

**WORCESTER TOWNSHIP
BOARD OF SUPERVISORS**

MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 2011-231

"Parks and Recreation Areas Ordinance"

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF WORCESTER TO REPEAL THE EXISTING CHAPTER 107 AND REPLACE IT WITH A NEW CHAPTER 107 ENTITLED "PARKS AND RECREATION AREAS" SETTING FORTH THE FOLLOWING SECTIONS: DEFINITIONS; PARK REGULATIONS; WAIVERS AND EXCEPTIONS; SCHEDULING AND PERMITS; FEES; EXCEPTIONS FOR PARKS LOCATED IN WORCESTER TOWNSHIP BUT OWNED BY OTHER MUNICIPALITIES; ENFORCEMENT; AND VIOLATIONS AND PENALTIES.

The Board of Supervisors of Worcester Township does hereby **ENACT and ORDAIN**:

Section I. Repeal of the Existing Chapter.

The Code of the Township of Worcester is hereby amended to repeal existing Chapter 107 in its entirety.

Section II. Amendment to the Code.

The Code of the Township of Worcester is hereby amended to enact and add the following new Chapter 107 entitled "Parks and Recreations Areas":

Chapter 107

PARKS AND RECREATION AREAS

I. Definitions.

Unless otherwise expressly stated, the following terms shall, for the purposes of this chapter, have the meanings herein indicated:

1. Litter – Includes, but is not limited to, rubbish, paper, trash, ashes, junk, waste, liquid or solid vegetable or animal matter, garbage and discarded material of any kind.
2. Park/parkland - Any park, playground, trail, open space or municipal facility owned, leased, maintained by or dedicated to the Township of Worcester, and excluding any park land maintained by another municipality but located (in whole or in part) within the geographic boundaries of Worcester Township, unless such municipality and Worcester Township mutually agree to apply this Ordinance to such lands.
3. Recreational vehicle –Any motorized vehicle used or intended to be used for recreational purposes, including but not limited to mini-bikes, dirt bikes, 4x4's, all-terrain vehicles (ATVs), off-road vehicles, motorcycles, golf carts, motorized scooters, and snowmobiles.
4. Township Official - The Township Manager, the Board of Supervisors or, for purposes of this Ordinance, the Director of Parks & Recreation.
5. Vehicle - Any motorized device designed to carry a driver, passengers and/or goods.

II. Park regulations.

All persons using or occupying park/parkland in the Township of Worcester shall abide by the following regulations:

1. No person or persons shall be permitted on park/parkland except between sunrise and sunset unless otherwise granted written permission in advance from a Township Official, or for events of public interest sponsored by the Township.
2. Persons shall enter and leave by the entrances and exits provided for such purpose.
3. No vehicle shall be driven on any areas of a park/parkland other than designated roads. No vehicle, except electric vehicles for the use of disabled persons, are permitted on trails. No vehicle shall be parked in any roadway or section of ground except in areas designated for parking purposes.
4. No person shall operate any recreational vehicle on a park/parkland. Vehicles shall not be used for recreational purposes in any paved or unpaved area of a park/parkland.
5. No vehicle shall be operated in a park/parkland in a reckless, careless or negligent manner, in excess of the posted speed limit, in violation of applicable provisions of the Pennsylvania Motor Vehicle Law, Township Ordinances or in any manner as to be a nuisance or potential hazard.
6. The washing or repair of any vehicle is prohibited in any park/parkland.
7. No organized group exceeding twenty-five (25) persons shall use Township parks/parkland without a special permit.

8. No person shall possess, sell, distribute, or consume any alcoholic beverage in a park/parkland, nor shall any person be present in any park/parkland while under the influence of any intoxicating beverage or illegal substance.
9. Firecrackers, fireworks, rockets, and paintball are prohibited in a park/parkland.
10. No person shall in any way damage or foul any structure, equipment or water in a park/parkland.
11. No person shall cut, damage or destroy flowers, plants, shrubbery or trees, including but not limited to cutting downed trees for firewood, in any park/parkland. No person shall remove, disturb, interfere with or remove any part of any plant.
12. No person or persons shall erect any structure or install plant material or assume any park/parkland for personal use.
13. Pets are prohibited from all parks/parkland unless attended and controlled by a leash. The individual in charge of an animal shall possess proper implements for the gathering and disposing of pet waste. All pet waste shall be collected immediately by the individual in charge of the animal, not buried, and shall be disposed of properly.
14. No person shall molest, annoy, strike, injure, maim, kill or destroy any animal life or animal habitat in a park/parkland.
15. Littering in a park/parkland is prohibited.
16. Soliciting, posting of notices or advertisements, vending or any commercial activity is prohibited in any park/parkland, except for activities and concessions for activities and by the Township.
17. Dumping in a park/parkland of household, construction, commercial or landscape debris or waste, including depositing any debris or waste in receptacles for removal by the Township, is prohibited.
18. Damaging, defacing or destroying notices, rules or regulations posted on any park/parkland by the Township is prohibited.
19. Activities and games shall take place only in areas of a park/parkland designated for such. Individuals or groups using a park/parklands, with or without Township permission, are responsible for damage done to turf or equipment.
20. Fires shall be permitted only in designated areas in a park/parkland where fireplaces, stoves or grills are provided by the Township. Fires must be completely extinguished . Open burning of any material is prohibited.
21. Large recreational apparatuses, such as moonbounces, dunking booths, slip and slides, trampolines and similar equipment, are prohibited.

22. Swimming, ice skating, fishing, boating, snorkeling and scuba diving are prohibited in Township parks/parkland, except in those areas specifically designated by the Township with official signage for such purposes.

23. The use of loud speakers, boom boxes, high volume portable speakers, portable hand held microphones, air horns or equipment to amplify sound in a park/parkland is prohibited unless prior approval from the Township is obtained.

24. No person shall use any park/parkland for the purpose of driving or chipping golf balls, nor as a golf driving or practice range.

25. Excepted as set forth herein, hot air balloons are prohibited in parks/parkland. A hot air balloon, for which a permit has been issued by the Township and for which proof of insurance has been supplied to the Township, is permitted in a park/parkland.

III. Waivers and Exceptions.

1. Requests for exceptions or special permission must be submitted in writing to the Township. Waiver of any of the regulations contained in this chapter shall be at the sole discretion of the Township Manager, subject to the approval of the Board of Supervisors.

IV. Scheduling and Permits.

1. The use of fields, trails and other outdoor facilities shall be regulated by the “Worcester Township Public Athletic Fields Policy & Procedures.”

2. The use of the Heebner Park Pavilions shall require an approved “Worcester Township Heebner Park Pavilion Permit.”

3. The use of the Worcester Community Hall shall require an approved “Municipal Building Use Application.”

4. The sale of concessions shall require an approved “Park Concession Sales Permit.”

5. Any individual or group of individuals using a park facility to the exclusion of others without a permit shall remove themselves from the facility upon request by a properly scheduled and permitted user or authorized Township Official or staff member.

6. The Township reserves the right to revoke any permit if the individual(s) using the park pursuant to the permit violate(s) Township regulations. The Township further reserves the right to limit the number of permits issued if the capacity of the facilities is exceeded.

V. Fees.

1. The Board of Supervisors may from time to time, by resolution, adopt a schedule of fees and charges and other use regulations for Township facilities.

VI. Exceptions for parks located in Worcester Township but owned by other municipalities.

1. The provisions of this chapter related to enforcement and supervision shall not apply to parks or portions of parks located in Worcester Township but operated by another municipality unless Worcester Township and such municipality mutually agree to apply this Ordinance to such lands. In the absence of such mutual agreement, and provided that Worcester Township has entered into a police protection agreement with such other municipality in connection with such parkland, issues of enforcement and supervision shall be governed by said police protection agreement and the ordinances of such other municipality.

VII. Enforcement.

1. The Township Board of Supervisors, any duly appointed law enforcement officer or employee of the Township is hereby authorized to give notice, by personal service or by United States Mail, to any person, firm, business association, corporation or utility which shall violate any of the provisions of this chapter. When written notice of a violation of any of the provisions of this chapter has been served, such violation shall be discontinued immediately.

VIII. Violations and Penalties.

1. Any person or persons violating the provisions of this chapter shall, upon summary conviction before a Magisterial District Judge, be fined and/or sentenced as provided in Chapter 1, Article II, § 1-16, General Penalty.

Section III. Repealer.

All other ordinances and resolutions or parts thereof as they are inconsistent with this Ordinance are hereby repealed.

Section IV. Severability.

The provisions of this Ordinance are intended to be severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted even if such

illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

Section V. Failure to Enforce Not a Waiver.

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

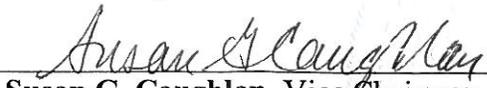
Section VI. Effective Date.

This Ordinance shall take effect and be in force from and after its approval as required by the law.

ORDAINED AND ENACTED by the Board of Supervisors of Worcester Township, Montgomery County, Pennsylvania this 21st day of September, 2011.

WORCESTER TOWNSHIP

By: 
Arthur C. Bustard, Chairman,
Board of Supervisors

By: 
Susan G. Caughlan, Vice Chairman,
Board of Supervisors

By: 
Stephen C. Quigley, Member,
Board of Supervisors

NOTICE

NOTICE is hereby given that the Board of Supervisors of Worcester Township, at its public meeting on September 21, 2011, at 7:30 p.m. at the Worcester Township Community Hall, 1031 Valley Forge Road, Fairview Village, Worcester, Pennsylvania, will hold a public hearing on and could vote to adopt an Ordinance entitled "Park and Recreation Areas Ordinance" amending the Code of the Township of Worcester to repeal existing Chapter 107 and to enact and add a new Chapter 107 entitled "Parks and Recreation Areas" setting forth the following sections: definitions, title; purpose; definitions; park regulations; waivers and exceptions; scheduling and permits; fees; exceptions for parks located in Worcester Township but owned by other municipalities; enforcement; and violations and penalties.

Copies of the full text of the proposed ordinance are available for examination during normal business hours at the offices of *The Times Herald*, 410 Markley Street, Norristown, Pennsylvania 19404, the Montgomery County Law Library, Court House, Norristown, Pennsylvania and the Worcester Township Building, 1421 Valley Forge Road, Worcester, Pennsylvania 19490 where a copy of the proposed ordinance may be obtained for a charge not greater than the cost thereof.

JAMES J. GARRITY, ESQUIRE
WISLER PEARLSTINE, LLP
Solicitors for Worcester Township

