

Chapter 16

Parks and Recreation

Part 1

Regulations Governing Activities in Borough Parks

- §16-101. Definitions
- §16-102. Rules and Regulations
- §16-103. Permits
- §16-104. Regulations Applicable Solely to Akron Borough Lineal Park
- §16-105. Regulations Applicable Solely to Broad Street Playground
- §16-106. Regulations Applicable Solely to Colonial Park
- §16-107. Regulations Applicable Solely to Loyd Roland Memorial Park
- §16-108. Penalties

Part 2

Rail Trail Cooperation

- §16-201. Post Completion Articles

Part 1**Regulations Governing Activities in Borough Parks****§16-101. Definitions.**

As used herein the following words and phrases shall have the following meanings:

Akron Borough Lineal Park—the 65-foot wide Lineal Park, stretching from Ephrata Township in the East to Ephrata Township in the West, traversing the entire Borough.

Broad Street Playground—the playground located at the intersection of Broad Street and Playground Alley, with entrances off of Main Street, Broad Street, and Playground Alley.

Colonial Park—a tract of parkland adjacent to Colonial Drive, and bounded by the Ephrata Township boundary and the Akron Borough Lineal Park.

Designated representative—the person designated by the Chairperson of the Park Committee, or by the Borough Manager in the absence of the Chairperson, to undertake certain responsibilities in the Borough Parks, as hereinafter described.

Loyd Roland Memorial Park—the park located in the Northwest corner of the Borough, adjacent in some places to North 11th Street and East Main Street.

Park(s)—the Akron Borough Lineal Park, the Broad Street Playground, the Colonial Park, and the Loyd Roland Memorial Park.

Park(s) Committee—the Committee designed by the President of Borough Council to regulate and control all parks.

Person—an individual, firm, partnership, corporation, limited liability company, or association, and any servant, agent, assistant, employee or representative thereof.

(Ord. 00058, 6/13/2011, §II)

§16-102. Rules and Regulations.

The rules and regulations set forth herein shall not apply to Borough personnel or persons performing maintenance, improvements or other governmental functions on behalf of the Parks Committee or the Borough Manager, or those specifically exempted from regulation by the Chairperson of the Parks Committee or the Borough Manager, or their designated representative.

A. *Dogs and Other Animals.* Hereafter, no person shall:

(1) Permit any dog or other animal to run while not being attached to a leash or reins held by the owner, custodian or keeper.

(2) Fail to clean up and dispose of in a sanitary manner, any defecation of any animal owned or controlled by any such person.

(3) Ride or walk any horse or draw any carriage transportation as is restricted in §§16-104, 16-105 and 16-106 hereof.

(4) Nothing in this Section or this Part shall prohibit or interfere with the use of guide, signal, or service animals as defined by the Americans With

Disabilities Act.

B. *Pavilions*. Use pavilion facilities where they have been previously reserved to others.

C. *Waterways*. Bathe, swim, wade, or boat in any lake, pond or waterway.

D. *Peddling*. Engage in peddling or “hawking,” except in compliance with the requirements of Chapter 13, Part 1, of the Code of Ordinances of the Borough of Akron.

E. *Bicycles*. No person shall:

(1) Ride a bicycle in a careless, negligent or reckless manner so as to create a nuisance or to endanger the life or property of persons within any park.

(2) Ride a bicycle in a careless, negligent or reckless manner so as to create a nuisance or to endanger a life or property or persons or to ride such bicycle upon any playing surfaces, including, but not limited to, soccer fields, baseball fields (infield and outfield), basketball courts, hockey courts, and the like.

F. *Littering*.

(1) No person shall bring any waste paper, sweepings, ashes, household waste, glass, metal, yard waste, animal waste or carcass, refuse or rubbish or any dangerous or detrimental substance into any park and deposit the same, either in a receptacle or any other place.

(2) Nothing in this Section prohibits trash or waste generated in any park from a picnic or similar activity to be put into receptacles supplied for that purpose.

G. *Vandalism*. No person shall:

(1) Climb upon or in any way injure any statue, fountain, wall banister, ledge, fence, balustrade, railing, pavilion, tree, athletic equipment, bridge or other equipment or structure or play on wet grounds in a manner injurious to turf.

(2) Tamper with, mar, remove or destroy any official or authorized sign.

(3) Deposit any bodily waste or fluids in or on any portion of any restroom or similar facility or other public structure except directing into such particular fixtures as may be provided for that purpose.

(4) Place any bottle, can, rag, cloth, paper towels, metal, wood, or stone substance in any of the plumbing fixtures in any restroom or similar facility or any other structure in such a way to cause damage to any fixtures or equipment.

(5) Engage in any form of graffiti activity within any park.

(6) Cut, deface, mar, destroy, break, write on, or scratch any walls, floor, ceiling, partition, tree, rock, fixture, or furniture.

(7) Cause damage to any park facilities, including restrooms, buildings, structures, property, or equipment.

H. *Vehicles*. No person shall:

- (1) Wash or repair any vehicle (including the changing of oil, coolant or any other fluids), except for emergency repairs.
- (2) Operate any unlicensed vehicle.
- (3) Operate any vehicle at any place other than driveways, lanes, or other areas within the park designated for the operation of such vehicles.
- (4) Park any vehicle where parking is prohibited by posted signs.
- (5) Abandon any vehicle.
- (6) Operate and stop, stand or park a vehicle in such a manner as to block or restrict use of a road, gate, bollard, pavilion access road, or bike/hiking trail or in such a manner as to be an obstruction to traffic or parking.
- (7) Operate a vehicle or park in any place where “No Parking,” “Do Not Enter,” “Road Closed,” or “Authorized Vehicles Only” signs or any sign and/or barricades have been erected that would indicate that the area is not open to the general public.
- (8) Operate or park a vehicle in such a manner as to take up more than one designated parking spot, where parking spaces are designated and marked.
- (9) Park in an area designated for handicapped persons only without displaying a placard or license plate legally issued to the operator.
- (10) Operate a vehicle in excess of 15 m.p.h. within any park.
- (11) Operate any vehicle within any park carelessly disregarding the rights and safety of others or in a manner so as to endanger any person or property.
- (12) Operate any type of minibike, scooter, dirt bike, ATV, snowmobile or other motorized vehicle that is not authorized for operation on the public highways.
- (13) Fail to yield the right of way to any person hiking, walking, or biking on designated trails where such trails cross streets or roadways.
- (14) Disobey the direction of traffic control device or a duly authorized Borough employee or designee.
- (15) Operate a vehicle in a manner that causes damage or injury to any playing surfaces, including turf, lawn, or park property.

In conjunction with this Section, the Motor Vehicle Code of Pennsylvania shall apply to all park roadways within any park.

Council is hereby authorized to design and issue parking tickets and to establish, from time to time by resolution, certain civil penalties for violation of any provisions of this paragraph .J of this Part and may prescribe the place where such civil penalties may be paid. If such penalty is not paid within the time limits prescribed by Council, the person issuing said ticket may appear before a magisterial district justice or other judicial officer having jurisdiction for the purpose of securing the issuance of a citation for the violation and may collect twice the amount of the civil penalty plus judicial costs together with the Borough's attorney's fees for processing and appearance relating to said citation. In any case where Council has not, by resolution, established a fine or penalty for any violation of paragraph .J of this Part, the prescribed violation shall be presumed to be \$35

for parking in a designated handicapped parking space and \$10 for any other violation. The provisions above may be enforced by the Borough Police. However, in addition thereto, Council may by resolution, from time to time, appoint individuals to positions whereby such persons are authorized to act on behalf of Council in issuing and processing said civil tickets.

Notwithstanding the foregoing, the use of mobility devices as set forth in Part 35, "Nondiscrimination on the Basis of Disability in State and Local Government Services," Department of Justice, 28 CFR Part 35, in compliance with those regulations, shall not be considered a violation of any of the prohibitions or regulations set forth in this paragraph .H.

I. *Other Prohibited Activities.* No person shall:

(1) Tamper with drinking fountains, hydrants, or other water system facilities or use water other than for drinking or cooking, unless otherwise designated.

(2) Fly model powered planes where others are engaging in activities near where such planes may fly or land.

(3) Launch model rockets where others are engaging in activities near where such rockets may fly or land.

(4) Gamble.

(5) Pour or cause to spill or permit to escape in any area any oil, gas, salt, acid, or other harmful or noxious substance whether liquid, solid or gas, except pursuant to the provisions of an official permit, and except as to charcoal fluid and propane gas for use in grills.

(6) Urinate or defecate anywhere in any park, except in a restroom or other facility provided for such purposes.

(7) Engage in any form of golfing activity (other than disk golfing in designated areas) where others are engaging in activities near where such golfing activity will occur or balls will land.

(8) Throw or move rocks or stones.

(9) Unless otherwise permitted by these regulations or any permit, fail to obey a posted park sign.

(10) Camp in the park.

J. *Destruction of Plant Life and Natural Surroundings.* No person shall:

(1) Cut, remove or destroy any tree, sapling, seedling, bush or shrub, living or dead, or chip, blaze, box, girdle, trim or otherwise deface or injure any tree or shrub, or break or remove any branch, foliage, tree or shrub, or pick, gather, uproot, remove or destroy any flower, plant or grass, or chisel, drill or remove any natural stone deposit.

(2) Remove or cause to be removed or to dig any sod, earth, humus, peat, boulder, rock, gravel, or sand.

K. *Attachments.* No person shall hitch, tie, fasten, nail, anchor, screw, or otherwise attach any wire, cable, chain, rope, card, sign, poster, advertisement, notice, announcement, handbill, board or other articles or device to any post, tree, shrub, rock outcropping, traffic or park sign or structure other than to an object

designated for such purpose.

L. *Alcoholic Beverages, Illegal Drugs, Controlled Substances.* No person shall:

(1) Consume or possess an alcoholic beverage while in or upon property within any park.

(2) Enter or remain within any park while under the influence of alcohol to the degree that they may be a danger to themselves or other persons or property.

(3) Consume or possess any illegal drug, drug paraphernalia or controlled substance, as listed and defined in the Act of April 14, 1972 (P.L. 233, No. 65), 35 P.S. §780-101 *et seq.*, known as the Controlled Substance, Drug Device and Cosmetic Act, while in or upon any property within any park.

(4) Enter or remain within any park while under the influence of any illegal drug or controlled substance to the degree that they may be a danger to themselves or other persons or property.

(5) Nothing in this Section shall prohibit or interfere with the use or possession of a controlled substance pursuant to a lawful order of a practitioner as defined by the Controlled Substance, Drug, Device and Cosmetic Act.

M. *Use of Audio Equipment.* No person shall:

(1) Use a loudspeaker, public address system or amplifier within or upon property within any park.

(2) Play or cause to play any radio, audio device, television or stereo equipment, or similar device, at a volume which is reasonably anticipated to disturb or annoy others.

N. *Fires.* No person shall:

(1) Set or cause to be set on fire any tree, woodland, brush, grassland, or meadow.

(2) Build any fire except within fireplaces, metal grills, or approved fire rings using the appropriate materials. Fires in open spaces may be allowed only pursuant to a permit.

(3) Drop, dump, throw or otherwise scatter lighted matches, ashes, burning cigars, cigarettes, tobacco paper or other flammable material.

(4) Leave fires unattended at any time or not fully extinguished before being abandoned within any park.

O. *Fireworks and Explosives.* The possession or discharge of any fireworks or explosives on property within any park is prohibited.

P. *Firearms and Weapons.*

(1) Possession of a firearm within any park shall be in accordance with the Pennsylvania Uniform Firearms Act (18 Pa.C.S.A. §6101 *et seq.*).

(2) It shall be unlawful for any person to use or discharge any air rifle, air pistol, spring gun, spring pistol, BB gun, bow-and-arrow, cross-bow, slingshot, blow gun, or similar devices or any implement that is not a firearm, but which impels a projectile of any kind with a force that can be reasonably expected to cause bodily harm at any place within any park, except as follows:

(a) By any law enforcement officer or military personnel while carrying out the duties and responsibilities of his/her position.

(b) In defense of human life or residence or place of business of the person discharging the firearm in accordance with applicable State laws.

(c) In accordance with a special event permit.

(3) Use or possession of an electric or electronic incapacitation device shall be in accordance with Title 18 of the Pennsylvania Statutes and Consolidated Statutes Annotated.

(4) For the purposes of this Section, “firearm” shall be defined in accordance with the Pennsylvania Uniform Firearms Act.

(5) For purposes of this Section, “weapon” shall mean:

(a) Any bomb, grenade, blackback, sandbag, or metal knuckles.

(b) Any dagger, knife, razor, or cutting instrument the blade of which is exposed in an automatic way by switch, push-button, spring mechanism, or otherwise or the blade is 3 inches or longer and serves no common lawful purpose.

(c) Other implement for the infliction of serious bodily injury which serves no common lawful purpose.

Q. No person shall hunt for, shoot at, chase, catch, trap, intentionally disturb, or intentionally injure or kill or attempt to do the same (with or without dogs) any bird or animal without a permit.

R. *Natural Areas.* Natural areas in any park will be specific sites set aside where no buildings or structures are permitted. These areas are to be used by the public for their intended purpose and shall remain as nearly as possible uninfluenced by humans or domesticated animals, excepting accommodations for visitors for passive recreational uses. However, no person shall violate any posted rules concerning access to or use of any particular natural area.

S. *State Statutes, Other Applicable Regulations.* All applicable statutes, rules, and regulations of the Commonwealth of Pennsylvania and the Borough of Akron shall have full force and effect upon any property within all parks and shall be enforced by those having appropriate jurisdiction.

T. *Park Hours.* All parks shall be closed from 11 p.m. to 5 a.m. prevailing time, unless the Chairperson of the Parks Committee, the Borough Manager, or their designated representative, shall grant a temporary permit to extend such times. The right is also reserved by the Chairperson of the Parks Committee, the Borough Manager, or their designated representative to temporarily close portions or all of any park for use by the general public for health and safety reasons, for maintenance, or when a permit has been granted for exclusive use of those portions by others.

(Ord. 00058, 6/13/2011, §II)

§16-103. Permits.

1. *Permits.* Permits are required for the following purposes:

A. Reservation of a recreational building or pavilions.

B. Use of athletic fields, except when not in use by organizations granted exclusive use.

C. To reserve any area in any park for exclusive use.

D. Erect any tent with a surface area of over 200 square feet.

E. Waiving anything desirable to waive that is prohibited or regulated by this Part.

2. *Applications for Permits.*

A. Any person or association of persons desiring to obtain a permit shall make written request at the office of the Borough in person.

B. When a fee is required, permits will not be issued, nor will any activity be reserved until payment is received. The Borough may make periodic or monthly payment arrangements with groups requiring additional services, with ballfield leagues, and with other groups, where a single payment is not practical for proper accounting procedures established by the Borough. Fees may be established, from time to time, by resolution of Council.

C. Permits are issued on a first-come, first-served basis; however, priority shall be given to the activities of the Borough residents. Requests for permits can be made for any dates, up to no more than 1 year in advance.

D. No person under the age of 18 years shall be issued a permit.

3. *Guidelines for Issuance of Permits.*

A. Chairperson of the Parks Committee, Borough Manager or designated representative may issue a permit hereunder when it is satisfied that:

(1) The proposed use will not unreasonably interfere with or detract from the general public use and enjoyment of any park.

(2) The proposed use does not present a substantial or unwarranted safety hazard.

(3) The facilities desired have not been already reserved.

(4) The proposed use will not cause damage or injury to property.

B. The Borough shall take the following additional considerations into account in considering permit requests to fairly determine as to whether a permit should be issued hereunder and may require the requester to complete a special event application to aid in its determination.

(1) The size and purpose for which the park is normally used.

(2) The location of the park and the area surrounding it.

(3) The facilities available to accommodate the intended use.

C. Any person or association of persons denied the issuance of a permit or a fee waiver may appeal to the Council of Akron Borough in writing within 10 business days of being notified of said denial.

D. The appeal will be heard at the next regularly scheduled meeting of Borough Council occurring more than 15 days after receipt of the appeal.

(Ord. 00058, 6/13/2011, §II)

§16-104. Regulations Applicable Solely to Akron Borough Lineal Park.

1. No fire or cooking of any type shall be permitted in this park.
2. Except as may be permitted pursuant to the provisions respecting service animals and mobility devices set forth in Part 35, “Nondiscrimination on the Basis of Disability in State and Local Government Services,” Department of Justice, 28 CFR Part 35, when in compliance with those regulations, no person shall ride or walk any horse or draw any carriage transportation in this park. As used herein, the “trail” shall not be considered as paved surfaces.

(Ord. 00058, 6/13/2011, §II)

§16-105. Regulations Applicable Solely to Broad Street Playground.

1. Except as may be permitted pursuant to the provisions respecting service animals and mobility devices set forth in Part 35, “Nondiscrimination on the Basis of Disability in State and Local Government Services,” Department of Justice, 28 CFR Part 35, when in compliance with those regulations, no person shall ride or walk any horse or draw any carriage transportation in this park.

2. The street hockey rink shall be used solely for street hockey, skating, or skateboarding.

(Ord. 00058, 6/13/2011, §II)

§16-106. Regulations Applicable Solely to Colonial Park.

Except as may be permitted pursuant to the provisions respecting service animals and mobility devices set forth in Part 35, “Nondiscrimination on the Basis of Disability in State and Local Government Services,” Department of Justice, 28 CFR Part 35, when in compliance with those regulations, no person shall ride or walk any horse or draw any carriage transportation upon any area of the park that is not paved. As used herein, the “trail” shall not be considered as paved surfaces.

(Ord. 00058, 6/13/2011, §II)

§16-107. Regulations Applicable Solely to Loyd Roland Memorial Park.

1. The following areas in Loyd Roland Memorial Park shall be designated as “No Parking” areas:

- A. On the North side of Lions Lane beginning at a point 780 feet from the right-of-way line of North Eleventh Street and extending 140 feet East.

- B. On the North side of the road leading from North Eleventh Street to the lodge and pond, a distance of 100 feet from the right-of-way line of North Eleventh Street.

- C. On the South side of the road leading from North Eleventh Street to the pond, a distance of 135 feet from the right-of-way line of North Eleventh Street.

2. No person shall fish in Loyd Roland Memorial Park, except under and subject to the following terms and conditions:

- A. Only barbless hooks may be used.

- B. No person shall be permitted to remove from any pond more than three fish in any one calendar day.

C. All fishermen must be licensed if required to be licensed by the Commonwealth of Pennsylvania.

3. Except as may be permitted pursuant to the provisions respecting service animals and mobility devices set forth in Part 35, "Nondiscrimination on the Basis of Disability in State and Local Government Services," Department of Justice, 28 CFR Part 35, when in compliance with those regulations, the road from Main Street to the Loyd Roland Memorial Park pavilion shall not be used by any motor vehicle except by representatives of the Borough while performing duties in the park.

4. Areas designated in the Loyd Roland Memorial Park as tennis courts shall be used exclusively for the purpose of playing the game of tennis.

(*Ord. 00058, 6/13/2011, §II*)

§16-108. Penalties.

Any person who violates any provisions of this Part shall, for every such offense, upon conviction thereof in a summary proceeding before a magisterial district justice or other appropriate judicial official, be sentenced to pay a fine not less than \$20 nor more than \$300, as well as the cost of restitution, as applicable, and/or to undergo imprisonment for a term not exceeding 90 days. Furthermore, any violation of this Part may, at the discretion of the Committee or its designated representative, result in a temporary or permanent expulsion from all park properties or any portion thereof, for a minimum of 6 months but not to exceed 2 years, depending on the severity of the violation. This provision is in addition to, and not in lieu of, the civil penalties set forth in §16-102.K.

(*Ord. 00058, 6/13/2011, §II*)

Part 2**Rail Trail Cooperation****§16-201. Post Completion Articles.**

1. The Borough shall insure that, throughout its useful life, the trail is (A) maintained properly and in accordance with applicable State and local requirements, (B) kept in reasonable repair so as to prevent undue deterioration and dangerous conditions and to encourage public use, and (C) kept open and accessible to the public at reasonable hours and times of the year consistent with the nature and intended use of the site.

2. The term “trail” means the properties and facilities, including any portion of them, designed engineered, planned, acquired, rehabilitated, or developed under the grant agreement with DCNR.

3. The Borough’s responsibilities under this Part with respect to the trail continue beyond the grant agreement period.

4. The Borough shall insure that no person will be denied access to or use of the trail on the basis of race, color, religion, ancestry, income, national origin, age, or sex.

5. Fees charged to non-residents for access to or use of the trail may not exceed twice that charged to residents. Where no fee is charged for residents but a fee is charged to nonresidents, the fee may not exceed that charged at comparable sites or facilities.

6. The Borough shall not discriminate in making any publications, databases, software, or other products or services developed under the grant agreement with DCNR available to the public. Specifically, prices or fees charged to non-residents may not exceed fair market value.

7. The term “trail” means the properties and facilities, including any portion of them, designed, engineered, planned, acquired, rehabilitated, or developed under the DCNR grant agreement.

8. The Borough’s responsibilities under this Part with respect to the site continue beyond the grant agreement period.

9. Ownership, control, or interest in the site shall not be transferred from or by the Borough without prior written approval of the DCNR. If the DCNR attaches conditions to its approval, they shall be complied with by the Borough.

10. The trail shall not be converted to any use or purposes other than for project activities without prior written approval of the DCNR. If the project activities under the DCNR agreement include the development of a plan for the trail, the trail shall not be converted to any uses or purposes that are inconsistent with the authorizing legislation under which the DCEP awarded this grant. C2P2 Grants Cycle 2010-2011 10.

(Ord. 00071, 7/22/2013, §II)

