

ORDINANCE NO. 315

AN ORDINANCE OF THE TOWNSHIP OF CAERNARVON, BERKS COUNTY, PENNSYLVANIA, TO AMEND ORDINANCE NO 188 GOVERNING PARKS AND RECREATION; DETAILING RULES AND REGULATIONS GOVERNING THE USE OF CERTAIN RECREATIONAL AND/OR OPEN SPACE AREAS AND/OR FACILITIES WITHIN THE TOWNSHIP; AND PROVIDING FINES AND PENALTIES FOR VIOLATIONS.

BE IT ORDAINED by the Board of Supervisors of Caernarvon Township, Berks County, Pennsylvania, and it is hereby ENACTED AND ORDAINED as follows:

Section 1. Purpose.

It is the intent, purpose and scope of this Ordinance to ensure the preservation of outdoor public parklands, outdoor recreation facilities and outdoor playground areas within Township of Caernarvon for the enjoyment of the residents of the Township of Caernarvon to regulate activities within these areas consistent with the enjoyment of natural settings and park facilities and to prevent any nuisances in the use of such public parkland, recreational facilities and playground areas or in the enjoyment of private property adjacent to such areas.

Section 2. Definitions.

A. "Board" shall mean the Board of Supervisors of the Township of Caernarvon, Berks County, Pennsylvania.

B. "Lewd" shall mean grossly flouting community standards with respect to sexuality or nudity in public.

C. "Nudity" shall mean showing the human male or female genitals, pubic area or buttocks with less than a fully opaque covering or showing the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple.

D. "Park, Parks, or Park System" unless specifically limited, shall be deemed to include all parks, playgrounds, recreation areas, tennis courts, recreation structures and facilities, and also entrances and approaches thereto, and all other land or property or structures under the jurisdiction of the Parks and Recreation Department, now or hereafter owned or acquired by the Township for park or recreational purposes, or dedicated to the Township as open space.

E. "Person" shall mean any natural person, corporation, organization of persons, company, association or partnership.

Section 3. Prohibited Conduct.

No person in attendance at a Park, Parks, or Park System shall:

A. Injure, deface, disfigure, remove, cut or damage any of the trees, plants, shrubs, turf, buildings, structures, signs, or fixtures, or any other property of the Township located within the Park.

B. Litter any area of the Park with garbage, paper, bottles, cans, or other waste materials, nor dispose of the same in any way except in receptacles designated for such purposes.

C. Kindle or maintain any fire in the Park except in fireplaces, grills, or areas specifically designated for that purpose and located by authority of the Board.

D. Remove any bench, seat, table, or other fixture without permission of the Board.

E. Kill, trap, hunt, pursue, or in any manner disturb or cause to be disturbed any wild birds or animals within the Park System owned by the Township, except for fishing.

F. Erect any notice or placard within the Park without authority of the Board.

G. Set up any booth, table, or stand for the distribution, sale, service, or rent of any services or articles whatsoever within the limits of the Park without permission of the Board.

H. Operate, stop, or park any vehicle, such as a motor vehicle, snowmobile, minibike, motorcycle, bicycle or other means of conveyance except in areas where permitted or designated by proper authority of the Board, or operate the same in a reckless or negligent manner as to become a nuisance to other Park users.

I. Engage in public nudity or lewd conduct.

Section 4. Hours of Operation.

Recreation, park, and playground areas shall be open daily to the public between dawn and dusk, except as otherwise posted by the Board. It shall be unlawful for any person, firm or corporation, other than Township personnel conducting Township business therein, to occupy or be present during any hours during which the Park is not open to the public. Notwithstanding the aforesaid, permission may be obtained from the Board for use after the aforesaid hours or after posted hours for specific activities in the manner and on the terms of the Board. Notwithstanding the daily or posted hours, the section of the recreation area subject to a permit under Section 6 hereof may be occupied for purposes approved in the permit for one-half (1/2) hour before and one-half (1/2) hour after the hours of the approved event. Any section or part of the recreation, park, or playground areas may be declared closed to the public at any time and for any interval of time, either temporarily or at regular or stated intervals. During such periods of time, it shall be unlawful to enter upon or occupy such areas or portions thereof contrary to posted regulation or the conditions or permission by the Board.

Section 5. Permits and Fees.

A. The use of all Parks shall be regulated and scheduled by the Board with recommendations from the Parks and Recreation Committee.

B. Rentals to Reserve: The Board shall have the authority to fix and establish a fee schedule for permits for reserved exclusive use of the Parks or Park System, accept deposits, and prescribe conditions under which deposits are collected or forfeited. All such revenue collected for permits shall be used for Park, recreation and conservation purposes within the general fund of Caernarvon Township.

C. Permits for exclusive use of the Parks or Park System shall be on a first come, first served basis for, but not limited to the following: various league games, school or college athletic games, practices, contests or exhibitions, pavilion rental, etc.

D. The permit holder for any reserved use shall be held responsible for the action and conduct of other persons in his party.

E. No person under the age of eighteen (18) years shall be granted a permit for the reserved use of the Park or Park System.

F. All permits shall be granted for a period not to exceed the time or the duration of the anticipated use and activity.

Section 6. Alcoholic Beverages.

Except when specifically permitted by the Township and after obtaining any required Pennsylvania Liquor Control Board permits, no person shall possess or be under the influence of any alcoholic beverage while in or upon any part of the Park System. Any non-permitted alcoholic beverages in the possession of anyone shall be confiscated by the Township Police.

Section 7. Pets and Animals.

No person shall permit a dog, cat, or other domestic animal to run at-large in the Park System. Dogs shall be restrained by the use of a leash, not exceeding six (6) feet in length, at all times while in or upon any part of the Park System.

Section 8. Administration.

The Township Administrator shall administer the provisions of this Ordinance, including establishment and collection of fees, preparation of forms, issuance and revocation of Park usage

and reservations, 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 [reference to nuisance ordinance], the Township Police shall have the authority to cause such acts to be terminated, or to expel the perpetrators of such acts from the area, or to file a complaint for the violation of this ordinance with the District Justice.

Section 9. Enforcement.

The Police Officers and the Code Enforcement Officer of the Township of Caernarvon are charged with enforcement of the provisions of this Ordinance and of rules and regulations promulgated by the Board.

Section 10. Enforcement & Penalty.

Any person who violates a provision of the Ordinance shall be cited through a summary citation brought before the Magisterial District Court in the same manner as provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Upon conviction, a violator shall be subject to a criminal fine not to exceed one thousand dollars (\$1,000) per violation and may prescribe imprisonment to the extent allowed by law for the punishment of summary offenses.

Section 11. Repealer.

All ordinances or parts of ordinances which conflict with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance.

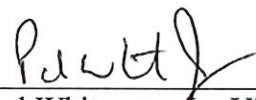
Section 12. Severability.

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 Caernarvon Township Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

ENACTED AND ORDAINED this 9th day of November, 2022.

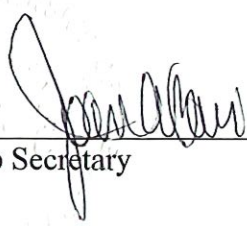
**BOARD OF SUPERVISORS
CAERNARVON TOWNSHIP**


By: 
Sandra Styer, Chair

By: 
Paul Whiteman, Jr., Vice-Chair

By: 
Jeffrey Vickers, Member

By: 
Keith Fritz, Member

Attest: 
Township Secretary

By: 
Paul Whiteman Sr., Member