

ORDINANCE NO. 312

AN ORDINANCE AMENDING THE PARKS AND RECREATION REGULATIONS IN
THE BOROUGH OF CONYNGHAM, COUNTY OF LUZERNE, COMMONWEALTH
OF PENNSYLVANIA

BE IT ENACTED and ORDAINED by the Borough of Conyngham, County of
Luzerne, Commonwealth of Pennsylvania, as follows:

§101. Applicability. This Ordinance shall apply to the public parks in Conyngham Borough
commonly known as the Whispering Willows Park located east of Main Street and Conyngham
Nature Park located on School Lane.

§102. Definitions. The following words, when used in this Ordinance shall have the meanings
ascribed to them in this section, except where the context clearly indicates otherwise:

Borough- means Conyngham Borough, Luzerne County, Pennsylvania.

Borough Council- means the elected officials of Conyngham Borough, Luzerne County,
Pennsylvania.

Motor Vehicle- means a vehicle which is self-propelled including a motor cycle, truck, passenger
vehicle, snowmobile, mini-bike, motorcycle, and recreational vehicle electric except for a
personal assistive mobility device used by a person with a disability.

Park Rules and Regulations- means those rules and regulations set forth under Section 104,
below, including subsections (A) through (T).

Parks- means the public parks in Conyngham Borough commonly known as the Whispering
Willows Park located east of Main Street and Conyngham Nature Park located on School Lane.

Person- means any natural person, individual, partnership, firm, association, corporation, or any
other entity.

Recreation Board- means the persons appointed by Borough Council as members of the Board to
perform the duties as prescribed under the Pennsylvania Borough Code.

Roller Blades or Roller Skates - means any type of shoe with small wheels attached near the toe
and at the heel or, in the case of roller blades, a series of small wheels running the length of the
shoe, propelled by human power and gravity and used for gliding across a surface, floor, sidewalk,
roadway, etc.

Skate Board - means a vehicle propelled by human power and gravity consisting of material or a
portion of material formed into a thin firm sheet with wheels attached to the underside.

§103. Recreation Board. The Recreation Board shall consist of seven (7) members who are all appointed by Council for terms that permit no more than two (2) terms to expire in any one calendar year. The Members of the Board have all been and will continue to be appointed by Council for terms of five (5) years. The terms of the members shall be staggered, so that the terms of two (2) of the members shall expire in each of four successive years and the term of the ninth member shall expire in the fifth year. A Board member may stay in office until a successor qualifies or is appointed.

§104. Rules and Regulations.

A. All parks shall be open daily to the public after sunrise and before sunset unless otherwise posted or permitted by Borough Council, and except as set forth in Section 104(B), below, concerning activities surrounding the use of the Little League facility after sunset

B. That portion of the Whispering Willow Park identified as the Little League Field, concession stands, and walkways providing access to the Little League facility, with the installation of the lighting standards, may be utilized by the general public, both individuals and organizations, upon application and approval of Borough Council, beyond sunset, not to exceed forty (40) days in any calendar year during which time the Whispering Willow Park is open. When the facility is in use in furtherance of approval of Borough Council beyond sunset, the Little League Facility will remain open no later than 11:00 p.m. When the facility is in use for Little League purposes, innings in progress at 10:00 p.m. may be completed but no new inning may begin after 10:00 p.m., with all persons vacating the parks and the field lighting turned off no later than 11:00 p.m. Upon cancellation of a scheduled event, for any reason, the individual or organization responsible for said event, must notify the Borough office of the date of the rescheduled event.

C. No person shall remove any property, bench, seat or table from the parks or change the location of any property, bench, seat or table without permission of Borough Council.

D. No person shall obstruct or interfere with any other persons use of the parks for recreational purposes.

E. No person shall set up any booth, table or stand for the sale of any article whatsoever, within the limits of the parks, without the consent of Borough Council, which shall have the authority to refuse such consent in any instance.

F. No person shall litter or dispose of any waste or garbage in the parks except in receptacles designated for the respective purposes. All persons using the parks shall dispose of all waste and garbage left by them in such proper receptacles.

G. No person shall injure, deface or destroy any notice, rule or regulation posted at any place within the parks by authority of the Recreation Board or Borough Council. Nor shall any person post, at any place within the parks, any notice or placard other than by authority of the Recreation Board or Borough Council.

- H. No person shall injure, deface, remove, cut or damage any of the trees, plants, shrubs, turf, buildings, equipment, facilities, structures or fixtures of the parks, or any other property of the Borough located in the parks.
- I. No person shall injure, break, tear down, mutilate, paint, mark or otherwise damage or deface any building, fence, sign, post, pole or other property not his or her own, whether such property is publicly or privately owned and utilized in conjunction with any recreational program within the parks.
- J. No person shall start, set, kindle, or maintain any fire or grill in the parks except portable gas or charcoal grills as permitted in designated areas, or as otherwise permitted by Borough Council.
- K. No person shall possess or consume any alcoholic beverages while in the parks without the consent of Borough Council. No person entering a park shall be in an intoxicated state or otherwise under the influence of alcohol or illegal drugs.
- L. No person shall engage in hunting and fishing from within the parks.
- M. All pets brought into the parks shall be leashed and maintained under proper and continuous supervision and control by a responsible adult person. Any person in control of a pet must promptly remove and dispose of, in a sanitary manner, fecal material deposited by the pet.
- N. Any person bringing a bicycle into a park shall obey all signs. No bicycle shall be ridden or operated in mulch, vegetated, or landscaped area. Bicycles shall be operated on paths. Bicyclists shall be cautious of pedestrians and shall not operate a bicycle in a reckless manner as to cause harm to other persons or property.
- O. No person shall engage in skateboarding, roller skating, or rollerblading or to use, ride, or propel any skate board in any of the parks.
- P. Pavilion reservations for large group of ten or more persons are to be made at the Borough Building Office. The use of the Pavilion for organized events by groups of ten or more persons shall not be permitted without a reservation.
- Q. No person shall urinate or defecate in the parks, or in or upon any of the park's buildings, monuments or structures, except in restroom facilities which are specifically designed for such purpose.
- R. No person shall drive, operate, stop, stand, or park any motor vehicle except in areas where permitted or designated for such purpose by proper authority of the Recreation Board or Borough Council.
- S. No person shall carry or possess slingshots, firecrackers, fireworks, arrows, missile propelling instruments, explosives, or any dangerous weapons, substances, compounds or mixtures, which have such properties as to cause annoyance or injury to any person or property, unless permission has been granted by the Recreation Board or Borough Council in designated areas.

No person shall discharge a firearm within a park except for police officers in the performance of their duties.

T. Borough Council shall have the authority to adopt additional rules and regulations by future ordinance.

§105. Penalties. Any person who shall violate any rule or regulation contained in Section 104, above, shall upon conviction thereof, be sentenced to pay a fine of not more than One Hundred Dollars (\$100.00) and costs of prosecution for each and every offense. Each day's violation of any of the provisions of Section 104, above, shall constitute a separate offense. Fines imposed shall be in addition to restitution for the damage caused by any person.

§106. Habitual Violators Prohibited. Persons violating the park rules and regulations in Section 104, above, on more than three occasions within a five-year period may be refused access to or entry into the parks by Borough Council.

§107. Enforcement of Park Rules and Regulations. Borough Council and the Recreation Board are hereby vested with authority and legal standing to enforce Park Rules and Regulations. However, any prosecution of violations of the Park Rules and Regulations shall be performed by a Police Officer or Code Enforcement Officer. The authority and standing to enforce Park Rules and Regulations by the Recreation Board shall be subject to review and preemption by the Borough Council.

§108. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate and distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

§109. Repealer. All ordinances or parts thereof which are inconsistent with this Ordinance are hereby repealed to the extent of their inconsistencies, including Ordinance No. 141, 231, and 243.

§110. Effective Date. This Ordinance shall become effective immediately following its adoption.

ENACTED AND ORDAINED this th 18 day of September, 2018, by the Council of the Borough of Conyngham, Luzerne County, Pennsylvania.

ATTEST:


LYNN FALATKO, SECRETARY

BOROUGH OF CONYNTHAM:

BY:


GARY GREGORY, PRESIDENT

Examined and approved this th 18 day of September 2018.



MAYOR