

CHAPTER 120

PARKS AND RECREATION

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[HISTORY: Adopted by the Borough Council of the Borough of South Greensburg 7-15-1996 as Ord. No. 96-6. Amendments noted where applicable.]

GENERAL REFERENCES

Animals - See Ch. 53.
Circuses and carnivals - See Ch. 69.
Firearms and weapons - See Ch. 76.
Littering - See Ch. 108.
Peddling and soliciting - See Ch. 122.

§ 120-1. Definitions. [Amended 3-8-10 by Ord. No. 2010-03.]

As used in this chapter, the following terms shall have the meanings 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, tennis courts, recreation structures and facilities, and also entrances and approaches thereto, and all other land or property or structures under the jurisdiction of the Borough Council, now or hereafter owned or acquired by the Borough of South Greensburg 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 Borough Council under the authority herein conferred.

§ 120-2. Park Hours. [Amended 3-8-10 by Ord. No. 2010-03.]

All parks shall be opened daily to the public at such hours as the Borough Council may from time to time designate, but in no event shall any person be permitted to be in attendance in any park between sunset and sun rise, unless special permission is granted by the Borough Council.

§ 120-3. Prohibited conduct. [Amended 3-8-10 by Ord. No. 2010-03.]

No person in attendance at a park shall:

- A. Injure, deface, remove, cut or damage any of the trees, plants, shrubs, turf, buildings, structures, signs or fixtures or any other property of the Borough of South Greensburg located within the park.
- B. Litter any area of the 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.
- C. Kindle or maintain any fire in the park except in fireplaces or areas specially designated for that purpose and located by authority of Borough Council.
- D. Remove any bench, seat, table or other appliance without permission of the Borough Council.
- E. Injure, deface, destroy or remove any notice, rule or regulation posted at any place within the park by authority of the Borough Council, nor shall any notice or placard be posted within the park other than by authority of said Borough Council.
- F. Set up any booth, table or stand for the sale of any article or service whatsoever within the limits of the park without permission of the Borough Council; distribute, sell, service or rent any services or commodity or solicit for any purpose without permission of Borough Council.
- G. Operate, stop or park any vehicle, bicycle or other means of conveyance except in areas where permitted or designated by proper authority of the Borough Council, or operate the same in a reckless or negligent manner or in excess of any posted speed limit or in such a manner as to become a nuisance to other area users.
- H. Operated commercial vehicles, unless providing authorized services.
- I. Bringing onto the premises, possess or consume any alcoholic beverage, without the issuance of a Park Alcohol Permit from the Borough, or illegal drugs of any kind; no person shall enter the park in an intoxicated state or otherwise be under the influence of illegal drugs. Council shall, from time to time, set forth by way of Resolution, the fee for the permit for, and any rules or regulations regarding, the responsible possession and consumption of alcoholic beverages.
- J. 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 Borough Council in designated areas; police officers in the performance of their duties will be exempt from these provisions.
- K. Play ball, swim, golf, pitch horseshoes, engage in archery, camp, 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 Borough Council.

- L. Disrobe or change clothing except in buildings or facilities made available for that purpose.
- M. Disturb the peace by any conduct so as to annoy any other person using the park for recreational purposes.
- N. Operate a snowmobile, minibike, motorcycle or any vehicle, recreational or otherwise, except on designated roads, trails or other areas set aside for their use.
- O. Use threatening, abusive, insulting, profane or obscene language or words.
- P. Commit any disorderly or immoral acts.
- Q. 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 Borough Council, 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.
- R. 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 Borough Council or an authorized person.
- S. 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 Borough Council.
- T. Allow pets to run at-large out of control. Further, no person having possession, custody or control of any animal shall knowingly or negligently permit any dog or other animal to commit any nuisance, i.e., defecation or urination upon any gutter, street, driveway, alley, curb or sidewalk in the Borough of South Greensburg or upon the floors or stairways of any building or place frequented by the public or used in common by the tenants or upon the outside walls, walkways, driveways, alleys, curbs or stairways of any building abutting on a public street or park or upon the grounds of any public park or public area or upon any private property other than the property of the owner of such animal. Further, no person having possession, custody or control of any dog or other animal, shall permit any dog or other animal to be present on any Borough recreational area, including playgrounds and parks, except that dogs or other animals within the possession, custody or control of any person shall, subject to the provisions as above provided, be permitted to be present within the park located on Huff Avenue, South Greensburg, Pennsylvania, and known as "South Greensburg Community Park."

§ 120-4. Reservation for specific use. [Amended 3-8-10 by Ord. No. 2010-03.]

The use of all parks shall be on a first-come, first-served basis unless otherwise reserved:

- A. By annual permission granted by the Borough Council for the scheduling of various league games, etc.
- B. For school athletic games, practices, contests or exhibitions.
- C. For regularly scheduled school district or municipal recreation programs.

D. By permission granted by the Borough Council for a specific requested use.

§ 120-5. Authorization to promulgate additional rules. [Amended 3-8-10 by Ord. No. 2010-03.]

The Recreation Board is authorized to establish additional rules and regulations as deemed necessary and with approval of the Council for the Borough of South Greensburg.

§ 120-6. Authority to close areas. [Amended 3-8-10 by Ord. No. 2010-03.]

Recreation facilities which become hazardous for public use due to weather, water, fire or unforeseeable conditions may be closed only at the discretion of the Council for the Borough of South Greensburg.

§ 120-7. Enforcement. [Amended 10-13-10 by Ord. No. 2010-03.]

The police officers of the Borough of South Greensburg are charged with enforcement of the provisions of this Ordinance³ and of the rules and regulations promulgated by the Borough Council.

§ 120-8 Violations and penalties. [Amended 9-15-14 by Ord. No. 2014-07.]

- A. With the exception noted below in § 120-8. B., any person, firm or corporation who shall violate any provision of this chapter shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred (\$600.) dollars, and, in default of payment, to imprisonment for a term not to exceed thirty (30) days.
- B. Any person, firm or corporation who shall violate § 120-3.A. of this chapter by injuring, defacing, removing, cutting or damaging any tree located within any park of the Borough of South Greensburg, unless specifically authorized by the Borough of South Greensburg to do so, shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred (\$600) dollars, and, in default of payment, to imprisonment for a term not to exceed thirty (30) days. If the violation results in the cutting of or irreparable damage to any tree, then the person, firm or corporation also shall be required to pay to the Borough the full value of any such tree.

§ 120-9. South Greensburg Community Park Commission. [Amended 10-13-14 by Ord. No. 2014-08.]

The Mayor and Council shall appoint a South Greensburg Park Commission ("SGCPC") of five (5) members. The SGCPC shall carry out the functions described in this chapter under the procedures established for the operation of the SGCPC.

§ 120-10. Powers and duties of SGCPC. [Amended 10-13-14 by Ord. No. 2014-08.]

The SGCPC, at the request of Council, shall have the power and shall be required to:

- A. Prepare plans for the conservation, maintenance and development of the South Greensburg Community Park and present them for consideration by the Borough Council.
- B. Maintain and keep on file records of its actions. All records and files of the SGCPC shall be the property of and in the possession of Council.

- C. Prepare and present to Council recommendations on proposed amendments to ordinances relating to the South Greensburg Community Park.
- D. Make recommendations to the Council for capital improvement programming.
- E. Promote public interest in, and understanding of, the South Greensburg Community Park.
- F. Make recommendations to governmental, civic and private agencies and individuals as to the effectiveness of their proposals relating to enhancement of the South Greensburg Community Park.
- G. Review the designated Parks Map, provisions for planned park development and such other regulations governing the development of the South Greensburg Community Park, and make recommendations to the Council.
- H. Perform such other acts or make such studies as may be necessary to fulfill the duties and obligations imposed by this chapter pertaining to the South Greensburg Community Park.

§ 120-11. Membership. [Amended 10-13-14 by Ord. No. 2014-08.]

All of the members of the SGPC shall be residents of the Borough.

§ 120-12. Removal. [Amended 10-13-14 by Ord. No. 2014-08.]

Any member of the SGPC once qualified and appointed may be removed from office for malfeasance, misfeasance or nonfeasance or for other just cause by a majority vote of the governing body taken after the member has received fifteen (15) days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

§ 120-13. Appointment, term and vacancy. [Amended 10-13-14 by Ord. No. 2014-08.]

- A. All members of the SGPC shall be appointed by the Council. The membership shall consist of at least one (1) but not more than two (2) Council members. At least three (3) but not more than four (4) members shall be citizens not employed by or otherwise serving as officers of the Borough.
- B. The term of each of the members of the SGPC shall be for three (3) years, or until a successor is appointed and qualified.
- C. The Chairperson of the SGPC shall promptly notify Council concerning any membership vacancy, and such vacancy shall be filled for the unexpired term. If a vacancy shall occur otherwise than by expiration of term, it shall be filled by appointment for the unexpired term according to the terms of this chapter. The SGPC shall, in the case of any vacancy, nominate a replacement subject to approval by Council.

§ 120-14. Conduct of business. [Amended 10-13-14 by Ord. No. 2014-08.]

The SGPC shall elect its own Chairperson and Co-Chairperson and create and fill such other offices as it may determine. The SGPC may make and amend bylaws and rules and regulations to govern its procedures consistent with the ordinances of the Borough and the laws of the Commonwealth. The SGPC shall appoint a Secretary who will record meeting minutes and promptly provide them to Council.

§ 120-15. Administrative and technical assistance. [Amended 10-13-14 by Ord. No. 2014-08.]

The SGCPC, under express authority of and approval by Council, may engage administrative and technical services provided by consultants or Borough employees to aid in carrying out its duties.

§ 120-16. Assistance. [Amended 10-13-14 by Ord. No. 2014-08.]

The SGCPC may, with the express authorization and approval of Council, accept and utilize any funds, personnel or other assistance made available by Westmoreland County, the Commonwealth or the federal government or from private sources to carry out its duties.

§ 120-17. Other Commissions and Boards. [Amended 10-13-14 by Ord. No. 2014-08.]

Nothing in this chapter shall supersede the authority of the Recreation Board, the Shade Tree Commission or any other Commission or Board of the Borough of South Greensburg.