

ORDINANCE NO. 2004-03

AN ORDINANCE OF FRANKLIN TOWNSHIP DEFINING AND ESTABLISHING REGULATIONS FOR THE USE OF PARKS AND RECREATIONAL FACILITIES; FIXING THE HOURS OF THEIR USE; PROHIBITING CERTAIN CONDUCT THEREIN; REQUIRING RESERVATIONS FOR SPECIFIC USES; AUTHORIZING ADDITIONAL REGULATIONS AND THE CLOSING OF FACILITIES UNDER CERTAIN CIRCUMSTANCES; PERMITTING FISHING UNDER THE APPLICABLE LAWS OF THE COMMONWEALTH; DESIGNATING ENFORCEMENT OFFICERS; AND PRESCRIBING PENALTIES FOR VIOLATION.

The Board of Supervisors of Franklin Township ("Supervisors") hereby ordains:

Section 1. Definitions. As used in this ordinance, the following terms shall have the meaning indicated, unless a different meaning clearly appears from the context:

PARK OR PARKS- unless specifically limited, shall be deemed to include all parks, playgrounds, recreation areas, ball fields, tennis courts, beaches, recreation structures and facilities, and also entrances and approaches thereto, and all other land or property or structures under the jurisdiction of the Recreation Board, now or hereafter owned or acquired by Franklin Township for park or recreational purposes.

PERSON- any natural person, corporation, organization of persons, company, association or partnership.

RULES AND REGULATIONS – any rules and regulations hereby or hereafter promulgated by the Supervisors or the Recreation Board under the authority herein conferred.

Section 2. Park Hours. All parks shall be opened daily to the public between the time of sunrise and the time of sunset (as reported in the weather section of *The Times News*). In no event shall any person be permitted to be in attendance in any park outside of those hours, unless special permission is granted by the Supervisors or the Recreation Board.

Section 3. Prohibited Conduct. No person in attendance at a park shall:

1. Injure, deface, remove cut or damage any of the trees, plants, shrubs, turf, buildings, structures, signs or fixtures, or any other property of Franklin Township located within a park.

2. Litter any area of a park with garbage, paper, bottles, cans or other waste material; nor dispose of the same in any way except in receptacles designated for such purpose; nor dispose of grass clippings, brush or other debris from private property anywhere in a park, including receptacles.
3. Kindle or maintain any fire in a park except in fireplaces or areas specially designated for that purpose and located by authority of the Recreation Board.
4. Remove any bench, seat, table or other appliance without permission of the Recreation Board.
5. Injure, deface, destroy or remove any notice, rule or regulation posted at any place within a park by authority of the Recreation Board, nor shall any notice or placard be posted within a park other than by authority of the Recreation Board.
6. Set up any booth, table or stand for the sale of any article or service whatsoever within the limits of a park without permission of the Recreation Board; distribute, sell, service or rent any services or commodity or solicit for any purpose without permission of the Recreation Board.
7. Operate, stop or park any vehicle, bicycle or other means of conveyance except in areas where permitted or designated by proper authority of the Recreation Board, or operate the same in a reckless or negligent manner or in excess of 5 miles per hour (M.P.H.) or in such a manner as to become a nuisance to other area users.
8. Operate commercial vehicles, unless providing authorized services.
9. Bring onto the premises, possess or consume any alcoholic beverage or illegal drugs of any kind; no person shall enter a park in an intoxicated state or otherwise be under the influence of alcohol or illegal drugs.
10. Carry or discharge any firearms, slingshots, firecrackers, fireworks or other missile propelling instruments or explosives or arrows, or other dangerous weapons which have such properties as to cause annoyance or injury to any person or property, unless permission has been granted by the Recreation Board in designated areas; police officers in the performance of their duties will be exempt from these provisions.
11. Swim, golf, skateboard, engage in archery, camp or launch, dock or land any boat, engage in finding buried objects with special detectors, or participate in any other form of recreation, sporting endeavor or pastime, except in those areas which may be designated from time to time for that purpose by the Recreation Board.

12. Disrobe or change clothing except in buildings or facilities made available for that purpose.

13. Disturb the peace by any conduct so as to annoy any other person using a park for recreational purposes.

14. Operate a snowmobile, minibike, motorcycle, all-terrain vehicle (ATV), off-road vehicle, or similar vehicles.

15. Use threatening abusive, insulting, profane or obscene language or words.

16. Commit any disorderly or immoral acts.

17. Hold any public meeting or rally with more than five (5) persons or engage in any marching or driving as members of a military, political or other organization without permission of the Recreation Board, which requires a statement of information including the name of the organization, its purpose, number of persons expected to be invited, expected duration and name(s) of person(s) in charge.

18. Disobey a proper order of a police officer or Recreation Board member, or disobey or disregard or fail to comply with any rule or regulation, warning, prohibition, instruction or direction given by an authorized person and posted or displayed by sign, notice, bulletin, card, poster, or when notified or informed as to its existence by the Recreation Board or an authorized person.

19. Hunt for, capture or kill, or attempt to capture or kill, or aid or assist in the capturing or killing of, in any manner, any wild bird, or wild animal of any description, either game or otherwise, and to that end, it is unlawful for any person to carry onto or possess in any park, a shotgun or rifle or pistol or firearm of any make or kind unless specific permission is granted for a designated area by authority of the Recreation Board.

20. Allow pets to run at large or be out of control, or fail to promptly and completely clean up and remove from a park their pet's excrement.

Section 4. Fishing. All laws pertaining to fishing in the Commonwealth shall apply to fishing in parks and recreation areas, and provisions thereof are hereby incorporated by reference.

Section 5. Reservation for Specific Uses. The use of all parks shall be on a first come, first serve basis unless otherwise reserved:

1. by annual permission granted by the Supervisors or the Recreation Board for the scheduling of various league games, etc;
2. for school or college athletic games, practice, contests, or exhibitions;
3. for regularly scheduled school district or municipal recreation programs;
4. by permission granted by the Supervisors or the Recreation Board for a specific requested use.

Section 6. Authorization to Promulgate Additional Rules. The Recreation Board is authorized to establish additional rules and regulations as deemed necessary and with approval of the Supervisors.

Section 7. Authority to Close Areas. Recreation facilities which become hazardous for public use due to weather, water, fire or unforeseeable conditions may be closed at the discretion of either the Supervisors or the Recreation Board.

Section 8. Enforcement. The police officers of Franklin Township are charged with enforcement of the provisions of this ordinance.



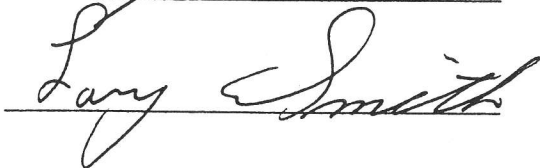
Section 9. Penalties. Any person who shall violate any provision of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not less than twenty-five (\$25.00) dollars nor more than one thousand (\$1,000.00) dollars, and in default of payment, to imprisonment for a term not to exceed thirty (30) days.

Section 10. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

Section 11. Severability. If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Supervisors that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

DULY ENACTED AND ORDAINED into law at a regular meeting of the Board of Supervisors of Franklin Township, Carbon County, Pennsylvania, held on the 20th day of July, 2004.

BOARD OF SUPERVISORS OF
FRANKLIN TOWNSHIP

ATTEST:

