

**DALLAS TOWNSHIP**  
**Luzerne County, Pennsylvania**

**ORDINANCE #2021- 4**

**AN ORDINANCE OF THE DALLAS TOWNSHIP BOARD OF SUPERVISORS ESTABLISHING RULES GOVERNING THE USE OF TOWNSHIP PARKS, OPEN SPACE AREAS, RECREATION FACILITIES AND PLAYGROUND AREAS.**

*The Board of Supervisors of Dallas Township (the "Township") does hereby ENACT AND ORDAIN the following:*

**SECTION I. PURPOSE.**

Section 2203 of the Second Class Township Code, provides that the Board of Supervisors may, by ordinance, regulate the use and enjoyment by the public of any park or recreation grounds owned and operated by the Township for the use of the public. It is the intent, purpose, and scope of this Ordinance to ensure the preservation of public parks, open space areas, recreation facilities, and playground areas within the Township for the perpetual enjoyment of the residents of the Township, to regulate activities within these areas consistent with the enjoyment of natural settings and park facilities and to prevent any nuisances to the residents of the Township in the use of such public parks, open space areas, recreation facilities and playground areas.

**SECTION II. USE OF GROUNDS AND FACILITIES.**

Any person, party, entity, firm, group, association, organization, or corporation using a public park, open space area, recreation facility, or playground area shall clean up all trash, garbage, and debris produced by their activities, and leave the premises in good order and the facilities in a neat and sanitary condition. Each and every failure to conform to the provisions of this Section shall be considered a separate violation of the provisions of this Ordinance.

**SECTION III. PROHIBITED CONDUCT.**

- A. It shall be unlawful for any person, party, entity, firm, group, association, organization, or corporation using Township parks, open space areas,

recreation facilities, or playground areas to either perform or permit to be performed any of the following acts within such locations:

1. Willfully mark, deface, disfigure, injure, tamper with, displace, or remove any building; bridge; table; bench; railing; paving or paving material; waterline or other public utility, or parts or appurtenances thereof; sign, notice, or placard, whether temporary or permanent; monument; stake, post, or other boundary marker; structure, equipment, facility; or Township property or appurtenances whatsoever, either real or personal.
2. Remove, injure, or destroy any tree, flower, shrub, plant or other growing thing; or any rock or other mineral, except for routine maintenance or if approved in writing by the Township.
3. Kill, trap, hunt, pursue, or in any manner disturb or cause to be disturbed any wild bird or animal, except as permitted in writing by the Township.
4. Throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, or other body of water in or adjacent to any public park, open space area, recreation facility, or playground area; or into any tributary, stream, stormsewer, or drain flowing into such waters, any substance, matter, or thing, liquid or solid, which may result in the pollution of said waters.
5. Discard, dump, deposit, or leave any bottle, broken glass, paper, box, can, dirt, rubbish, waste, refuse, trash, garbage, or other litter except into containers provided for that purpose. Where such receptacles are not provided, all such materials shall be carried away from the park, open space area, recreation facility, or playground area by the person, party, entity, firm, group, association, organization, or corporation responsible for their presence and properly disposed of elsewhere.
6. Disturb the peace or use any profane or obscene language.
7. Endanger the safety of any person or their property by any conduct or act.
8. Commit any assault or battery or engage in fighting.
9. Carry, show, or use any type of weapon including, but not limited to, firearms, tasers, knives, swords, and archery bows.
10. Smoke or use any tobacco product.

11. Violate any rule for the use of the park, open space area, recreation facility, or playground area, made or approved by the Supervisors of Dallas Township.
  12. Ignite or build any fires.
  13. Play ice hockey, except in designated areas.
  14. Ice skate, except in designated areas.
  15. Operate model airplanes or vehicles, motor scooters, motorcycles, mini-bikes, go- carts, snowmobiles, four wheelers, three wheelers, and any other recreational and motor vehicles (except licensed motor vehicles on designated roadways or parking lots).
  16. Play any group or individual sport, except in designated areas.
  17. Skateboard.
  18. Gamble.
- B. Animals may be permitted in Township parks, open space areas, and recreation facilities, unless otherwise posted. Animals are not permitted within playground areas. It shall be unlawful to permit any animal in those areas where posted. In all other areas, it shall be unlawful to permit any animal to be in any such area unless such an animal is secured on a leash of not more than six (6) feet in length. Owners of leashed or unleashed animals, whether legally or illegally in any park, open space area, recreation facility, or playground area, shall be responsible for the immediate removal and disposal of fecal matter deposited by that animal. Trained service dogs are expressly exempt from all provisions of this Ordinance.
- C. No person, party, entity, firm, group, association, organization, or corporation shall, in a Township park, open space area, recreation facility, or playground area:
1. Offer for sale any article or thing, nor station or place any stand, cart, or vehicle for the transportation, sale or display of any such article or thing, except under the authority of the Township, by application and permit as hereinafter provided.
  2. Announce advertise or call the public's attention in any way to any article or service for sale or hire.

3. Post, paste, fasten, paint, write, draw, carve, tack, or affix any placard, bill, notice, sign, advertisement, or any inscription whatever upon any structure, tree, stone, fence, thing, or enclosure within any Township park, open space area, recreation facility, or playground area or on any public lands or highways or roads adjacent to any Township park, open space area, recreation facility, or playground area, except as approved in writing by the Township.
- D. Except in emergencies, it is not permitted to land a private or commercial airplane or helicopter on any lands within a Township park, open space area, recreation facility, or playground area.
- E. No lights of any type that are intended to illuminate any area for playing purposes shall be permitted, except as installed by the Township or otherwise permitted in writing by the Township
- G. There shall be no music or broadcasting of any kind over a public speaker or amplified system.
- H. It is not permitted for any person to have in his or her possession, custody, or control any alcoholic beverage and/or controlled substance of any kind whatsoever, within any Township park, open space area, recreation facility, or playground area.

#### **SECTION IV. HOURS OF OPERATION.**

- A. Township parks, open space areas, recreation facilities, or playground areas shall be open to the public between the hours of sunrise to sunset, except as otherwise posted by the Township.
- B. It shall be unlawful for any person, party, entity, firm, group, association, organization, or corporation, other than Township personnel conducting Township business therein, to occupy or be present during any hours in which a Township park, open space area, recreation facility, or playground area is not open to the public.
- C. Any section or part of a Township park, open space area, recreation facility, or playground area may be declared closed to the public at any time and for any interval of time, either temporarily or at regular or stated intervals by the Township. During such periods of time, it shall be unlawful to enter upon or occupy such areas or portions thereof contrary to posted regulations or the conditions of a permit issued by the Township.

## **SECTION V. PERMITS FOR GROUP ACTIVITIES.**

Whenever any group, association, firm, organization, or similar entity desires to reserve a Township park, open space area, recreation facility, or playground area for a particular purpose, such as a picnic, meeting, party, or theatrical or entertainment performance, a representative of said group, association, firm, or organization shall first be required to apply for and obtain a permit from the Township for the specific purpose or event. The applicant for such a permit shall provide proof of insurance, signed releases, and/or provide other security as determined by the Township to protect the Township from any liability of any kind and to protect Township property from damage. The Township shall grant permits on a first-come first-serve basis, if it appears that the applied-for purpose or event will not interfere with the general use of the park, facility, or area by the individual members of the public and the application meets all the other applicable conditions.

## **SECTION VI. MOTOR VEHICLES.**

Licensed motor vehicles shall be permitted only on designated roadways within Township parks, open space areas, recreation facilities, or playground areas. The speed limit shall be five (5) miles per hour on such roadways. Motor scooters, motorcycles, minibikes, go-carts, snowmobiles, and other recreational vehicles shall not be permitted on roadways designated for licensed vehicular traffic, unless licensed for travel on public roads of the Commonwealth of Pennsylvania. All vehicles shall be parked in areas or places so provided and designated. Parking in places contrary to posted regulations and times is prohibited, and such vehicles may be removed by the Township at the owner's expense. Parking is prohibited in any Township park, open space area, recreation facility, or playground area that is closed. It shall be unlawful to clean, wash, repair, or do any work whatsoever on any vehicle within a Township park, open space area, recreation facility, or playground area, except for emergency repairs.

## **SECTION VII. PERMIT APPLICATIONS, FORMS, AND FEES.**

All permits deemed necessary by the Township to properly regulate Township parks, open space areas, recreation facilities, or playground areas shall be granted by the Zoning/Code Enforcement Officer upon the determination that the application complies with the following terms and purposes of this Ordinance; all provisions of this Ordinance, and any other applicable statute, ordinance, code, rule and regulation:

A. The Zoning/Code Enforcement Officer shall issue permits and prescribe

conditions upon Township-approved forms and applications.

- B. Applications for permits must be made to the Township at least fourteen (14) days prior to the use requested. Larger events and special circumstances will require additional time to process the permit. Please consult the Zoning/Code Enforcement Officer at least three (3) months in advance to determine how much additional time will be necessary.
- C. All permits shall be granted for a period not to exceed the time or the duration of the anticipated use and activity.
- D. The Board of Supervisors shall have the authority to require fees for permits in accordance with the fee schedule established by the Township, as amended from time to time; accept and hold funds for security deposits; and prescribe conditions under which deposits are collected or forfeited. All such revenues collected for permits shall be used for park and recreation purposes.
- E. Insurance requirements.
  - 1. If an application is approved, proof of liability insurance must be received by the Township within fifteen days of the issuance of the approval and prior to the event covered by the permit. The insurance shall provide coverage in the amount of \$1,000,000 per occurrence and shall name Dallas Township as an additional insured on the policy.
  - 2. If an application is approved, proof of medical/accident insurance must be received by the Township within fifteen days of the issuance of the approval and prior to the event covered by the permit.
  - 3. If the organization does not provide medical/accident insurance for its participants, then the organization's registration form and other literature/notices concerning the event shall have the following statement conspicuously printed on the first page:

Medical/accident insurance is not provided by either  
Dallas Township or by \_\_\_\_\_ (name of  
applicant)

A space shall be provided on the registration form immediately below the above statement for the individual registrant to provide the name and policy number of their individual medical insurance coverage.
- F. Background clearance requirements for organized youth activities.

1. The applicant shall certify by letter to Dallas Township that all individuals associated with the youth group, association, firm, organization, or similar entity, such as but not limited to, coaches, officers, referees, volunteer aids, administrative personnel, and the like, who have a significant likelihood of regular contact with children, have been cleared by a background screening agency in accordance with the applicable laws of the Commonwealth of Pennsylvania. At a minimum, such screening shall include the following:
  - a. Pennsylvania State Police criminal record background check, or similar background screening process acceptable to Solebury Township
  - b. Pennsylvania Department of Public Welfare child abuse clearance.
  - c. Review of the United States Department of Justice National Sex Offender Public Register.
  - d. FBI fingerprint screening.
2. A list of all individuals (first, middle, last name) that have been cleared by the background screening process shall be provided to the Township together with the certification letter.
3. No certification shall be older than one year. Each certification shall have been performed in order to encompass the entire dates of use requested within the one-year time period.

#### **SECTION VIII. POSTING OF AREAS DESIGNATED FOR PARTICULAR ACTIVITIES.**

The Township shall designate or cause to be designated various areas of Township parks, open space areas, recreation facilities, or playground areas for specific purposes as hereinabove mentioned. The same shall be accomplished by appropriate posting of signs in or about the areas designating the uses and areas involved conspicuously so as to provide adequate notice to the public.

#### **SECTION IX. ADMINISTRATION.**

The Zoning/Code Enforcement Officer shall administer the provisions of this Ordinance, including the collection of fees, preparation of application forms, issuance and revocation of permits, promulgation of rules and regulations to implement the

provisions of this Ordinance and all other decisions relative thereto. When acts or conduct of individuals or groups is determined to be in violation of this Ordinance or rules and regulations promulgated by the authority of this Ordinance; or determined not to be in the best interests of the Township or a Township park, open space area, recreation facility, or playground area; or when such acts are deemed to be disruptive to the surrounding neighborhood; or when such acts or conduct negatively affect other persons or entities or their property, the Zoning/Code Enforcement Officer, or his or her assigned agent, shall have the authority to cause such acts to be terminated; to expel the perpetrators of such acts; to call the Township Police to arrest and detain such individual or individuals; and/or to otherwise enforce the provisions of this Ordinance.

**SECTION X. VIOLATIONS AND PENALTIES.**

- A. Any person, party, entity, firm, group, association, organization, corporation, or other entity violating any of the provisions of this Ordinance shall be punishable, upon conviction thereof, by a fine of not less than sixty dollars (\$60.00) nor more than six hundred dollars (\$600.00) and costs of prosecution.
- B. Any person, party, entity, firm, group, association, organization, corporation, or other entity who has removed, destroyed, damaged, defaced, or befouled or permitted the removal, destruction, damaging, defacing or befouling of any Township park, open space area, recreation facility, playground area, or the contents thereof, shall be responsible for the cost of maintenance, repair, or replacement of such damaged property, in addition to any fine.
- C. Further use of Township parks, open space areas, recreation facilities, or playground areas may be denied to violators of this Ordinance in addition to the imposition of fines or costs.
- D. In the case of destructive or violative action or activity by any person under the age of eighteen (18) years, the term "person violating" as set forth in this Section shall include, in addition to such person, the parent, parents, guardian, or any other person having lawful custody and control of such minor. Such parent, guardian, or person having lawful custody and control of such minor shall be considered separately and individually in violation of this Ordinance.

**SECTION XI. REPEALER.**

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



**SECTION XII. SEVERABILITY.**

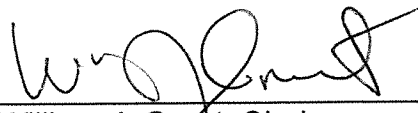
If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It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

**SECTION XIII. EFFECTIVE DATE.**

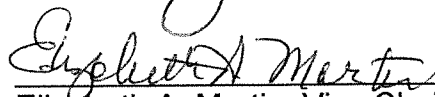
This Ordinance shall be effective five (5) days after enactment.

**ENACTED AND ORDAINED THIS 18<sup>th</sup> day of October, 2021.**

**DALLAS TOWNSHIP BOARD OF SUPERVISORS**

  
\_\_\_\_\_


William J. Grant, Chairman

  
\_\_\_\_\_

Elizabeth A. Martin, Vice Chairman

  
\_\_\_\_\_

Robert J. Wagner

Attest:   
\_\_\_\_\_  
K. Gary Kirk, Secretary/Treasurer

Seal:

