

**BOROUGH OF ALBURTIS
LEHIGH COUNTY, PENNSYLVANIA**

Ordinance No. 387

(Duly Adopted July 25, 2001)

AN ORDINANCE AMENDING AND RESTATING TITLE 23 OF THE CODE OF THE BOROUGH OF ALBURTIS, RECONSTITUTING THE ALBURTIS PARK AND RECREATION COMMISSION (FORMERLY KNOWN AS THE RECREATION BOARD) TO CONSIST OF FIVE MEMBERS ALL APPOINTED BY THE BOROUGH COUNCIL, AND INCORPORATING INTO THE ORDINANCE THE DUTIES OF THE COMMISSION PREVIOUSLY ADOPTED BY RESOLUTION OF APRIL 8, 1992.

WHEREAS, Section 2708 *et seq.* of the Borough Code, 53 PA. STAT. ANN. § 47708 *et seq.*, authorizes a borough to establish a recreation board to exercise the power to equip, operate, and maintain borough-owned recreation places; and

WHEREAS, by Ordinance No. 177, approved March 4, 1976, *codified as* Chapter 23 of the Code of the Borough of Alburtis, the Borough Council of the Borough of Al- burtis, Lehigh County, Pennsylvania exercised its powers under 53 PA. STAT. ANN. § 47708 *et seq.* and established a Recreation Board; and

WHEREAS, by motion adopted March 25, 1992, Council changed the name of the Recreation Board to the Alburtis Park and Recreation Commission; and

WHEREAS, by resolution adopted April 8, 1992, Council established the duties of the Park and Recreation Commission; and

WHEREAS, under Ordinance No. 177, two members of the Park and Recreation Commission shall be members of the School Board of the East Penn School District or its nominees; and

WHEREAS, Section 2709 of the Borough Code, 53 PA. STAT. ANN. § 47709, per- mits Council to appoint all of the members of the Park and Recreation Commission; and

WHEREAS, Council desires to appoint all of the members of the Park and Recreation Commission; and

WHEREAS, Council desires to amend and restate Chapter 23 of the Code of the Borough of Alburtis to include the provisions of the resolution of April 8, 1992;

NOW, THEREFORE, be it **ORDAINED and ENACTED** by the Borough Council of the Borough of Alburtis, Lehigh County, Pennsylvania, that Chapter 23 of the Code of the Borough of Alburtis shall be amended and restated in its entirety to read as follows:

CHAPTER 23 — PARK AND RECREATION COMMISSION

§ 23-1 Establishment.

Council hereby establishes the Alburtis Park and Recreation Commission pursuant to the authority granted in Sections 1202(74) and 2708 *et seq.* of the Borough Code, 53 PA. STAT. ANN. §§ 46202(74), 47708 *et seq.*

§ 23-2 Composition of Commission.

The Alburtis Park and Recreation Commission shall consist of five (5) persons who shall be residents of the Borough. Each member shall be appointed by Council to serve for a term of five (5) years. The terms of the members shall be staggered so that the term of one (1) member shall expire each March 4 (the anniversary of the creation of the Commission). In the event of a vacancy on the Commission, Council shall appoint a qualified individual to serve for the remainder of the term (even if the position was previously appointed by the School Board of the East Penn School District). Members of the Park and Recreation Commission shall serve without pay.

§ 23-3 Organization of Commission.

The members of the Park and Recreation Commission shall elect their own Chairman, Secretary, and such other officers as they deem necessary. Each officer shall serve for a period of one (1) year. The Commission may adopt rules and regulations for the conduct of its business.

§ 23-4 Duties and Powers.

The Park and Recreation Commission shall supervise, equip, operate, and maintain public parks, parkways, playgrounds, playfields, swimming pools, public baths, bathing places, indoor recreation centers, and/or gymnasiums owned or leased by the Borough, subject to the restrictions of Section 23-5, promote recreational opportunities for Borough residents, and advise Council on matters relating to parks, recreation, and open space. In the exercise of these powers, the Park and Recreation Commission shall:

- A.** Expand and help others to expand the range and variety of recreational programs available in the Borough.
- B.** Help promote existing Borough recreation organizations.
- C.** Encourage existing Borough recreation organizations to become more involved in meeting the leisure needs of Borough residents.
- D.** Develop a master site plan which explores the feasibility of curing some or all of the facility deficiencies identified in the Alburdis Parks, Recreation, and Open Space Plan.
- E.** Explore mechanisms for assisting quasi-public Borough recreation organizations in upgrading and maintaining their properties.
- F.** Work with Lehigh County and the Lehigh County Wildlands Conservancy to improve existing recreational resources which are under their control.

G. Continue to review plans and make recommendations to Borough Council with respect to Borough requirements that developers and subdividers dedicate suitable recreation land or pay fees in lieu of such dedication.

H. Establish and maintain an annual maintenance calendar for all Borough-owned or leased park, recreation, or open space land.

I. Prepare an annual recreation newsletter for distribution to Borough residents describing recreation activities in and around the Borough.

J. Re-evaluate the Alburdis Parks, Recreation, and Open Space Plan at least annually.

K. Submit an annual report to Council in connection with the preparation of the Borough budget, which shall include an analysis of community recreation areas, facilities, and leadership, with particular reference to the extent or adequacy of the programs and their effectiveness in view of the public expenditures involved and public needs.

L. Perform all other duties necessary or convenient to carry out its powers, or to provide helpful and timely advice and recommendations to Council on matters relating to parks, recreation, and open space within the Borough or for the benefit of Borough residents. The enumeration of specific duties in subsections A through K above shall not be construed as being an exhaustive list of the functions to be performed by the Alburdis Park and Recreation Commission.

§ 23-5 Limitations.

The Park and Recreation Commission shall not employ any persons, engage any consultants, expend any funds, or enter into any obligations unless such actions have been authorized by Council. Council may authorize Borough employees to assist in executing the duties of the park and Recreation Commission. However, all Borough employees assigned

any duties or responsibilities in connection with the supervision, equipment, operation, and maintenance of Borough recreation places shall remain subject at all times to their regular supervisors and, ultimately, Council, and shall not be directed by the Park and Recreation Commission or any of its members. Council reserves the right to rescind any action taken by the Park and Recreation Commission at any time.

DULY ORDAINED and **ENACTED** by the Borough Council of the Borough of Al-
burtis, this 25th day of July, 2001, in lawful session duly assembled.

**BOROUGH COUNCIL
BOROUGH OF ALBURTIS**

Steven R. Hill, President

Attest:

Melanie Hansen, Secretary

AND NOW, this 25th day of July, 2001, the above Ordinance is hereby **APPROVED**.

Ronald J. DeIaco, Mayor