

**BOROUGH OF FRANKLINTOWN
YORK COUNTY, PENNSYLVANIA
ORDINANCE NO. 299– 2025**

AN ORDINANCE ESTABLISHING RULES AND REGULATIONS FOR PARKS, RECREATIONAL AREAS, AND OTHER FACILITIES BELONGING TO OR UNDER THE JURISDICTION OF THE BOROUGH; DEFINING CERTAIN AUTHORITIES AND DUTIES IN CONNECTION THEREWITH; ESTABLISHING AND PROVIDING FOR THE POWERS AND DUTIES OF THE PARK AND RECREATION BOARD; PROVIDING FOR ENFORCEMENT AND PENALTIES.

IT IS HEREBY ENACTED AND ORDAINED by the Franklinton Borough Council in and for the Borough of Franklinton, York County, Pennsylvania, as follows:

ARTICLE I: PURPOSE, AUTHORITY, AND DEFINITIONS

Section 101: Short Title

This Ordinance shall be known and may be cited as the Franklinton Borough Parks and Facilities Ordinance.

Section 102: Purpose

The purpose of this ordinance is to provide rules and regulations governing the use and supervision over, and conduct in certain Borough facilities, specifically their Parks and Recreational Areas .

Section 103: Applicability

This Ordinance shall apply to all Borough facilities under the jurisdiction of or owned by Franklinton Borough unless expressly exempted. This Ordinance shall not apply to the following facilities or activities:

- A. The dedication, occupation, use, or cutting of Borough roads, highways, sidewalks (not located in a Borough Park, parkland, or park property), or other similar rights of way;
- B. Municipal parking facilities not located in or adjacent to a Borough park, parkland, or park property;
- C. Pedestrian easements not located in or adjacent to a Borough park, parkland, or park property;
- D. Conservation easements, agricultural security areas, or any other parcel of land subject to open space or agricultural conservation; and
- E. The use or occupancy of Borough owned or operated buildings, structures, or other facilities not located on or in a Borough park, such use which shall be subject to rules and regulations that may promulgate by Franklinton Borough Council or subject to some other local, State, or Federal law, rule, or regulation.

Section 104: Construction

In the interpretation of this Ordinance, its provisions shall be construed as follows:

- A. Any term in singular shall include the plural and *vice versa*, unless the context otherwise clearly requires;
- B. Any term in the masculine shall include the feminine, neuter, or other; and
- C. Any reference or statement indicating the “Borough” acting, in an administrative, enforcement, or other official capacity, shall be construed as the Borough official, department, or committee, designated by the Franklinton Borough Council, as taking such an action.

Section 105: Powers and Duties of Franklinton Borough Council

Franklinton Borough Council shall have supreme authority over, and hold final approval on, all policy decisions, including the approval of fees, the issuance of permits, temporary designations, authorizations, grants of approval, appeal decisions, or other actions for all Borough facilities and recreational activities, unless otherwise delegated to another person or entity through official action.

Section 106: Definitions

The following words or phrases when used in this Ordinance shall be defined as follows unless the context clearly otherwise requires:

Alcohol or Alcoholic Beverage: as the term is defined in the **Pennsylvania Liquor Code (47 P.S. 1-101, et. seq., as amended)**.

Animals: cats, dogs, horses, or other domestic animals, and fowl or birds, amphibians, reptiles, or other wildlife.

Athletic Association: any Borough recognized or affiliated nonprofit corporation established for the purpose of organizing, promoting, or overseeing amateur athletics in the Borough.

Athletic Contest or Event: practices, scrimmages, or competitive games.

Athletic Field or Area: any parcel of land designated by the Borough and used for athletic events, whether or not lined for that purpose. The term shall include hardcourts, such as those used for basketball, tennis, for roller hockey, ice rinks, frozen ponds, or other similar facilities.

Borough: The Borough of Franklinton, York County, Pennsylvania.

Controlled Substance: Any substance or its precursor identified by the **Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. & 780-101, et seq., as amended)**.

Facility: A park, recreation area, athletic area, trail, open space, or recreational easement, or building or structure located thereon, as well as any parking areas there too, owned, operated, or controlled by the Borough.

Guarantor: Any person who, pursuant to this Ordinance, is responsible for compliance with this ordinance or any other law or regulation. The term shall include any person designated as a "responsible party" on any application for a Borough facility usage or special use permit.

Harmful Material: Any item or agent (biological, chemical, radiological, and/ or physical), which has the potential to cause on to humans, animals, or the environment, either by itself or through interaction with other factors.

Juvenile: A person who has not yet attained his/her 18th birthday.

Open Space: A parcel of public park land set aside to retain land, water, flora, fauna, historic, or as aesthetic features in their natural state, scenic or condition, size to be based on the surface area necessary to maintain the integrity of the unique site characteristics. Public use shall be based on the preservation of the unique site characteristics and the scope of facility development to be based on the evaluated carrying capacity of the site.

Park or Parkland: Any parcel of land, regardless of development, water area, recreation area, or open space owned or under the jurisdiction of the Borough and used for active or passive recreational purposes.

Park Property: Any real or personal property, or improvements of or relating to parks, open space, trails, or park facilities belonging to the Borough park property should include all trees, plants, shrubs and vegetation, all natural terrain formations, all rocks, stones and boulders, and sidewalks, fireplaces, buildings, bridges, stands, decks, and equipped play areas.

Park Roads: Roads and drives in and upon the Parkland of the Borough which are intended for public use but are not intended to be used for any public purpose normally and usually associated with an incidental to public streets and thoroughfares. Park roads shall not be used for purely private purposes, such as access to private property adjoining park property, except with the express permission of the Borough.

Parks and Recreation Board: The Parks and Recreation Board of the Borough of Franklinton.

Pedestrian: A person afoot.

Permit: Any license or written authorization issued by the Borough authorizing a special event or activity on or in a Borough facility.

Person: Any natural individual, corporation, company, association, joint stock association, firm, partnership, sponsor, or any other public or private association or entity, or any designated responsible person as provided for herein.

Playability: The determination, pursuant to guidelines provided herein, as to whether the condition of an athletic field or area can adequately support the commencement or continuance of an athletic event.

Playground or Play Area: An area used for outdoor player recreation that is designed, equipped, and set aside for children's play.

Political Activity: An act engaged in by candidates for public office, political groups, political parties, or political committees.

Public Assemblage: The gathering or coming together of twenty (20) or more persons for any purpose.

Recreation Area: Any play area, pool, aquatic facility, or pavilion whether located within or immediately adjacent to the pool. The term shall include an "athletic facility".

Recyclable Materials: Those items identified in the Borough Solid Waste and Recycling Ordinance (**Ordinance No. (250-1997 Section 305)**).

Responsible Party or Person: Unless otherwise defined or provided for, any person, group, club, organization, or the like pursuant to this ordinance who is responsible to the Borough, or when applicable, third parties, or both. A responsible person shall be at least 18 years of age, and not under the influence of alcohol or a controlled substance.

Roller Skate: Any shoe with a set of wheels attached for skating over a flat surface or a metal frame with wheels attached that can be fitted over the sole of a shoe. The term shall include

quad- style and inline skates, skateboards, and hoverboards but shall exclude shoes that have wheels protruding slightly from the heel that allow the wearer to alternate between walking and rolling, also referred to as “roller shoes”.

School Entity: As that term is defined in the **Pennsylvania Public School Code of 1949**, as amended (**24 P.S. &1-101, et seq.**).

Special event: Any assemblage open to the public with no minimum number of attendees or other private assemblage where at least two hundred fifty (250) people are brought together to watch or dissipate in an activity. Examples of special events include summer festivals and concerts, athletic tournaments, large picnics, holiday/ national celebrations, parades, camps, fundraisers, or exhibitions. Any event that involves the use of temporary stands, structures, or wiring, that which may impact traffic flows or require road closures, utilizes volunteers to carry out the event, requires extraordinary action on the part of the Borough prior to, during, or immediately after the event, that may have a disruptive or detrimental impact on the facility, other facility users, or the general health, safety, or welfare of the public shall also be considered special events.

Tobacco Product: Any product made or derive tobacco that is intended for human consumption, including but not limited to cigars, cigarettes, electronic cigarettes, vapes, roll-your- own tobacco and smokeless tobacco.

Borough: Borough of Franklinton

Borough Official: Any elected or appointed member of the Franklinton Borough Council, Parks and Recreation Board, employee of the Borough, volunteer, or other individual designated as such by the Franklinton Borough Council.

Trail: A defined path for designated non-motorized use (i.e. pedestrian, cyclist, bridal) or where specifically designated for motorized use. Trails are generally constructed of compacted soil, gravel, asphalt, or concrete material, and are located on dedicated park property trail easements, or within established multi use trail corridors.

Traffic: Pedestrians, ridden or herded animals, or vehicles.

Vehicle: Any mechanized means in or by which a person may travel or something is carried or conveyed, whether moving on wheels, runners, tracks, or the like.

Animal drawn vehicle: a mechanized piece of equipment pool by one or more horses, or other draft animal.

Human powered vehicle: a vehicle powered by muscle power. The term shall include, without limitation, bicycles, non-motorized scooters, recumbent bicycles/ tricycles, pedal cycles, and push cards, but shall not include baby carriages, wheelchairs, or sled vehicles. Roller skates, as defined herein, shall be specifically excluded from this definition.

Motorized or motor vehicle a road vehicle powered by an electric or internal combustion engine. The terms, without limitation, automobiles, buses, recreational vehicles, motorcycles, gators, mopeds, snowmobiles, all-terrain vehicles, go karts, golf carts, tractors, or any other medium propelled by means other than muscle power, including any device match to and pull by such a vehicle, such as a trailer or camper.

Oversized Vehicle: A motor vehicle, boat, or trailer, whether or not attached to another vehicle, which meets or exceeds at least two (2) of the following criteria, exclusive of fixtures, accessories, or property: (1) 23 feet in length; (2) 8 feet in height; or (3) 7 feet in width.

Sled Vehicle: A non-animal drawn, non-motorized vehicle or toy used to slide downhill on or over ice or snow, such as, but not limited to, sleds, slays, and toboggans.

Volunteer: Any person who has registered as a volunteer in a Borough Parks and Recreation program, has been accepted by the Borough as an authorized volunteer by virtue of express written permission, whether in an applicable permit or other means, and who is performing volunteer duties.

Weather Event: a declared weather-related emergency or disaster declaration is issued by the Borough.

ARTICLE II: PARKS AND RECREATION BOARD

Section 201: Creation of Parks and Recreation Board

There is hereby created a Parks and Recreation Board for the Borough of Franklinton.

Section 202: Powers and Duties of the Board

The Parks and Recreation Board shall serve as the advisory body for the Borough on issues relative to the development of the parks, trails, open spaces, recreational activities, resources and similar facilities in the Borough. On such matters, it shall make recommendations to the Franklinton Borough Council and serve as a liaison between the Borough and its citizens. The Parks and Recreation Board shall operate under the authority of, and have only those powers expressly delegated to it by, the Franklinton Borough Council.

Section 203: Membership and Terms of Office

- A. The Parks and Recreation Board shall consist of no less than five members chosen and appointed by the Franklinton Borough Council in accordance with the following:
 - 1. Three members of a 5-member Board shall be appointed as citizen members to represent the community at large. At the Parks and Recreation December meeting, the Board will identify the existing/ prospective Board members to submit to Franklinton Borough Council for review/ appointment for the coming calendar year.
- B. All members including the ex officio, shall have full voting rights.
- C. No person shall be appointed to the Parks and Recreation Board unless that person is at least 18 years of age and an elector of the Borough.

Section 204: Adoption of Rules and Regulations (Bylaws)

The Parks and Recreation Board may promulgate and adopt rules and regulations, hereinafter referenced as "Bylaws," for the orderly procedure and running of its meetings and conducting of business under its jurisdiction. However, any such rule or regulation shall be consistent with the provisions of the Borough Code and this Ordinance and may be overruled, amended, rejected, or superseded by the Franklinton Borough Council.

Section 205: Officers

At its annual reorganizational meeting held in January, or as soon thereafter as practical, the members of the Parks and Recreation Board shall elect from its membership a chairman, secretary, and such other officers necessary for the orderly conduct of its business. The term of each office shall be one year, with the opportunity for reappointment as may be specified in the Parks and Recreation Board's Bylaws.

Section 206: Meetings

The Parks and Recreation Board shall meet at least monthly and in accordance with the **Sunshine Law** for holding public meetings (**65 Pa.C.S. & 701- 716**). Special meetings may be called at the direction of the chairman, a majority of board members, or upon the direction of the Franklinton Borough Council. A quorum, consisting of a simple majority, of the Board shall be in attendance before action of an official nature may be taken.

Section 207: Compensation

Members of the Parks and Recreation Board shall not receive compensation for their service on the Board.

Section 208: Vacancies

Vacancies occurring other than by expiration of term of office shall be filled for the portion of the unexpired term and made in the same manner as the original appointment.

Section 209: Removal From Office

The Franklinton Borough Council may remove any member of the Parks and Recreation Board for any reason or no reason at all including, but not limited to dereliction or negligence of duty, absence from three consecutive regularly scheduled meetings, absence from fifty (50%) percent of total meetings in a calendar year except in exigent circumstances.

Section 210: Committees

The Parks and Recreation Board may organize temporary or standing committees as it deems necessary in order to carry out its responsibilities. Committees may be created and its members appointed pursuant to Parks and Recreation Board Bylaws.

Section 211: Staff

The Parks and Recreation Board shall utilize staff from the Borough to carry out the duties outlined in **Section 202**. However, all staffing assignments and authority shall remain under the sole jurisdiction of the Franklinton Borough Council or as delegated by it to the Borough Council.

Section 212: Funding and Revenue

The Franklinton Borough Council retains the sole authority to receive and distribute funds related to parks, facilities, recreation, and leisure activities offered by the Borough. All funds may be designated to the Parks and Recreation Board shall be deposited in the Borough's general fund, unless dedicated to a specific use or account, and appropriated by the Franklinton Borough Council.

Section 213: Reports to the Franklinton Borough Council

The Parks and Recreation Board shall make full and complete reports to the Franklinton Borough Council at such times as may be designated or requested by Franklinton Borough Council.

ARTICLE III: RULES AND REGULATIONS

Section 301: Authority to Promulgate and Adopt Regulations

- A. The Borough authorized to promulgate and adopt reasonable rules and regulations regarding the administration and operation of the department, as well as the time, place, limitation and extent of use of any park, parkland, park property or facility owned or operated by the Borough, including uses now existing or contemplated. Additional rules and regulations may be adopted as necessary to implement applicable federal and state laws and regulations.
- B. Creation of Board shall consider, the adoption, amendment, or deletion of any rule, regulation, policy, procedure, or Ordinance affecting the Boroughs stewardship of its parklands, properties, and facilities or design and administration of leisure and recreation. The recommendation of the Board shall be forwarded to the Franklinton Borough Council for final approval, unless otherwise provided for by this Ordinance for official action of the Franklinton Borough Council.
- C. All rules, regulations, or policies adopted by Franklinton Borough Council shall be available for public review in the department's administrative offices, and as per applicable law.

Section 302: Park Hours of Operation

- A. All Borough parks, parkland, and park property are closed from sundown to sunrise carrying no person shall be in or on any park or park property, during the hours the facility is closed.

Section 303: Closing of Parks

The Borough may close any park, park plan, or park property, or portion pair of, or ordered the cessation of any activity occurring therein, at any time for the protection of the property, the public's health, safety, or welfare or when otherwise determined that such action is the Borough's best interests by the Borough Council President, or his designee.

Section 304: Buildings and Other Structures in Parks

Without the express written permission of the Borough, it shall be unlawful for any person in a Borough park, parkland or park property to:

- A. Construct or erect any building or structure, whether permanent or temporary;
- B. Run or straying any utility line or other facility into, upon, or across the lands of a Borough park;
- C. Mark, deface, just figure, damage, injured, or tamper with any building, bridge, table, bench, fireplace, railing, paving or paving materials, water line or other public utility facility, or parts or appurtenances thereof, any sign, notice, or placard, whether temporary or permanent, any monument, state, post, or other boundary marker, or other structure, equipment, facility, or any other park property, or appurtenances whatsoever, either real or personal;
- D. Walk, climb, stand, or sit upon any monument, vase planter, fountain railing, fence, or upon any other property not designated or customarily used for such purpose; or
- E. Attach a rope or cable or otherwise contrivance to any fence, railing, bridge, bench, or other structure.

Section 305: Public Restrooms and Washrooms

All persons shall maintain restrooms and washrooms in a neat and sanitary condition. There shall be no bathing or washing of clothing in any of the Borough public restrooms and washrooms.

Section 306: Plants, Trees, and Soil

Without the express written permission of the Borough, it shall be unlawful for any person in a Borough park, parkland, or park property to:

- A. Remove any soil, rock, sand, or stone, or make any excavation by hand, tools, equipment, blasting, or other means or agency. Only surface metal detection is permitted;
- B. Damage, cut, carve, mark, transplant, or remove any tree, shrub, plant, or other wood or plant like material, including leaves, needles, or pine cones, injure the bark, pick the flowers or seeds of any tree or plant, dig in, disturb any grass areas or in any other way injure the natural beauty or usefulness of any park;
- C. Introduce any plant, or bring in wood or logs, including firewood, into the park is expressly prohibited;
- D. Climb or attach a rope, cable, or other contrivance to any tree;

Section 307 Littering;

Without the express written permission of the Borough, it shall be unlawful for any person in a Borough park, parkland, or park property to take into or carry through, any rubbish, refuse, garbage, or other harmful material. Refuse or rubbish generated while using a Borough facility shall be deposited in an appropriate receptacle. Where such receptacles are not provided, all rubbish or waste shall be carried away from the facility by the person responsible for its presence and properly disposed of elsewhere.

Section 308: Animals, Generally

Without the express written permission of the Borough, it shall be unlawful for any person in a Borough park, parkland, or park property to:

- A. Tie or hitch an animal to any tree or plant;
- B. Hunt, molest, harm, frighten, kill, trap, pursue, chase, tease, shoot, throw projectiles, remove or have in one's possession the eggs, nest, or young of any wild animal. Included herein are poisonous snakes, the killing of which is prohibited by law;
- C. Release or abandon an animal; or
- D. Feed any wildlife or feral animal. Birds may be fed corn, seeds, or bird feed.

Section 309: Dogs, Specifically

In addition to the provisions of section 308, the following shall also apply to domestic dogs (*canis lupus familiaris*) brought into a Borough park, parkland, or park property:

- A. Unless it is in a designated area where such activity may be permitted (i.e. a dog park), no person shall cause or permit a dog to run loose, or walk a dog without a leash, appropriate in size, strength, and thickness for the breed, said leash to be no longer than 6 feet in length. The handler of the dog shall be in actual, physical contact with and exercise complete control of said leash, and over the dog, at all times. Furthermore, any person who is accompanied by a dog while in the park or facility shall, in addition to any fine or penalty as hereinafter set forth, be liable for

any injury to any person or other domestic animal caused by the dog in further indemnify the Borough as set forth in **Section 702(B)**;

- B. Any person having custody of a dog in a park or on park property shall be responsible for the removal of any solid waste from the dog;
- C. Dogs that are considered vicious or have a history of biting or attacking people or other animals, with or without provocation, will be prohibited from Borough parks, parkland or park property;
- D. No person shall leave a dog unaccompanied in a motor vehicle in a Borough parking area for extended periods of time;
- E. Dogs are prohibited in play areas and in any building or structure unless the dog is being used as a trained service dog or is trained for law enforcement purposes and is under the control of a law enforcement officer.

Section 310: Motor Vehicles

Without the express written permission of the Borough, it shall be unlawful for any person in a Borough park, parkland or park property to:

- A. Travel at a rate of speed exceeding five (5) miles per hour. Operating a vehicle in a reckless or negligent manner or in excess of the posted speed limit is prohibited;
- B. Use or operation of motor vehicles in any park is prohibited except in designated areas and upon hard-surface roads designated for vehicle use within any park;
- C. Cleaning, polishing, greasing, lubricating or making repairs to any vehicle is prohibited in any park, except those of a minor nature and then only in cases of emergency;
- D. With the exception of an emergency situation and/ or Borough personnel, operate or drive a motor vehicle in any area except in parking areas, or Borough roads;
- E. Park a motor vehicle, whether attended or unattended, anywhere except in a designated parking area, except when necessary to avoid conflict with other traffic or in compliance with the directive of a Borough official, law enforcement officer, or official traffic control device;
- F. Park in a handicap stall without a valid government issued handicapped license or placard;
- G. Operate or drive a motor vehicle containing a person or object projecting or hanging outside of or beyond the vehicular limits;
- H. Fail to yield to pedestrians, or human powered vehicles where applicable;
- I. No driving on unpaved areas;
- J. Use or operation of all commercial vehicles is prohibited within any park unless providing services authorized by the Borough;
- K. Excluding the exception for a weather event as set forth herein, or in areas designated for long term parking, leave a motor vehicle standing or parked when the facility is closed to the public;
 - 1. During a weather event, and for three days thereafter, the Borough may designate certain parking areas at Borough facilities to be utilized by the public for long term motor vehicle parking. Permitted parking at any time is at the vehicle owner's risk;
 - 2. This paragraph shall not be construed as to impose any extraordinary duty or liability upon the Borough, and furthermore the Borough shall not be responsible for any damage to, or theft of or from, any parked motor vehicle, whether during a weather event or at any other time parking is permitted;
 - 3. When parking during a weather event is permitted, the Borough does not guarantee maintenance of any designated parking area.

Section 311: Human Powered and Recreational Vehicles

Without the express written permission of the Borough, it shall be unlawful for any person in a Borough park, parkland, or park property to:

- A. Operate a human powered vehicle in a reckless manner or without reasonable regard to the safety of others, which includes but is not limited to carrying more passengers at a time than the number for which the vehicle is designed and equipped, except that children may be carried in seats securely attached to the vehicle. No person riding a human powered vehicle shall attach himself or his vehicle to the outside of a motor vehicle being operated upon a park road;
- B. Ride a human powered vehicle in a sitting area, play area, athletic area, or any area restricted to its operation;
- C. Failed to yield the right of way to pedestrians, roller skaters, horses, or animal drawn vehicles;
- D. Stop slow as to impede the flow of traffic;
- E. Failed to alert pedestrian when overtaking forecasting from behind; or
- F. Leave a human powered vehicle lying on the ground, set against a tree, on a path, or in any place or position where other persons might be reasonably likely to trip over or be injured by it. When unused, bicycle shall be stored on a bicycle rack, when one is provided and there is space available;
- G. All terrain vehicles (ATV's), snowmobiles, go-carts and similar recreational vehicles are prohibited anywhere in any park, including parking areas, except when secured on a trailer.

Section 312: All Other Vehicles

In addition to the requirements and restrictions provided for in **Section 310 and 311**, all other vehicles in a Borough park, parkland, or park property shall be operated in a safe and lawful manner.

Section 313: Roller Skating, Rollerblading, Skateboarding, Bicycling

No person shall roller skate in a Borough park, parkland, or park property except in places specifically designated for such a purpose, but in no case shall any picnic table, railing, bench, or stairs be used for jumping or riding upon regardless of their location. The term "roller skate" shall be any shoe with a set of wheels attached for skating over a flat surface or a metal frame with wheels attached that can be fitted to the soul of a shoe. The term shall also include quad style and inline skates, skateboards, and hoverboards but shall exclude "roller shoes" or shoes that have wheels protruding slightly from the that allows the wearer to alternate between walking and rolling. Bicycling is prohibited on sidewalks and on the specially designated pathways for skateboarding, rollerblading and roller skating. Skateboarding, rollerblading or roller skating on any street, roadway or sidewalk, except on specially designated pathways for such is prohibited.

Section 314: Firearms and Weapons

Unless permitted through express written authorization by the Borough, it shall be unlawful for any person to discharge in any Borough park, parkland, or park property a pistol, revolver, rifle, shotgun, BB gun, air gun, spring gun, paintball gun, dart gun, boomerang, slingshot, bow, or other weapon or device that fires, launches, or otherwise propels a projectile in which the propelling force is gunpowder, a spring, tension, or air, or in which loaded or blank cartridges are used. Starter pistols may be used for certain athletic events provided prior notice is provided to the Borough. Nothing contained herein shall prohibit any person licensed under the **Pennsylvania Uniform Firearms Act (18 P.S. &6109)** from possessing a firearm as provided therein.

Section 315: Explosives, Fireworks, and other Ignitable or Combustible Materials

- A. No person shall kindle, build, maintain, or use if any Borough park, parkland, or park property except in designated grilling areas, unless otherwise permitted by the Borough. When and where authorized, all fires shall be contained in an appropriate grill receptacle or similar device, and continuously be under the care and observation of a competent person sixteen years of age or older, from the time the fire is kindled until it is completely extinguished and the burn area cooled to the touch;
- B. Charcoal or gas fired grills are the only types of grills authorized in Borough parks; wood fired grills or prohibited;
- C. Within designated grilling areas, all charcoal or gas fired grills shall be set back at least 10 feet from any building, tree, or underbrush;
- D. Within designated grilling areas, charcoal or gas fired grills shall not be lit beneath the branches of any tree;
- E. No person shall have in his possession any device, material, or substance that can be used to cause an explosion.

Section 316: Peddling and Solicitation

With the exception of Borough approved concessions sales, it shall be unlawful for any person in a Borough park, parkland, or park property to offer for sale or otherwise distribute any good, service, food, drink, or other item of value, including by sample, or the taking of orders for further delivery with or without accepting advanced payment, for the goods, services, or orders. Likewise, no individual shall bag or Panhandle for monetary or other contribution.

Section 317: Advertising; Posting of Signs or Literature

Without the express written permission of the Borough, it shall be unlawful for any person in a Borough park, parkland, or park property to:

- A. Post, paint, affix, distribute, deliver, place, cast, or leave about any bill, billboard, placard, ticket, handbill, circular, or advertisement. Youth sports sponsorship signs may be allowed but shall be removed when the playing season is completed or at the order of the Borough and shall conform to the standards in the prior Ordinance, as *amended*;
- B. Display any advertising sign or material on a vehicle, with the exception of a sign attached to a vehicle to identify the vehicle or a sign lawfully placed on a taxi, bus, or delivery the echo; or
- C. Use images of Borough facilities for commercial purposes.

Section 318: Noise

Without the express written permission of the Borough, it shall be unlawful for any person in a Borough park, parkland, or park property to use a loudspeaker, public address system, or amplifier, or play or cause to be played any radio, audio device, television or stereo equipment, musical instrument, or other similar device, at a volume which is reasonably anticipated to disturb or annoy others.

Section 319: Political Activity

No person shall post, stand, or otherwise place political signs in any Borough park, parkland, or park property. Political signs may be placed at a Borough facility designated as a polling place no sooner than 24 hours prior to the opening of the polls and shall be removed no later than 24 hours after the polls closed. Nothing contained herein in anyway shall abridge or infringe on a person's rights as protected by the United States and

Pennsylvania Constitutions, including freedom of speech, assembly, and the right to petition government for redress or grievance.

Section 320: Alcoholic Beverages, Controlled Substances, and Tobacco Use

It shall be unlawful for any person in a Borough park, parkland, or property to:

- A. Use, possess, manufacture, or distribute any controlled substance, except with the possession of a lawful prescription from a person licensed by law to prescribe and administer controlled substances;
- B. Smoke or use any tobacco product such as e-cigarettes, vapes, cigarettes, etc.

Section 321: Minors

It shall be unlawful for any person to knowingly, or through negligent supervision, permit a juvenile/ minor to be in any park, parkland, or park property 30 minutes or more after the facility is closed. Further, it is unlawful to permit a child age seven or under to be in a park, including in or around a playground or play area, unless under the supervision of a responsible person. For the purposes of this Section, a responsible person shall be a person of reasonable age and ability, not intoxicated or under the influence of a controlled substance.

Section 322: Playgrounds and Play Areas

The Franklinton Borough Council may adopt, or delegate to the Director to promulgate and enforce, reasonable rules and regulation for the safe utilization and operation of playgrounds and play areas. The following shall apply in all playgrounds and play areas:

- A. Playgrounds and play area equipment shall be limited to use by children aged twelve and under. No adult shall be permitted on any playground or play area unless he is accompanying a child aged twelve or under;
- B. All children aged seven and under shall be under the supervision of a responsible person at all times period supervision of all children shall be the sole responsibility of the parent, legal guardian, or responsible person and not of the Borough;
- C. It shall be unlawful for any person defined as a Sexual Offender pursuant to the act commonly referred to as Megan's Law (*42 Pa.C.S. &9799.10 et seq.*) 2B, at any time, within 500 feet of a playground or play area;
- D. No person shall bring a glass bottle or other glass containers into a playground or play area, accepting bottles or containers used in the care and feeding of infant children;
- E. Playground equipment shall not be moved or altered in any way without the express permission of the Borough.

Section 323: Disorderly Behavior/Disorderly conduct

It shall be unlawful for any person in a Borough park, parkland, our park property to:

- A. Enter an area posted as "closed to the public" or any other unauthorized or restricted area;
- B. Engage in threatening, abusive, profane, or indecent activity or language at any time;
- C. Engage in any conduct or behavior tending to breach the public peace, or engage in a course of conduct or commit acts that endangers the safety or well pain of others;
- D. Gain or attempt to gain admittance to a facility, the use of which charge of admission is required, without paying such fee; or

- E. Disturb or interfere with any person or party occupying any permitted area or participating in any authorized activity, including but not limited to interfering with the duties of, or harassing a referee or coach immediately before, during, or after an athletic event.

Section 324: Loitering

Borough personnel shall have the right to question any person loitering or prowling in a Borough park, parkland, or park property in a place, at a time, or a manner not usual for law abiding individuals or under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted shall include, but not be limited to the fact that the person takes flight upon appearance of a Borough official or peace officer, refuses to identify himself, or manifestly endeavors to conceal himself or any object. Unless flight by the person or other circumstances make it impracticable, a Borough official may, prior to the notification of law enforcement authorities, afford the person an opportunity to dispel any alarm which would otherwise be warranted, by requesting him to identify himself and explain his presence and conduct at the facility. This section shall not apply where the person is accompanied by his parent, guardian, or other adult person having his care, custody, or control, or where that person is exercising his First Amendment rights as protected by the United States of Pennsylvania Constitutions, including freedom of speech, assembly, and the right to petition one's government for redress or grievance.

Section 325: Unlawful Exposure; Lewd Acts

It shall be unlawful for any person in a Borough park, parkland, or park property to:

- A. Appear in public so that the person's genitals or anus are exposed or covered with less than a fully opaque covering, or the display of female breasts with less than fully opaque covering of the nipple and areola, provided that breast feeding shall not be considered a violation of this Section whether or not the nipple is covered during or incidental to the feeding;
- B. Urinate or defecate in any area other than in those facilities specifically designed for such purposes; or
- C. Engage in any form of sexual activity.

Section 326: Camping

No person shall camp or stay overnight in any Borough park, parkland, or park property except in areas that may now or in the future designated for such purposes and only upon the prior written authorization of the Borough.

Section 327: Hitting of Golf Balls

No person shall hit golf balls in any Borough park, parkland, or park property except in areas that may now or in the future be designated for such purposes.

Section 328: Aviation

No person shall start, take off from, or land an aircraft, hot air balloon, parachute, hang glider, power paraglider, model rocket, remote controlled plane, drone, or other flying apparatus in a Borough park, parkland, or park property without the express written permission of the Borough.

Section 329: Picnic Areas

It shall be unlawful for any person or group of persons to hold a picnic in any Borough park, parkland, or park property where such an activity is prohibited.

Section 330: Interference with Borough Officials in the Performance of Their Duties

It shall be unlawful for any person to impersonate a Borough official or interfere with, harass, or hinder any Borough official, Borough employee, or contractor of the Borough in the discharge of their duties.

Section 331: Applicability of Borough Ordinances

All Ordinances of the Borough shall be in full force and effect in Borough parks, parkland, and park property. If there is a conflict between the provisions of this Ordinance and other Ordinances of the Borough, the more restrictive shall apply.

ARTICLE IV: FACILITY USE PERMITS

Section 401: Permits required

- A. A permit shall be required for a special event or the exclusive use of all or a portion of a Borough park, parkland, or park property when the facility is otherwise closed to the public provided that no permit shall be required for any action or event organized or administered by the Borough;
- B. Special events, as defined in this Ordinance, shall have additional permit requirements, as hereafter provided, beyond those required for exclusive facility usage;
- C. Nothing contained herein in any way shall abridge or infringe on a person's rights as protected by the United States and Pennsylvania Constitutions, including freedom of speech, assembly, and the right to petition ones government for redress or grievance.

Section 402: Availability; Priority of usage

All applications for the use of a Borough park, parkland, or park property are dependent upon the availability and suitability of the facility for the proposed use. Persons will be assigned space, or permits issued where applicable, according to the order of receipt of the application, facility availability, and in accordance with the following order of priority:

- First priority-Will always go to Franklinton Borough affiliated organizations;
- Final priority-All other persons.

Section 403: Facility Use Approval Process

A permit shall only be approved by the Borough in accordance with this Ordinance and any rules or regulations specific to the facility that may be promulgated by Franklinton Borough Council, or delegated to the Parks and Recreation Board or Franklinton Borough Council, from time to time. Facility use approvals will be contingent upon the condition that all applicable rules, regulations, and laws will be strictly adhered to be on the part of the applicant; failure of which may result in the immediate termination of any permit approval. The decision on a permit application by the Borough's designated official to render such a decision will be final.

Section 404: Permit Application

- A. Permits for a facility reservation or special event in or on any Borough park, parkland, or park property shall be obtained by application to the department on a form and in a manner pursuant to Borough rules and regulations at franklintownborough.net;
- B. In addition to paying all applicable fees, a person seeking issuance of a facility use or special event permit, excluding certain pavilion rentals as provided for in section 405, should file the application as early as practically possible but at least 48 hours prior to the requested use date;
- C. All permits will be issued on a first come, first served basis in accordance with section 402 above. If the facility is to be used by a group organization, the application shall be made in the name of the organization and signed by an officer or authorized representative of the organization. Any person intending to hold a special event on Borough property shall submit an application and receive approval from the Borough for the use of the requested facility.

Section 405: Pavilions

The Borough offers a pavilion for personal and public use. In addition to the order of usage priority as provided for in Section 402, Franklintown Borough Council may establish, or delegate to the Parks and Recreation Board the ability to administer and enforce, reasonable rules and regulations for the use of pavilions for when total number of people in attendance or the intended use does not meet the definition the special event as provided for in Article V. In all other instances, a permit shall be required.

Section 406: Duties of Permittee

- A. A facility usage or special event permit application shall assure and agree to the following, any violation of which may result in the immediate termination of the permit approval:
 - 1. That the proposed activity or facility usage will not unreasonably interfere with or detract from the public's health, safety, recreation, or general enjoyment of the facility;
 - 2. That the use applied for and approved will be the only activity undertaken by the applicant;
 - 3. That the proposed activity will not entail additional expenses or extraordinary or special supervision by the Borough unless agreed to by the Borough;
 - 4. For events involving juveniles, that all persons associated with the event are legally authorized to do so and have undergone all required background checks pursuant to all applicable local, state, and federal laws;
 - 5. The facility desired has not been reserved for another use on the date and time requested in the application; and
 - 6. The ability to pay all associated fees.
- B. Permits issued under this Ordinance shall be subject to all current and future regulations and instructions as may be prescribed by the Borough, any violation of which may result in the immediate termination of the permit approval. The following non-all-inclusive standards and guarantees shall be provided by an agreed permit Applicant prior to approval of a permit:
 - 1. Restrictions on the number of designations of persons who may participate in a permitted activity;
 - 2. Restrictions on the days of the week and the time of day that a particular facility may be used by the permittee;
 - 3. Requirements for maintenance to be undertaken by the permittee and all guarantors regarding the sanitation, cleanliness, and appearance of the facility following usage;
 - 4. Provisions for security and the maintenance of law and order, including compliance with noise, parking, safety, and other appropriate measures. The Borough may, at its own

- discretion, require additional security, at the permittees expense, on the premises to enforce the policies of the facilities usage;
5. Restrictions on the installation of apparatus or modification in any manner, either temporary or permanent, by the permittee to a facility or adjacent structures;
 6. Requirements that all applicable fees shall be paid prior to use, unless other payment arrangements have been authorized;
 7. Requirements that are certification of insurance in accordance with Section 701, naming the Borough the additional insured, shall be on file at the Borough prior to any permit being approved;
 8. Requirements that permittee and all guarantors shall be bound by all Borough rules, regulations, and applicable ordinances as though the same were included in said permit; and
 9. A guarantee that the permittee and all guarantors are and shall be responsible for those persons attending the event and for the enforcement of all Borough rules and regulations.

Section 407: Guarantors

As part of any application for a facility usage or special event request, the applicant shall, in addition to any other required information, provide the names and addresses of at least two individuals who, together with the permittee, shall be considered and held to be guarantors, and shall, in addition to other requirements and obligations provided for in Section 406, be responsible for the following;

- A. Compliance with, and when required or ordered to do so by a Borough official or duly sworn peace officer, enforcement of all applicable Borough rules and regulations;
- B. Clean up of the Borough facility immediately after facility usage;
- C. Payment of any damages to persons or property, including but not limited to the Borough or others using the facility; and
- D. Payment of all fines, penalties, liabilities, and indemnifications as set forth in Section 802.

Section 408: Permits not Transferable

Permits granted by the Borough, shall be used solely for the use provided for in the permit shall be lawful for that purpose only. The permittee may not assign, sublet, or transfer its rights or privileges to any other person, group, or organization without written authorization from the Borough to do so.

Section 409: Requirement to Produce Permit Upon Request

A person shall produce for inspection any permit he or she claims to have upon the request of any Borough official who shall desire to inspect the same for the purpose of enforcing compliance with any local, state or federal law, rule, or regulation.

Section 410: Revocation of Permits

The Borough may revoke a permit upon a finding of violation of any local, state or federal rule, regulation, or law. Revocation of a permit may result in the forfeiture of any or all fees.

Section 411: Certain Persons Prohibited from Obtaining a Permit

Any person banned or denied access to a Borough facility shall not be eligible to obtain a permit during the time in which such restrictions are in place. Any person subject to this section may appeal such a determination to

the Parks and Recreation Board. Appeals of decisions of the Parks and Recreation Board shall be made to the Franklinton Borough Council whose decision shall be final.

Section 412: Fees

- A. From time to time, Franklinton Borough Council may promulgate fees for permits and other uses of Borough facilities and may rely upon recommendations of the Parks and Recreation Board for the formulation of such fees.
- B. The Borough retains the right to add additional fees to any permit already issued.
- C. The Borough shall have the authority to charge a fee for any damage done willfully or accidentally by any person using a Borough facility, regardless of whether a permit was issued or not.

Section 413: Refunds

No refunds will be issued for a cancelled special event or facility usage reservation. Refunds will not be issued due to weather conditions existing on the reserve date or at the time of the event.

ARTICLE V: SPECIAL EVENTS

Section 501: Special Event Permits

In addition to the requirements provided for in Article IV, relating to facility use permits, additional requirements shall be met by a permitting prior to the holding of a special event in a Borough park, parkland, or park property. Any arrangements, certificates, assurances, specifications, special permissions, or plans provided for or required by this section shall be considered part of the facility use permit and together shall be considered a special event permit. Anything permitted solely by the written authorization of the Borough shall be so authorized on the permit and nothing outside of the permissions granted on the permit beyond that which is permitted under this Ordinance.

Section 502: Vending

A special event permit shall be required from the Borough if any attendee of the event will be offering, with or without charge, any items or food at the event. Notwithstanding the foregoing, any private event with fewer than two hundred fifty (250) attendees may receive prior written authorization from the Borough to offer food without charge in lieu of obtaining a special event permit. As a condition to sell food or water upon parkland or park property the Borough may require additional products liability insurance and inspection of food products and facilities by a qualified third party inspector or agency at the Borough's choosing.

Section 503: Portable Toilets, Trash Receptacles, and Disposal of Waste Material

The special event organizers shall be responsible for providing an adequate number of portable toilets, trash receptacles, and hand sinks when necessary or ordered by the Borough. In determining the necessity for, and number of placements of portable toilets, trash receptacles, or hand sinks, the applicant shall rely on generally recommended industry standards for such devices. Existing park facilities, including portable toilets, restrooms, and dumpsters are for general park users and may not be used in place of or to supplement event requirements. If facilities must be left overnight, the event organizer shall be solely responsible for locking or otherwise securing the units to avoid damage. The Borough shall not be liable for any damage or theft to or from these units.

Section 504: Public safety plan

As part of the application, for special events with more than 250 attendees, the Borough may require, as part of this special event permit, the inclusion of a Public Safety Plan, which shall include:

- A. The name, address, phone/ fax numbers, and e-mail address(s) of the application sponsor or the event supervisor;
- B. Whether the proposed event is to be conducted for, on behalf of, or by a third party entity or organization, whether for or not-for-profit, and the name and contact information for such entity or organization;
- C. the location and purpose of the event;
- D. The date, days, and times when the event is anticipated to be held, including the exact start and end times;
- E. The setup, tear down, and clean up dates and times;
- F. For parades, the route to be traveled, including the starting point and termination point;
- G. The approximate number of persons who will be attending the special event and the approximate number of persons who will participate in the event as volunteers or workers;
- H. A listing of the types of vehicles used to support or to be showcased in the event along with the approximate number and description of any vehicles which will participate in the special event, if applicable;
- I. The cost of attendance (if applicable) whether the event is open to the public or strictly a private event;
- J. The approximate number and description of the types of animals they anticipate to be part of this special event, if any;
- K. If applicable, a plan for the disposal of wastewater, including capture and containment, as approved by the Borough. All water generated must be disposed of through an approved sanitary sewage system that is constructed, maintained, and operated according to law; and
- L. A map or diagram detailing site locations and/ or routes, along with written descriptions of the following:
 - 1. Amplification devices: Types used and for what purpose;
 - 2. Electrical requirements: Voltage, amperage, and apparatus associated with electrical needs for activities, vendors, attendees, etc.;
 - 3. Emergency medical stations: First aid or emergency medical services based on special event risk factors;
 - 4. Equipment: Types of the equipment used to service the event and/ or to be showcased in the event;
 - 5. Fire lanes: Contingency plan for access by firefighting and emergency medical vehicles, equipment, and personnel;
 - 6. Litter control: Number, size, and location of trash receptacles, as well as trash removal and disposal;
 - 7. Parade, race, and similar activities: Start and finish locations, as well as water stations;
 - 8. Portable sanitation: The number of portable sanitation stations;
 - 9. Signage: Type of proposed on-site and off-site signage, including quantity, dimensions, and materials;
 - 10. Street closures and detours: A statement as to whether the special event will occupy all or only a portion of width of the streets, sidewalks, or other public rights of way proposed for pedestrian and vehicular traffic control;

11. Structures: All temporary structures, including but not limited to booths, buildings, stages, bleachers, fences, tents, awnings, and canopies. All structure shall adhere to the Boroughs building code and fire prevention and safety code;
12. Vendors: List each vendor, including products and services to be offered. The merchandise, products, and services shall not be in violation of any federal, state, or local law or regulation. The offering of alcoholic beverages, tobacco products, or adult related or pornographic items is strictly prohibited; and
13. Parking: A plan to accommodate parking requirements for those participating or attending the event.

Section 505: Emergency Medical Personnel

Where the presence of emergency medical personnel as necessary, requested, or utilized, the Borough shall have the authority to require the event sponsor or on site event manager to deploy such number of uniformed emergency medical personnel, up to and including paramedics, as may be designated by the Borough.

Section 506: Fire Watch Personnel

- A. When, in the opinion of the Borough or public safety personnel on site, it is essential for public safety in any other place where people congregate, or because of the number of persons or the nature of the special event, the event organizer shall provide one or more fire watch personnel, as required and approved by the Borough, to remain on duty during the time such places are open to the public, or when such activity is being conducted.
- B. Fire watch personnel shall keep diligent watch for fires, obstructions to means of egress and other hazards during the time such place is open to the public or such activity is being conducted and take prompt measures for remediation hazards, extinguishment of fires that occur, and assist in the evacuation of the public from structures.
- C. Fire watchers should be familiar with the structure or area where the event is to occur. They should know where manual fire alarm stations and Fire Protection equipment are located and be able to use them if necessary.
- D. Fire watchers shall be at least 18 years of age, not under the influence of any mind altering substances before, during, and immediately after the event (i.e. drugs or alcohol), and be on site at all times. A fire watcher may be under the age of 18 if they are a registered volunteer firefighter with a local fire company.

Section 507: Crowd Managers

When determined necessary, trained crowd manager shall be utilized during an event in accordance with generally accepted safety practices.

Section 508: Signage

Signage indicating “Event in Progress” or “Race in Progress”, or directional or informational signage, may be posted at designated posts on park roads or park entrances on the day of the event. The attaching of signs, banners, flyers, or decorations to any park property (i.e. Tolerance, monuments, fences, benches, vegetation, etc.) is prohibited.

Section 509: Use of Spray Paint/ Chalk

The use of aerosolized spray paint or spray chalk/ surveyors paint on paved or concrete roadways or trails is strictly prohibited. Spray paint/spray chalk shall only be used on grass, board, turf, or dirt surfaces and only

with prior approval by the Borough. The use of flour or tape may be used on such services but shall be removed immediately following the event.

Section 510: Notification of Adjoining Properties

Depending on the nature of the special event activity proposed, the Borough may require the applicant, prior to the issuance of the permit, inform residents and businesses adjacent to the area of the special event, of the date, time, and nature of the event.

Section 511: Staking

Without Borough approval, staking is prohibited. However, water, lead, or sand weights may be used.

ARTICLE VI: REGULATIONS FOR USE OF THE ATHLETIC FIELDS AND AREAS

Section 601: Purpose

The Borough is committed to providing high quality recreational facilities for the benefit of its residents. This includes the use of its athletic fields and areas. The Franklinton Borough Council believes that specific regulations and restrictions must be placed on the use of athletic fields for safety reasons, as well as for maintaining the quality of the facilities. The Franklinton Borough Council further believes that the overuse or abuse of Borough athletic fields may result in turf decline and safety hazards jeopardizing the continued future use of the fields and areas and those who may wish to use them.

Section 602: Use of Athletic Fields and Areas

The use of athletic fields and areas, including the prioritization of users as provided for in Section 402, the scheduling of the athletic events, in terms of conditions of usage shall be solely vested in the Borough. Athletic field usage requests shall be made on a form and in any manner pursuant to Borough rules and regulations, with the applied usage only to be permitted upon the issuance of a special event permit as provided in Article V and hereafter.

Section 602: Use of Athletic Fields and Areas

The use of athletic fields and areas, including the prioritization of users as provided for in Section 402, the scheduling of athletic events, and terms of conditions of usage shall be solely vested in the Borough. Athletic field usage requests shall be made on a form and in a manner pursuant to Borough rules and regulations, with the applied usage only to be permitted upon the issuance of a special event permit as provided in Article V and hereafter.

Section 603: Hours

Parks and other designated facilities shall be closed for athletic events from November 1 to March 31 unless an extension is otherwise approved by the Borough. Practices and competitions shall not be scheduled to begin before 10:00 a.m. ET, unless otherwise approved by the Borough in writing.

Section 604: Permits Required

Athletic competitions shall be considered “special events” and require the obtainment of a permit by the applicant. Spontaneous or unorganized athletic events (i.e. “pick-up games”) that do not meet the definition of a special event or public assemblage, and whose participants do not utilize the pavilion, do not require a permit or other approval by the Borough, provided the provisions of Section 402 are adhered to. However, the Borough reserves the right to order the cessation of such activity in accordance with Section 304.

Section 605: Duties of Athletic Associations

Prior to any athletic event, it shall be the responsibility of each specific athletic association to inspect the athletic field for safety or playability, determine whether an athletic event may continue, and provide information regarding field conditions to the league as set forth herein for the use of athletic fields.

Section 606: Playability; Field Conditions

- A. If any of the following conditions exist, the athletic association or coach shall cancel the athletic event and affirmatively prevent the use of the athletic field by others:
 - 1) When soil moisture is so high that standing water or muddy conditions exist;
 - 2) When standing water or mud exists in high traffic areas, such as goal mouths, base areas, or base paths; regardless of soil moisture levels elsewhere on the field;
 - 3) When the turf is saturated to such an extent that walking on the field disturbs or moves the turf, causes water to surface or the thinning of the turf, damage to grass root structures, the creation of divots, or engaging in any other activity on a wet surface after which it may dry causing an uneven surface or further damage to already worn areas;
 - 4) When frost or snow is on the field. In such an instance, the athletic event shall be postponed until the frost has dissipated. If postponement is not possible, the athletic event shall be cancelled; or
 - 5) In drought conditions, when the turf on fifty (50%) percent or more of the playing surface has turned dormant.
- B. Regardless of the appearance of field conditions, no athletic event shall take place when one inch or more of rain has accumulated in a 24-hour period preceding the scheduled athletic event or when there is steady rain on the day of the athletic event. For the purposes of this Section “steady rain” shall mean that the rain has fallen at a consistent (heavy, light, or moderate) rate in at a continuous pace at various times throughout the day.

Section 607: Special Regulations for Baseball and Softball Fields

For athletic events occurring on baseball or softball fields, the “home team” shall be responsible for all necessary field cleanup/trash removal. Under no circumstances shall infields that have standing water or puddles be brushed off with a broom, squeegee, or other device.

Section 608: Special Regulations for Basketball, Volleyball, and Tennis Courts

The following provision shall apply to all outdoor basketball, volleyball, and tennis courts:

- A. Courts are available for public use on a first come, first served basis, and in accordance with Section 402;
- B. Court time is limited to the activities of basketball, volleyball, or tennis on those respective courts only;
- C. All vehicles, including but not limited to bicycles, roller skates, and skateboards are strictly prohibited on all courts;
- D. Rubber soled shoes shall be worn at all times, with the exception of sand volleyball courts on which players may be barefooted; and
- E. At peak times, when persons may be waiting for use, consideration shall be given to such persons and playing time limited.

Section 609: Additional Prohibited Acts

- A. Destruction of Borough property or the removal or tampering of any vegetation, including but not limited to field turf;
- B. Removing or relocating benches or bleachers;
- C. Failure to remove from the field and properly secure in a designated area athletic equipment, including soccer goals and flags; and
- D. Ignoring or removing a sign stating "field closed," "keep off the grass," or such other restrictive signage otherwise stating that a facility has been closed to the public.

ARTICLE VII: LIABILITY AND INSURANCE

Section 701: Insurance

- A. Prior to issuance of a special event or facility or usage permit, the Borough may require the following insurance coverage as the minimum required in the name of the permittee in the amount of \$500,000 combined single limit for bodily injury and property damage for each occurrence or claim made with an aggregate of \$1 million;
- B. The Borough shall be named as an additional insured to any insurance coverage;
- C. Each policy of insurance shall require the insurance carrier to notify the Borough at least 30 days in advance of the effective date of any reduction or cancellation of the policy the cancellation or reduction of insurance coverage shall be caused for automatic suspension of the permit until the coverage is reinstated. All policies shall be kept in force for the period of the permit;
- D. As a condition precedent to the issuance of any permit to sell food or wares upon parkland or park property, the Borough may require products liability insurance in addition to the requirement of Section 504.

Section 702: Liability

- A. As a condition for granting a permit under Section 401 and/or Article V, the permittee, guarantor, or responsible party shall be jointly, severally, and individually liable for any violation of this coordinates, any federal, state, or local law or regulation, or any fine or penalty levied there from, and shall be liable for damage to any person or property arising from or associated with the conduct, event, or activity which was in violation of this or any other Borough Ordinance, regulation, or other applicable local, state, or federal law or regulation.
- B. When a violation under this Ordinance results in legal action, civilly or criminally, or injury or damage to persons or property, the permittee, guarantor, or responsible party shall indemnify and hold the Borough harmless from any claim, lawsuit, judgment, award, verdict, or the like. In addition, the indemnity herein set forth shall include any and all costs, fees, expenses, and other payments or expenditures made by the Borough. Said indemnity shall also include the value of any labor or other service required from or provided by the Borough.
- C. The Borough has no duty to keep the premises safe for entry or used by others for recreational purposes, nor does the Borough have duty to give any warning of potentially dangerous conditions to persons entering for recreational purposes. Therefore, the Borough may not provide winter maintenance on trails or any other areas of the Borough parks including, but not limited to, snow removal, ice removal or ice mitigation. The Borough does not extend any assurance that the premises are safe for any purpose, nor assume responsibility for or incur liability for any injury resulting therefrom, pursuant to the recreational use of land and Water Act, 68 P.S. & 477-1, *et seq.*

ARTICLE VIII: FINES AND PENALTIES

Section 801: Enforcement

The provisions of this Ordinance, and any rule or regulation authorized thereby, may be enforced by any Borough official, employee, or other Borough designee who may revoke a permit or reservation if, in his or her judgment, the facility is being used improperly or illegally, or for a violation of any local, state, or federal law, rule, or regulation. Persons other than those herein designated, may only enforce the provisions of this Ordinance by presenting to the Borough proof of a violation of this Ordinance, or other applicable local, state, or federal law or regulation. Said proof shall be considered and investigated prior to bringing the violating party or guarantor before a court of competent jurisdiction.

Section 802: Fines and Penalties

- A. In addition to any penalty or liability, any person violating any provision of this ordinance, and all persons standing in loco parentis to any juvenile or who has not arrived at the age of criminal responsibility who has violated any provision of this ordinance, shall be guilty of a summary offence and, upon conviction thereof, pay a fine of not less than \$50 for more than \$1,000, together with costs of prosecution, and in default of payment thereof, be committed to and imprisoned in the county prison for a period not exceeding 10 days.
- B. The maximum fine set forth in section 802(A) shall be doubled each time a Borough official request that an activity, conduct, or other prohibited actions cease but the activity, conduct, were prohibited action continues in defiance of the order.
- C. Failure to comply with this ordinance or failure to comply with instructions from a Borough official, shall subject the offending party or guarantor to the fines, penalties, liabilities, and indemnity provisions of this ordinance.
- D. Each violation of this ordinance or any condition, prohibition, restriction, or other limitations shall be considered a separate violation, Each subject to the fine set forth herein.
- E. In addition to any fines or liability herein set forth, a violator of this ordinance shall further be liable to the Borough for any and all damage caused to Borough property, and all costs or losses sustained or incurred by the Borough arising from or associated with the permitted or unpermitted event, including but not limited to the cost of labor, fees, materials, and all other incidental or consequential costs or losses.
- F. Violations of state or federal law or regulations shall be punishable as set forth in the law or regulation being violated, or as determined by those authorized to enforce the law or regulation.

Section 803: Ejection and Future Ban of Use

- A. Violators shall be subject to ejection from the park, parkland, or park property and/or the seizing or confiscation of any property, thing, or device used in violation of any of the provisions of this Ordinance.
- B. Any person who violates this Ordinance; any limitation, restriction, prohibition, or condition of the permit; Any state or federal law or regulation my colon or any Borough rule, regulation, or policy shall forfeit any entitlement, right, or claim, whether real or perceived towards any future use of Borough facilities, and further shall have no claim against the Borough, its officials, employees, or designees for failure to issue a permit in the future.

ARTICLE IX: MISCELLANEOUS PROVISIONS

Section 901: Severability

In the event that any provision, section, sentence, clause, or part of this ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause, or part of this ordinance or other ordinances affected by this ordinance, it being the intent of the Franklinton Borough Council that such remainder shall remain in full force and effect.

Section 902: Repealer

All other ordinances or parts of ordinances inconsistent with the provisions of this Ordinance, are repealed insofar as they are inconsistent with the powers, duties, and responsibilities enacted hereby.

Section 903: Effective Date

This Ordinance shall be effective five (5) days after enactment.

ADOPTED AND ORDAINED this 6 day of August, 2025.

Franklinton Borough Council

ATTEST



Kristen Taylor, Secretary



Matthew S. Adams, Council President

Approved this 6 day of August, 2025.

By: 

James Adams, Mayor



THE SECRETARY OF THE ARMY
WASHINGTON, D. C.
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TO THE SECRETARY OF THE ARMY
FROM THE SECRETARY OF THE ARMY

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