

# **Chapter 16**

## **Parks and Recreation**

### **Part 1**

#### **Park and Recreation Areas**

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**Part 1****Park and Recreation Areas****§16-101. Intent; Purpose.**

It is the intent, purpose and scope of this Part to regulate activities within Thornburg (hereinafter called "Borough") public park lands, recreation facilities and conservation areas within the Borough consistent with the enjoyment of such facilities and to prevent nuisances to the residents of the Borough in the use of such public park lands, recreation facilities or in the enjoyment of private property adjacent to or in the vicinity of such areas.

(Ord. 273, 6/10/1974)

**§16-102. Preservation of Property, Resources and Wildlife.**

No person, except those authorized by the Borough and conducting Borough business, shall, in recreation, park or conservation areas:

A. Injure, deface, disturb, befoul or in any manner destroy or cause to be destroyed any part of any recreation, park or conservancy site owned by or under the control of the Borough or any building, sign, structure, equipment, utility or other property found therein.

B. Remove, injure or destroy any tree, flower, shrub, plant or growing thing or any rock or other mineral.

C. Kill, trap, hunt, pursue or in any manner deliberately disturb or cause to be disturbed any wild bird or animal within the recreation, park and conservancy sites owned or operated by the Borough.

D. Throw, discharge or place or cause to be placed in the waters of any fountain, pond, lake or other body of water in or adjacent to any park or any tributary, stream, storm sewer or drain flowing into such waters any substance, matter or thing, liquid or solid, which may result in the pollution of said waters; or dump, deposit or leave any bottles, broken glass, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse or trash anywhere within the park and conservancy sites owned by or under the control of the Borough; but rather shall make use of proper receptacles where provided, and where not so provided, all such material shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere.

(Ord. 273, 6/10/1974)

**§16-103. Hours; Rules and Regulations; Fees.**

1. *Hours of Operation.* Recreation, park and conservation areas shall be open daily to the public from 5 a.m. to 10 p.m. local time, except that all facilities having outdoor lighting shall be open to the public, for their specifically intended purpose only, to 11 p.m. It shall be unlawful for any person or persons, other than Borough officers or employees conducting Borough business therein, to occupy or be present in said park during any hours in which the park is not open to the public. Permits may be obtained for use after closing for specific activities. Any part of any park or recreation area may

be declared closed to the public at any time and for any interval of time by a notice posted at the main entrance to the schoolhouse. During such periods of time it shall be unlawful to enter upon or occupy such areas or portions thereof contrary to posted notice.

2. *Group Activity; Possession and/or Consumption of Alcoholic Beverages.*

A. Whenever any Thornburg group, association or organization desires to use recreation or park facilities for a particular purpose, which use would substantially interfere with the public's enjoyment of the facilities or where said group or organization is comprised of at least one-half nonresidents, a representative of said group, association or organization shall first obtain a permit for such use in designated areas from the Recreation Board. The Borough Council may adopt an application form to be used by the Recreation Board which may require an indemnity bond or other security to protect the Borough from any liability of any kind or character and to protect Borough property from damage. The Recreation Board shall grant the permit if it appears that the group, association or organization meets all of the conditions in the application.

B. It shall be unlawful for any person to have in his or her possession, custody or control any spiritous, malt, vinous or other alcoholic beverage, including beer, of any kind whatsoever, while in, on or occupying the Borough recreation or park facilities.

3. *Use of Facilities.* Facilities and areas in Borough recreation, park or conservancy sites shall be used only for the purposes designated or implicit in their character. Special activities including flying model airplanes, games, picnics, the operation of motor scooters, motorcycles, minibikes, go-carts, snowmobiles and similar vehicles shall be permitted only at locations or trails specifically designated for such use and at times established.

4. *Motor Vehicles.* All vehicles shall be parked in areas or places so provided and designated. Parking in places contrary to posted regulations and times is prohibited, and such vehicles may be removed by the Borough at the owner's expense. It shall be unlawful to clean, wash, repair or do any work whatsoever on private vehicles within recreation, park and conservation areas, except for emergency repairs, without a permit from the Recreation Board.

5. *Fees.* The Borough Council shall have the authority to issue a fee schedule for permits, set the amount of deposits and prescribe conditions under which deposits are collected or forfeited. Such revenue shall be used for recreation, park and conservation purposes within the general fund.

(Ord. 273, 6/10/1974)

**§16-104. Recreation Board.**

The Borough Recreation Board is hereby authorized to:

A. Designate the areas and the time during which the various recreational activities and uses of the parks and recreational facilities shall be conducted.

B. Prescribe regulations for the use of various athletic fields, courts, recreational areas and picnic sites, which regulations shall be publicly displayed.

C. Prescribe regulations for the granting of permits or reservations for the use

of the various athletic fields, courts, recreational areas and picnic sites which shall be issued on a first-come-first-served basis upon payment of such permit fee as may be established and be limited to the area for which said application shall be made.

D. Establish and set from time to time such schedule of permit and activity fees as it may reasonably determine to be necessary to defray the costs of issuing permits and monitoring the particular activity involved, subject to review and approval by the Borough Council.

(Ord. 273, 6/10/1974)

**§16-105. Prohibited Acts.**

1. *Fires and Fireworks.* Fires may not be built or allowed anywhere in recreation, park or conservation areas except in stoves, fireplaces or designated areas provided for that purpose. Fireworks may not be used or exploded or burned at any time or place within the recreation, park or conservation areas.

2. *Animals.* It shall be unlawful for owners of domesticated animals to permit the same within recreation, park or conservation areas. [Ord. 357]

3. *Gambling.* Gambling is prohibited on or in recreation, park and conservation lands.

4. *Merchandising, Advertising and Signs.* No person shall, in any recreation, park or conservation area:

A. Offer for sale any article or thing nor place any stand, cart or vehicle for the display of any such article or thing except under the authority of the Recreation Board, by application and permit.

B. Announce, advertise or call the public attention in any way to any article or service for sale or hire.

C. Post any placard, bill, notice, sign, advertisement or inscription upon any structure, tree, stone, fence or thing within any recreation, park or conservation area or on any public lands or highways or roads adjacent to any recreation, park or conservation area, except as provided in Part 12 of the Zoning Ordinance [Chapter 27] and that the Recreation Board may place informational signs within such areas. [Ord. 387]

5. *Personal Conduct.* It shall be unlawful for any person in any recreation, park or conservation area to:

A. Disturb the peace or use profane or obscene language.

B. Endanger the safety of any person by any conduct or act.

C. Commit any assault or battery or engage in fighting.

D. Carry, possess or drink any alcoholic beverage, including beer.

E. Violate any rule for the use of the park, recreation or conservation area made or approved by the Recreation Board.

F. Prevent any person from using any park or any of its facilities or interfere with such use in compliance with this Part and the rules applicable to such use.

(Ord. 273, 6/10/1974; as amended by Ord. 357, 12/13/1996; §73-5; and by Ord. 387, 12/14/2009)

**§16-106. Enforcement.**

The Borough Council and agents designated by it, primarily the Recreation Board, shall administer the provisions of this Part, including the establishment and collection of fees, preparation of application forms, issuance and revocation of permits and promulgation of rules and regulations to implement the provisions of this Part and all other decisions relative thereto. The Borough Police and/or the Mayor shall have the authority to cause acts in violation of this Part to be terminated or to expel the perpetrators of such acts from the area or to call the Borough Police to arrest and detain such violators or to file a complaint for such violation with a magisterial district judge. (*Ord. 273, 6/10/1974, §73-6; as amended by Ord. 387, 12/14/2009*)

**§16-107. Violations and Penalties.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to pay a fine of not 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. Where such violator has removed, destroyed, damaged or defaced or befouled the recreation, park and/or conservation area or the contents thereof, the cost of maintenance, repair or replacement shall be charged to such person or group in addition to any fine or penalty. Further use of such recreation and park facilities may be denied to violators of this Part, in addition to the imposition of fines or costs.

(*Ord. 273, 6/10/1974, §73-7; as amended by Ord. 357, 12/13/1996, §73-7; and by Ord. 387, 12/14/2009*)