

**HONEY BROOK TOWNSHIP
CHESTER COUNTY, PA
ORDINANCE #188-2017**

**AN ORDINANCE OF THE TOWNSHIP OF HONEY BROOK
REGULATING PARKS, FOR ADDITION TO THE CODE OF
HONEY BROOK TOWNSHIP AS A NEW CHAPTER 17 ENTITLED
PARKS AND RECREATION**

WHEREAS, the Pennsylvania Second Class Township Code, Section 2203(a), authorizes the Board of Supervisors by ordinance to regulate the use and enjoyment by the public of any park or recreation grounds owned and operated by the township or charitable organizations for the use of the public; and

WHEREAS, the Pennsylvania Second Class Township Code, Section 2203(b), authorizes the Board of Supervisors by ordinance to prescribe rules for the use by the public of parks and recreation grounds and the facilities and amusements connected therewith and post the rules at conspicuous places in the parks or recreation grounds; and

WHEREAS, the Pennsylvania Second Class Township Code, Section 2203(c), authorizes the Board of Supervisors by ordinance, not inconsistent with State law and regulations, to regulate the time of opening and closing and the conduct of places of public entertainment, amusement and recreation; and

WHEREAS, the Pennsylvania Second Class Township Code, Section 2328(a), authorizes the Board of Supervisors by ordinance to regulate parking, provide parking accommodations to promote the convenience and protection of the public, post signs regulating parking in areas established or designated for handicapped or severely disabled veteran parking and impose penalties for the violation of those regulations; and

WHEREAS, the Board of Supervisors of Honey Brook Township desires to provide such park rules and regulations; and

NOW, THEREFORE BE IT ORDAINED by the Board of Supervisors of Honey Brook Township, Chester County, Pennsylvania, pursuant to the authority conferred by the Second Class Township Code, that the following be and is hereby enacted:

SECTION 1. The Code of the Township of Honey Brook, Chapter 17 entitled "Parks and Recreations", Part 1 entitled "Administration", is hereby added to read in its entirety as follows:

1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

AUTHORIZED – Written authorization signed by the Township Manager or his / her designee that can be produced upon request or a sign posted by a Township representative.

BOARD – The Township Parks and Recreation Board established by the Board of Supervisors of Honey Brook Township, Chester County, Pennsylvania.

MANAGER – The Township Manager appointed by the Board of Supervisors of Honey Brook Township, Chester County, Pennsylvania or his / her designee.

PARK or PARKS – Unless specifically limited, includes all parks, playgrounds, recreation, trails and open space areas, all other land, property, structures or facilities, including adjacent water areas, open to the public and under jurisdiction of the Township.

PERSON or PERSONS – Any natural person, corporation, organization of persons, league, company, association or partnership.

POLICE OFFICER – Any officer of any police department having jurisdiction in the Township, including the Pennsylvania State Police.

TOWNSHIP – Honey Brook Township, Chester County, Pennsylvania.

2. Hours of operation.

- A. Parks shall be open daily to all persons during the hours of 7:00 a.m. prevailing time until dusk except as otherwise authorized. There shall be no trespassing on park property during hours the park is closed.
- B. Parks or any portion thereof may be closed to all persons at any time by the Manager. Closing may be for any period of time.
- C. No person other than Authorized Township personnel performing their official duty shall enter or occupy a park or park area that is posted as "closed," "no trespassing" or "limited to authorized personnel only", unless specifically authorized.

3. Use of facilities.

Parks shall be used only for the purposes designated or implicit in their character. When permitted, skateboarding, in-line & roller skating, and bicycling are prohibited at all times in picnic shelters, on court areas, on sport fields and in and around concession area(s).

4. Public Gatherings, Reservations and fees.

- A. Permits are required to be obtained by any person who shall hold a meeting or gathering of 25 persons or more; who announces, advertises or otherwise invites the public to gather in a park regardless of the expected number of persons; or, who desires to use the concession stand, or to reserve the use of a special area or facility including a pavilion, sports field, court or other area as designated by the Manager. Permit applications shall be made in writing on a form provided for that purpose.
- B. The Manager shall approve or deny an application in writing within 10 working days following receipt of a completed permit application under the following conditions:

- (1) The use requested is in compliance and not in conflict with the terms and purposes of these rules and regulations and all others adopted by the Township Board of Supervisors, Board or Manager.
 - (2) Users agree to be bound by all rules, regulations and policies governing the use of any facilities as approved by the Board or Manager.
 - (3) Applications are accompanied by any fee required.
 - C. The permit application shall be in the name of a person who shall be responsible for seeing that all refuse left by the group shall be placed in proper containers before leaving the park.
 - D. Permit fees and charges shall be established from time to time by resolution of the Board of Supervisors. Other charges may be established by the Manager as needed to recover the cost for a particular service.
5. Alcoholic Beverages Prohibited.
No person in any park shall:
- A. Bring, possess or consume any alcoholic beverage unless a special permit has been issued by the Manager.
 - B. Be in an intoxicated state.
6. Motor and horse drawn vehicles.
No person in any park shall:
- A. Operate a vehicle at a speed in excess of the maximum posted limit or, where no speed limit is posted, in excess of 15 miles per hour.
 - B. Operate a vehicle off of roads or outside of parking areas except on specially designated or posted trails and other areas.
 - C. Operate any unlicensed motor vehicle, recreational or otherwise, except as authorized.
 - D. Clean, wash, repair or do any work on any vehicle except for emergency repair.
 - E. Operate any vehicle being used for business or commerce except as authorized.
7. Parking.
No person in any park shall:
- A. Park a motor or horse drawn vehicle, trailer, bicycle or other equipment at any place except in Township designated parking areas. Parking in designated parking areas shall not be allowed in such a manner as to obstruct any entrance, road, trail, path, access or exit.
 - B. Park a motor or horse drawn vehicle, trailer, bicycle or other equipment at any place within a Park after the daily closing time.
 - C. Persons owning vehicles parked in violation of this chapter are subject to penalties herein and the vehicle may be removed at the owner's expense, including storage costs upon direction of the Manager.
8. Fires.
No person in any park shall:

- A. Build, kindle, maintain or allow a fire except in stoves, grills, fireplaces or designated facilities provided for that purpose.
- B. Leave any fire unattended or not fully extinguished before being abandoned.

9. Pets.

A. No person in any park shall:

- (1) Bring or allow any dog, cat or other pet access to any park except where specifically posted for this purpose. Dogs in permitted areas must be currently licensed and vaccinated. There is a limit of two dogs per adult. Aggressive dogs are not permitted anywhere in any parks.
- (2) Bring or allow any dog to run at large in any park or to leave any pet unattended. Dogs must be leashed at all times and the leash must not be longer than six feet.
- (3) Allow a dog on any playground area, court or sports field, inside a building, concession stand or picnic pavilion.
- (4) Train or exhibit animals without approval in writing issued by the Manager.

B. Owners of any pet whether legally or illegally in any park are responsible for the immediate removal and proper disposal of fecal matter deposited by the animal.

C. Dog owners are responsible for injuries inflicted by their dog(s) to any person or other pet.

D. Seeing Eye or similar companion animals and which are controlled by the use of a harness or other restraint are exempt from this section.

10. Hunting and trapping.

No person in any park shall:

- A. Hunt, trap, pursue, capture, kill or intentionally disturb wildlife of any description except when authorized. Such authorization may only occur after the Board determines that good administration of the park requires trapping and/or hunting.

11. Firearms, weapons and explosives.

No person in any park shall:

- A. Discharge any firearm or weapon within any park except as may be authorized and permitted under state law.
- B. Carry onto, possess or discharge an air gun, BB gun, sling shot, blow gun, archery equipment, or any similar device that discharges projectiles.
- C. Possess, set-off or launch explosives or explosive devices, rockets, fireworks, sparklers or other pyrotechnical materials without written permission from the Manager.
- D. Possess any knife, hatchet or ax unless engaged in an appropriate activity.

12. Littering and dumping.

No person in any park shall:

- A. Throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond, lake, creek, stream, river or other body of water located in or adjacent to any park or any tributary, stream, storm sewer or drain flowing into such waters any substance, matter or thing, liquid or solid, which may result in the pollution of such waters.
 - B. Litter, dump, deposit or leave any bottles, broken glass, paper, boxes, cans, dirt, rubbish, garbage, refuse, trash or other waste material anywhere within any park except in proper receptacles designated for such purpose where these are provided. Where receptacles are not provided, all such materials shall be carried away from the park by the person responsible for its presence and disposed of properly elsewhere.
 - C. Dispose within any park of any waste, garbage, refuse, recycling or other material which was not generated during use of a park.
13. Commercial activity.
No person in any park shall:
- A. Charge admission to an event except when authorized.
 - B. Offer, sell, distribute, deliver, service or rent any equipment, material or commodity or otherwise engage in commercial activity except when authorized.
 - C. Announce, advertise, post, display, distribute printed materials or otherwise call the public's attention in any way in any park or roads adjacent to any park except when authorized.
14. Gambling.
No person in any park shall:
- A. Gamble or conduct games of chance except with the required state permit and with written permission from the Manager.
15. Peace and Good Order
No person in any park shall:
- A. Use a noise producing or amplifying device except when authorized.
 - B. Make noise in a manner that peace and order in the park and the surrounding neighborhood is disturbed.
 - C. Endanger the safety of another person by any conduct or act.
 - D. Commit any assault, battery or engage in fighting.
 - E. Use threatening, abusive, insulting, profane, obscene or blasphemous language or words.
 - F. Commit any disorderly, immoral or illegal act.
 - G. Disobey a proper order of a Township Supervisor, Police Officer, Board member, Manager or other authorized person.
 - H. Disobey, disregard or fail to comply with any rule or regulation, warning, prohibition, instruction or direction given by an authorized person, posted or displayed.
16. Other prohibited conduct.

No person in any park shall:

- A. Repair, build, construct, maintain, improve or excavate any thing except when authorized.
- B. Vandalize, mark, cut, remove, damage, destroy or deface any tree, flower, shrub, turf, plant, rock or other natural object.
- C. Vandalize, mark, deface, move, remove or damage any structure, facility, equipment, property, fixtures or appurtenances thereof.
- D. Climb any tree or break, cut down, remove or in any way injure or deface any ornament, tree, plant, shrub, fern, flower or turf.
- E. Remove, damage, destroy or disturb any natural, cultural, and archaeological resource.
- F. Possess or use a metal-detecting or similar device.
- G. Use any type of saw or chain saw except when authorized.
- H. Erect tents, canopies or any other similar structures unless authorized.
- I. Launch or land a hot air balloon or operate a powered model plane, helicopter, remote controlled glider, drone or similar equipment within the park unless authorized.
- J. Smoke or vape anywhere in any park.

17. Exceptions

Exceptions to all prohibitions contained in these regulations will be recognized only upon the possession and presentation of a written authorization signed by the Manager or by signs posted by authorized representatives of the Township.

18. Authorization to promulgate additional rules.

- A. The Parks and Recreation Board is authorized to establish fees to address special circumstances, or the waiver thereof, and establish additional rules and regulations as deemed necessary to govern parks.
- B. The Manager is authorized to collect fees, issue and revoke permits, and carry out the implementation of the Board's rules and regulations.

19. Administrative authority; designation.

The Manager is authorized to designate any person to act on his / her behalf to implement and administer these regulations.

20. Emergency powers.

Nothing in this chapter shall prohibit or hinder police officers or other emergency personnel from performing their official duties.

21. Enforcement.

- A. Police designated by the Board of Supervisors, whether State Police, Township police or a regional/cooperative police department, are charged with enforcement of this ordinance.
- B. Code enforcement officers designated and appointed by the Board of Supervisors may also enforce this ordinance.

- C. The Township Manager or his designee is hereby authorized to enforce all the administrative rules and regulations established by the Board of Supervisors or the Board.

22. Violations and penalties.

- A. Any person violating any of the provisions of this chapter shall be punishable, upon conviction thereof, by a fine of not less than \$60 nor more than \$600 per day that the violation occurs and costs of prosecution, or by imprisonment to the extent allowed by law for not more than 90 days, or by both fine and imprisonment. In the event of the imposition of a fine only, default in payment of such fine and costs of prosecution shall subject the violator to imprisonment for not more than 90 days.
- B. Where such violator has removed, destroyed, damaged, defaced or befouled the park or the contents thereof, the cost of maintenance, repair or replacement shall be charged to such person in addition to any fine.
- C. Further use of recreation and park facilities may be denied to violators of this chapter. This action may be imposed separately by the Board or Manager or in addition to the imposition of fines and/or costs. Conviction by legal proceeding is not required for the Board or Manager to deny access to a person based on violation of this chapter. Any person who is denied access without conviction may appeal that denial of access to the Board of Supervisors pursuant to the Local Agency Law.
- D. The term "person violating" as set forth in this section shall mean, in the case of action or activity by any minor (herein defined as an unmarried person under the age of 18 years), in addition to such person, the parent, parents or guardian or any other person having lawful custody and control of such minor shall be considered separately and individually in violation of this chapter.

SECTION 2. SIGN POSTING. The Township Manager or his designee shall post these rules or appropriate parts thereof at conspicuous places in the existing and future parks of Honey Brook Township.

SECTION 3. FULL FORCE AND EFFECT. All other articles, sections, parts and provisions of the Ordinances of the Township of Honey Brook not inconsistent with this ordinance shall remain in full force and effect as previously enacted and amended.

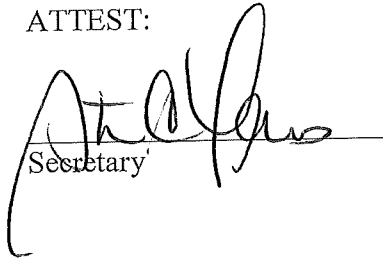
SECTION 4. SEVERABILITY. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts hereof. It is hereby declared as the intent of the Board of Supervisors of Honey Brook Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 5. REPEALER. All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 6. EFFECTIVE DATE. This Ordinance shall become effective five days after enactment as provided by law.

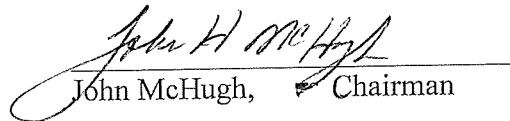
SO IT IS ENACTED AND ORDAINED this 13th day of September, 2017.

ATTEST:


Secretary

HONEY BROOK TOWNSHIP
BOARD OF SUPERVISORS


Travis Stacey, Member


John McHugh, Chairman

Tracy Olsen, Member

CERTIFICATE OF ENACTMENT

188 I hereby certify that the foregoing is a true and accurate copy of Ordinance No. 188-2017 enacted by the Board of Supervisors of Honey Brook Township, Chester County, Pennsylvania at a regular meeting held on September 13, 2017, pursuant to notice as required by law.

Dated: _____

9/13/17



Township Secretary

