

CHAPTER 16
PARKS AND RECREATION

PART 1

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ORDINANCE NO. 1068 -- 2011

**AN ORDINANCE OF THE BOROUGH OF PHILIPSBURG,
CENTRE COUNTY, PENNSYLVANIA, PROHIBITING TOBACCO
USE IN BOROUGH PARKS**

BE IT ENACTED AND ORDAINED by the Philipsburg Borough Council,
and it is hereby enacted and ordained by the authority of the same as follows:

SECTION 1: Part 1, Section 103, entitled "Conduct prohibited in Parks," of Chapter 16 of the Philipsburg Borough Code is hereby amended to prohibit the use of tobacco, in any form, in Borough parks. Therefore, Part 1, Section 103 of Chapter 16 shall be amended to include the following new subsection:

- 18. Tobacco use.** No person shall use or dispose of tobacco, of any kind or in any form, within or near any park.

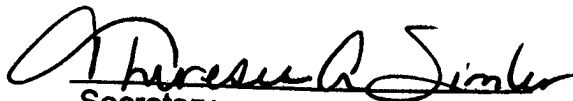
SECTION 2: The Borough Manager, or his designee, is hereby authorized but not directed, to install new signage or to alter existing signage to communicate this new prohibition.

SECTION 3: Any Ordinance or parts of Ordinances of the Borough of Philipsburg, Centre County Pennsylvania, conflicting with this Ordinance or any part thereof is hereby repealed insofar as the same affects this Ordinance.

ADOPTED as an Ordinance of the Philipsburg Borough Council of the Borough of Philipsburg, Centre County, Pennsylvania, at a meeting of said Borough Council held on the 4th day of January, 2010.

IN WITNESS WHEREOF, we hereunto set our hands and corporate seals this 11th day of July, 2011.

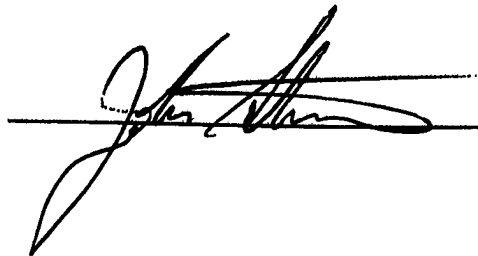
ATTEST:


Secretary

BOROUGH OF PHILIPSBURG

BY 
President of Council

EXAMINED AND APPROVED by me this 18th day of July, 2011.


Mayor

PART 1

PARK USE

§16-101. Definitions.

As used in this Part, the following terms shall have the meanings indicated:

EXCRETA — all useless matter eliminated from the bodily system as sputum, urine, or fecal matter.

INTOXICATION — a state of any person being drunk, inebriated or under the influence of alcoholic beverages or spirituous liquors, taken internally or under the influence of any narcotic drug or habit producing drug.

PARK — park or parks, unless specifically limited, shall be deemed to include all parks, playgrounds, athletic grounds, stadia, tennis courts, swimming pools, beaches, recreational areas and structures and also entrances and approaches thereof, and all other land or property or structures under the jurisdiction of the Borough of Philipsburg, hereafter owned or acquired by the Borough of Philipsburg for park or recreation purposes.

PERMIT — any written authorization issued by or under the authority of the Borough of Philipsburg.

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

POLICE OFFICER — any police officer of the Borough of Philipsburg or Commonwealth of Pennsylvania or any employee of the Borough of Philipsburg appointed as an ordinance enforcement officer for the purpose of the enforcement of law and order within the parks.

RULES AND REGULATIONS — any rules and regulations hereby or hereafter established by ordinance of the Borough of Philipsburg. .

(Ord. 891, 6/1/1981, §1; as amended by Ord. 1019, 8/11/2003, §1)

§16-102. Interpretation of Rules and Regulations.

In the interpretation of the rules and regulations, their provisions shall be construed as follows:

- A. Terms in Singular. Any term in the singular shall include the plural.

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- B. Terms in Masculine. Any term in the masculine shall include the feminine and neuter.
- C. Permits. Any act otherwise prohibited by these rules and regulations; provided, it is not otherwise prohibited by law or local ordinances, shall be lawful if performed under, by virtue of any strictly in compliance with the provisions of a permit and to the extent authorized thereby.
- D. State and Federal Laws. These rules and regulations are in addition to and supplement all State and Federal laws.

(Ord. 891, 6/1/1981, §2)

§16-103. Conduct Prohibited in Parks.

1. Disturbing the Peace. No person shall disturb the peace in any park by any act.
2. Immorality and Indecency. No person shall do any obscene or indecent act in any park or display, expose or distribute any picture, banners or other object suggestive of sex in a lewd, indecent, immoral way or enter a comfort station or toilet set apart for the use of the opposite sex, nor shall any person loiter in any comfort station or toilet at any time, nor shall any person dress or undress in any park except in dressing rooms provided for such persons.
3. Unbecoming Language. No person shall use threatening, abusive, insulting, profane or obscene language or words in any parks.
4. Soliciting Money. No person shall solicit money, subscriptions or contributions for any purpose in any park unless authorized by permit from the Recreation Board of Philipsburg Borough.
5. Intoxication. No person shall enter a park under the influence of alcoholic beverages or spirituous liquors or under the influence of any narcotic drug or habit producing drug, nor shall any person have in his possession or drink or use in any park any alcoholic beverages or spirituous liquors or narcotic drug or habit producing drug.
6. Firearms, Weapons, etc. Unless authorized by the Borough of Philipsburg, no person shall have in his possession, bring into or use in any park, whether carried concealed or carried open, any firearms, slingshots, firecrackers, fireworks or other missile-propelling instruments or explosives or arrows (except as allowed in a designated archery area) or other dangerous weapons which have such properties as to cause annoyance or injury to any person or property.
7. Throwing Missiles. No person shall, in any park, throw, cast, lay, deposit or propel any missile except in the performance of an authorized recreational activity.

8. **Dangerous Conduct.** No person shall interfere with, encumber, obstruct or render dangerous any park or part thereof.
9. **Excreta.** No person shall emit, eject or cause to be deposited in any park any excreta of the human body, except in proper receptacles designed for such purposes.
10. **Improper Admission.** No person shall gain improper admission to or use of or attempted admission to any park facilities for which a charge is made, without paying the fixed charge or price of admission.
11. **No Use of Snowmobiles, Minibikes, Motorcycles.** No person shall use a snowmobile, minibike, motorcycle or any recreational vehicles or other vehicle, except on designated roads, trails or areas set aside for such use.
12. **Disobeying Authorities and Signs.** No person shall, in any park, disobey a proper order of a police officer or ordinance enforcement officer designated by the Borough Council of the Borough of Philipsburg to give orders. Nor shall any person in any park disobey, disregard or fail to comply with any rule or regulation, warning, prohibition, instruction or direction, posted or displayed by sign, notice, bulletin, card, poster or when notified or informed as to its existence by a park employee or other authorized person.
13. **Hunting.** It is unlawful to 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 on any park or other public land designated by the Borough of Philipsburg as recreational, a shotgun or rifle or pistol or firearm or trapping equipment of any make or kind unless directed by the Borough.
14. **Camping.** Day or overnight camping of any type is prohibited except as authorized by the Borough of Philipsburg.
15. **Fishing.** Fishing is prohibited from bridges.
16. **Hours.** No person shall enter or remain in a park at any time when such park is not open to the public. Such times shall be posted in a conspicuous place.
17. **Noise.** No person shall use any chainsaw within any park and electric generators causing unreasonable or excessive noise are prohibited.

(Ord. 891, 6/1/1981, §3; as amended by Ord. 1019, 8/11/2003, §§2-6; and by A.O.

§16-104. Treatment of Park Property.

1. **Defacing, Breaking and Injuring Trees, Plants, Buildings.** No person shall cut, break, injure, deface or disturb any tree, plant, building, cage, pen, monument,

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fence, bench or other structures or physical property or pluck, pull up, take or remove any shrub, brush, plant or flower or make or write upon any building, monument, fence or other structure or injure, deface or remove any property, real or personal, natural growth, structure, equipment, animals, signs or other park property.

2. **Setting of Fires.** No fires shall be set in any park except in areas where fires are designated as permitted or except as authorized by permit issued under the authority of the Borough of Philipsburg.
3. **Discharging in Bodies of Water.** No person shall throw, drop or discharge into or leave in any body of water in any park or storm sewer or drain flowing into said water or in any gutter or culvert any substance, matter or thing, whatsoever.
4. **Animals in Parks.** No person owning or being custodian or having control of any animal, livestock or poultry, shall cause or permit such animal to be at large in any park. A dog or other domesticated animal may be brought into a park; provided, that such animal is continuously restrained by a leash or other appropriate form of control, such as voice commands and/or sign language, except that no dog or other animal shall be permitted in the immediate vicinity of bathhouses, children's play areas, creek, dam or any area designated by signs as prohibited for animals.
5. **Waste Matter.** No person shall deposit, drop or leave any garbage, bottles, debris or other waste matter or refuse of any kind in any park or part thereof, except in such receptacles as may be provided for that purpose.

(Ord. 891, 6/1/1981, §4; as amended by Ord. 1019, 8/11/2003, §§7-9; and by A.O.

§16-105. Traffic Control.

1. **Speed Limit.** No person shall exceed the speed of 15 miles per hour.
2. **Repairs to Vehicles.** No person shall, in any park, make repairs to any vehicle except those of a minor nature and then only in cases of emergency.
3. **Vehicles to be Operated on Roadways and Parked in Approved Areas.** No person shall operate any vehicle in any part of a park except on roadways established for the operation of vehicles, nor shall any person park any vehicle in any area except those specifically designated for parking purposes.

(Ord. 891, 6/1/1981, §5)

§16-106. Regulated Uses.

1. Permits. A permit to do any act shall authorize the same only insofar as it may be performed in strict accordance with the written terms and conditions thereof. Any violation of any law, ordinance or rule or regulation of the holder or agents of the holder of any permit shall constitute grounds for revocation of such permit, which action shall be final. In case of revocation, all monies paid therefore shall, at the option of the Borough of Philipsburg, be forfeited and shall leave the violator liable for all damages or loss suffered in excess of such forfeited or retained money, and such monies retained or damages paid, or both, shall not relieve such person from liability to punishment for violation of any law, ordinance, rule or regulation.
2. Public Events. No person shall conduct, operate, present or manage in any park a parade, drill, maneuver, public meeting, ceremony, speech, address, public contest or competition, exhibit, dramatic performance, spectacle, play, motion picture, fair, circus or show of any kind or nature, band, choir, glee club, orchestra without a permit.
3. Picnics. All organized picnics or outings shall be authorized by permits obtained previous to entering any park.
4. Baseball, Softball and Soccer Fields. All organized teams, leagues, agencies, schools, churches and other groups must obtain a permit for these facilities before announcing schedules. Insurance certificates must be on file with the Borough office before any such entity shall be permitted to use such facilities.
5. Selling Concessions. No person shall in any park exhibit, sell or offer for sale, hire, lease or let out any object, service or merchandise or anything whatsoever, whether corporal or incorporeal, except under a permit.
6. Advertising. No person shall advertise in any park in any manner whatsoever for any reason whatsoever, except by permit.
7. Games in Designated Areas. No person shall throw, cast, catch, kick, play with or strike any game ball whatsoever or engage in any sport, game or competition, except in places and during the time designated therefor. Nor shall a person engage in or play a game or other sport or contest of a nature different from the one for which the designated area was created, except in such areas as are officially set aside for diversified games.
8. Swimming Areas.
 - A. Swimming is permitted between 11:00 a.m. and 7:00 p.m. E.S.T., unless otherwise posted, from Saturday of Memorial Day weekend to Labor Day but only when lifeguard protection is provided.
 - B. Underwater breathing apparatus, face masks, inflatable or buoyant devices shall not be allowed. Physically handicapped person, upon making known

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their conditions to lifeguards, will be allowed the use of U.S. Coast Guard approved buoyant devices when supervised by a non-handicapped, responsible adult while in the water.

- C. All children nine years of age or less must be accompanied and supervised in swimming areas by a responsible adult. One responsible adult shall supervise no more than 10 such children.
- D. Only conventional-type swimsuits shall be permitted in the swimming areas.

- 9. Ice. Recreation activities on the ice of Cold Stream Dam Area and Project 70 are prohibited.

(Ord. 891, 6/1/1981, §6; as amended by Ord. 1019, 8/11/2003, §§10-13)

§16-107. Park Usage.

In order to provide for equitable use of park facilities, preserved park areas and facilities and protect the safety of users of the park and their facilities, the Borough of Philipsburg shall have the following authority and control over the parks:

- A. To Restrict Use. To designate parks and parts thereof as restricted to the use of certain portions of the public at certain times.
- B. To Set Hours. To set the time where various portions of the parks shall be open to the public.
- C. To Issue Permits. Under uniform conditions, to issue permits for regulated uses and hereinbefore enumerated.
- D. To Fix Charges and Collect Fees. To fix charges and collect such fees and deposits for the use of park areas or facilities to help defray the expense of the parks and their facilities. Fees shall be set by resolution of the Borough Council of the Borough of Philipsburg.¹

(Ord. 891, 6/1/1981, §7; as amended by Ord. 1019, 8/11/2003, §14)

§16-108. Enforcement and Penalties.

- 1. Police Officers of the Borough, State Police or Borough Ordinance Enforcement Officers shall have the authority to enforce these rules and regulations for parks.

¹ Editor's Note: The current fee resolution is on file in the office of the Borough Secretary.

2. Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than \$25 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 891, 6/1/1981, §8; as amended by Ord. 1019, 8/11/2003, §15; and by A.O.

CHAPTER 17

PLANNED RESIDENTIAL DEVELOPMENT

(Reserved to accommodate future enactments)

