

ORDINANCE # 02-2010

AN ORDINANCE OF LEET TOWNSHIP, ALLEGHENY COUNTY, PENNSYLVANIA, REPLACING CHAPTER 16, PART 2, OF THE LEET TOWNSHIP CODE OF ORDINANCES (REGULATING THE USE OF THE PLUM STREET PARK PAVILIOIN); REDEFINING AND MODIFYING REGULATIONS FOR THE USE OF THE PLUM STREET PARK FACILITY, FIXING THE HOURS OF USE; PROHIBITING CERTAIN CONDUCT THEREIN; REQUIRING RESERVATIONS FOR SPECIFIC USES; AUTHORIZING ADDITIONAL REGULATIONS AND THE CLOSING OF FACILITIES UNDER CIRCUMSTANCES; AND PRESCRIBING PENALTIES FOR VIOLATION

WHEREAS, the Township of Leet has heretofore established an ordinance regulating the use of Plum Street Park (the Park) and the Pavilion at Plum Street Park; and

WHEREAS, the Township now desires to replace these guidelines with terms that will more clearly provide for full public use and enjoyment and ensure that the citizens of Leet Township will continue to enjoy a well maintained and well managed recreational facility; and

WHEREAS, it is the desire of the Township to amend the aforesaid Chapter 16 so as to authorize the consumption of alcohol at the Plum Street Park Pavilion pursuant to a duly issued Permit and impose a fee for said activity pursuant to the schedule set forth;

THEREFORE, be it hereby ordained this 10<sup>th</sup> day of MAY,

2010, by majority vote of Council, after proper advertisement, that Chapter 6, Part 2,

of the Leet Township Code of Ordinances be replaced with the following:

**Section 201. Definitions.**

As used in this ordinance, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

PLUM STREET PARK - unless specifically limited, shall be deemed to include all playgrounds, recreation areas, tennis courts, beaches, recreation structures and facilities including but not limited to the pavilion, and also entrances and

approaches thereto, and all other land or property or structures under the jurisdiction of the Board of Commissioners now or hereafter owned or acquired by Leet Township for the park or for park purposes.

PAVILION- the pavilion constructed at Plum Street Park and all accessories, including but not limited to the charcoal grills within and adjacent to the structure.

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

RULES AND REGULATIONS- any rules and regulations hereby or hereafter promulgate by the Board of Commissioners.

### **Section 202. Park Hours.**

Plum Street Park shall be opened daily to the public at such hours as the Board of Commissioners may from time to time designate, but in no event shall any person be permitted to be in attendance in any park between dusk and sunrise unless a permit is granted by the Board of Commissioners.

### **Section 203. Pavilion Permits.**

Pavilion permits will be issued under the following guidelines:

- a) pavilion permits will be issued to individuals at least 18 years of age at the Leet Township Municipal Building during business hours, 9 a.m. to 4 p.m., daily;
- b) a pavilion permit is required for the use of the pavilion and the grills;
- c) a pavilion permit is required to reserve the use of the pavilion;
- d) a pavilion permit is required to use the park at any time between dusk and sunrise;
- e) a pavilion permit is required to apply for a permit to consume alcohol at the park;
- f) a pavilion permit is required to have all permit facilities, including the restrooms and electricity, made available;
- g) an applicant, on behalf of himself or another person or group, applies for the permit and in doing so, agrees to indemnify and hold harmless the Township for any damages to the park or any third party arising out of the use of the park or pavilion.

#### **Section 204. Alcohol Permits.**

Alcohol permits will be issued under the following guidelines:

- a) alcohol or spirituous beverages may be used, consumed and brought into the pavilion and park only if permission to do so is authorized in a duly issued alcohol permit;
- b) an alcohol permit can be applied for by individuals at least 21 years of age at the Leet Township Municipal Building during business hours, 9 a.m. to 4 p.m., daily;
- c) an alcohol permit can only be issued to an individual with a valid pavilion permit;
- d) all laws pertaining to the consumption of alcohol in the Commonwealth shall apply to the park and pavilion, and are hereby incorporated by reference.

#### **Section 205. Permit Fees.**

The following use fees are to reserve the facility for no less than a single day; there will be an additional \$10 fee for the issuance of an alcohol permit.

- |    |                                     |                       |                   |
|----|-------------------------------------|-----------------------|-------------------|
| 1. | For Residents of Leet Township:     | <b><u>Deposit</u></b> | <b><u>Fee</u></b> |
|    |                                     | \$60.00               | No Fee            |
| 2. | For Non-Residents of Leet Township: |                       |                   |
|    | <b><u>Number of People</u></b>      | <b><u>Deposit</u></b> | <b><u>Fee</u></b> |
|    | 1-25                                | \$60.00               | \$50.00           |
|    | 25+                                 | \$60.00               | \$100.00          |
- 3. Refunds will be made only if the Township is given five (5) days cancellation notice so that the facility may be used by others.
  - 4. Deposits will be refunded within ten (10) days if the park is left clean and undamaged.

#### **Section 206. Prohibited Conduct.**

No person in attendance at the Park shall:

- 1. Injure, deface, remove, cut or damage any of the trees, plants, shrubs, turf, buildings, structures, signs or fixtures, or any other property of Leet Township located within the park.



2. 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 purposes.
3. Kindle or maintain any fire in the park except in the fireplaces or areas specifically designated for that purpose.
4. Remove any bench, seat, table or other appliance without permission of the Board of Commissioners.
5. Injure, deface, destroy or remove any notice, rule or regulation posted at any place within the park; nor shall any notice or placard be posted within the park other than by the authority of said Board.
6. 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 Board of Commissioners, distribute sell, service or rent any services or commodity or solicit for any purpose without permission of the Board of Commissioners
7. Operate, stop or park any vehicle, bicycle or other means of conveyance except in areas where permitted or designated by proper authority of the Board, or operate the same in a reckless or negligent manner or in excess of any posted speed limit or in such manner as to become a nuisance to other area users.
8. Operate commercial vehicles, unless providing authorized services.
9. Consume alcoholic or spirituous beverages in the park or at any park facility without permission to do so being authorized by a duly issued permit.
10. 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 Board of Commissioners in designated areas; police officers in the performance of their duties will be exempt from these provisions.
11. Play ball, swim, golf, pitch horseshoes, 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 for that purpose by the Board of Commissioners.
12. Disrobe or change clothing except in buildings or facilities made available for that purpose.

13. Use the park in any way, or participate in any conduct, as to annoy or disturb others.
14. Operate a snowmobile, minibike, motorcycle, or any vehicle recreation or otherwise, except on designated roads, rails, or areas set aside for their use.
15. Use threatening, abusive, insulting, profane or obscene language or words.
16. Commit any disorderly or immoral acts.
17. 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 Board, 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.
18. Use the pavilion and the grills unless permission to do so has been authorized with a duly issued permit.
19. Disobey a proper order of a police officer or Board of Commissioners 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 Board of Commissioners or an authorized person.
20. 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 Board of Commissioners

**Section 207. Pets.**

No pets allowed.

**Section 208. Fishing.**

All laws pertaining to fishing in the Commonwealth shall apply to fishing in parks and recreation areas, and provisions thereof are hereby incorporated by reference.

**Section 209. Reservation of Pavilion.**

The use of the pavilion shall be first come first serve unless otherwise reserved by permit granted by the Board of Commissioners.

**Section 210. Authority to Close Areas.**

Recreation facilities which become hazardous for public use due to weather, water, fire or unforeseeable conditions may be closed at the discretion of the Board of Commissioners or the Township Manager.

**Section 211. Enforcement.**

The police officers of Leet Township are charged with the enforcement of the provisions of this ordinance.

**Section 212. Penalties.**

Any person, firm or corporation who shall violate any provision of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.00), and in default of payment, to imprisonment for a term not to exceed thirty (30) days.

**Section 213. User Responsibility.**

A permit holder or any other use of the park will be responsible for any damage done to the park grounds and facilities during the time of their use. Failure to make restitution will result in the Township of Leet pursuing all available remedies, which may include charges being filed by the Township before the District magistrate.

**Section 214. Repealer.**

All Ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

**Section 214. Severability.**

If any sentence, clause, section or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or part of this ordinance. It is hereby declared as the intent of the Township of Leet that this ordinance would have been adopted has such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

BE IT SO ENACTED AT THE AFORESAID DATE.

ATTEST:

TOWNSHIP OF LEET

  
Anna Lee Oswald  
Township Manager

  
Gary Bradel  
President of Council