

**BOROUGH OF CASTLE SHANNON  
RESOLUTION NO. 349**

A RESOLUTION OF THE BOROUGH OF CASTLE SHANNON SETTING FORTH RULES AND REGULATIONS FOR THE MANAGEMENT AND PROTECTION OF ALL PUBLIC PARKS, RECREATION AREAS, AND STRUCTURES OR OTHER FACILITIES OWNED AND MAINTAINED BY SAID BOROUGH AND PROVIDING PENALTIES FOR VIOLATION THEREOF AS AUTHORIZED BY ORDINANCE 761 OF THE BOROUGH OF CASTLE SHANNON.

WHEREAS, Ordinance 761 of the Borough of Castle Shannon authorizes Borough Council by resolution to set forth rules and regulations for the management and protection of all public parks, recreation areas, and structures or other facilities owned and maintained by the Borough; and

WHEREAS, the Borough Council of the Borough of Castle Shannon desires to exercise said authority,

NOW, THEREFORE, BE IT RESOLVED BY COUNCIL ASSEMBLED this 22nd day of June, 1992, as follows:

SECTION 1 - DEFINITION - The following words and terms shall have the meaning set forth herein:

Animals--include cats, dogs, horses, any fowl or birds and any living creature within the perimeter of the park, recreation area, or other Borough property.

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.

Motorcycle, Motor Scooter, Motorbike or Bicycle with motor attached--any vehicle, whether two (2) or three (3) wheels, operated by a gasoline motor, whether or not an operator's license may be necessary to operate same.

Park attendant--any person employed by the Borough as a parks attendant to perform duties or tasks within the park and recreation areas, including but not limited to a Park Security Officer.

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 Borough permitting a special event or activity on park facilities, recreation areas, or other Borough property.

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

Public Park, Public Recreational Area or Public Property of the Borough of Castle Shannon --any area of land or any structure which is owned by the Borough of Castle Shannon or which was acquired for public use, whether or not the area has been redesigned into a recreational area or whether the said area is still open and not completed as a park or recreational area.

Recreation Area--any park, playground, play area, recreational building or facility used for recreational purposes including swimming pools, tennis courts, basketball courts,

horseshoe areas, softball and baseball fields, soccer fields and any and all other recreational forms.

Soliciting--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 or 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 2 - GENERAL AVAILABILITY OF PARKS AND RECREATION AREAS

A. Except as otherwise designated by the Borough, public parks shall be open to the public every day of the year from 8:00 a.m. to 9:00 p.m. except as otherwise posted. No unauthorized person shall be in any park when the park is not open to the public.

B. Any section or part of any public park, public recreation area, or other Borough property may be declared to be closed to the public by the Borough Manager or the Manager's designee at any time and for any interval of time, either temporarily or at regular and stated intervals, daily or otherwise, and either entirely or merely to certain uses, as the Borough Manager shall find reasonably necessary.

C. Recreation areas other than parks shall be available according to a schedule established by the Borough Manager or the Manager's designee.

D. Other Borough property shall be available according to a schedule established by the Borough Manager or the Manager's designee.

SECTION 3 - PERMITS - Permit for use of parks, recreation areas and structures or other facilities owned and maintained by the Borough, or for parts thereof, shall confer upon the permittee priority over any other persons concerning the uses authorized by the permit. Permits may be obtained from the office of the Borough Manager. Permit fees shall be as set forth in the Borough fee schedule as adopted by Borough Council from time to time. See Appendix A.

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

- i. the name and address of the applicant.
- ii. the name and address of the person, persons, corporation or association sponsoring the activity, if any.
- iii. the day and hours for which the permit is desired.
- iv. the park or portion thereof for which the permit is desired.
- v. any other information reasonably necessary to a determination as to whether a permit should be issued hereunder.

- vi. variance required from park rules and regulation.
- B. Standards for issuance of a use permit shall include the following findings:
- i. 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.
  - ii. that the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation.
  - iii. that the proposed activity or uses that are reasonably anticipated shall not be such that in the discretion of the Borough Council would be likely to lead to violence, riot or disorderly conduct.
  - iv. that the proposed activity will not entail extraordinary or burdensome expense or police operation by the Borough.
  - v. that the facilities desired have not been reserved for other use on the date and hour requested in the application. That the person requesting use of the facility be a Castle Shannon resident and be present at the function and/or activity scheduled.
  - vi. that any persons operating concessions or requesting the use of the parks, recreation areas or other Borough property for activities not officially sponsored by the Borough shall sign "Hold Harmless Agreements"; further, that any persons wishing to have and to consume beer where not prohibited shall provide a certificate of homeowners/renters or other appropriate insurance; further, that any person wishing to sell any food or other goods shall provide a certificate of product liability insurance.
- C. False information concerning the permit applicant shall invalidate the permit automatically, shall cause forfeit of any and all fees paid, and shall constitute a violation of these rules and regulations.

**SECTION 4 - PROHIBITED ACTIONS AND CONDUCT** - It shall be unlawful for any person in a public park, recreation area, structure or facility:

- A. to willfully mark, deface, disfigure, injure, tamper with or displace or remove any buildings, bridges, tables, benches, fireplaces, railings, pavings or paving materials, waterlines or other public utilities or parts or appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts or other facilities or any park property or appurtenance whatsoever, either real or personal.
- B. to fail to cooperate in maintaining rest rooms in a neat and sanitary condition. No person over the age of six (6) years shall use the rest rooms designated for the opposite sex.
- C. to 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.

- D. to damage, cut, carve, transplant or remove any tree or plant or injure the bark or pick the flowers or seeds of any tree or plant, dig or otherwise disturb grass areas or in any other way injure the natural beauty or usefulness of any area.
- E. to climb any tree or sit, walk or stand upon monuments, vases, planters, fountains, railings, fences or upon any other property not designated or customarily used for such purposes.
- F. to tie or hitch an animal to any tree or plant.
- G. to hunt, molest, harm, frighten, kill, trap, pursue, chase, tease, shoot or throw missiles at any animal, wildlife, reptile or bird, nor shall he remove to have in his possession the young of any wild animal or the eggs or nest or the young of any reptile or bird.
- H. to throw, discharge or otherwise place or cause to be placed in the waters of any fountain, 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.
- I. to leave a vehicle standing or parked at night in established parking areas or elsewhere in the park areas after 9:00 p.m.
- J. to leave a bicycle lying on the ground or pavement or set against trees or in any place or position where other persons may trip over it or be injured by it.
- K. to carry or possess firearms of any description or air rifles, spring guns, bows and arrows, slings or any other form of weapon potentially inimical to wildlife and dangerous to human safety or any instrument that can be loaded with and fire blank cartridges or any kind of trapping device unless so authorized by the Borough Manager or Police Chief.
- L. to have in his possession or set or otherwise cause to explode or discharge or burn any firecrackers, torpedo rockets or other fireworks, firecrackers or explosives of flammable material, or discharge them or throw them into any such areas from lands or highways adjacent thereto. This prohibition includes any substance, compound, mixture or article that, in conjunction with any other substance or compound, would be dangerous from any of the foregoing standpoints.
- M. to appear at any place in other than proper clothing.
- N. to solicit alms or contributions for any purpose, whether public or private.
- O. to enter an area posted as "closed to the public" nor shall any person use or abet in the use of any area in violation of posted notices.
- P. to sleep or lounge protractedly on the seats or benches or other areas, or to engage in loud, boisterous, threatening, abusive, insulting or indecent language, or to engage in any disorderly conduct or behavior tending to breach the public peace, or to cause loud or excessive noise by using radios or other similar electronic devices.

Q. to disturb or interfere unreasonably with any person or party lawfully occupying any area or participating in any lawful activity.

R. to bring any glass container into any park or recreation area.

S. to bring any domestic animal into or within the confines of any recreational area. Domestic animals shall be prohibited in all parks, recreational areas, or other facilities even though accompanied by its owner and even though on a leash.

T. to bring alcoholic beverages, or controlled dangerous substances, to drink or use the same at any time, or to be under the influence of intoxicating liquor or a controlled dangerous substance in a park or recreation area or other facility.

U. to conduct or to participate in lotteries or other gambling or games of chance.

V. to clean, polish, grease, lubricate or make repairs to any vehicle except those of a minor nature and then only in cases of emergency.

W. to fail or neglect clean up, and place all waste paper, litter, and other refuse in receptacles provided for that purpose.

SECTION 5 - SPECIAL REGULATED ACTIONS AND CONDUCT - It shall be unlawful for any person or persons in a public park, recreation area, structure, or facility to take the following actions or to engage in the following conduct without doing so in complete compliance with the rules and regulations set forth below:

A. to 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 by separate and specific agreement with the Borough.

B. to bring in or to dump in, to deposit or to leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage or refuse or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any park or other Borough property, nor shall it be left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided. Where receptacles are not provided, all such rubbish or waste shall be carried away from the park or other Borough property by the person responsible for its presence, and it shall be properly disposed of elsewhere.

C. to drive any vehicle on any area except the park roads or parking areas or such areas as may on occasion be specifically designated as temporary areas by the Borough.

D. to park a vehicle in other than an established or designated parking area, and such shall be in accordance with posted directions there. Vehicles may enter lower shelter house area to unload and load material, but shall be removed immediately.

E. to ride a bicycle without reasonable regard to the safety of others. Bicycles may be ridden on paths only.

F. to picnic or lunch in a place other than those designated for that purpose. Attendants shall have the authority to regulate the activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. Visitors shall comply with any directions given to achieve this end.

G. to take part in or abet the playing of any games involving thrown or otherwise propelled objects such as balls, stones, arrows, javelins, horseshoes, quoits or model airplanes, except in those areas set apart for such forms of recreation. The playing of rough or comparatively dangerous games such as football, baseball and lacrosse is prohibited, except on the fields and courts or area provided therefor. Roller-skating shall be prohibited on tennis facilities; roller-skating may occur on pathways but only with reasonable regard to the safety of others. Skateboarding is prohibited.

H. to build or attempt to build a fire, except in such areas and under such regulations as may be designated by the Borough. No person shall drop, throw or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper or other flammable materials within any park or on any highways, roads or streets abutting or contiguous thereto.

I. to have vehicles in excess of 3/4 ton weight shall be prohibited in any public park or recreational area unless specifically authorized by the Borough Manager.

J. the serving or drinking of beer is restricted to the upper and lower pavilion and kitchen area of Hamilton Park and is prohibited on the ball-fields, tennis courts, basketball courts, playground areas and any other location other than the said area which has been reserved by permit, and such serving or drinking shall be subject to the terms of the permit, and the behaviors of the Permittee and guest shall be subject to all provisions of these rules and regulations.

K. no loudspeakers, amplifiers or other means of sound amplification will be permitted in parks or parklets or islands without written permission of the Borough Manager or his designated representative, and then only for specific uses and times as designated in the permit.

L. public meetings, assemblages or parades may not take place within the limits of the park without the permission of the Borough Manager.

M. peddlers, picnic parties or any other person or persons whatsoever may not sell or offer for sale any article or service for hire within the limits of the park, or set up therein any stand or booth for such purpose, or distribute or display handbills, cards or advertisements of any nature whatsoever, unless duly authorized to do so by the Borough Manager.

SECTION 6 - SPECIAL RULES AND REGULATIONS PERTAINING TO USE OF MULTI-PURPOSE ROOM AND/OR THE MEETING ROOM WITHIN THAT BOROUGH PROPERTY KNOWN AS THE COMMUNITY LIBRARY OF CASTLE SHANNON - Said rules and regulations shall be those set forth in Appendix B, attached hereto and made a part hereof.

SECTION 7 - REVOCATION OF PRIVILEGES - The Borough shall have the authority to eject from any park, recreation area, structure or any other facility owned and operated by said Borough any person or persons acting in violation of this Resolution. Any Permittee so ejected shall forfeit any and all fees paid.

#### SECTION 8 - ENFORCEMENT

A. Borough Police Officers will enforce the rules and regulations set forth herein as part of their normal duties.

B. The Park Security Officer and the Library Director hereby are authorized to act under the authority set forth in Section 7 above, and this authorization includes revoking any permits issued pursuant to this Resolution held by any person or persons violating the Rules and Regulations set forth herein.

C. All Borough Officials and employees hereby are authorized to inform persons using parks or recreation areas about the Rules and Regulations set forth herein and to encourage said persons to abide thereby.

SECTION 9 - PENALTY - The penalties for violating the Rules and Regulations set forth herein shall be those stipulated in Ordinance 761, Section 3.

SECTION 10 - SEVERABILITY - Each section of this Resolution shall be severable from the whole of the Resolution in the event said section shall be found to be invalid.

RESOLVED BY COUNCIL ASSEMBLED this 22nd day of June, 1992.