

ENACTED

ORDINANCE NO. 237

AN ORDINANCE AMENDING CHAPTER 36 OF THE CODE OF THE TOWNSHIP OF WHITPAIN TO PROVIDE RULES AND REGULATIONS FOR THE USE OF TOWNSHIP PARKS, OPEN SPACE AND TRAILS PROVIDING ENFORCEMENT PROCEDURE AND PENALTIES FOR VIOLATION THEREOF

BE IT ENACTED and **ORDAINED** and it is **HEREBY ENACTED** and **ORDAINED** by the **BOARD OF SUPERVISORS OF WHITPAIN TOWNSHIP** as follows:

Section One. Use of Township Parks, Open Space, and Trails. The Township Parks, Open Space and Trails shall be open to all Whitpain Township residents and their guests throughout the year unless specifically closed, in whole or in part, by directive of Township Staff, Township Police or the Board of Supervisors.

A. Use by Non-Residents. Use of any of the facilities by non-residents of Whitpain Township shall be permitted only when said guests are accompanied by Whitpain residents or with prior approval of Whitpain Township or the Director of Parks and Recreation.

B. Special Uses or Programs. From time to time, either by decision of the Board of Supervisors, Township Manager or Township Director of Parks and Recreation, portions of the Township Parks, Open Space, or Trails may be closed or set aside for special usage. Such special usage or special programs shall only be authorized after application to the Township setting forth the particulars pertaining to the special use or special programs.

- 1. Requirements of Special Users or Programs.** Special users or special programs must abide by all Township ordinances, rules and regulations, and may be required to meet particular

requirements of the Township as may be established from time to time. Such requirements may include the payment of an approved permit fee, additional insurance, guarantees of additional security, posting of funds to assure costs of insurance, security and clean-up and such other requirements as the Township may determine to be necessary for the protection of the site and the users at the special use or special program.

2. **Restriction on Special Use or Special Programs.** The Board of Supervisors reserves the right to determine what types of special uses or special programs may be conducted on Township Parks, Open Space and Trails. No Township Parks, Open Space or Trails shall be used for public demonstrations, political rallies, fund raising or any such similar event and no temporary signs, banners or similar identification materials shall be permitted except as approved by the Township.
3. **Reservation of Facilities.** The reservation of Parks, Open Spaces or Trails by organized groups shall be scheduled by the Township Director of Parks and Recreation who, if approved, may issue a permit for the specified times and specific facility. The reserving group shall confine its use to the reserved facilities solely and exclusively for the uses and time periods authorized by the Township-issued permit, and shall post, display or have on their person a copy of the permit during such usage. A failure to surrender the reserved facility at the conclusion of the allocated time or failure to post, display or have on their person the permit during times of such authorized exclusive usage shall be grounds for forfeiture of future reserve usage.

Section Two. Prohibited Uses and Activities. The following uses or activities shall be prohibited in any Parks, Open Space or Trails of Whitpain Township:

1. Use of parks, open space and trails outside the hours of operation from sunrise to sunset unless specifically authorized..
2. Possession or use of Illegal or Controlled Substances
3. Being manifestly under the influence of alcohol or drugs.
4. Boisterous, Immoral or Indecent Conduct.
5. Open Fires, portable stoves or similar devices for cooking, heating, or any other purpose.
6. Possession or use of Fireworks.
7. Brandishing or Discharging of Firearms.
8. Possession or use of bows and arrows.
9. Possession or use of slingshot, javelin or other similar weaponry or equipment.
10. Use of motorized vehicles of any sort, including mini-bikes, mopeds, dirt bikes, motorcycles, go carts, snowmobiles, all-terrain vehicles, 4x4s or other self-propelled vehicles other than such authorized or lawful use within designated parking areas and roads at the site.
11. Ice skating
12. Swimming
13. Motorized, transistorized or fuel-propelled model airplanes, aircraft or rockets or vehicles.
14. Playing or practicing golf anywhere on parks, playgrounds or open space areas.
15. Discarding of any trash, refuse, garbage or litter, except in containers provided for disposal purposes.
16. Damaging, defacing, destroying or removing any Township property including signs, structures, equipment, trees, landscaping materials, top soil, rocks, sod or plantings.
17. Operating, stopping or parking of any vehicle except on designated driveways or parking areas.

18. Sale or distribution of any items or articles of food, beverage, clothing, printed materials, unless authorized by the Township in advance.
19. Fundraising or soliciting of financial contributions of any kind, unless authorized by the Township in advance.
20. Distributing, handing out, or placing flyers on vehicles.
21. Use of Parks, Open Space or Trails for conducting a private, fee-based coaching clinic or training, unless authorized by the Township in advance.
22. Use of loudspeakers, boom boxes, high volume portable speakers, portable hand held microphones, Freon air horns or equipment to amplify sound, unless prior approval by Township Director of Parks and Recreation is obtained therefore.
23. Vehicle repairs, cleaning, washing or any maintenance of any type.
24. Operation of any vehicle on any public driveways, access ways, trails or parking lot areas in a reckless, careless or negligent manner, in excess of the posted speed limit, in violation of applicable provisions of the Pennsylvania Motor Vehicle Law, Township Ordinances or in any manner as to be a nuisance or potential hazard to other park users or Township property.

Section Three. Rules and Regulations For Specific Activities

1. Alcoholic beverages - Possession or use of alcoholic beverages is prohibited in all parks, open space and trails with the exception of specifically authorized use in designated areas within the licensed premise of the Manor House at Prophecy Creek Park.
2. Tobacco products - Use of tobacco products is prohibited in all parks, open space and trails with the exception of specifically authorized use in designated areas within the licensed premise of the Manor House at Prophecy Creek Park.

3. Snow sports, - Use of sleds, skis, snowboards and toboggans are prohibited on playgrounds, basketball courts, and tennis courts.
4. Skating and skateboarding
 - a. Use of roller skates, roller blades, skateboards, scooters and other similar sporting equipment is prohibited in all parks, open space and trails with the exception of use in designated areas.
 - b. Stony Creek Sports Park
 - c. Wentz Run Park
5. Bicycles
 - a. Bicycles are allowed in parks, open space and trails with the following exceptions:
 - i. On athletic fields/courts
 - ii. On playgrounds
 - iii. Within the 5 acre premise of the Manor House
 - iv. Where otherwise posted
 - b. Bicycling is prohibited at unsafe speeds or in any manner as to be a nuisance or potential hazard to other park users, including pedestrians or horse riders, or to damage Township property.
6. Horses
 - a. Horses are allowed in the following areas only:
 - i. Armentrout Preserve
 - ii. Briar Hill Preserve
 - iii. Prophecy Creek Park (outside of the 5 acre premise of the Manor House)
 - iv. On designated horse trails
 - b. Riders are responsible for cleaning up after their horses
 - c. Horse riding is prohibited at unsafe speeds or in any manner as to be a nuisance or potential hazard to other park users, or to damage Township property
7. Dogs
 - a. Dogs must be on leash and under the owner's control

- b. Leash may not exceed 10 feet
- c. Dogs are not allowed as follows:
 - i. Within 20 ft. of athletic fields/courts
 - ii. Within 50 ft. of playgrounds
 - iii. Within the 5 acre premise of the Manor House
- d. Dogs must not be allowed to be a nuisance or potential hazard to other park users, or to damage Township property
- e. Owners must clean up after their pets and dispose of waste in a responsible manner

Section Four. Enforcement. The Department of Parks and Recreation and the Police Department of Whitpain Township shall be authorized to enforce the regulation adopted by the Supervisors of Whitpain Township and shall exercise general supervision over persons occupying or using the Parks, Open Space, or Trails of the Township.

1. **Assigned Township Personnel.** Township employees who shall be assigned to a particular Park, Open Space, or Trails of the Township shall be authorized to enforce the rules and regulations set forth in this Ordinance and jurisdiction to enforce the same.

Section Five. Penalties. Any person, partnership, corporation, unincorporated association or other entity who or which shall violate the provisions of this Ordinance shall, upon conviction thereof in a civil enforcement proceeding, commenced by the Township, be subject to a fine not to exceed Six Hundred (\$600.00) Dollars, plus costs of prosecution and, in default thereof, shall undergo imprisonment in Montgomery County Prison not to exceed thirty (30) days.

Section Six. Supervision and Maintenance. The Board of Supervisors of Whitpain Township and the Township Staff by the Township Manager, Township Director of Parks and Recreation or any Township employees as directed by the Supervisors or Staff shall exercise general supervision over persons occupying or using the Parks, Open Space or Trails, and over the care, maintenance, repair

improvement, construction or replacement of Township property or equipment and facilities within the Township, and shall keep the facilities in a clean, orderly and sanitary condition.

Section Seven. Fees, Charges, Adoption of Regulations. The Board of Supervisors of Whitpain Township may, from time to time adopt a Schedule of Fees and Charges or Rules and Regulations for use of the Township Parks, Open Space or Trails as the Board may deem necessary to implement the orderly use of these Township properties and facilities.

Section Eight. Severability. In the event that any section, sentence, clause, phrase or word of this Ordinance shall be declared illegal, invalid or unconstitutional by any Court of competent jurisdiction, such declaration shall not prevent, preclude or otherwise foreclose enforcement of any of the remaining portions of this Ordinance.

Section Nine. Repealer. All Ordinances or parts of Ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.

ORDAINED and **ENACTED** by the Board of Supervisors of Whitpain Township this 19th day of September, 1994.

**BOARD OF SUPERVISORS OF
WHITPAIN TOWNSHIP**

FRED CONNER, Chairman
ADAM ZUCKER, Vice Chairman
ANTHONY GRECO, Secretary
MELISSA MURPHY WEBER, Treasurer
KENNETH WOLLMAN, Assistant Secretary