

ORDINANCE NO. 2014 - 1

AN ORDINANCE OF TOWAMENSING TOWNSHIP, CARBON COUNTY, PENNSYLVANIA DEFINING AND ESTABLISHING RULES AND REGULATIONS FOR THE USE OF RECREATION FIELDS AND RECREATIONAL FACILITIES OWNED BY TOWAMENSING TOWNSHIP; FIXING THE HOURS OF THEIR USE; PROHIBITING CERTAIN CONDUCT THEREIN; REQUIRING RESERVATIONS FOR SPECIFIC USES; AUTHORIZING ADDITIONAL REGULATIONS AND THE CLOSING OF THE RECREATION FIELDS UNDER CERTAIN CIRCUMSTANCES; AND DESIGNATING ENFORCEMENT OFFICERS; AND PRESCRIBING PENALTIES FOR VIOLATION.

The Board of Supervisors of Towamensing Township ("Board of Supervisors") hereby ordains:

Section 1. Definitions. As used in this ordinance, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

RECREATION FIELD or RECREATION FIELDS – unless specifically limited, shall be deemed to include all recreational fields, playgrounds, recreation areas, baseball fields, softball fields, soccer fields, recreation structures and facilities, and also entrances and approaches thereto, now or hereafter owned or acquired by Towamensing Township for park or recreational purposes, including, but not limited to the recreation field on Summer Mountain Road and the soccer fields in Forest Inn.

PERSON – any natural person, corporation, organization of persons, company, association or partnership.

RULES AND REGULATIONS- any rules and regulations hereby or hereafter promulgated by the Board of Supervisors governing the use of recreation fields and behavior by persons at the recreation fields.

Section 2. Recreation Field Hours.

A. Recreation fields shall be open and athletic events permitted from April 1st to November 8th during the following times:

SUNDAY TO THURSDAY 8:00 A.M. to 9:00 P.M.
FRIDAY AND SATURDAY 8:00 A.M. to 10:00 P.M.

B. An additional thirty (30) minutes are allowed to clean up the recreation field after each day's athletic events. That is, all athletic events must stop at or before the times set forth in subsection (A) above, but the recreation field may remain open for another thirty (30) minutes (ie. to either 9:30 P.M. or 10:30 P.M., as applicable) solely for the purpose of cleaning up.

C. Teams may arrive and begin setting up for each day's athletic events up to one (1) hour before the times set forth in subsection (A) above (i.e. 7:00 A.M.). However, teams may not practice or begin the actual athletic event until 8:00 A.M.

D. The Board of Supervisors may change the recreation field hours from time to time by resolution duly adopted at a regular or special meeting of the Board of Supervisors.

Section 3. Prohibited Conduct. No person in attendance at a recreation field shall:

1. Injure, deface, remove, cut or damage any of the trees, plants, shrubs, turf, buildings, structures, signs or fixtures, or any other property located at the recreation field.

2. Litter any area of the recreation field with garbage, paper, bottles, cans or other waste material; nor dispose of the same in any way except in receptacles designated for such purpose.

3. Kindle or maintain any fire in the recreation field except in fireplaces or areas specially designated for that purpose and located by authority of the Board of Supervisors.

4. Remove any bench, seat, table or other appliance without permission of the Board of Supervisors.

5. Injure, deface, destroy or remove any notice, rule or regulation posted at any place within the recreation field by the Board of Supervisors; nor shall any notice or placard be posted within the recreation field other than by authority of the Board of Supervisors.

6. Set up any booth, table or stand for the sale of any article or service whatsoever within the limits of the recreation field without permission of the Board of Supervisors; distribute, sell, service or rent any services or commodity or solicit for any purpose without permission of the Board of Supervisors.

7. Operate, stop or park any vehicle, bicycle or other means of conveyance except in areas where permitted or designated by proper authority of the Board of Supervisors, or operate the same 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. The parking lot has one entrance and one exit designated.
8. Operate commercial vehicles, unless providing authorized services.
9. Bring onto the premises, possess or consume any alcoholic beverage or illegal drugs of any kind; no person shall enter the recreation field in an intoxicated state or otherwise be under the influence of alcohol or illegal drugs.
10. Carry or discharge any firearms, slingshots, firecrackers, fireworks or other missile propelling instruments or explosives or arrows, or other dangerous weapons which have such properties as to cause annoyance or injury to any person or property, unless permission has been granted by the Board of Supervisors in designated areas; police officers in the performance of their duties will be exempt from these provisions.
11. Engage in any form of recreation, sporting endeavor or pastime, except in those areas which may be designated from time to time for that purpose by the Board of Supervisors.
12. Disrobe or change clothing except in buildings or facilities made available for that purpose.
13. Disturb the peace by any conduct so as to annoy any other person using the recreation field for recreational purposes, or any neighbors of the recreation field. Loudspeakers (or any other device amplifying sound) must be pointed in directions that will minimize disturbances to neighbors and may not be used after 9:00 p.m. The decibel level of any sound generated by loudspeakers (or any other device amplifying sound) must comply with the Towamensing Township Zoning Ordinance.
14. Operate a snowmobile, minibike, ATV or similar vehicle in the recreation field.
15. Use threatening, abusive, insulting, profane or obscene language or words.
16. Commit any disorderly or immoral acts.

17. Disobey a proper order of a member of the Board of Supervisors, or other authorized person, or disobey or disregard or fail to comply with any rule or regulation, warning, prohibition, instruction or direction given by a member of the Board of Supervisors, or other authorized person, or posted or displayed by sign, notice, bulletin, card, or poster.

18. 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 wild bird, or wild animal of any description, either game or otherwise.

19. Allow pets, except for dogs on a short leash (not more than 6') and under the control of the person holding the leash.

Section 4. Lights. Stadium lighting must be turned off at 10:00 p.m. If stadium lights need to be on later than 10:00 p.m., the Township Roadmaster must be notified and may grant such permission. Any such permission so granted by the Township Roadmaster shall only apply to the one (1) night requested. The Township Roadmaster shall have the only key for the internal panel box which contains the timer for the stadium lighting. Tampering with the timer or timer panel box is prohibited. Any misuse or abuse of the timer or the timer panel box may lead to the Board of Supervisors disconnecting the electrical power and the assumption of payment for the electrical bill by the person using the recreation field at the time of such misuse or abuse for the remainder of the calendar year.

Section 5. Concession Stands. All concession stands will be shut down from on or about November 8th to April 1st. The electrical power and water for the concession stands will be shut off from November 8th (and possibly earlier if weather and winterizing necessitates such earlier shut off) to April 1st each year unless otherwise authorized by the Board of Supervisors. In November of each year all keys for the buildings housing the concession stands will be turned over to the Township Roadmaster. During the following spring, the keys will be reissued to and signed for by an authorized officer of the person authorized to use the field (see Section 6 below).

Section 6. Reservation for Specific Uses. Any person wishing to use a recreation field must complete an application provided by Towamensing Township and submit the completed application to the Board of Supervisors no later than November 30th of the previous year for use during the upcoming year. Action on the request (i.e. approval/disapproval) will take place at a Supervisors meeting. If the request is granted, an authorized officer of the person must sign a contractual agreement for the use of the recreation field.

Section 7. Township Roadmaster. The Township Roadmaster shall:

A. On or about November 1 through November 8, winterize and close down the concessions stands, including shutting off the electricity and water. On or about April 1, the Township Roadmaster shall turn on the electricity, water and hot water heater in the concessions stands.

B. Issue and accept keys to the concession stand in April and November for each year to an authorized officer of the person authorized access to the recreation fields.

C. Mow the fields every two weeks or more often as he deems fit.

D. Insure that the dumpster is emptied in a timely fashion.

Section 8. Authorization to Promulgate Additional Rules, Delete Existing Rules.

The Board of Supervisors is authorized to establish additional rules and regulations, delete existing rules and regulations, or otherwise change, amend or alter the rules and regulations by resolution duly adopted at a regular or special meeting of the Board of Supervisors.

Section 9. Authority To Close Areas. Any area of a recreation field which becomes hazardous for public use due to weather, water, fire or other unforeseeable conditions may be closed at the discretion of the Board of Supervisors.

Section 10. Insurance.

A. The person making the application to use a recreation field must procure and maintain, or cause to be procured and maintained, for all times that said person would use the recreation field, at least the following policies of insurance (and shall be responsible for the administration of all claims thereunder):

1. Commercial general liability insurance: \$1,000,000.00 each occurrence; \$2,000,000.00 aggregate.
2. Property damage: \$250,000.00 each occurrence; \$500,000.00 aggregate.

B. All policies of insurance required under subsection (A) above shall (i) name Towamensing Township as an additional insured, (ii) provide that the same may not be canceled or materially changed without at least thirty (30) days' prior written notice to Towamensing Township (except that only 10 days prior written notice to Towamensing Township need be given for cancellation due to nonpayment of premium), (iii) provide that the coverage provided thereunder is

primary insurance and shall not be adversely affected or diminished by reason of any other insurance coverage maintained by Towamensing Township or any other additional insured (provided that Towamensing Township shall not, by reason of such provisions, be entitled to collect twice for any single claim), and (iv) provide that the act or omissions of any named or additional insured will not give rise to a right on the part of the insurer to refuse or diminish the payment of losses to or for the benefit of any other named or additional insured or otherwise result in the avoidance of the insurer's liability.

C. Before commencing the use of the recreation field, said person shall deliver to Towamensing Township certificate(s) evidencing said insurance.

D. The Board of Supervisors is authorized to change, alter, amend or waive the insurance requirements set forth in this Section 10 by resolution duly adopted at a regular or special meeting of the Board of Supervisors.

Section 11. Indemnification.

The person making application to use a recreation field shall agree to indemnify, defend and hold harmless Towamensing Township, its agents and employees, from and against any and all claims, and demands whatsoever, including costs, litigation expenses, counsel fees, and liabilities incurred in connection therewith, arising out of injury to, or death of any person, or damage to property of any kind by whomsoever owned, caused by, arising from, or related to the use of a recreation field. Further, any act or omission by Towamensing Township, its agents or employees, whether negligent, intentional or otherwise, shall not diminish or detract from said persons obligation to indemnify, defend, and hold harmless Towamensing Township.

Section 12. Enforcement. The Board of Supervisors, and such other persons who may be authorized by the Board of Supervisors are charged with the enforcement of the provisions of this Ordinance and of the rules and regulations promulgated hereby or hereafter.

Section 13. Penalties.

A. Any person, who shall violate any provision of this Ordinance, or the rules and regulations promulgated hereby or hereafter, shall, upon conviction thereof before a Magisterial District Judge in a summary proceeding, be sentenced to pay a fine of not more than one thousand dollars (\$1000.00), and in default of payment, to imprisonment for a term not to exceed thirty (30) days.


B. Any person, who shall violate any provision of this Ordinance, or the rules and regulations promulgated hereby or hereafter, shall at the discretion of the Board of Supervisors, forfeit their right to use the recreation field.


Section 14. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

Section 15. 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 of this ordinance. It is hereby declared as the intent of the Board of Supervisors that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section in part thereof not been included herein.

Section 16. Effective Date. This ordinance shall become effective five (5) days after adoption.


TOWAMENSING TOWNSHIP SUPERVISORS





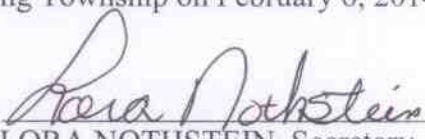


ATTEST:



Secretary

I hereby certify and attest that the foregoing is a true and correct copy of an Ordinance enacted by the Board of Supervisors of Towamensing Township on February 6, 2014.


LORA NOTHSTEIN, Secretary