

**TOWNSHIP OF SILVER SPRING
CUMBERLAND COUNTY, PENNSYLVANIA**

ORDINANCE NO. 11 OF 2017

AN ORDINANCE OF THE TOWNSHIP OF SILVER SPRING, CUMBERLAND COUNTY, PENNSYLVANIA, ENACTING RULES AND REGULATIONS GOVERNING THE SILVER SPRING TOWNSHIP PARKS INCLUDING THE HOURS OF OPERATION, REGULATING THE USE OF FACILITIES, AND DESIGNATING VIOLATION OF THE RULES AND REGULATIONS AS A SUMMARY OFFENSE AND PROVIDING A PENALTY THEREFORE AND PROVIDING FOR THE EFFECTIVE DATE; AND REPEALING ORDINANCES NO. 5 OF 1976, NO. 6 OF 1992, NO. 5 OF 2000, and NO. 4 OF 2008.

IT IS HEREBY ENACTED BY THE BOARD OF SUPERVISORS OF SILVER SPRING TOWNSHIP, CUMBERLAND COUNTY, PENNSYLVANIA, AS FOLLOWS:

Title. This Ordinance shall be known as the “Park Rules and Regulations Ordinance.”

Authority. This ordinance is enacted pursuant to the Second-Class Township Code.

Purpose; applicability. The parks and playgrounds of the Township are for the benefit and pleasure of the whole public, and the rules and regulations governing their use are established for the express purpose of providing for the general welfare of persons using the parks and the public as a whole. They shall apply to all persons who use the parks and playgrounds.

Adoption of rules. The following rules and regulations are hereby adopted for the management and protection of public parks and playgrounds of the Township.

SECTION 1. Hours of Park Operation.

No person shall be in any park or on any trail during the hours the township facility is closed except as pre-approved in writing by the Parks and Recreation Manager or designee of the Parks and Recreation Manager. All parks are open from sunrise to sunset, except areas lighted for evening use which shall close at 11:00 PM, prevailing time. Park hours will be posted at all parks.

SECTION 2. Posting of Park Rules and Regulations.

The park rules and regulations shall be posted in public view at the points of entrance to the recreational facilities operated by the township.

SECTION 3. Additional Rules and Regulations.

The Township Board of Supervisors, from time to time, may adopt additional rules and regulations governing the operation and conduct of the recreational facilities operated by the township.

SECTION 4. Fees, Charges and Permits

The Board may, at its discretion, levy charges on non-residents or residents, or both, for use of park or playground facilities. Charges shall be determined by the Board through resolution. Permits for events in or on any township facility shall be obtained by application to the approving

Township Manager or authorized designee. The Township shall have the authority to charge a fee for any damage done either willfully or accidentally by person(s) using any township facility.

SECTION 5. Authority to close area.

Area facilities which become hazardous for public use due to weather, water, fire, or unforeseeable conditions may be closed at the discretion of the Township Manager, Chief of Police or designee.

SECTION 6. Park lands not for private use.

Park lands are public lands and shall not be put to personal garden, nursery or storage uses, except as pre-approved in writing by the Parks and Recreation Manager or designee of the Parks and Recreation Manager.

SECTION 7. Prohibited acts.

The following acts and conduct are prohibited in the parks unless pre-approved in writing by the Parks and Recreation Manager or designee of the Parks and Recreation Manager where not otherwise prohibited by law:

- A. Acts in violation of the Pennsylvania Crimes Code.
- B. Smoking or use of tobacco products, including vaping, in any township park.
- C. No alcoholic beverage shall be brought into, possessed or consumed in any park.
- D. Litter, dump, or deposit any garbage or other offensive substance or article. Where receptacles are not provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere.
- E. Throw, discharge or otherwise place or cause to be placed in the waters, wetland, any fountains, pond, lake, stream or other body of water in or adjacent to any township facility or any tributary, stream, storm sewer or drain flowing into same, any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters.
- F. Mark, deface, disfigure, injure, tamper with or displace or remove, any buildings, bridges, tables, benches, grills, railings, paving or paving materials, water lines or other public utilities (or parts or appurtenances thereof), signs, notices or placards, whether temporary or permanent, monuments, stakes, posts or other boundary markers, or other structures or equipment, facilities or park property, or appurtenances whatsoever, either real or personal.
- G. Construct or erect any building or structure of whatever kind, including those for amusement, whether permanent or temporary, or run or string any public service utility into, upon or across such lands, except on special written permit issued hereunder.
- H. Hunting or trapping of live animals or wildlife; capturing, harassing, injuring of wildlife.
- I. All laws, rules and regulations pertaining to fishing in the Commonwealth of Pennsylvania shall apply to fishing in recreation areas and the provisions thereof are hereby incorporated herein by reference thereto.
- J. Possession, discharge or transportation of weapons, or paint ball guns, air-soft guns, bb guns, fireworks, firecrackers or similar propelling explosives, bows and arrows and sling shots. The prohibitions under this paragraph do not apply to otherwise lawful possession, discharge or transportation of firearms as protected by state and federal law.

- K. Operate or ride wheeled device without reasonable regard to the safety of others and property.
- L. Drive or place any vehicle on any area except the paved park roads or parking areas, or such areas as may on occasion be specifically designated as temporary areas. Any damage that is caused by unauthorized activity shall be the responsibility of the driver and/or owner of the vehicle who shall be subject to the fines, penalties, liability and indemnification hereinafter set forth. As herein stated "damage" shall include, but not be limited to, the cost of restoration of all damaged areas.
- M. Any fire or other burning except for grilling in designated locations.
- N. Camping, sleeping overnight on the ground or somewhere else within the park.
- O. Motorized-model airplanes, boats, go-cart, mini-bike or moped or other vehicles or crafts shall not be operated on-site or remotely except in areas designated for such use and subject to all rules and regulations contained in such written permission.
- P. No person shall post, paint, affix, distribute, deliver, place, cast or leave about any billboard, placard, ticket, handbill, circular or advertisement.
- Q. No person shall expose or offer for sale any article in any township facility unless permitted by the township.
- R. Play, engage or take part in any game or competitive sport for money, or other valuable thing, without a written permit.
- S. Walk a dog, or other domestic animal, without a leash, said leash to be no longer than six feet in length. All dogs must be under control and must not be allowed to run at large. Further, any person(s) who is accompanied by a dog or other domestic animal while on or in a township facility shall in addition to any fine or penalty shall, as hereinafter set forth, be liable for any injury to people or other domestic animal caused by the dog or animal and further shall indemnify the township as hereinafter set forth. Dogs are permitted only in designated areas, and specifically not allowed in buildings, on playgrounds or athletic fields. Owners must provide for and clean up after their dogs accordingly. This provision shall not apply to service animals when accompanying individuals with disabilities as defined by The Americans with Disabilities Act (ADA).
- T. There shall be no hitting of golf balls or playing of golf in the parks.
- U. No person shall damage, cut, carve, uproot, or injure any tree, or injure the bark, or pick the flowers or seeds of any plant in any Park: nor shall any person attach any rope, wire, or other contrivance to any tree or plant, in any Park. Nor shall any person dig in or otherwise disturb grass areas, or in any other way injure or impair the beauty or usefulness of any park.

SECTION 8. Administration

The rules and regulations established by Resolution of the Silver Spring Township Board of Supervisors may be enforced by any law enforcement agency and any duly authorized representative of Silver Spring Township who is charged with the administration and enforcement of this Ordinance.

SECTION 9. Enforcement; Classification of Violations and Penalties.

- A. A person discovered to be in violation of this Ordinance may be removed from the park by a duly authorized representative of the Township.

- B. The Township may bring civil or criminal complaints pursuant to or to enforce this Ordinance. A separate offense shall arise for each day or portion thereof in which a violation is found to exist and for each section of the Ordinance which is found to have been violated.
- C. Civil penalties shall be assessed up to, and shall not exceed, six hundred dollars (\$600.00) per violation. In addition to or in lieu of civil actions before a magisterial district judge, the Township may enforce this Ordinance in equity. In any case where a penalty for a violation of this Ordinance has not been timely paid and the person upon whom the penalty was imposed is found to have been liable therefore in civil proceedings, the violator shall be liable for the penalty imposed, including additional daily penalties for continuing violations, plus court costs and reasonable attorney fees incurred by the Township in the enforcement proceedings.
- D. Criminal fines may be assessed up to, and shall not exceed, one thousand dollars (\$1,000.00) per violation and may prescribe imprisonment to the extent allowed by law for the punishment of summary offenses.
- E. Any person authorized pursuant to this Ordinance to issue a civil complaint may also issue a notice of violation specifying actions to be taken and the time in which they are to be taken to avoid issuance of a civil or criminal complaint.

SECTION 10. Severability. If any provision, sentence, clause, phrase or section of this Ordinance is for any reason found to be illegal or invalid, such illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, phrases or sections of this Ordinance or of the Agreement. It is hereby declared as the intention of the Board of Supervisors of Silver Spring Township that this Ordinance and the Agreement would have been adopted or approved, as the case may be, had the illegal or invalid provision, sentence, clause, phrase or section thereof not been included therein.

SECTION 11. Right to Repeal


All ordinances or parts of ordinances or resolutions conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

SECTION 12. Effective Date.

This ordinance shall take effect five (5) days after the date of its enactment.

DULY ENACTED AND ORDAINED INTO LAW as Ordinance No. 11 of 2017, this 15th day of November, 2017.

ATTEST:


 Theresa Eberly, Township Secretary

BOARD OF SUPERVISORS
 TOWNSHIP OF SILVER SPRING

 Nancy Konhaus Griffie, Chair