) **Separate Offenses.** Each day or portion of a day that a given violation exists or continues shall constitute a separate offense, and each violation of a separate section, subsection, paragraph, or other division of this Article shall constitute a separate offense.

## Appendix

### ¶ 61-A Disposition of Ordinance 272.

Ordinance 272 was never codified to the 1981 Code.

| <u>Ordinance 272</u> | <u>2003 Codified Ordinances</u> |
|----------------------|---------------------------------|
| § x                  | § 61-10x                        |

### ¶ 61-B Source Ordinances.

|               |            |
|---------------|------------|
| Ordinance 272 | 10-11-1989 |
| Ordinance 285 | 07-31-1991 |
| Ordinance 415 | 10-29-2003 |
| Ordinance 518 | 03-12-2014 |
| Ordinance 526 | 01-28-2015 |
| Ordinance 545 | 04-25-2018 |

### ¶ 61-C Park and Recreation Commission.

See Chapter 4 (relating to Boards and Commissions), Article II, for the ordinance relating to the Park and Recreation Commission.