

DRAFT REVISIONS for INFORMAL PUBLIC REVIEW (2/29/12)
PLEASE SUBMIT COMMENTS BY March 30, 2012

[shaded text was adopted in 2007]

[unshaded text are proposed revisions 2012]

**EAST FALLOWFIELD TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2007 – 03

**AN ORDINANCE PURSUANT TO SECTION 2203 OF THE SECOND
CLASS TOWNSHIP CODE, AMENDING AND RESTATING
ORDINANCE 2006-02 REGULATING THE USE AND ENJOYMENT BY
THE PUBLIC OF ANY PARK OR RECREATION GROUNDS OWNED
OR OPERATED BY EAST FALLOWFIELD TOWNSHIP AND
ESTABLISHING RULES FOR THE USE THEREOF AND PENALTIES
FOR THE VIOLATION THEREOF. EFFECTIVE FIVE DAYS FROM
ENACTMENT.**

AND NOW, this ___th day of _____, 2012, the Board of Supervisors of East Fallowfield Township hereby enacts and ordains as follows:

Section 1. Purpose; implementation. The purpose of this Ordinance is to provide rules and regulations for the use of and conduct in the parks and recreation areas of East Fallowfield Township (herein collectively and inclusively referred to as “Parks”). The Township reserves the right to, and may from time to time, through the Park and Recreation Board, enact rules and regulations which it considers necessary and proper to implement the provisions of this Ordinance.

Section 2. Regulations. The following rules and regulations apply for all “Parks”, and must be complied with by all persons within those “Parks”:

- A. “Parks” are open from dawn to dusk, and no person shall enter or remain in such “Parks” before or after those times, unless permission is obtained from the Township.
- B. Pets must be kept on a leash and under control of a responsible person at all times.
- C. Pet owners are required to clean up after their pets, and remove pet waste from the park or dispose of the waste using pet waste bags in a trash receptacle. Pet waste bags are provided in the park.
- D. Bicycles, roller skates and in-line skates may only be operated on paved trails or in other areas, if any, specifically designated for their use.
- E. Fishing is permitted. PA Fish and Boat Commission laws and regulations apply.
- F. Motorized vehicles must be licensed and are restricted to the vehicular driveways and designated parking areas. Maximum speed in the “Parks” is 15 mph. All vehicles are prohibited from all trails and vegetated areas. No person shall park

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outside of designated areas or park in such a way as to block any fire lane, maintenance road, or trail.

G. The following are prohibited:

1. Overnight parking.
2. Possession of, use of, or being under the influence of, any illegal drug, alcoholic beverage or controlled substance.
3. Disorderly conduct, including the use of indecent language or excessive noise. Any noise shall be deemed excessive and in violation of this regulation if it disturbs the peace of any individual or impedes the peaceable use of the "Parks" or any adjacent residence or business.
4. Firearms, slingshots, pellet guns, air rifles, archery equipment, fireworks, explosives or other dangerous materials.
5. Vandalism to "Parks" property and facilities, including defacing or damaging park property, disturbing wildlife and destroying/removing vegetation.
6. Littering. All refuse shall be placed in trash receptacles or removed by the person(s) generating the refuse.
7. Barbecues, cookouts, grilling and open fires.
8. Hunting and trapping.
9. Camping.
10. Swimming, ice-skating, and ice fishing.
11. Feeding or harming of any wildlife and waterfowl.
12. Soliciting or peddling, except under special conditions established by the Township.
13. Smoking in all areas and facilities of the "Parks"; there is no smoking on East Fallowfield Township properties.
14. All-terrain-vehicles (ATVs), snow mobiles, motorized dirt bikes and other off-road vehicles.
15. Use of confetti or confetti-like materials anywhere in the "Parks".
16. Disposal, discharge, dumping or otherwise placing any refuse, trash, or other waste, materials, liquids, substances, debris, grass clippings, brush cuttings, yard waste or other waste materials within the boundaries of the "Parks".
17. Use of nails, staples, or other fastening devices which may cause damage to pavilion, trees, or other structures.

H. The Township shall have the authority to revoke the right to use the "Parks" or any park facility, or to deny future use, upon a finding of violation of any rule or regulation or upon good cause shown.

I. All park users are responsible for leaving the area, field or facility in the condition in which it was upon their arrival, including cleaning up the facility and surrounding area and for removing all of their waste, trash, refuse, debris, and/or personal items from the "Parks".

J. All parking for participants of an event/activity at the East Fallowfield Community Park pavilion or play field shall be at the lower (gravel) parking lot, except for handicapped persons, who may use the paved parking lot.

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- K. Failure of any person to follow park rules may result in fine or imprisonment as per the provisions of this Ordinance, and forfeiture of any paid Security Deposit and or other fee(s), and suspension of future reservation and use privileges for the individual or organization.
- L. Any user of the “Parks” or park facilities is liable for any loss, damage (to field or pavilion or other park facilities or features) or injury sustained by any other person resulting from actions of the user, whether or not taken pursuant to these rules and regulations.
- M. East Fallowfield Township, its Board of Supervisors and its “Parks” and Recreation Board shall not be held responsible or accountable for any action taken in accordance with these regulations, and shall be held harmless and immune from liability and suit by any user of the “Parks” and any participant of any event or activity, whether or not Township approval was issued,
- N. Allowing a group to meet in any of the Township “Parks” does not, in any way, constitute the Township’s endorsement of the group’s policies or beliefs.
- O. The Township, at its sole discretion, may impose terms and conditions in addition to the park rules and regulations as conditions for an approved event.

Section 3. Facility Use Permit. Use of fields, pavilions, or other park facilities, is on a first-come–first-served basis, unless reserved by obtaining a Facility Use Permit through the Township office, in accordance with the following:

- A. Use of fields, pavilions, or (at the discretion of the Township) other designated areas or park facilities by organized groups of 15 or more persons is prohibited without a Facility Use Permit obtained from the Township.
- B. Any event with 75 or more attendees and any event for which the general public is invited must have prior review by the Park and Recreation Board and prior approval of the Board of Supervisors, and all logistical plans must be coordinated with Township staff.
- C. The pavilion, informal play field, or (at the discretion of the Township) other designated area of the East Fallowfield Community Park may be reserved for a maximum of 4-hours use (per reservation) on a first-come-first-served basis Mondays through Sundays (including holidays) between April 1st and October 31st (excluding days on which Township-sponsored community events are to be held) by obtaining a Facility Use Permit.
- D. Permits will be issued on a first-come-first-served basis.
- E. Permit applications for Facility Use Permit (“Permit”) must be submitted to the Township office at least six business days in advance of the planned event/activity. Applications for permits requiring prior approval of the Board of Supervisors must be submitted to the Township office at least 8 weeks in advance of the planned event/activity.
- F. A security deposit, facility use fee(s), and evidence of required insurance coverages (as shown on the Permit application form), are required and are to be paid/submitted at the time the application is submitted.
- G. Permit applications shall be reviewed by, and if deemed acceptable, approved by the Township Manager, who will then issue the Facility Use Permit.

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- H. Permit holder must post the Permit during their approved event/activity in the designated location at the pavilion or play field.
- I. The Permit is for the convenience of the Permit holder and is solely for the facility or area reserved and shall not be interpreted as a claim to any other park facilities to the detriment of other park users. The Permit shall authorize the Permit holder the reserved and exclusive use of only the park facility for which the Permit was issued (i.e., pavilion or play field, etc.). All park users shall be free to use all other park facilities, subject to the provisions of this Ordinance.
- J. The Permit holder is liable for any loss, damage (to field or pavilion or other park facilities or features) or injury sustained by any other person resulting from actions of the Permit holder or participants of the event for which the permit was issued, whether or not taken pursuant to these rules and regulations.
- K. All park rules and regulations must be followed by all participants of any event/activity for which a Permit has been issued. Permit holder shall be responsible for informing all participants of the event/activity for which the Permit was issued of all Permit conditions and all park rules and regulations.
- L. The facility will be inspected by the Township within 72-hours after the conclusion of the event/activity for which the Permit was issued and if found in acceptable condition, the security deposit will be returned to the applicant by regular mail. Forfeiture of the security deposit will result if the inspection results in costs to be incurred by the Township for, including but not limited to, trash removal and/or repairs, and the Permit holder will be held responsible to reimburse the Township for all costs incurred by the Township in excess of the amount of the security deposit.
- M. For any events/activities for which the Township determines that additional police presence or Public Works Department services are necessary, or are requested by the applicant, the costs for such services must be paid by the named Permit holder.

Section 4. Posting of rules and regulations. The rules and regulations described above in Section 2 shall be conspicuously posted in all East Fallowfield Township active recreation "Parks". The posting required by this section shall be placed and maintained by the East Fallowfield Township Code Enforcement Officer or his/her designee.

Section 5. Violations and penalties. In accordance with the Second Class Township Code, 53 P.S. § 67203(b), any person who violates the rules and regulations adopted within this Ordinance, as set forth above, commits a summary offense. The Board of Supervisors of East Fallowfield Township shall enforce the above rules and regulations by an action brought before the District Justice with competent jurisdiction in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person violating any one of the above described rules and regulations shall pay a fine not exceeding \$1,000 and/or shall be imprisoned for a period not more than 90 days per violation. A separate offense for violating the above described rules and regulations shall arise for each day the offender violates a rule or regulation and for each rule or regulation violated.

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Section 6. Effective date. This amendatory ordinance shall be effective five (5) days from the date of enactment.

ENACTED and **ORDAINED** this xxday of xxxxx, 20xx.

**BOARD OF SUPERVISORS OF
EAST FALLOWFIELD TOWNSHIP**

, Chairman

, Vice Chairman

, Member

xxxxxxx, Member

xxxxxxx, Member

ATTEST:

Denise Miller, Secretary