

CHAPTER 16

PARKS AND RECREATION

PART 1

PARKS AND RECREATIONAL FACILITIES REGULATIONS

§101. Definitions

§102. Hours of Operation

§103. Conduct

§104. Vehicle Rules

§105. Pets

§106. Scheduling of Fields

§107. Facilities and Structures

§108. Commercial Activities

§109. Adoption, Amendment & Enforcement of Parks Rules and Regulations

PART 1

PARKS AND RECREATIONAL FACILITIES REGULATIONS

§101. DEFINITIONS.

BOARD - the Upper Makefield Park and Recreation Board.

PARKS - all lands under the control of the Upper Makefield Parks and Recreation Board.

PERSONS - individuals, groups or organizations using or requesting use of the facilities in the park or parks.

TOWNSHIP - Upper Makefield Township, its officers, boards, committees and employees.

(Ord. 182, 7/19/1995, §1)

§102. HOURS OF OPERATION.

1. All facilities shall be open to the public between the hours of 7:30 a.m. and one (1) hour after sunset.
2. Either the Board or the Township may close any park or cancel any planned activity at any time if conditions including, but not limited to, bad weather, damage to or construction, maintenance or repair of the parks so warrant.

(Ord. 182, 7/19/1995, §2)

§103. CONDUCT.

The following activities are expressly prohibited at all parks:

- A. The use of snowmobiles and all-terrain vehicles (ATVs).
- B. Hunting, trapping, the use of firearms, explosives (including fireworks) and archery equipment without the prior written consent of the Township and the Board.
- C. The building of fires except in designated areas.
- D. Littering and dumping.
- E. Damaging, defacing or otherwise harming any equipment, buildings, signs, plants or animals in the park.

PARKS AND RECREATION

- F. Entering or leaving a park except by the entrance and exits provided (except in case of an emergency).
- G. Disturbing or interfering with the property of any person lawfully in the park or their activities.
- H. Unwelcome entry onto the property of any neighborhood of a park.
- I. The use and possession of illegal drugs and alcoholic beverages.
- J. Bringing horses or other livestock into a park without prior written approval of the Township or the Board.
- K. Posting any signs, notices or posters in the parks without the prior approval of the Township or the Board.
- L. Disobeying a proper order of a police officer or disobeying, disregarding or failing to comply with any rule or regulation, warning, prohibition, instruction or direction given by any authorized person and posted or displayed by sign, notice, bulletin, card or poster or when notified or informed as to its existence by the Board or any other officer of the Township.

(Ord. 182, 7/19/1995, §3)

§104. VEHICLE RULES.

1. Operation.

- A. Operating any vehicle while on park property in an unauthorized, reckless or negligent manner, in excess of the posted speed limit or in such a manner as to become a nuisance to other park users is prohibited.
- B. The following shall be defined as operating in an unauthorized manner:
 - (1) Operating in excess of posted speed limits on any park road (fire and police department vehicles, ambulance and vehicles used by physicians responding to emergency calls are exempt from this rule).
 - (2) Operating on areas other than the cartway especially designed and constructed for vehicular traffic. This shall not apply to Township and emergency vehicles.
 - (3) Operating on areas other than those specifically designed and designated for vehicular traffic. This subsection shall not apply to Township or emergency vehicles. [Ord. 197]
 - (4) Washing, repairing or servicing of vehicles is prohibited in the parks, except for repairs required when a vehicle becomes disabled in a park.

No vehicle that becomes disabled in a park may remain there for more than twenty-four (24) hours.

- (5) Any other laws pertaining to motor vehicles in general shall be valid and enforced by Upper Makefield Township Police on park property

2. Parking.

- A. Parking shall be permitted in designated areas only.
- B. There shall be no parking on grass.

[Ord. 1971

(Ord. 182, 7/19/1995, §4; as amended by Ord. 197, 9/17/1997, §§1, 2)

§105. PETS.

Residents and other park users may bring their animals to the park subject to the following restrictions:

- A. All pets must be kept on a leash or otherwise prevented from interfering with play.
- B. Owners must clean up after their pets and properly dispose of any waste.
- C. Pet owners must remove or restrain any disruptive animals upon request by another park user.

(Ord. 182, 7/19/1995, §5)

§106. SCHEDULING OF FIELDS.

Unless otherwise reserved as per the arrangements for priority scheduling below, fields shall be assigned on a first-come, first-served basis, with preference being given to Township residents or groups. Persons or groups wishing to reserve a field may do so by contacting the Township Manager or his or her designee.

- A. **Priority Scheduling.** Any organization wishing to use playing fields or other areas in any park on a regular basis may request priority scheduling subject to the following rules and restrictions.
 - (1) The organization must request priority scheduling no less than thirty (30) days prior to the start of their use in any particular calendar year.

PARKS AND RECREATION

- (2) The organization must submit with their request a plan for substantially contributing to the maintenance of the reserved fields. The plan shall be subject to approval by the Park and Recreation Board and the Township Manager or his or her designee.
- (3) Priority scheduling arrangements shall be valid for not more than twelve (12) months. Arrangements may be renewed at the discretion the Park and Recreation Board and the Township Manager or his or her designee. Renewals shall be contingent on satisfactory proof of compliance with permit requirements and park rules and regulations.
- (4) The organization must submit proof of insurance of a type and amount suitable to the Township Manager or his or her designee, naming Upper Makefield Township as additional insured.
- (5) The organization shall indemnify and hold harmless Upper Makefield Township and its officers, boards and committees against any damages, claims, losses, suits, expenses, demands and actions by any parties against Upper Makefield Township in connection with the activities of the organization in an Upper Makefield Township park.
- (6) The organization shall be responsible for picking up all litter on its reserved field or fields and adjacent spectator areas within two (2) hours after a game or practice.
- (7) The organization shall abide by all rules and regulations pertaining to the parks and any other conditions deemed appropriate by the Board or the Township.
- (8) Any organization failing to abide by the terms of its maintenance agreement with the Township or these rules may have its priority scheduling cancelled by the Township at any time.

B. Special Events Scheduling. Any group or organization or person may request that an area or playing field be set aside for a special event subject to the following conditions:

- (1) The request must be made to the Township Manager or his or her designee no less than twenty (20) business days prior to the event.
- (2) The organization, group or person shall indemnify and hold harmless the Township against any damages, claims, losses, suits, expenses, demands and actions by any parties against the Township in connection with the activities of the organization in any park.
- (3) If the organization, group or person has liability insurance for its activities, it shall produce a certificate of same naming Upper Makefield Township as additional insured for the date or dates of the special event.

- (4) The organization shall abide by all rules and regulations pertaining to the parks and any other conditions deemed appropriate by the Board or the Township.
- (5) If a special event requires any additional Township services, the sponsoring person or organization shall reimburse the Township for the cost of said services.
- (6) No special events will be scheduled that conflict with regularly scheduled activities.
- (7) If requests for special events conflict, preference shall be given to the person or group requesting facilities that can provide proof of adequate liability insurance. Other prioritizing shall be at the discretion of the Township Manager or his or her designee.

(Ord. 182, 7/19/1995, §6)

§107. FACILITIES AND STRUCTURES.

1. Temporary Facilities. Erection of temporary backstops, goal posts, crowd control fences and barriers is allowable by permit with the following restrictions:
 - A. Permits must be secured no later than ten (10) business days prior to the erection of the structures.
 - B. Specific dates must be included in the application for both the installation and removal of said structures.
 - C. Temporary structures shall not be in place for a period of time greater than that specified on the permit. Structures not removed in time shall be removed by the Township and the organization or persons making the application for the permit shall reimburse the Township for the cost of removal.
 - D. All temporary structures shall be kept in good repair and shall be repaired, replaced or removed by the permit holder within forty-eight (48) hours of any reported damage.
 - E. Permits for temporary structures shall be granted based on their intended use, the function or use of the area where requested, their compatibility with the area and their impact on the use of the park and public safety. Permits shall be approved by the Township Manager or his designee prior to issuance and shall be subject to approval of the Board if the structures will be standing for more than thirty (30) days. Permits may include any conditions deemed appropriate by the Township Manager or his or her designee including, but not limited to, requiring the posting of an escrow to insure removal of the structures.

PARKS AND RECREATION

2. Permanent Facilities. Erection of permanent facilities and structures, modification of present facilities, the planting of trees, shrubs, flower beds, sod and any other action with permanent or lasting impact on the park is allowable by permit with the following restrictions.
 - A. All permanent additions or alterations shall be considered in light of future development plans for the area intended and in the comprehensive plan for the Upper Makefield Township park and recreation program.
 - B. Permanent structures shall conform to all Township, County, State or other building codes.
 - C. All plans for permanent improvements shall be reviewed by the Park and Recreation Board and the Board of Supervisors for their consideration and approval. This review shall include, but shall not be limited to, such factors as appearance, future maintenance and operating costs, desirability and compatibility with the present and future park development.
 - D. Recommendations shall be presented to the Board of Supervisors from the Park and Recreation Board on the proposed facilities or improvements.
 - E. As all park properties are public property and are maintained for the use and enjoyment of all residents, no person, group or organization shall be permitted to erect or maintain the use of any facility or structure for restricted usage. All improvements shall become the property of and come under the control of Upper Makefield Township. However, any person, group or organization seeking priority scheduling under §106(A) of these rules and regulations may include plans for erecting permanent structures and facilities as part of the required maintenance plan.

(Ord. 182, 7/19/1995, §7)

§108. COMMERCIAL ACTIVITIES.

Commercial activities in the parks shall be limited to the sale of refreshments during games, practices and other park-centered activities, the sale of admission tickets to permitted special events and fundraising activities by nonprofit organizations conducting permitted special events. These activities shall be subject to the following rules and regulations as well as all other laws, rules and regulations applicable to the parks and the activities in question.

- A. Refreshment Sales.
 - (1) Persons, groups or organizations wishing to sell refreshments and food must obtain the permission of the Township Manager or his or her designee and the Board.
 - (2) Permission will not be granted to sell any item which is not primarily used or consumed at the park on the same day as the sale. Refreshment

sales are intended in this Section to be a service to park users and not as retail outlets.

- (3) Refreshment sellers will supply all merchandise and shall assume all responsibility for the safety of the consumer. Seller will absolve, release, indemnify and hold harmless the Township against any and all loss, damage, costs, expenses, claims, suits and against the Township resulting from the activities of the seller in the parks.
- (4) Refreshments sellers shall provide the Township with a copy of a valid Board of Health permit and shall display said permit in their selling area.
- (5) Refreshment sellers assume the responsibility for maintaining the food storage, preparation and service area in a clean and acceptable manner. Failure to do so shall be grounds for the Township withdrawing permission for refreshment sales.

B. Admission Tickets and Fundraisers. Organizations and persons scheduling special events and fundraisers to which admission will be charged must show, with their request for permission, proof of their nonprofit or charitable status.

(Ord. 182, 7/19/1995, §8)

§109. ADOPTION, AMENDMENT AND ENFORCEMENT OF PARKS RULES AND REGULATIONS.

1. Rules and regulations for the use of Upper Makefield parks and recreational facilities shall be recommended by the Parks and Recreation Board. A majority vote of the Park and Recreation Board shall be required to recommend said rules and regulations to the Board of Supervisors for adoption by ordinance.
2. Amendments to the rules and regulations may be recommended by the Park and Recreation Board or the Board of Supervisors. The Supervisors may adopt amendments by ordinance or resolution as they see fit.
3. A summary of the rules, particularly those governing hours of operation, conduct, vehicle operations, pets and scheduling, shall be posted in each park. Copies of the rules shall be available to any who request them at the Township offices.
4. The Upper Makefield Police Department shall have the authority to enforce these rules and regulations.
5. Any person, firm or corporation or organization who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.00) plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed thirty (30) days. [Ord. 186]

(Ord. 182, 7/19/1995, §9; as amended by Ord. 186, 12/6/1995)

