

ORDINANCE NO. 2015-5

**AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF NESQUEHONING, CARBON COUNTY, PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES OF THE BOROUGH OF NESQUEHONING, AND ESTABLISHING RULES AND REGULATIONS FOR THE USE OF PUBLIC PARKS AND RECREATIONAL FACILITIES WITHIN THE BOROUGH OF NESQUEHONING AND PROVIDING PENALTIES FOR ANY VIOLATIONS**

**WHEREAS**, The Borough has the Authority, pursuant to Section 2701 of the Borough Code, 53 P.S. Section 47701, to improve, maintain and regulate public parks within the Borough; and,

**WHEREAS**, the Borough feels establishment of rules and regulations regarding the use of the borough's public parks is necessary;

**NOW THEREFORE, BE IT ORDAINED AND ENACTED** by the Council of the Borough of Nesquehoning, Carbon County, Pennsylvania and it is hereby Ordained and Enacted by authority of the same as follows:

**SECTION 1.** **Title:** This Ordinance shall be known as the Nesquehoning Borough Parks and Recreation Ordinance..

**SECTION 2.** **Definitions:**

**“Borough”** – The Borough of Nesquehoning, Carbon County, Pennsylvania.

**“Council”** – Council for the Borough of Nesquehoning, Carbon County, Pennsylvania

**“Recreation Facilities”** – Real property owned by the Borough and made available to residents of the Borough for outdoor recreational purposes.

**SECTION 3.** **Hours of Operation.**

a. The Recreation Facilities shall be open to the public for all lawful purposes from

sunrise until sunset.

b. Anyone in a Recreation Facility after sunset and before sunrise without written permission from Borough Council shall be deemed to be a defiant trespasser and may be subject to prosecution pursuant to the defiant trespasser provisions of the Pennsylvania Crimes Code, 18 Pa. C. S. Section 3503 (b)

**SECTION 4. Alcoholic Beverages**

Possession and/or consumption of any alcoholic beverage at or within any Recreation Facility is strictly prohibited.

**SECTION 5. Controlled Substances**

Possession and/or consumption of any controlled substance, as that term is defined in the Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act, 35 P.S. Section 780-101, et. seq., at or within any Recreation Facility is strictly prohibited.

**SECTION 6. Smoking**

All forms of smoking are strictly prohibited at or within any Recreation Facility.

**SECTION 7. Pets**

a. Only pets that are controlled with a leash, harness and/or muzzle and supervised by their owner and/or authorized care-taker are permitted at or within any Public Park.

b. No unsupervised pets are permitted in any Public Park.

**SECTION 8. Trash.**

a. All trash generated while using the Recreational Facilities shall be placed in receptacles provided by the Borough.

b. No trash generated outside the Recreational Facilities shall be placed in the Borough

provided receptacles located at the Recreational Facilities.

**SECTION 9. Age Restrictions**

Certain parks and playgrounds shall be only for the use of persons of certain ages, and such parks and playgrounds and ages shall be established by resolution of the Borough Council. The Borough Council shall then direct that the rules and regulations including the permitted ages of persons permitted to use or occupy such certain parks and playgrounds be posted in such respective parks and playgrounds. It shall be unlawful for any other person other than authorized Borough personnel or a parent of the child, guardian, family member or other designated adult person in whose care the minor child is while using the park, to use or occupy such a designated park or playground if such person is not of an age permitted to use or occupy such park or playground.

**SECTION 10. Damage to park property**

No person in a park shall willfully mark, deface, disfigure, injure, tamper with, displace or remove any table, bench, railing, or other public utility, or part thereof, sign, notice, or placard, whether temporary or permanent, monument, stake, post or boundary marker or other structure, or equipment, facility or appurtenance, whether real or personal.

**SECTION 11. Enforcement**

a. Except as otherwise provided in this Ordinance, a violation of any provision of this Ordinance shall constitute a summary criminal offense.

b. The police department of Nesquehoning, or their designee, shall be responsible for enforcement of this ordinance.

c. Any person who shall violate any provision of this Ordinance shall, upon conviction

thereof, be sentenced to pay a fine of not more than three hundred dollars(\$300.00) together with costs, and in default of payment. to imprisonment for a term of not more than thirty(30) days.


**SECTION 12. Effective Date.**

This Ordinance shall become effective upon enactment hereof.

**ORDAINED AND ENACTED** by the Council of Nesquehoning Borough this 28<sup>th</sup>  
day of October, 2015.

**BOROUGH OF NESQUEHONING**

BY: 

ATTEST:   
Secretary

Examined and Approved this 28<sup>th</sup> day of October, 2015.

  
Mayor