

Chapter 16

Parks and Recreation

Part 1

Rules and Regulations

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Part 1**Rules and Regulations****A. Construction and Definitions****§16-101. Construction.**

In the interpretation of the rules and regulations affecting all Borough properties, their provisions shall be construed as follows:

- A. Any term in the singular shall include the plural.
- B. Any term in the masculine shall include the feminine, and neuter.
- C. Any requirement or provision of these rules and regulations relating to any act shall respectively extend to and include the causing, procuring, aiding or abetting, directly or indirectly, of such act; or the permitting or the allowing of any minor in the custody of any person doing any act prohibited by any provisions thereof.
- D. No provision hereof shall make unlawful any act necessarily performed by any park police officer or employee of the Borough of Carroll Valley in the line of duty or work as such, or by any person, his agents or employees, in the proper and necessary execution of the terms of any agreement with the Borough of Carroll Valley.
- E. Any act otherwise prohibited by rules and regulations, provided it is not otherwise prohibited by law or local ordinance, shall be lawful if performed under, by virtue of, and strictly in compliance with the provisions of a permit and to the extent authorized thereby.
- F. These rules and regulations are in addition to and supplement all State and Federal laws.

(Ord. 5-97, 8/11/1997)

§16-102. Definitions.

Except where the context clearly indicates otherwise, the following terms as used in this Part shall have the following meanings:

Borough - the Borough of Carroll Valley, its employees, agents, and elected officials.

Park - any lands, waters, or facilities owned or leased by the Borough of Carroll Valley and designated or used by the Borough of Carroll Valley for park and recreation purposes.

Permit - any written authorization issued by or under the authority of the Borough of Carroll Valley permitting specified privileges.

Person - any natural person, corporation, organization of persons, company, association, or partnership.

Police - any police officer of the Borough of Carroll Valley, or any officer covered by an intermunicipal police agreement, and any employee appointed as a special

police officer for the purpose of the enforcement of law and order.
(*Ord. 5-97*, 8/11/1997)

B. Prohibited Acts

No person except those authorized by the Borough of Carroll Valley or conducting official Borough business, shall on any borough-owned property:

§16-111. Preservation of Property, Natural Resources, and Wildlife.

1. *Disfiguration and Removal.* It shall be unlawful to mark, deface, disfigure, injure, disturb, displace or remove befool, destroy or cause to be destroyed any building, bridge, tables, benches, fireplaces, railing, paving or paving materials, waterlines or other public utilities or parts or appurtenances thereof, signs, notices, or placards whether temporary or permanent, monuments, stakes, posts, surveying lines, surveying monuments, or other boundary markers, or other structures or equipment, facilities or Borough-owned property or appurtenances whatsoever, either real or personal.

2. *Restrooms.* It shall be unlawful to fail to maintain restrooms in a neat, clean, and sanitary condition. No person over the age of 5 years shall use the restrooms designated for the opposite sex.

3. *Removal of Natural Resources.* It shall be unlawful to dig or remove any soil, rock, stones, trees, shrubs, or plantings, downed timber or other wood or materials, or make any excavations by tool, equipment, blasting, or other means or agency unless written permission has been granted by the Borough of Carroll Valley.

4. *Erection of Structures.* It shall be unlawful to construct or erect any buildings, tent, or structure of whatever kind, whether temporary or permanent in character, run or string any public service utility into, upon, or across such lands or waters, except on special written permission issued hereunder.

5. *Trees, Shrubbery and Landscape.* It shall be unlawful to damage, cut, carve, transplant or remove any tree or plant, or injure the bark, or pick the flowers, leaves, or seeds of any trees or plants. No person shall attach any rope, wire, or other contrivance to any tree or plant. No person shall dig in or otherwise disturb grass areas, or in any other way injure or impair the natural beauty or usefulness of any area.

6. *Pollution of Waters.* It shall be unlawful to throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, river, or other body of water in or adjacent to any park, or any tributary, stream, storm sewer, or drain flowing into such waters, any substance, matter, or thing, liquid, solid or gas which will or may result in the pollution of said waters.

7. *Refuse and Trash.* It shall be unlawful to have brought in or shall dump, deposit, discard or leave any broken glass, ashes, paper, boxes, cans, cups, glasses, 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 Borough owned property, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles. If receptacles are not provided, all such rubbish or waste shall be carried away from the property by the person responsible for its presence, and properly disposed of elsewhere.

8. *Spilling of Deleterious Substances.* It shall be unlawful to pour or cause to spill or permit to escape or otherwise discharge any oil, gasoline, salt, acid, or other deleterious substance whether liquid, solid, or gaseous.

9. *Wildlife and Other Animals.* It shall be unlawful to kill, injure, trap, hunt, pursue, torture, or in any manner deliberately disturb or cause to be disturbed any wild

or domesticated bird or animal within any park, except as permitted in designated areas.

(Ord. 5-97, 8/11/1997)

§16-112. Traffic and Vehicles.

1. *Vehicle Operation.* It shall be unlawful to operate a vehicle in a negligent, careless, or reckless manner that may cause an accident or injury to those in the area or to those operating or riding as passengers in or on such vehicles, or damage to Borough owned properties. Nor shall any person drive any vehicle on any area except the service roads or parking areas, or such other areas as may on occasion be specifically designated as temporary roads or parking areas by the Borough of Carroll Valley. [A.O.]

2. *Parking.*

A. It shall be unlawful to park any vehicle in other than an established or designated parking area, and such use shall be in accordance with any posted directions there, or in accordance with any instructions of any attendant or Borough employee who may be present.

B. *Service Roads.* Parking along service roads is prohibited except for vehicles used for the purpose of pickup and delivery (no more than two vehicles), for transporting the handicapped, and emergency vehicles.

C. *Dams and Levees.* Parking or driving along dams and levees for any reason, other than by Borough employees or agents in the course of carrying out maintenance or repair work, is strictly prohibited.

D. Parking in places contrary to posted regulations or to an attendant's direction is prohibited, and such vehicles may be removed by the Borough of Carroll Valley or agencies authorized by the Borough entirely at the owner's expense.

(Ord. 5-97, 8/11/1997; as amended by A.O.)

C. Activities Allowed and Permit Requirements

§16-121. Recreational Activities.

1. *Boating.*

A. Public boating is permitted in certain Borough lakes as posted. Where permitted, put-ins and take-outs may only be done from Borough owned property which is clearly designated. There shall be no trespassing on private lake owners property except for emergency purposes.

B. Boating is limited to the use of canoes, row boats, kayaks, etc. The use of power boats (except those utilizing electric trolling motors), personal water craft, or boats over 18 feet in length is prohibited. [Ord. 6-99]

C. *Safety.* Public boaters are required to use life preserver equipment appropriate to their age and size. No person shall use or operate any watercraft in any manner which may be dangerous to the occupants or to any other boat or occupants on the same body of water.

2. *Fishing.*

A. Public fishing is permitted in Borough lakes but only from water craft where permitted or from Borough owned property which is clearly designated. Anyone trespassing on private lake owners' property will be prosecuted.

B. *Permits.* Anyone 16 years of age or older is required to obtain and display a Pennsylvania State fishing license.

3. *Picnicking.* All Borough park areas may be used for picnicking provided there is adherence to all park regulations and especially the general rules of conduct under Part 1D and the rules of operation under Part 1E.

4. *Carroll Common Park and Pavilion.*

A. *Reservation Permit.* Groups of 25 or more are required to obtain a reservation permit to use the park and pavilion areas. Preference for use of the facilities is given to the user with the reservation permit. The ball field is open for use by permit holders during those times when local ball teams are not utilizing it.

B. *Rest Rooms.* Use of the rest room facilities is available to permit holders only.

C. *Delivery/Service Road.* Use of the delivery/service road is available to permit holders only. Except for a maximum of two vehicles used for pickup and delivery purposes or for transporting handicapped persons, vehicles must park in the designated parking lot after unloading. The service road entrance gate must be kept closed and locked after deliveries are made and upon termination of use of the reserved area.

D. *Outside Tables.* Tables not located within the pavilion may be used on a first come, first served basis by small groups of picnickers. A reservation permit is required in order to reserve outside tables for a specific date and time of day. Such reservations must be honored by those persons using said tables without a reservation permit.

E. *Seasonal Recreational Use Permit.* Social, fraternal, or recreational groups may use the recreational facilities on a regular basis on any set days or evenings

except on weekends and holidays by obtaining a seasonal recreational use permit. Should there be a scheduling conflict between a reservation permit holder and a seasonal recreational use permit holder, preference for use of the facilities on the given date will be given to the seasonal recreational use holder. [A.O.]

F. *Damage Responsibility*. Permit holders must sign a statement on the permit agreeing to accept responsibility for damage done to park facilities or equipment as a result of their group's use of same.

5. *Swimming*. There shall be no public swimming in Borough lakes.

(*Ord. 5-97*, 8/11/1997; as amended by *Ord. 6-99*, 6/14/1999; and by A.O.

D. Conduct**§16-131. Personal Conduct, Alcoholic Beverages, and Drugs.**

1. *Animals.* It shall be unlawful for owners or guardians of domesticated animals to permit same within any park area without being controlled by a leash not more than 6 feet long. Owners or guardians of domesticated animals using the park area are also required to "clean up" after their pets and dispose of such "dirt" in trash receptacles. No person shall bring any dangerous animal onto any Borough owned property.

2. *Controlled Substances, Drugs and Devices.* It is unlawful for anyone using Borough property to possess, transport, solicit, offer for sale, or use any controlled substance, drug or device in violation of Act 64, the Controlled Substance, Drug, Device and Cosmetic Act, 35 P.S. §780-101 *et seq.*, or any other related laws. No person shall enter any park or Borough owned property while under the influence of any controlled substance or drug in violation of the Controlled Substance, Drug, Device, or Cosmetic Act.

3. *Maintenance Areas, Storage Areas, "Do Not Enter" Areas.* It shall be unlawful to enter into or attempt to enter into any and all maintenance and storage areas without permission of the Borough of Carroll Valley and without adequate supervision. Visitors are prohibited from entering into any area which is locked, or posted "closed" or "do not enter."

4. *Fires.* It is unlawful to build or attempt to build or start fires except when using barbeque, stoves, or the pavilion fireplace. No person shall drop, throw, or otherwise scatter lighted matches, burning cigarettes, or cigars, tobacco paper, or other inflammable material whether solid, liquid, or gaseous, within any park area or on any highway, road or street abutting or contiguous thereto, nor leave any grill or stove unattended when in operation in any park or on any Borough owned property.

5. *Minors.* No person under the age of 21 shall possess, transport, or consume alcoholic beverages. No person shall provide, furnish or knowingly permit any person under the age of 21 to possess, consume, or transport alcoholic beverages.

6. *Alcoholic Beverages; Use by Adults.* Alcoholic beverages are prohibited in and along the banks of Borough lakes and particularly while engaged in boating or fishing activities. Any one found in violation will be fined according to law.

7. *Noise.* There shall be no loud music or noise in and around Borough lakes or in park areas located within 150 yards of a residence.

8. *Behavior.* No person shall:

A. Assault, hinder, harass, intimidate, threaten or obstruct any person, agent or agencies in the enforcement of this Part or while conducting official Borough business.

B. Disturb the peace or use profane, indecent, or obscene language.

C. Endanger the safety or health of any person by any conduct or act.

D. Violate any rule of this Part.

E. Prevent any person from using any park or park facility or interfere with such use which is in compliance with this Part and the rules and regulations applicable to such use.

F. Act in an unlawful, disorderly, or disruptive manner or against the best interests of the area or other people.

G. Commit any unnatural or violent act against any person, property, or facility.

H. Throw, discharge or cause to be discharged any missile or projectile.

I. *Vending and Peddling*. It is unlawful to expose or offer for sale or trade any article, thing or service nor may any person station or place any stand, cart or vehicle for the transportation, sale, trade, or display of any such article, thing, or service except when a special permit is issued by the Borough for such purpose.

J. *Signs*. It is unlawful for any person to paste, tie, glue, tack, post, fasten, paint, write, draw, carve, or otherwise affix any placard, bill, notice, sign, advertisement, or any inscription whatever upon any structure, tree, stone, fence, building, property, or thing or enclosure within any park or Borough owned property, or on highways or roads adjacent to or running through any park, or Borough owned property, except that the Borough may place, or permit on a temporary basis, informational signs within such areas.

(Ord. 5-97, 8/11/1997)

E. Operating Procedures and Enforcement

§16-141. Operating Procedures

1. *Park Hours.* Park areas within the Borough of Carroll Valley will be open to the public between dawn and dusk, except that reservation permit holders and seasonal recreational use permit holders may occupy the reserved areas for the hours specified in the permit. Park areas that have installed lighting, i.e., the basketball court in Carroll Common, may be occupied after dark for the hours designated by timing devices, as adjusted for the seasons.

2. *Exhibit Permits.* Persons holding Borough permits shall produce and exhibit any permit upon request of any authorized person who shall desire to inspect the same for the purpose of enforcing compliance with any rule, regulation or ordinance.

3. *Interference With Permits.* No person shall disturb or interfere unreasonably with any person participating in any activity or party occupying any area under the authority of a permit.

4. *Effect of Permit.* A permittee shall be bound by all park rules and regulations and applicable ordinances fully as though the same were inserted in said permits.

5. *Revocation of Permit.* The Borough shall have the authority to revoke a permit upon finding a violation of any rule, or upon good cause shown.

(Ord. 5-97, 8/11/1997)

§16-142. Administrative and Enforcement Authority.

The Borough of Carroll Valley through duly appointed agents shall administer the provisions of this Part including the establishment and collection of fees, preparation of application forms, issuance and revocation of permits, promulgation of rules and regulations to implement the provisions of this Part and all other decisions relative thereto. When acts or conduct of individuals or groups is determined to be in violation of this Part or rules and regulations promulgated by the authority of this Part; or not to be in the best interests of the Borough; or when such acts or conduct endangers other people or private or public property; or when such acts are deemed to be disruptive to the surrounding neighborhood, Borough police officers shall have the authority to cause such acts to be terminated, or to expel the perpetrators of such acts from the area, or to arrest and detain such individual or individuals, or to file a complaint or issue or file a citation for the violation of this Part with a magisterial district judge.

(Ord. 5-97, 8/11/1997; as amended by A.O.)

§16-143. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not less than \$25 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 5-97, 8/11/1997; as amended by A.O.)

