

Chapter 79
PARKS AND RECREATION AREAS

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[**HISTORY: Adopted by the Borough Council of the Borough of Delmont by Ord. No. 93-12, as amended through 2000. Subsequent amendments noted where applicable.**]

GENERAL REFERENCES

Recreation Board — See Ch. 37.

Pornography — See Ch. 91.

§ 79-1. Purpose.

For regulating the use of public park property located within the Borough of Delmont as it pertains to traffic regulations, property use regulations and person use regulations for purposes of protecting the health, safety and welfare of borough residents and for the purposes of maintaining and protecting public lands and improvements for the use of members of the public.

§ 79-2. Definitions.

For the purposes of this chapter, the words and phrases set forth below shall have the meanings respectively ascribed to them unless otherwise defined in other ordinances as previously passed or to be passed by the Borough of Delmont:

ABANDONED PROPERTY — Any personal/private property located on the property owned by the Borough of Delmont that:

- A. Is left inoperable or is left unattended on the borough's public property for a period of more than 24 hours;
- B. Has remained illegally on public property for more than 24 hours; or
- C. Is located on the Borough of Delmont's public property without a valid registration plate or a valid certificate of inspection or a valid title and left unattended on said property for a period of more than 24 hours.

MOTOR VEHICLES — Includes snowmobiles, mopeds or any other machine assisted in its motion by a combustible or electric engine or motor.

PARK AREAS — Any public properties owned by the Borough of Delmont used or which may be used for recreational purposes. These include Newhouse Park, Cramer Park, Shields Farm and all parklets.

PUBLIC PLACE/PUBLIC DISPLAY — See Chapter 91, Pornography, § 91-1, Definitions.

SEXUAL CONDUCT — See Chapter 91, Pornography, § 91-1, Definitions.

SEXUAL EXCITEMENT — See Chapter 91, Pornography, § 91-1, Definitions.

§ 79-3. Traffic regulations with the park areas.

- A. All traffic or individual motor vehicles shall be regulated and operated only within areas specifically paved, graveled or as is clearly designated for vehicle use.
- B. It is specifically prohibited for the use of any motorized vehicles on areas not specifically paved for traffic. This specifically includes grassy areas, baseball field diamond areas, tennis courts, pavilion areas and walking areas within the park.
- C. No motor vehicles may be left parked and unattended within any park areas for a period of more than two hours when the owner or operator of said motor vehicles are not or were not present within the park area for a period of more than two hours.
- D. It is specifically prohibited for any motorized vehicles to enter any park area except areas that are specifically paved for motor vehicle traffic use.
- E. No parking on the park premises is permitted from dusk (sunset) to dawn (sunrise), unless a park permit explicitly permits the same.
- F. No repair, maintenance, or vehicle fabrication shall occur on the park premises at any time.
- G. All licensed motorized vehicle operators shall obey posted speed limits unless conditions warrant that the posted speed limits may not be a safe speed. No unlicensed or unregistered motor vehicles shall be permitted within the park premises.
- H. No motor vehicles are permitted on, over or across the paved walking track, paved tennis court/basketball courts or paved pavilion areas.

§ 79-4. Violation of traffic regulations.

Any person or party who violates § 79-3 and its subsections shall have violated the provisions of this chapter and shall be fined not less than \$10 and not more than \$500 for each violation. An additional judgment may also be made for restitution of any costs that would be incurred by the borough for the repair of any areas adversely affected by the violation of § 79-3. Any failure to make payment of said fine or restitution shall result in a judgment of imprisonment not to exceed 30 days, together with costs and restitution, if not paid within 10 days of the date of imposition thereof. The prosecution shall be before any District Justice who shall have the right to exercise jurisdiction of any offense committed within the Borough of Delmont. All fines imposed and collected shall be paid to the Borough of Delmont and placed in the general fund.

§ 79-5. Property use regulations.

- A. The park property shall be used by members of the public in an orderly, nondestructive, nonabusive and nonboisterous manner.
- B. The park property shall be used without causing damage, destruction, waste or abuse of improvements or structures located on said premises.
- C. The park hours are designated as dawn (morning) until dusk (nightfall). The park hours may be specifically extended with written permission as requested and consented to by the Borough Council. Permission of extension must be in writing for the use of the park. (See § 79-8 below.)
- D. No storage of personal/private property may occur on park property at any time. Any personal or private property left unattended or that is unauthorized to be within the park shall be either towed or tagged and shall be removed from the park at owner's expense. If in the event that it is discovered any property, whether personal or private, has been left unattended on the park premises for a period of longer than 48 hours without written permission or authorization by the Borough of Delmont, it shall be presumed that said property was abandoned.
- E. No use of motorized or human-powered vehicles or equipment shall be used within the park areas outside of areas specifically designated for motor vehicle usage.
 - (1) Except baby carriages pushed by parent or adults.
- F. No motor vehicles or motorcycles may be parked or operated on any grassy areas, pavilion areas, ball field areas or tennis court/basketball court areas at any time.
- G. No hunting, use of handguns, rifles, air guns, use of any type of archery equipment or muzzle loaders or other offensive weapons, slingshots, any and all explosive device usage, fireworks, any type of firearm or other lethal weapon usage of any type shall be permitted, unless a permit is issued wherein written permission is granted by the Borough of Delmont.
- H. No use of alcoholic beverages shall be permitted except in instances where a permit has been obtained from the Borough of Delmont or the Borough of Delmont Recreation Commission wherein said permit specifically permits in writing the dispensing and/or use of alcoholic beverages. No alcoholic beverages shall be dispensed or used by any persons other than those members of the group of persons or organization requesting said permit. The borough has full discretion to grant a permit or deny a permit. The borough may provide conditions upon which alcoholic beverages shall be dispensed or consumed if a permit is granted for the same.
- I. Trash, garbage, litter or other refuse shall be placed in containers provided for this purpose and shall be limited to litter accumulated during the use of said park areas. Any trash, garbage, litter or refuse not capable of being placed in the containers provided for this purpose on the park area shall be taken with the park users and disposed of personally by said park users and/or park permittees.
- J. No tree, bush, hedges or other natural vegetation within the park shall be damaged, injured, molested, removed, carved, whittled, adulterated by the pouring of any type of materials or

fluids on said vegetation, deflowered, debranched and/or defoliated in any manner. This includes, but is not limited to, the use of nails, spikes, knives, swords or other implements, articles and tools used to penetrate, cut or scrape any of said surfaces or parts of said vegetation.

- K. No open fires or cooking coals other than in commercially purchased or park-constructed charcoal grill containers, stoves or burners. All hot coals or embers shall not be left unattended at any time until said coals or embers are cool to the human touch.
- L. The soliciting for any purpose or posting of signs within the borough park is not permitted at any time.
- M. The distribution, sales, services or rental of any supplies, equipment, material or commodity and/or foodstuffs is restricted to concession areas specifically authorized to do so by the Borough of Delmont or the Delmont Recreation Commission by written permit.
- N. No horseback riding is permitted on any park area unless a permit is acquired from the Borough of Delmont or the Delmont Recreation Commission, wherein said permit specifically sets forth permission for horseback riding.
- O. All pets or animals, domesticated or otherwise, are prohibited from being in the park at all times unless a permit is acquired from the Borough of Delmont or the Delmont Recreation Commission. Seeing Eye dogs are permitted.
- P. No fixed, permanent or temporary structures shall be permitted to be erected on the park premises without the issuance of a written permit specifically setting forth permission for the erection or use of the same and that said permit sets forth the specifically designated areas for the use of the same.
- Q. No camping shall be permitted in the park without the issuance of a written permit specifically setting forth permission for camping for specifically designated areas.

§ 79-6. Violations and penalties.

A person or party who shall violate § 79-5 and its subsections shall be fined not less than \$10 and not in excess of \$500. An additional judgment in the amount of any restitution required for the repairs of any damages to the borough property and court costs shall also be added. If, in the event of nonpayment of the fine, restitution and court costs are not made within 10 days of the date of imposition thereof, imprisonment shall not exceed 30 days with a judgment of restitution and court costs sustained. The prosecution shall be made before any District Justice who has the right to exercise jurisdiction of any offense committed within the Borough of Delmont. All fines, costs and restitution imposed and collected shall be paid to the Borough of Delmont and placed in its general funds.

§ 79-7. Personal behavior regulations within the park area.

- A. All regulations specifically set forth in Chapter 91, Pornography, are incorporated herein specifically.

- B. All persons using said public property shall use it in an orderly, nondestructive, nonboisterous and nonviolent manner.
- C. All persons shall use the park premises in a nondisruptive manner as to interfere with other persons also using the park.
- D. No person is permitted to use the park property at any time without written permission from the Borough Council for any of the following conduct or activities:
 - (1) The purposes of advertising or distributing advertisements, products, materials, services, presentations or exhibitions for economic, business or prurient interests of persons of the public;
 - (2) For performing or engaging in any sexual conduct; this includes, but is not limited to, the following:
 - (a) Masturbation;
 - (b) Sexual intercourse, whether genital-genital, oral-genital, oral-anal, anal-genital, or any combination thereof;
 - (c) Any erotic fondling or touching of covered or uncovered genital areas, including, but not limited to, buttocks, pubic areas, genital areas or any part thereof of the breast of the female.
- E. Sexual conduct or behavior as previously described in Subsection D is prohibited, whether engaged in alone or between members of the same or opposite sex or between humans and animals or humans and inanimate objects or whether actual or by simulated display or exhibition of the human pubic area, genitals or part thereof. This subsection includes any sexual conduct or behavior for the purposes of:
 - (1) Causing sexual excitement (see definition, § 91-1);
 - (2) Any sadomasochistic abuse by means of flagellation or torture by or upon a person who is fully clothed, partially clothed, nude or any condition of a person being a victim of or the dispenser of violent behavior physically upon another, whether for sexual stimulation, gratification or for any other reason.
- F. No person under the age of 10 years of age shall be left unattended at any time within the park properties.

§ 79-8. Permit requirements.

- A. Any person who wishes to use the ball field areas, tennis court areas, pavilion areas or any other area of the park as part of an organized organization or group of persons, whether scheduled or unscheduled, shall first acquire written permission from the Borough of Delmont. Said written permission shall be made in writing not less than 24 hours prior to any said use. The written request shall be made to the borough or any designated official as designated by the Borough Council. Any request for the use of the park also requires a payment of any recreational fees or usage fees as may be formally established by the Borough of Delmont.

- B. Any person requesting the use of the park facilities as a part of an organization or a group of persons acting as a group shall also post:
- (1) Security in the event any special facilities located within the park are used by large numbers of persons, for purposes of offsetting any cleanup expenses or police force costs that may be incurred by the borough; and/or
 - (2) Certificates of insurance illustrating the purchase of liability insurance in force for any activities that may pose a risk of harm to persons of the group or other persons within the community of the Borough of Delmont.

§ 79-9. Enforcement; violations and penalties.

- A. Any person, entity or organization who has violated § 79-7 and/or its Subsections B, C, D and E shall be fined not less than \$10 and not more than \$500 in addition to any costs of restitution or court costs incurred. Each act shall be deemed a separate act for purposes of imposing the penalties set forth herein. In the event the fines, restitution and court costs are not paid within 10 days of the imposition of said judgment, the violator shall be subject to imprisonment not to exceed 30 days with the continued imposition of restitution and court costs incurred. Prosecution shall be made before any District Justice who has the right to exercise jurisdiction of the offense committed within the Borough of Delmont. All fines imposed and collected shall be paid to the Borough of Delmont and placed in its general funds.
- B. Any person, entity or group of persons who shall have violated the provisions of § 79-7F shall be specifically subject to the enforcement and penalties set forth in § 53-6 and its subsections.
- C. Each person, party or entity who shall have violated § 79-8 shall be fined not less than \$25 plus the permit fee designated for any usages made of the park property, any restitution required and court costs incurred. Each use and violation of said section and subsection shall be construed as a separate offense. The failure to pay a fine, permit fee, restitution and a court cost shall result in imprisonment for a period of not more than five days plus the continued imposition of the permit fee cost, court costs and any restitution imposed. The prosecution shall be made before any District Justice who has the right to exercise jurisdiction of any offense committed within the Borough of Delmont. All fines imposed and collected shall be paid to the Borough of Delmont and placed in the general funds.