

## Chapter 97

### PARK REGULATIONS AND EVENT PERMITS

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[HISTORY: Adopted by the Borough Council of the Borough of Montoursville 1-4-1999 by Ord. No. 380. Amendments noted where applicable.]

#### GENERAL REFERENCES

Advertising materials — See Ch. 50.  
Animals — See Ch. 54.  
Bicycles — See Ch. 61.  
Outdoor burning — See Ch. 69.

Loitering — See Ch. 90.  
Peace and good order — See Ch. 99.  
All terrain vehicles — See Ch. 146.

#### § 97-1. Purpose.

It is the intent, purpose and scope of this chapter to ensure the preservation of outdoor public park lands, outdoor recreation facilities and other playground areas within the Borough of Montoursville for the perpetual enjoyment of the residents of the Borough of Montoursville, to regulate activities within these areas consistent with enjoyment of natural settings and park facilities and to prevent any nuisances to the residents of the Borough of Montoursville in the use of such public park lands, recreation facilities and playground areas or in the enjoyment of private property adjacent to such areas. It is further the intent, purpose and scope of this chapter to provide for the issuance of event permits for individuals engaging in activities on all lands of the borough, including streets, sidewalks and alleyways.

#### § 97-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

**BOROUGH** — The Borough of Montoursville.

**COUNCIL** — Borough Council of Montoursville.

**EVENT** — Any parade, race, march, demonstration, speech, debate, block party, fair, bazaar, circus, concert, tournament, exhibit or exhibition show which is estimated will

involve 50 or more participants, spectators or guests and which takes place on the property of Montoursville Borough, including any and all lands owned by the Borough of Montoursville or under the control of the borough, and all rights-of-way or easements of the Borough of Montoursville, including, but not limited to, streets, sidewalks and alleyways.

**EVENT PERMIT** — A permit required to conduct an event or a major event.

**FIREWORKS:**

- A. Includes any combustible or explosive composition or any substance or combination of substances or, except as hereinafter provided, any article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, and shall include blank edges and toy cannons in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, aerial fireworks or other fireworks of like construction and any fireworks containing any explosive or flammable compound or any tablets or other device containing an explosive substance.
- B. The term "fireworks" shall not include sparklers, toy pistols, toy canes, toy guns or other devices in which paper caps containing 0.25 grains or less of explosive compound are used, provided that they are so constructed that the hand cannot come in contact with the cap when in place for the explosion and toy pistol paper caps which contain less than 0.25 grains of explosive mixture.

**MAJOR EVENT** — An event estimated to involve more than 500 participants, guests or spectators or which requires the use of a street, sidewalk or alleyway or, in the opinion of the Council, requires a large land area.

**MONTOURSVILLE MEMORIAL GARDENS** — The memorial park located on the north side of Broad Street in the Borough of Montoursville which park contains the Montoursville Millstone and the Flight 800 Memorial. [Added 12-6-1999 by Ord. No. 384]

**PARKS AND RECREATION AREA(S)** — Includes all public buildings, structures, facilities, lands and waters for any related public recreation purpose, such as, but not limited to, playgrounds, swimming facilities, athletic fields, courts, maintenance buildings, trails, picnic pavilions and areas, recreation and environmental centers used for such active and passive purposes, including, but not limited to, public parks, fishing, boating and other recreation activities.

**PERSON** — Refers to individual persons, groups or organizations who shall request use of the facilities as indicated in this chapter or who shall use such facilities.

**RECREATION COMMITTEE** — Borough Council Recreation Committee.

**RECREATION BOARD** — A Board established by the Borough Council to make recommendations to the Council.

**SECRETARY** — Borough Secretary.

**§ 97-3. Hours.**

- A. From October 1 through March 31 of each year, park and recreation areas shall be opened between the hours of 8:00 a.m. and 9:00 p.m., prevailing time, unless the time is extended for a scheduled, supervised activity, in which event, the closing time shall be 1/2 hour after the completion of such activity. No unauthorized person shall be on the premises after the closing time.
- B. From April 1 through September 30 of each year, park and recreation areas shall be opened between the hours of 6:00 a.m. and 11:00 p.m., prevailing time, unless the time is extended for a scheduled, supervised activity, in which event, the closing time shall be 1/2 hour after the completion of such activity. No unauthorized person shall be on the premises after the closing time.
- C. All park and recreation areas that become hazardous for public use due to weather, fire, water, construction or other conditions may be closed at any time at the discretion of the Borough Council or its designee.
- D. The Montoursville Memorial Gardens Park shall be open from 6:00 a.m. to 10:00 p.m. Entering upon the park premises between the hours of 10:00 p.m. and 6:00 a.m. is prohibited. [Added 12-6-1999 by Ord. No. 384]

**§ 97-4. Permits.**

- A. The Secretary may issue a permit for the exclusive use of the picnic areas except as set forth in Subsection B herein. If such facilities are not scheduled, they are available for use by the general public.
- B. A permit from the Council is required for the following:
  - (1) Events and major events.
  - (2) Erection of temporary and permanent structures.
  - (3) Modification of present facilities.
  - (4) Use of special equipment, such as generators, sound systems and the like.
  - (5) Posting of signs.
  - (6) Sale or marketing of any items.
  - (7) Planting of trees and shrubs.
- C. The fee for a permit shall be determined by the Council from time to time by resolution.
- D. The borough may require of the permit applicant any or all of the following:
  - (1) Liability insurance naming the borough as an additional insured.
  - (2) A bond, security deposit or other security in a form acceptable to the borough for damage to any park and recreation area and for payment of any expenses to be incurred by the borough, including, but not limited to, removal of trash, use of electricity and water and general maintenance.

**§ 97-5. Vehicle restrictions.**

- A. Operating or parking any motor vehicle while in a park and recreation area in an unauthorized or reckless or negligent manner or in excess of the posted speed or in such a manner as to become a nuisance to other users is prohibited. Operating a motor vehicle in an unauthorized manner shall include, but is not limited to, the following:
- (1) Operating a motor vehicle on areas other than cartways especially designed, constructed and open for motor vehicular traffic, excepting authorized emergency motor vehicles and motor vehicles owned or operated by the borough.
  - (2) Parking a motor vehicle in an area other than a designated parking area.
  - (3) Parking or leaving a motor vehicle in a park and recreation area when the park is closed.
- B. All nonlicensed motorized vehicles are prohibited in all park and recreation areas except motorized wheelchairs used by disabled persons.

**§ 97-6. Regulations for park and recreation areas and the Montoursville Memorial Gardens. [Amended 12-6-1999 by Ord. No. 384]**

- A. The following are prohibited in all park and recreation areas.
- (1) Use or possession of alcoholic beverages or controlled substances.
  - (2) The presence of any individual under the influence of alcohol or controlled substances.
  - (3) Abusive, indecent or threatening language or any indecent act.
  - (4) The possession or use of fireworks unless written authorization is obtained from the Council.
  - (5) Hunting, shooting, trapping or carrying of firearms, air rifles, bows and arrows, slings and slingshots, unless written authorization is obtained from Council.
  - (6) Scattering, dropping, dumping or leaving of any trash, litter or substance of any kind in any park and recreation area or polluting or dumping any matter into any waterway or pond.
  - (7) Cutting, removing, injuring or defacing any ornament, tree, plant, fern, flower or turf.
  - (8) Damaging, destroying, defacing, adding to or removing any property, including equipment, facilities and the natural environment.
  - (9) Defacing or destroying any posted notices, rules or regulations.
  - (10) Disturbing water flow in streams, pools, ponds or basins.
  - (11) Disturbing bird nests, eggs or any other wildlife or wildlife habitat.
  - (12) Erection of any temporary or permanent structure, such as treehouses or platforms, clubhouses, goalposts, backstops, fences, tents or any other structure unless written authorization is obtained from the Council.

- (13) Horses or ponies unless written authorization is obtained from the Council.
  - (14) Modifying any present structure or facility without the written authorization of Council.
  - (15) Foot or bicycle traffic in unlighted areas after sundown.
  - (16) Playing of any games involving thrown or otherwise propelled objects, such as balls, stones, arrows, javelins, horseshoes, quoits, model airplanes, football, baseball or lacrosse, except in areas designated specifically for said use.
  - (17) Roller-skating, roller-blading or skateboarding, except in areas specifically designated for such use.
  - (18) The playing of golf.
  - (19) The sale of any items unless written authorization is obtained from the Council.
  - (20) All fires, except charcoal fires and portable gas-fired grills, unless written authorization is obtained from the Council.
  - (21) The unauthorized use of special facilities for other than their intended purpose.
  - (22) Distributing, selling, servicing or renting of any commodity or soliciting of any person whatsoever unless written authorization is obtained from the Council.
  - (23) Swimming in any pond or stream.
  - (24) Water craft utilizing combustion engines.
  - (25) Overnight camping unless written authorization is obtained from Council.
  - (26) Failing to leave any park and recreation area when directed to do so by a member of the Montoursville Borough Police Department.
  - (27) The depositing of any trash, garbage or litter in any refuse can, dumpster or receptacle other than trash, garbage or litter which was generated as a result of lawfully using a park and recreation area.
  - (28) Washing, repairing, servicing or abandoning of any motor vehicle or nonmotorized vehicle.
  - (29) The advertising of any gathering, meeting or assembly without written authorization from the Borough Council.
  - (30) Depositing of any trash, garbage or litter other than in a designated can, dumpster or receptacle.
  - (31) All pets unless at all times the pet is restrained on a leash not more than six feet in length. All animal feces must be removed immediately.
- B. Any individual who violates any of the rules and regulations of the park and recreation areas is prohibited from reentering the park and recreation area unless authorized in writing by the Council. The reentering of any park and recreation area without written authorization from the Council shall constitute a trespass.

## C. Prohibited activities.

- (1) The following are prohibited in the Montoursville Memorial Gardens:
  - (a) Use or possession of alcoholic beverages or controlled substances.
  - (b) The presence of any individual under the influence of alcohol or controlled substances.
  - (c) Abusive, indecent or threatening language or any indecent act.
  - (d) The possession or use of fireworks.
  - (e) Hunting, shooting, trapping or carrying of firearms, air rifles, bows and arrows, slings and slingshots.
  - (f) Scattering, dropping, dumping or leaving of any trash, litter or substance of any kind.
  - (g) Cutting, removing, injuring or defacing any ornament, tree, plant, fern, flower or turf.
  - (h) Damaging, destroying, defacing, adding to or removing any property, including equipment, facilities, monuments and the natural environment.
  - (i) Defacing or destroying any posted notices, rules or regulations.
  - (j) Disturbing bird nests, eggs or any other wildlife or wildlife habitat.
  - (k) Erection of any temporary or permanent structure, such as treehouses or platforms, clubhouses, goalposts, backstops, fences, tents or any other structure unless written authorization is obtained from Borough Council and the school district.
  - (l) Horses or ponies.
  - (m) Modifying any present structure or facility.
  - (n) Playing of any games involving thrown or otherwise propelled objects, such as balls, stones, arrows, javelins, horseshoes, quoits, model airplanes, football, baseball or lacrosse.
  - (o) Roller-skating, roller-blading, skateboarding, bicycles or other like devices.
  - (p) The playing of golf.
  - (q) All fires.
  - (r) Distributing, selling, servicing or renting of any commodity or soliciting of any person whatsoever.
  - (s) Camping.
  - (t) Failing to leave the park when directed to do so by a member of the Montoursville Borough Police Department or official of the Montoursville Area School District.

- (u) The advertising on park premises of any gathering, meeting or assembly.
  - (v) Depositing of any trash, garbage or litter other than in a designated can, dumpster or receptacle.
  - (w) All pets unless at all times the pet is restrained on a leash not more than six feet in length. All animal feces must be removed immediately.
- (2) Nothing in these rules and regulations shall be construed to prohibit performance of normal maintenance by Borough or school district personnel, or by others who have obtained approval to perform maintenance or enhancements to the site by the perpetual care committee appointed by the Borough and the school district.
- (3) The following are prohibited with respect to the Memorial Trees in Indian Park:  
[Added 7-19-2004 by Ord. No. 402]
- (a) Decorating, trimming or adding artifacts on a tree or on the ground around a tree;
  - (b) Placement of any plaque or memorial other than the standard plaque installed by the Borough.

**§ 97-7. Erection of temporary and permanent facilities.**

All improvements, whether temporary or permanent, made to any park or recreation area by any individual, group or organization with the written authorization of the Council shall become the property of the Borough. In the event that any not-for-profit group or organization makes substantial improvements to a park or recreation area and thereafter desires to use the improved portion of the park or recreation area, the Borough Council may give priority in scheduling the use of that area to the not-for-profit group or organization for a period of time not to exceed 12 calendar months upon such terms and conditions required by the Borough Council. The Borough Council may, in its discretion, annually renew this priority.

**§ 97-8. Specialty areas.**

The Borough Council may, from time to time, adopt rules and regulations governing the use of specialty areas, including, but not limited to, hike/bike trails, tennis courts, pool, picnic pavilions, baseball fields and boat landings.

**§ 97-9. Responsibility for damages.**

Any person or persons who cause any damage to any park and recreation area shall be responsible to compensate the Borough for said damage.

**§ 97-10. Repealer.**

Ordinance No. 330, enacted on September 18, 1989, is hereby repealed.

**§ 97-11. When effective.**

This chapter shall be effective immediately.