

ORDINANCE NO. _____
FREELAND BOROUGH, LUZERNE COUNTY, PENNSYLVANIA

**AN ORDINANCE AMENDING CHAPTER 16, PARKS AND
RECREATION, PART 1, PARK REGULATIONS**

CHAPTER 16
PARKS AND RECREATION

- §101. Definitions
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Part 1
Park Regulations

§101. Definitions. As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

BOROUGH- means Freeland Borough, Luzerne County, Pennsylvania.

BOROUGH COUNCIL- means the elected council members of Freeland Borough.

BOROUGH OFFICIAL- includes any police officer, code official, council member, mayor, recreation board member, employee, or other appointed official of the Borough.

LITTER- means a person who throws, deposits, allows to fall, discharged or leaves in, or otherwise introduce into any park waste, garbage, paper, bottles, refuse, or rubbish or any substance, liquid, solid, gas, or other item in a park; or who tips over, scatters, or disturbs the contents of any receptacle container.

PARK OR PARKS- includes all parks, playgrounds, recreational areas, tennis courts, basketball courts, field, recreational structures and facilities, and also entrances and approaches thereto, and all other land or property or structures under the jurisdiction of the Recreation Board, now or hereafter owned or acquired by the Borough for park or recreational purposes.

PERSON- any natural person, corporation, society, organization, company, association, firm, partnership, or other entity.

RECREATION BOARD- means those persons appointed by Borough Council to maintain parks within the Borough.

RULES AND REGULATIONS- any rules and regulations hereby or hereinafter promulgated by the Recreation Board under the authority herein conferred.

INAPPROPRIATE SEXUAL BEHAVIOUR- means any activity by a person that reasonably appears to be intended to sexually arouse that person or another person, and in which such person exposes his or her buttock or genitalia, or the area of the female breast below the top of the areola.

SMOKING- means the act of emitting or exhaling smoke from a cigarette, cigar, pipe or any other lighted smoking device or vapor producing device. The term includes the use of (a) Any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff; and (b) Any electronic device that delivers nicotine or other substances to the person inhaling from the device, including, but not limited to an electronic cigarette, cigar, pipe, or hookah.

STRUCTURE- means any man-made object having an ascertainable stationary location on land or water within a park.

SOUND MAKING DEVICE- means a device that emits, amplifies, or produces sounds including radios, receivers, phonographs, television receivers, amplified musical instruments, portable speakers, tape recorders, cassettes or disc players, speaker devices or systems, and any sound amplifiers or systems.

UNREASONABLE NOISE- means any excessive or unusually loud sound that disturbs the peace, comfort or repose of a reasonable person of normal sensitivity or injures or endangers the health or safety of a reasonable person of normal sensitivity, or damage to property.

§102. General Regulations.

1. Hours of Operation. All parks shall be opened daily to the public between the hours of dawn and dusk, or not later than 9:00 p.m. or earlier than 7:00 a.m., whichever comes first. All activities in the parks shall cease and all persons in the parks shall leave as soon as possible thereafter unless authorized by the Recreation Board or Borough Council. No person, other than authorized employees of the Borough, shall be in the parks at any time between dusk or 9:00 p.m. (whichever comes first) and 7:00 a.m. on the following morning unless otherwise posted or permitted by the Borough.

2. Closure for Cause. Any park or portion thereof which becomes hazardous for public use due to weather, water, fire, hazard, or unforeseeable conditions may be closed by the Borough for the duration necessary to ensure the safety and well-being of the public.
3. Leasing of Parks and Buildings. The Recreation Board may allow the exclusive use of areas or building within a park by a lease upon terms and conditions approved by Borough Council.
4. Reservations for Specific Uses. The use of all parks shall be on a first come, first served basis, unless otherwise reserved:
 - A. By permission granted by the recreation Board or Borough Council for a specific duration for the scheduling of various league games, etc.
 - B. For school or college athletic games, practice, contests or exhibitions.
 - C. For regularly scheduled School District or Borough recreation programs.
 - D. By permission granted by the Recreation Board or Borough Council for a specific use.

§103. Prohibited Conduct.

1. Destruction of Plantings, Structures or Other Property. No person shall injure, deface, remove, cut or damage any tree, plant, shrub, turf, building, structure, sign, fixture, or any other property of the Borough located within a park except when authorized by the Recreation Board or Borough Council.
2. Prohibition on Glass. No person shall possess any type of glass bottle or container in a park.
3. Littering. No person shall litter in any park. All persons shall use receptacles provided for the disposal of refuse. No person shall deposit household or commercial refuse in a receptacle.
4. Fires. No person shall start, kindle, or maintain a fire or grill in a park except in areas specifically designated and permitted for that purpose or located by the authority of the Recreation Board or Borough Council.
5. Urination and Defecation. No persons shall urinate or defecate in any park, or in or upon any park building, monument or structure, except in restroom facilities which are specifically designed for such purpose.
6. Removal of Property. No person shall move or remove any property of the Borough such as a bench, seat, bleacher, picnic table, fountain, piece of park equipment, sign, or fixture without the permission of the Recreation Board or Borough Council.
7. Signs and Postings. No person shall injure, deface, destroy, or remove any sign or posting at any place within a park except when authorized by Borough Council or the Recreation Board.
8. Vendors. No person shall set up any booth, table or stand for the sale of any goods or services whatsoever within a park without permission of the Recreation Board

- or Borough Council. No person shall distribute, sell, solicit, offer for sale, hire, lease or let anything whatsoever, including but not limited to goods, services, or entertainment, or provide or offer any services, items, or entertainment, or engage in any commercial or non-recreational activity in a park without permission of the Recreation Board or Borough Council.
9. Aviation/Flight. No person shall bring, land or cause to take off or descend within a park, any airplane, hot air balloon, parachute, hang glider, or other aerial craft, drone, or device without Recreation Board or Borough Council approval, except that certain areas may be designated by Borough Council for appropriate landing places for medical evacuation helicopters.
 10. Motor Vehicles. No person shall drive, operate, stop, stand, or park any motor vehicle including a snowmobile, mini-bike, motorcycle, and recreational vehicle except in areas where permitted or designated for such purpose by proper authority of the Recreation Board or Borough Council. No person shall operate a permit motor vehicle in a designated area in a reckless or negligent manner or in excess of any posted speed limit or in such a manner as to become a nuisance to other area users. This rule shall not apply to police or emergency vehicles or other authorized vehicles performing an official function within a park.
 11. Drugs and Alcohol. No person shall possess or consume while in a park any alcoholic beverage without permission of the Recreation Board or Borough Council. No person shall at any time possess or consume while in a park any illegal drugs. No person entering a park shall be in an intoxicated state from or otherwise under the influence of illegal drugs. No person shall drink from or possess an open container of an alcoholic beverage in any park except in areas possessing current and valid PLCB permits authorized by the Recreation Board or Borough Council. No person entering or within a park may be manifestly under the influence of alcohol.
 12. Firearms and explosives. No person shall carry or possess slingshots, firecrackers, fireworks, arrows, missile propelling instruments, explosives, or any dangerous weapons, substances, compounds or mixtures, which have such properties as to cause annoyance or injury to any person or property, unless permission has been granted by the Recreation Board or Borough Council in designated areas. No person shall discharge a firearm within a park except for police officers in the performance of their duties.
 13. Recreational Activities Limited to Certain Areas. No person shall play ball, drive or pitch golf balls, golf, throw horse shoes, engage in archery, camp, engage in finding buried objects with a metal detector, or participate in any other form of recreation, sporting endeavor or pastime, except in those areas where those types of activities may be permitted by the Recreation Board or Borough Council.
 14. Indecent Exposure or Engaging in Inappropriate Sexual Behavior. No person shall disrobe or change clothing or otherwise expose one's genitalia in any park except in buildings or facilities made available for that purpose. No person shall engage in any inappropriate sexual behavior in any park.
 15. Disorderly Conduct. No person shall disturb the peace by any conduct so as to annoy any other person; nor shall any person use threatening, abusive, insulting,

- profane, or obscene language or words, or engage in fighting or harassing behavior while in a park.
16. Events or Unlawful Assemblies. No person shall hold or sponsor any event, meeting, assembly, or rally with more than ten people without approval from the Recreation Board or Borough Council.
 17. Disobeying Lawful Orders. No person shall disobey a proper order a police officer, or Borough Official, or disobey or disregard or fail to comply with any rule or regulation, warning, prohibition, instruction or direction given by an authorized person or posted and displayed by sign, notice, or posting, or when notified or informed as to its existence by any Borough Official.
 18. Hunting Prohibited. No person shall hunt for, capture or kill, or attempt to capture or kill, or aid or assist in the capturing or killing of, in any manner, any bird or animal, either game or otherwise, and to that end, it is unlawful for any person to carry onto or possess in any park, a shotgun or rifle unless specific permission is granted for a designated area by authority of the Recreation Board.
 19. Animals. No person owning, possessing or controlling any animal shall cause or allow such animal to be unleashed or unrestrained in any park unless permitted by the Recreation Board or Borough Council or authorized by law. No person shall allow any animal in his or her custody or control to discharge any fecal matter in any park unless he or she promptly picks up, removes, and lawfully disposes of same.
 20. Radios, Music and Sound Making Devices. No person shall play or operate any musical instrument, radio, or other sound making device except when approved by the Recreation Board or Borough Council or through the use of headphones.
 21. Noise. No person shall make, or cause or allow to be made, unreasonable noise in any park so as to cause public inconvenience, annoyance or harm.
 22. Climbing Prohibited. No person shall climb any wall, fence, building, tree, or structure, statue or monument unless specifically intended for climbing purposes.
 23. Smoking Prohibited. No person shall engage in smoking in any park except in areas designated by Borough Council or the Recreation Board.
 24. Bicycles. Any person bringing a bicycle into a park shall obey all signs. No bicycle shall be ridden or operated in mulch, vegetated, or landscaped area. Bicycles shall be operated on paths. Bicyclists shall be cautious of pedestrians and shall not operate a bicycle in a reckless manner as to cause harm to other persons or property.

§104. Enforcement. The police or code officials of the Borough are charged with enforcement of the provisions of this Part.

§105. Penalties. Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred (\$600.00) dollars plus costs and, in default of payment of said fines and costs, to a term of imprisonment not to exceed thirty (3) days.

§106. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Part is for any reason held invalid or unconstitutional by any Court of competent

jurisdiction, such portion shall be deemed a separate and distance and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

§107. Repealer. All ordinances thereof which are inconsistent with this Part are hereby repealed to the extent of their inconsistencies.

§108. Effective date. This Part shall become effective immediately following its adoption.

Adopted this ___ day of _____, 2018, by Borough Council.

ATTEST:

FREELAND BOROUGH COUNCIL:

Secretary

President

APPROVED BY THE MAYOR: _____