

TOWNSHIP OF SOUTH MIDDLETON  
CUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 84-04

AN ORDINANCE ESTABLISHING RULES AND REGULATIONS  
FOR PARKS AND RECREATIONAL AREAS  
BELONGING TO THE TOWNSHIP OF SOUTH MIDDLETON;  
ASSIGNING CERTAIN AUTHORITIES AND DUTIES IN  
CONNECTION THEREWITH AND PROVIDING FOR  
ENFORCEMENT AND PENALTIES FOR THE VIOLATION THEREOF

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

SECTION 1: PURPOSE

The purpose of this Ordinance is to provide rules and regulations for the use of and conduct in the parks and recreation areas of the Township.

SECTION 2: APPLICABILITY

This Ordinance shall apply in all parks and recreation areas under the jurisdiction of the Township, unless expressly exempted. For the issuance of permits, temporary designations, authorizations, granting of approval and other actions, the approving governing agency shall be the Board of Parks and Recreation or its designee.

SECTION 3: CONSTRUCTION

In the interpretation of this and all succeeding park and recreation area Ordinances, the provision shall be construed as follows:

1. Any term in the singular shall include the plural.
2. Any term in the masculine shall include the feminine and neuter.
3. Any requirement or prohibitions of any act shall respectively extend to and include the causing and procuring, directly or indirectly, of such act.
4. No provision hereof shall make unlawful any act necessarily performed by any officer or employee of the Board or Township in line of duty or work as such, or by any person, his agent or employees, in the proper and necessary execution of the terms of any agreement with the Board or Township.

5. Any act otherwise prohibited by law or local ordinance shall be lawful if performed under, by virtue of, and strictly within the provisions of a permit so to do, and to the extent authorized hereby.

#### SECTION 4: DEFINITIONS

Animals: Includes cats, dogs, horses, any fowl or birds, and any living creatures within the jurisdiction of the park or recreation area.

Approving governing agency: Means the Board of Parks and Recreation or its designee.

Crossing: Any crossing, whether marked by a pavement or otherwise; the extension to any sidewalk space across any intersecting drive, street, highway.

Curb: Any boundary of any street, road, avenue, boulevard or drive, whether or not marked by a curb.

Director: Means the Chairman of the Board of Parks and Recreation, unless an employee position of Recreation Director is established by the Township. In the absence of said employee or a vacancy in the position, the Chairman shall serve as Director.

Park attendant: Any person employed by the Commission as a parks attendant to perform duties or tasks within the park and recreation areas.

Path: Any footpath, walk, or any path maintained for pedestrians.

Pedestrian: Means a person afoot.

Permit: Any written license issued by or under the authority of the approving governing agency permitting a special event or activity on park facilities.

Person: Any natural person, corporation, company, association, joint stock association, firm or co-partnership.

Solicitors: Persons selling goods or services by sample or taking orders for future delivery with or without accepting advance payment for the goods. Persons seeking any form of contributions.

Stopping or standing: When prohibited means any cessation of movement of a vehicle, occupied or not, except when necessary to avoid conflict with pedestrians or other traffic, including horses and bicycles.

Traffic: Means pedestrians, ridden or herded animals and vehicles, either singly or together.

Vehicle: Any conveyance (except baby carriages), including motor vehicles, trailers of all types, campers, tricycles, bicycles (motorized or not), sleds, sleighs, pushcarts, or vehicles propelled by other than muscular power; also any horse or horse-drawn conveyance.

Vending: Selling or trading any item or service.

## SECTION 5: STRUCTURES, PLANTS, TREES, EARTH, RUBBISH

It shall be unlawful for any person in a public park or recreation area to:

1. Mark, deface, disfigure, injure, tamper with or displace or remove, any buildings, bridges, tables, benches, fireplaces, railings, pavings or paving materials, water lines or other public utilities (or parts or appurtenances thereof), signs, notices or placards, whether temporary or permanent, monuments, stakes, posts or other boundary markers, or other structures or equipment, facilities or park property, or appurtenances whatsoever, either real or personal.

2. Fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition. No person over the age of six years shall use the restrooms and washrooms designated for the opposite sex.

3. Dig or remove any soil, rock, sand, stones, trees, shrubs or plants, or other wood or materials, or make any excavation by tool, equipment, blasting or other means or agency.

4. Construct or erect any building or structure of whatever kind, whether permanent or temporary, or run or string any public service utility into, upon or across such lands, except on special written permit issued hereunder.

5. Damage, cut, carve, mark, transplant or remove any plant, or injure the bark, or pick flowers or seed of any tree or plant, dig in or otherwise disturb grass areas, or in any other way injure the natural beauty or usefulness of any area.

6. Climb any tree or walk; climb, stand or sit upon monuments, vases, planters, fountains, railings, fences, or upon any other property not designated or customarily used for such purpose.

7. Attach any rope or cable or other contrivance to any tree, fence, railing, bridge, bench or other structure.

8. Throw, discharge or otherwise place or cause to be placed in the waters or any fountains, pond, lake, stream or other body of water in or adjacent to any park or any tributary, stream, storm sewer or drain flowing into such water, any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters.

9. Take into, carry through, or put into any park, any rubbish, refuse, garbage or other material. Such refuse and rubbish shall be deposited in receptacles so provided. Where receptacles are not provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere.

10. Bring any glass container into any park or recreation area.

11. Cause or permit to run loose any animal.

12. Tie or hitch an animal to any tree or plant.

13. Hunt, molest, harm, frighten, kill, trap, pursue, chase, tease, shoot or throw missiles at any animal, wildlife, reptile or bird; nor shall he remove or have in his possession the young of any wild animal, or the eggs or nest, or young of any reptile or bird. Exception to the foregoing is made in that snakes known to be deadly poisonous may be killed on sight.

14. Walk a dog without a leash, said leash to be no longer than six feet.

15. Ride a horse except on designated bridle trails; horses shall be thoroughly broken and properly restrained, and ridden with due care, and shall not be allowed to graze or go unattended.

16. Walk a domestic animal without a leash, said leash to be no longer than six feet. Further, the owner or person having custody of said domestic animal shall be responsible for removal of any animal solid waste.

## SECTION 6: VEHICLES

It shall be unlawful for any person in a public park or recreation area to:

1. Drive any vehicle on any area except the paved park roads or parking areas, or such areas as may on occasion be specifically designated as temporary areas.

2. Park a vehicle anywhere except on a designated parking area.

3. Leave a vehicle standing or parked in established parking areas or elsewhere in the park and recreation areas during hours when the park and recreation area is closed. During a snowstorm, and for three days thereafter, established parking areas in parks and recreation areas may be utilized for parking, but not by trailers of any kind.

4. Leave a bicycle in a place other than a bicycle rack when such is provided and there is space available.

5. Ride a bicycle without reasonable regard to the safety of others.
6. Leave a bicycle lying on the ground or paving or set against trees, or in any place or position where other persons may trip over or be injured by them.
7. Wash any vehicle.
8. Drive or operate within the parks any bus or vehicle adapted for more than twelve passengers; any hearse, truck or tractor, or vehicle used for advertising, provided that taxis, buses and trucks may be used to carry visitors to the parks and recreation areas.
9. Use the parks, park drives, parking places or parkways for the purpose of demonstrating any vehicles, or for the purpose of instructing another to drive or operate any vehicle; nor shall any person use any park area, including parking places, for the repairing or cleaning of any vehicle, except in an emergency.
10. Cause or permit a vehicle in tow of another vehicle to enter the parks or proceed therein, except that in a case of a breakdown a disabled vehicle may be towed to the nearest exit; or operate or drive a vehicle containing any person or object projecting or hanging outside of or beyond the side or the rear thereof.

#### SECTION 7: FIREARMS, WEAPONS, TOOLS

It shall be unlawful for any person to bring into or have in his possession in any park or recreation area:

1. Any pistol or revolver or objects upon which loaded or blank cartridges may be used. Official starters, at authorized track and field events, are excepted from this restriction.
2. Any burglar tools.
3. Any rifle, shotgun, BB gun, air gun, spring gun, slingshot, bow, or other weapon in which the propelling force is gunpowder, a spring or air.

#### SECTION 8: EXPLOSIVES AND FIREWORKS

It shall be unlawful for any person to:

Have in his possession or set off any fireworks. Permits may be given for conducting properly supervised fireworks in designated park areas.

#### SECTION 9: ADVERTISING, ASSEMBLAGES, ENTERTAINMENT

A. No person shall post, paint, affix, distribute, deliver, place, cast or leave about any bill, billboard, placard, ticket, handbill, circular or advertisement.

B. No person shall do any of the following without a permit, provided that no permit shall be required for any action or event sponsored by the Township or the Board of Parks & Recreation.

1. Display any advertising signs or other advertising matter, provided that a sign attached to a vehicle to identify the vehicle, or a sign lawfully on a taxi or bus, is not prohibited.

2. Operate for advertising purposes any musical instrument, soundtrack or drum.

3. Hold public assemblages.

4. Conduct exhibitions.

5. Hold a parade.

#### SECTION 10: MERCHANDISE, SALE PROHIBITED

No person shall expose or offer for sale any article in any park or recreation area without a license as a concessionaire or peddler.

#### SECTION 11: IGNITABLE AND COMBUSTIBLE MATERIALS

No person shall kindle, build, maintain or use a fire except in places provided for such purposes. Any fire shall be continuously under the care and direction of a competent person from the time it is kindled until it is extinguished. No person shall throw away or discard any lighted match, cigar, cigarette, tobacco, paper or other material within or against any building, boat or vehicle, or under any tree or in underbrush.

#### SECTION 12: ALCOHOLIC BEVERAGES, CONTROLLED DANGEROUS SUBSTANCES, ALMS, GAMBLING

While in a public park or recreation area, all persons shall conduct themselves in a proper and orderly manner, and in particular no person shall:

1. Bring alcoholic beverages or controlled dangerous substances, drink or use the same at any time, nor shall any person be under the influence of intoxicating liquor or a controlled dangerous substance in a park or recreation area.

2. Solicit alms or contributions for any purpose, whether public or private.

3. Play any game of chance or have possession of any instrument or device for gambling.

4. Play, engage or take part in any game or competitive sport for money, or other valuable thing, without a written permit.

### SECTION 13: MISCELLANEOUS CONDUCT

It shall be unlawful for any person in a park or recreation area to:

1. Camp or stay overnight anywhere except in areas designated for camping or staying overnight in vehicles or trailers.

2. Take part in the playing of any games involving thrown or otherwise propelled objects except in those areas designated for such forms of recreation.

3. Play football, baseball, basketball, soccer or lacrosse, except in areas designated for such games.

4. Rollerskate or use skateboards except in those areas specifically designed for such pastimes.

5. Enter an area posted as "closed to the public."

6. Engage in threatening, abusive, insulting or indecent language, or engage in any disorderly conduct or behavior tending to breach the public peace.

7. Fail to produce and exhibit any permit he claims to have, upon request of any authorized person who shall desire to inspect the same for the purpose of enforcing compliance with any Ordinance or rule.

8. Disturb or interfere unreasonably with any person or party occupying any area or participating in any activity under the authority of a permit.

9. Erect or occupy any tent, stand or other structure in any park or playground, or sell or give away from any such tent, stand or other structure any food, drink or other thing, without a permit.

### SECTION 14: PICNIC AREAS

It shall be unlawful for any person or group of persons to hold a picnic in any park, except in areas set aside or specifically designated as picnic areas. A permit must be secured for any picnic with more than twenty participants.

### SECTION 15: CLOSING HOURS

No person shall be in any park during the hours the park is closed. All parks are closed from sundown to sunrise, except athletic areas specially lighted for evening use

which shall close at 11:00 P.M., prevailing time. Closing hours will be posted at all parks.

#### SECTION 16: REGULATED ACTIVITIES

The following activities are permitted only at times and in areas so designated for that purpose, and are prohibited elsewhere within the parks:

1. Swimming, bathing, wading, fishing.
2. Ice skating, sledding, skiing.
3. Model airplane flying.
4. Boating on ponds (without motors).
5. Baseball.
6. Police pistol range
7. Archery.
8. Horseshoe pitching.
9. Tennis.
10. Picnicking.
11. Camping.
12. Football and track.
13. Basketball.
14. Soccer.
15. Bicycle riding.
16. Throwing or propelling any objects
17. Rollerskating.

#### SECTION 17: PERMITS

A. Permits for special events in parks and recreation areas shall be obtained by application to the approving Board or its designee, in accordance with the following procedure:

1. A person seeking issuance of a permit hereunder shall file an application stating:

- a. The name and address of the applicant.
- b. The name and address of the person, persons, corporation or association sponsoring the activity, if any.
- c. The day and hours for which the permit is desired.
- d. The park or portion thereof for which the permit is desired.
- e. Any other information reasonably necessary to a determination as to whether a permit should be issued hereunder.
- f. Variances required from park rules and regulations.

2. Standards for issuance of a use permit shall include the following:

- a. That the proposed activity or use of the park will not unreasonably interfere with or detract from the general public's enjoyment of the park.
- b. That the proposed activity or uses that are reasonably anticipated will not include violence, crime or disorderly conduct.
- c. That the proposed activity or use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation.
- d. That the proposed activity will not entail extraordinary or burdensome expense or special supervision by the Township.
- e. That the facilities desired have not been reserved for other use on the date and hour requested in the application.

B. Appeal: Within ten days after the receipt of an application, the Board shall tell an applicant in writing of its decision to grant or deny a permit; in the event of denial, the notification shall include the reason for the denial. Any aggrieved person shall have the right to appeal to the Township by serving written notice thereof on the Secretary within five working days of said refusal. A copy of said notice shall also be served on the Recreation Board within the same time, and said Board shall immediately forward the

application and the reasons for its refusal to the Township. The Township shall decide within ten days from the receipt of the appeal by the Secretary, or at its first meeting after the appeal, whichever is later. The decision of the Township shall be final.

C. A permittee shall be bound by all park rules and regulations, and all applicable Ordinances, fully as though the same were inserted in said permits.

D. An applicant for a permit may be required to submit evidence of liability insurance covering injuries to members of the general public arising out of such permitted activities, in such amounts as may be from time to time determined, prior to the commencement of any activity or issuance of any permit.

E. Revocation. The Township shall have the authority to revoke a permit upon a finding of violation of any rule or Ordinance, or upon good cause shown.

#### SECTION 18: FEES

Fee schedules for permits and other uses of park facilities shall be promulgated by Township from time to time upon recommendation by Board.

#### SECTION 19: ENFORCEMENT

A. The Recreation Board and Park and Recreation Area Director and attendants shall, in connection with their duties imposed by law, diligently enforce the provisions of this Ordinance.

B. The Recreation Board, Park and Recreation Area Director and any attendant shall have the authority to order any person or persons acting in violation of this Ordinance to leave the park or recreation area.

#### SECTION 20: PENALTIES

Any person who shall violate any of the provisions of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not less than twenty-five dollars (\$25.00) nor more than three hundred dollars (\$300.00), all costs of prosecution for each and every offense, before any District Magistrate, and in default of payment of such fine and costs, to imprisonment for not more than ten days in the Cumberland County Jail. Provided: Each day's violation of any of the provisions of this Ordinance shall constitute a separate offense.

#### SECTION 21: EFFECTIVE DATE

This Ordinance shall become effective in accordance with law.

#### SECTION 22: 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 this Board of Township Supervisors that such remainder shall be and shall remain in full force and effect.

SECTION 23: REPEALER

All other Ordinances or parts of Ordinances inconsistent herewith shall be and the same are hereby repealed.

ENACTED AND ORDAINED this 2nd day of August, 1984.

ATTEST:

Ann H. Neimer  
Township Secretary

Robert R. Black, Solicitor  
Landis & Black  
36 South Hanover Street  
Carlisle, PA 17013

TOWNSHIP OF SOUTH MIDDLETON  
Cumberland County, Pennsylvania

By Dale Jones, Jr.  
Chairman, Board of Township  
Supervisors