

ORDINANCE NO. 844--2023

AN ORDINANCE OF THE TOWNSHIP OF EAST PENNSBORO, CUMBERLAND COUNTY, PENNSYLVANIA, AMENDING AND REVISING ORDINANCE NO. 737-2007, CHAPTER 16 PARKS AND RECREATION, AMENDING, SECTIONS 101 [DEFINITIONS], 102 [TOWNSHIP RESIDENTS HAVE PRIORITY OF USE] AND 104 [GENERAL RULES AND REGULATIONS], AND IDENTIFYING ADDITIONAL CONDUCT PROHIBITED WITHIN EAST PENNSBORO TOWNSHIP PARKS AND PARK FACILITIES AND ESTABLISHING MINIMUM FINES FOR VIOLATIONS OF PARK RULES AND REGULATIONS IN SECTIONS 105 [OPERATION/PARKING OF VEHICLES] THRU SECTION 115 [UNLAWFUL TO INTERFERE] AND REPEALING ALL INCONSISTENT ORDINANCES.

BE IT HEREBY ENACTED AND ORDAINED by the Board of Township Commissioners in and for the Township of East Pennsboro, Cumberland County, Pennsylvania, as follows:

SECTION 1: Section 101 [Definitions], Part 1 [General Rules and Regulations], Chapter 16 [Parks and Recreation], of the Code of Ordinances of the Township of East Pennsboro is hereby amended to include, in alphabetical order, the following additional Definitions:

ALCOHOLIC BEVERAGE- Liquor or a malt or brewed beverage.

LIQUOR- Any alcoholic, spirituous, vinous, fermented or other alcoholic beverage or combination of liquors and mixed liquor, a part of which is spirituous, vinous, fermented or otherwise alcoholic, including all drinks or drinkable liquids, preparations or mixtures and reused, recovered or redistilled denatured alcohol, usable or taxable for beverage purposes, which contain more than 1/2 of 1% of alcohol by volume, except pure ethyl alcohol and malt or brewed beverages.

MALT OR BREWED BEVERAGE- Any beer, lager beer, ale, porter or similar fermented malt beverage containing 1/2 of 1% or more of alcohol by volume, by whatever name such beverage may be called.

OPEN CONTAINER- Any of the following objects and any objects similar thereto, including but not limited to a glass, mug or other such drinking utensil; a bottle or jug from which the cap or cork has been removed or on which the seal has been broken; a can which has been punctured or from which the cap or snap top or snap tab has been removed; a keg which has been tapped; or a jar, jug or other immediate container of an alcoholic beverage which did not contain the alcoholic beverage contained therein when such alcoholic beverage was last purchased from a person licensed by the Pennsylvania Liquor Control Board to sell alcoholic beverages. An "open container" shall not include a bag, box or other similar wrapping or packaging of a container of an alcoholic beverage.

SECTION 2: Section 102 [Township Residents Have Priority of Use], Part 1 [General Rules and Regulations], Chapter 16 [Parks and Recreation], of the Code of Ordinances of the Township of East Pennsboro is hereby revised and amended to read as follows:

§16-102. Township Residents Have Priority of Use.

The facilities of the parks, playgrounds, and tot lots, hereinafter called "facilities," are intended primarily for the use of residents of East Pennsboro Township for leisure, sport, recreational, educational, and other permitted activities. All persons who use the facilities shall be subject to the rules and regulations as set forth in this Part and any supplements and amendments thereto as adopted from time to time by Ordinance or Resolution of the Board of Commissioners.

SECTION 3: Subparagraph 4, Section 104 [General Rules and Regulations], Part 1 [General Rules and Regulations], Chapter 16 [Parks and Recreation], of the Code of Ordinances of the Township of East Pennsboro is hereby amended to read as follows:

4. Park Lands Not For Private Use. Park lands are public lands and shall not be put to use for a personal garden, nursery, storage uses or other purely personal uses. Use of facilities shall not interfere with other public uses inherent to the designed use of the portion of the facility, e.g., setting up awnings or chairs on a walking path or on a designated sports activity area.

SECTION 4: Section 105 [Operating/Parking of Vehicles], Part 1 [General Rules and Regulations], Chapter 16 [Parks and Recreation], of the Code of Ordinances of the Township of East Pennsboro is hereby amended to read as follows:

§ 16-105. Operation/Parking of Vehicles.

1. Licensed motor vehicles, including but not limited to motorcycles, ATVs, motor-driven cycles, and motorized pedal cycles (herein referred to as "vehicles") as defined in the Pennsylvania Vehicle Code, 75 Pa.C.S.A. § 101 et seq., and any vehicle used for the conveyance of human beings, whether motor-powered, animal-drawn, or self-propelled, shall be permitted only upon roadways and designated parking areas within the park. No vehicle may be operated on or through any other area of the park, including, but not limited to, grass areas or trails. Vehicles may be parked only in designated parking areas. Such does not apply to baby carriages, hand sleds or vehicles in the service of the Township.

2. No person shall drive any vehicle in a manner as to constitute a careless disregard for the safety of persons or property.

3. The maximum lawful speed for vehicles driving within the facilities shall not be in excess of 10 miles per hour.

4. No person shall operate and use any mini-bike, snowmobile, ATV, motor scooter, motorized skateboards, or any unlicensed motorized vehicle within the facilities.
5. Excepting for Township owned vehicles, all vehicles shall be parked in areas or places so provided and/or designated. Parking in areas or places contrary to posted regulations and times is strictly prohibited. Parking in such areas whereby the implicit use of the facility is designated otherwise is strictly prohibited. Vehicles parking in violation of this subsection may be towed at the owner's expense.
6. Repair and maintenance of vehicles is prohibited within Township park property.
7. Unlicensed motor vehicles shall not be permitted within Township park property.
8. All state and Township laws pertaining to vehicular use shall be valid and enforceable within Township park property.
9. Current inspection sticker required on all vehicles within Township park property.
10. It shall be unlawful for any person to park a vehicle in any Township park or park facility at any time other than during hours when the park or park facility is open.
11. It is prohibited to park or store a vehicle in a Township park when not using the park facilities, unless written permission is granted by the Township Manager or his/her designee.
12. It shall be unlawful to land a private or commercial airplane or helicopter on Township park lands except for Township sponsored events or upon written permission granted in advance by the Township Manager or his/her designee. Emergency aircraft are exempt from this prohibition.
13. These regulations apply to all motor vehicles within the parks, except fire, police, emergency or Township vehicles or vehicles on official Township business.
14. Parking is available on a first-come-first-served basis only throughout the parks. Parking spaces/spots may not be saved. Reservations at group areas or pavilions do not include reserved parking unless indicated otherwise in Reservation confirmation issued by the Township.
15. Designated reserved pavilion parking spaces are only for use per approved pavilion rentals.
16. Parking which is otherwise deemed a traffic hazard by the Chief of Police or Township Engineer shall be posted as a tow away zone and vehicles found in violation shall be towed at the expense of the owner.
17. Vehicles otherwise parked in violation of this section may be towed at the owner's expense.
18. Overnight parking is prohibited.

19. Penalty.

Any person violating this section, upon conviction thereof, shall be sentenced to pay a fine of not less than \$200 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 shall constitute a separate offense. Each day that a violation of this Part continues shall constitute a separate offense.

SECTION 5: Section 106 [Alcoholic Beverages Prohibited], Part 1 [General Rules and Regulations], Chapter 16 [Parks and Recreation], of the Code of Ordinances of the Township of East Pennsboro is hereby revised and amended to read as follows:

§ 16-106 Alcoholic Beverages.

1. Prohibition of alcohol in Township parks. No person shall have, possess, carry, transport, consume, distribute, sell or otherwise convey any alcoholic beverages in an open container in or upon any Township park or other publicly owned property within the Township of East Pennsboro, except as specifically provided herein.

2. Persons under the influence of alcoholic beverages. No person shall be permitted within Township parks or other publicly owned property within the Township of East Pennsboro who is under the influence of alcoholic beverages.

3. Exceptions.

(A) A person may distribute, sell or otherwise convey alcoholic beverages in a Township park or other publicly owned property within the Township of East Pennsboro when such person has applied for and obtained a special event permit from the Township of East Pennsboro.

(B) A person may have, possess, carry, transport, or consume alcoholic beverages in an open container in or upon any Township park or other publicly owned property within the Township of East Pennsboro if such possession, transportation or consumption is in or at a permitted event, as outlined in special event permit or upon written approval by the Township Manager or his/her designee.

4. Penalty. Any person violating this section, upon conviction thereof, shall be sentenced to pay a fine of not less than \$200 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 shall constitute a separate offense. Additionally, minors, as defined by Pennsylvania Liquor Laws, shall in addition be prosecuted under appropriate crimes code section.

SECTION 6: Subparagraph 3 [Penalty}, Section 107 [Trespass], Part 1 [General Rules and Regulations], Chapter 16 [Parks and Recreation], of the Code of Ordinances of the Township of East Pennsboro is hereby amended to read as follows:

3. Penalty. Any person violating this section, upon conviction, shall be sentenced to pay a fine of not less than \$200 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 shall constitute a separate offense. It is not a violation of this section for persons to enter upon such facilities at any time while acting within the scope of their official duty or job function.

SECTION 7: Subparagraph 6 [Penalty] Section 108 [Animal Control], Part 1 [General Rules and Regulations], Chapter 16 [Parks and Recreation], of the Code of Ordinances of the Township of East Pennsboro is hereby amended to read as follows:

6. Penalty. Any person violating the provisions of this section, upon conviction thereof, shall be sentenced to pay a fine of not less than \$200 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 shall constitute a separate offense.

SECTION 8: Subparagraph 4 [Penalty], Section 109 [Littering and Refuse], Part 1 [General Rules and Regulations], Chapter 16 [Parks and Recreation], of the Code of Ordinances of the Township of East Pennsboro is hereby amended to read as follows:

4. Penalty. Any person violating this section shall be guilty of a summary offense and, upon conviction thereof, shall be sentenced to pay a fine of not less than \$200 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 shall constitute a separate offense.

SECTION 9: Section 110 [Disorderly Acts], Part 1 [General Rules and Regulations], Chapter 16 [Parks and Recreation], of the Code of Ordinances of the Township of East Pennsboro is hereby amended to read as follows:

§ 16-106 Disorderly Acts.

1. It shall be unlawful for any person to use any threatening, abusive, or obscene language or words, or to make threats of violence to or against any other person or group of persons.

2. Disorderly, riotous, or noisy conduct which disturbs the public peace and tranquility is prohibited, to include but not limited to:

A. Sound Amplification equipment may not be used in a Township park without a specific permit issued by the Manager or his/her designated representative. Sound Amplification Equipment includes, but not limited to vehicle radios, portable radios, loudspeakers, megaphones, amplified mobile devices, etc. An exception to this

prohibition is if the device is utilized with headphones and no sound is heard by others when headphone is utilized.

3. Penalty. Any person violating any of the provisions of this section, upon conviction thereof, shall be sentenced to pay a fine of not less than \$200 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 shall constitute a separate offense. Nothing in this section should be construed to limit a law enforcement officer in the use of any provision of the Pennsylvania Crimes Code relating to acts of disorderly conduct, 18 Pa.C.S.A. § 5503. Such to be especially true when the possibility exists that the offense grading may be escalated to a misdemeanor of the third degree.

SECTION 10: Section 111 [Firearms and Explosive Devices Prohibited], Part 1 [General Rules and Regulations], Chapter 16 [Parks and Recreation], of the Code of Ordinances of the Township of East Pennsboro is hereby amended to read as follows:

§16-111. Firearms and Explosive Devices Prohibited.

1. It shall be unlawful for any person to do any of the acts hereinafter described within the limits of any Township park or public property:

A. To discharge any firearm, as that term is defined by § 6120(b) of the Pennsylvania Uniform Firearms Act,¹ except for law enforcement authorities in the performance of their duty or the justifiable use of force as authorized by Chapter 5 of the Pennsylvania Crimes Code;² or

B. To use or possess any bow and arrow, slingshot, air rifle, BB gun, air pistol, rocket(s), explosive and paint gun, or any other device (other than firearms as defined above) capable of throwing any projectile of any sort, including the hand throwing of rocks or stones intended to be used as weapons; or

C. To kill, hunt, trap or pursue or in any manner deliberately disturb any wildlife in the facility.

D. To possess or use fireworks of any class within Township Park unless written approval provided in advance by Township Manager or his/her designee.

2. Penalty. Persons violating any provisions of this section, upon conviction thereof, shall be sentenced to pay a fine of not less than \$200 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 shall constitute a separate offense.

SECTION 11: Subparagraph 2 [Penalty], Section 112 [Vandalism to Park Property], Part 1 [General Rules and Regulations], Chapter 16 [Parks and Recreation], of the Code of Ordinances of the Township of East Pennsboro is hereby amended to read as follows:

2. Penalty. Any person violating the provisions of this section; providing the pecuniary loss does not exceed \$100, and, upon conviction thereof, shall be sentenced to pay a fine of not less than \$200 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 shall constitute a separate offense. In cases where the pecuniary loss exceeds \$100, then the defendant shall be charged under the appropriate Pennsylvania Crimes Code Section, 18 Pa.C.S.A. § 101 et seq., and suffer the penalties imposed by such.

SECTION 12: Section 113 [Facilities for Designed Use], Part 1 [General Rules and Regulations], Chapter 16 [Parks and Recreation], of the Code of Ordinances of the Township of East Pennsboro is hereby amended to read as follows:

§ 16-113. Facilities for Designed Use.

1. It shall be unlawful to use a park facility in a manner not designated for that purpose as established by Resolution of the Board of Commissioners. Designation of facility usage by the Board of Commissioners shall be established, from time to time, by Resolution upon the recommendation and advice of the Township Recreation Board.

2. It shall be unlawful to use skateboards, roller skates, roller blades, scooters, inline skates on any tennis court, basketball court, concession stand area, picnic pavilions, picnic tables, Panther Station Playground, Memory Garden, stage, benches, or parking spots.

3. Penalty. Any person violating the provisions of this section, upon conviction thereof, shall be sentenced to pay a fine of not less than \$200 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 shall constitute a separate offense.

SECTION 13: Section 114 [Miscellaneous Prohibited Acts], Part 1 [General Rules and Regulations], Chapter 16 [Parks and Recreation], of the Code of Ordinances of the Township of East Pennsboro is hereby amended to read as follows:

§ 16-114. Miscellaneous Prohibited Acts.

1. It shall be unlawful for any person to commit any of the following prohibited acts contained in this section unless advance written permission is granted by the Township Manager or his/her designee:

A. Take part in or abet the playing of games involving thrown or otherwise propelled objects, which at the time conducted could constitute a potential hazard or danger to others in the park.

B. To conduct any solicitation for any commercial enterprise, or to post any commercial or political sign, banner or advertisement on Township park facility property except for Township approved event.

C. To camp or sleep on the ground or elsewhere except in such places and at such times as may be designated.

D. To build or attempt to build a fire within the area of any Township park facility. No person shall scatter hot coals, lighted matches, burning cigarettes or cigars, tobacco paper or other flammable material within the area of the park or playground or on any highway, road or street abutting or contiguous thereto.

E. To post, paste, fasten, paint, write, draw, carve, tack, nail or otherwise affix any placard, notice, sign or advertisement on any structure, tree, stone, or anywhere within the park, except that the Township reserves the right to post such informational signs as deemed necessary.

F. No person shall offer for sale any article or thing, nor station or place any stand, booth, cart or vehicle for the transportation, sale or display of any such articles or item without authorization, in writing, from the Township. Additionally, no person may announce, advertise or call to public attention in any way to any article or service for sale or hire.

G. Smoking is prohibited at all times within Panther Station Playground at Adams-Ricci Community Park.

H. No person is permitted to strike golf balls within any Township park facility.

I. To erect any tent, portable pavilion or covering, except adjacent to a rented pavilion by the lessee or adjacent to a ball field for a Township sanctioned sporting event.

J. To erect any hammock or attach any other items to trees or shrubbery within the Park.

K. Barbecues, cookouts, gilling and open fires are prohibited except in Township-provided pavilion grills. An adult must be present and always monitoring any open flames and barbecue, grill or open fire must be completely extinguished before leaving the pavilion. Grills must be cleaned following use.

L. Remote-controlled aerial vehicles, drones, devices of any kind are prohibited.

M. Removal or relocation of picnic benches outside of the pavilions or relocating of any other Township property is prohibited.

2. Penalty. Any person violating any of the provisions of this section, upon conviction thereof, shall be sentenced to pay a fine of not less than \$200 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 shall constitute a separate offense.

SECTION 12: Subparagraph 2 [Penalty], Section 115 [Unlawful to Interfere], Part 1 [General Rules and Regulations], Chapter 16 [Parks and Recreation], of the Code of Ordinances of the Township of East Pennsboro is hereby amended to read as follows:

2. Penalty. Any person violating this provision, upon conviction thereof, shall be sentenced to pay a fine of not less than \$200, 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 shall constitute a separate offense.

SECTION 13: SEVERABILITY. If any section or provision of this Ordinance is declared by any Court of competent jurisdiction to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality or invalidity shall not affect the constitutionality, legality, or validity of the Ordinance as a whole, nor the constitutionality, legality or validity of any other section or provision of this Ordinance other than the one so declared to be unconstitutional, illegal, or invalid.

SECTION 14: REPEALER. All Ordinances or parts of Ordinances which are inconsistent or less stringent herewith are hereby repealed.

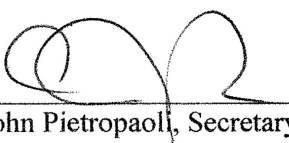
SECTION 15: In all other aspects, Chapter 16 [Parks and Recreation] of the Code of Ordinances of the Township of East Pennsboro shall remain as heretofore enacted, ordained, and amended, which said Chapter, as amended, is hereby re-enacted in its entirety herein.

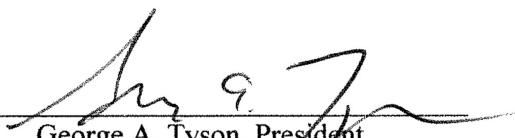
SECTION 16: This Ordinance shall take effect immediately upon its enactment.

ENACTED AND ORDINAED the 17 day of MAY, 2023.

ATTEST:

EAST PENNSBORO TOWNSHIP


A John Pietropaoli, Secretary

By: 
George A. Tyson, President,
Board of Commissioners