

**SPRINGFIELD TOWNSHIP
BOARD OF COMMISSIONERS
MONTGOMERY COUNTY, PENNSYLVANIA
ORDINANCE NO. 2020-_____**

“Parks and Recreation Ordinance”

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF
SPRINGFIELD TO REPEAL AND REPLACE CHAPTER 59 (PARKS
AND RECREATION) TO UPDATE THE REGULATION OF THE PARKS
AND RECREATION DEPARTMENT AND PROGRAMMING IN THE
TOWNSHIP.**

WHEREAS, the Board of Commissioners of Springfield Township believes that the health safety and public welfare of the community is enhanced by the operation of the Township Parks and Recreation Department and the participation of the community in the activities sponsored by the Parks and Recreation Department; and

WHEREAS, Article XXX (Parks, Recreation Centers, Shade Trees and Forests) of the First Class Township Code, 53 P.S. §§58001-58043, permits the Springfield Township Board of Commissioners to own, maintain and regulate parks, recreation areas and facilities for the benefit of the Township; and

WHEREAS, the Board of Commissioners of Springfield Township believes it to be prudent to update the standards by which the operation of the Parks and Recreation Department and by which the parks, recreations areas and facilities are regulated in the Township in order to continue to protect the health, safety and welfare of the community.

NOW THEREFORE, it is hereby **ENACTED** and **ORDAINED** by the Board of Commissioners of Springfield Township as follows:

SECTION I. - Amendment to the Code.

The Code of Springfield Township is hereby amended to repeal Article Chapter 59 (Parks and Recreation) and replace it with the following new Chapter 59:

Chapter 59 PARKS AND RECREATION

Article I. Parks and Recreation Areas

§ 59-1. Definitions.

Unless otherwise expressly stated, the following words when used in this article shall have the following meanings:

Tobacco Product. Includes any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed or ingested by any other means, including but not limited to cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff, vape and any electronic device that delivers nicotine or other substances to the person inhaling from the device, but excluding any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product.

Unmanned Aerial Vehicle (“UAV”). An aerial vehicle without a human pilot on board and a type of unmanned aircraft. UAVs are a component of an unmanned aircraft system, which include a UAV, a ground-based remote controller, and a system of communications between the two. UAVs include devices commonly known as “drones.”

§ 59-2. Opening and Closing Hours.

- A. Except for unusual and unforeseen emergencies, parks and recreation areas shall be open to the public every day of the year, from dawn until dusk. Any specified opening and closing hours for an individual park or recreation area shall be determined by the Board of Commissioners and shall be posted at the park or recreation area.
- B. Any section or part of any park may be declared closed to the public by the Board of Commissioners or the Director of Parks and Recreation at any time and for any interval of time, in order to convenience repairs or restoration to the area in question, for public health or safety reasons, or as a result of a permit issued by the Parks and Recreation Department in accordance with Section 59-7 of this Chapter,.

§ 59-3. Parking and Vehicles.

- A. Parking. Motor vehicles may not be parked within the parks or recreational areas except in designated parking areas.
- B. No vehicles shall be parked before dawn or after dusk in any parking lot or area located within a Township-owned park and recreation area or any parking area associated therewith, unless approved in writing by the Township. No vehicle shall be parked overnight in a parking lot or area in, or associated with, a Township-owned park and recreation area without the approval of the Township.
- C. Unauthorized motor vehicles, whether licensed or unlicensed, including motorbikes, motorcycles, golf carts, 4 x 4s, go-karts, scooters, snowmobiles and any other motorized vehicles or cycles, are not permitted within Township-owned parks and recreational areas.
- D. It shall be unlawful to drive any vehicle on any park and recreation area except upon paved park roads or parking areas or such areas as may, on occasion, be specifically designated as temporarily allowable areas by the Board of Commissioners in consultation with the Director of Parks and Recreation.
- E. It shall be unlawful to park a vehicle anywhere other than an established or designated parking area, in accordance with posted directions or instructions received from any park attendant who may be present.
- F. It shall be unlawful to clean, repair, wash or perform maintenance of any type on a vehicle in a Township park and recreation area and/or parking lot or area associated with a Township park and recreation area.

Commented [A1]: Do any parks have stone driveways or parking areas?

§ 59-4. Prohibited Activities.

The following activities and uses are prohibited within parks, recreation areas, playgrounds, community buildings, athletic fields, bodies of water and any other Township park and recreation area open for public recreational use:

- A. Design, host, or conduct a private or fee-based clinic, program, event, practice or game and/or engage in fundraising or the solicitation of financial contributions of any kind without a permit issued by the Parks and Recreation Department.
- B. Design, host, construct, utilize or conduct a camp or temporary living quarters.
- C. Engage in the hunting, feeding, shooting or trapping of wildlife, and/or cause the destruction of or interference with wildlife or their nests or resting or breeding places.

- D. Relinquishment of ownership and/or control and release of wild or domesticated animals.
- E. Open burning, fires, or the use of portable stoves, barbeques or similar devices for cooking, heating or any other purpose.
- F. Picnic or lunch in a place other than those places designated for that purpose. Playgrounds are not to be used for picnics or meals.
- G. Use metal detectors and other equipment for the retrieval of artifacts and other items.
- H. Plant private gardens.
- I. Possession and use of air rifles, spring guns, slingshots, javelins, bows, arrows, BB guns or rifles, darts or any other missiles, projectiles or similar weaponry.
- J. Take part in or abet the playing of any games involving thrown or otherwise propelled objects such as balls, stones, arrows, javelins, horseshoes, quoits, or model airplanes except in those areas set apart for such forms of recreation.
- K. Playing or practicing golf.
- L. Engaging in the use of an UAV.
- M. Engaging in careless, disruptive and/or potentially dangerous activities such as the lighting or setting off of fireworks, loafing, fighting, drunkenness, the making of unnecessary noises, profanity or indecent language or acting in an unseemly manner.
- N. Using tobacco products and/or engaging in the consumption or possession of alcoholic beverages.
- O. Swimming or bathing a human or animal and/or bringing into or operating any boat, raft or other watercraft, whether motor-powered or not, in or upon any waters, waterways and water fountains.
- P. Using ballfields or any other park or Township facility without a permit from the Parks and Recreation Department. A permit shall be issued specifying the date, time and location for use.
- Q. Willfully mark, deface, disfigure, injure, tamper with or displace or remove any buildings, bridges, tables, benches, fireplaces, railings, paving or paving materials, waterlines or other public utilities or parts or appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts or other boundary markers or other

structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal.

- R. Damage, cut, trim, carve, transplant or remove any tree or plant or injure the bark, or pick flowers or the seed of any tree or plant, dig in or otherwise disturb grass, dirt or sand areas, or in any other way injure any park or recreation area.
- S. Throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream or other body of water in or adjacent to any park or any tributary stream, storm sewer or drain flowing into such water any substance, matter or thing, liquid or solid.
- T. Bring in or dump in, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse or other trash, except as provided in this section. No such refuse or trash shall be placed in any waters in or contiguous to any park or left anywhere on the grounds thereof. Rubbish, waste and recycling reasonably created as a commonly accepted aspect of recreational activities shall be placed in the proper receptacles, where provided. Where rubbish, waste or recycling receptacles are not provided, all such rubbish, waste and recycling shall be carried away from the park by the person responsible for its presence and shall be properly disposed of elsewhere.
- U. Go onto ice (no matter how thick or safe in appearance) on any of the waters.
- V. Become disorderly with intent to cause public inconvenience, annoyance or alarm or recklessly create a risk thereof by engaging in fighting or threatening or in violent or tumultuous behavior; make unreasonable noise, use obscene language, make an obscene gesture, or create a hazardous or physically offensive condition by any act which serves no legitimate purpose of the actor.
- W. Engage in any other activity that is a violation of the laws, ordinances, rules and regulations applicable to the Township parks, recreation areas and facilities.

§ 59-5. Animal Control.

- A. No dogs or domestic animals are allowed in the park or recreational areas unless attended and controlled by a leash not to exceed eight (8) feet in length.
- B. The individual in charge of an animal entering any park or recreational area is required to be in possession of proper implements for the gathering and disposal of animal feces. Such person shall carry a shovel, tool or sustainable device to remove all feces immediately.

- C. Domestic animal waste produced and/or deposited in a Township park and recreation area shall be disposed of by the owner of said animal in accordance with accepted sanitary standards.
- D. Animals are not permitted inside playground areas nor within twenty-five (25) feet of any playground equipment or apparatus for any reason.
- E. Any animal which, because of its size or other characteristic would constitute a danger to human life, other animals or property, is not permitted in any township park or recreation area. Such animals shall include, but not be limited to horses, raccoons, emus or dogs with a history of attacking other dogs or humans.

§ 59-6. Fishing.

- A. No one shall fish in any waters except in water designated by the Board of Commissioners for that use and under such regulations and restrictions as have been or may be prescribed by the Director of Parks and Recreation.
- B. All persons aged 16 years or older are required to have a Pennsylvania fishing license in order to fish within a Township park.

§ 59-7. Permits for Organized Park Use.

- A. No group consisting of more than four (4) persons shall use the parks, fields, playgrounds, picnic tables, facilities or other recreational areas of the Township for organized games or any other organized purpose unless and until the Parks and Recreation Department issues a permit for such use.
- B. Any person, group of persons, business or organization desiring to use the parks, fields, playgrounds, picnic tables, facilities or other recreational areas of the Township for organized games or any other organized purpose shall submit a permit application to the Parks and Recreation Department and allowing sufficient time for review and decision thereon.
- C. Any person, group of persons, business or organization to whom a permit is issued shall be liable for any loss, damage or injury sustained by or to any person or property by reason of the negligence or fault of the applicant, or its agents, employees or representatives. In the event that a permit application is submitted by a group of persons, each person in the group as well as the group itself shall be jointly and severally liable for any such loss, damage or injury.

§ 59-8. Enforcement.

The provisions of this chapter shall be enforced by the Springfield Township Police Department.

§ 59-9. Exceptions.

The provisions of this chapter shall not apply to private property nor to the Flourtown Country Club or other Township-owned property which is not designated as a public park or recreation area.

§ 59-10. Violations and Penalties.

Any person, persons, group, business, organization or any other entity violating any of the provisions of this chapter or any rule or regulation promulgated pursuant hereto shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than \$600 plus costs.

Article II. Parks and Recreation Department; Parks and Recreation Advisory Committee

§ 59-11. Parks and Recreation Department.

The Township authorizes the establishment and operation of a Parks and Recreation Department to handle the function of recreation and activities and to make recommendations to assist in the maintenance of the parks, recreation areas and facilities. The Township Manager is delegated to supervise the day-to-day operation of the Parks and Recreation Department, its Director and staff.

§ 59-12. Parks and Recreation Advisory Committee.

- A. Name. This organization shall be known as the Springfield Township Parks and Recreation Advisory Committee.
- B. Purpose. The purpose of the Parks and Recreation Advisory Committee shall be to recommend to the Board of Commissioners those policies and procedures that will encourage year-round active and passive recreation programs for all Township residents; and to coordinate Township recreation activities with those provided by other organizations so as to unify a Township recreation program under the leadership of the Parks and Recreation Director. The duties shall include the following:
 - (1) Recommend to the Board of Commissioners an overall philosophy and goals of park and recreation programs.
 - (2) Recommend to the Board of Commissioners the annual objectives of park and recreation programs within the philosophy and goals already established by the Board of Commissioners.
 - (3) Recommend to the Board of Commissioners the establishment of policies under which the Recreation Department should operate, including such areas as: programs to be conducted, user fees and

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charges, recreation facilities and all aspects of the park and recreation program.

- (4) Elect its officers and adopt a constitution and bylaws for Committee operation.
- (5) Hold advertised public meetings and serve as a sounding board for the recreational needs of township residents and transmit to the Board of Commissioners for Board approval those plans, ideas, programs and needs not previously approved by the Board.
- (6) Investigate possible revenue sources to fund recreation programs.
- (7) Meet regularly to conduct its work, keep minutes of these meetings and transmit the same to the Board of Commissioners and Township Manager.

SECTION II. - Severability.

The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION III. - Failure to Enforce Not a Waiver.

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

SECTION IV. - Effective Date.

This Ordinance shall take effect and be in force from and after its approval as required by the law.

SECTION V. - Repealer.

All other ordinances and resolutions or parts thereof insofar as they are inconsistent with this Ordinance are hereby repealed.

ORDAINED and **ENACTED** by the Board of Commissioners of Springfield Township,
Montgomery County, Pennsylvania, this ____ day of _____, 2021.

SPRINGFIELD TOWNSHIP

BY: _____
Baird M. Standish, President
Board of Commissioners

ATTEST: _____
A. Michael Taylor, Secretary
Board of Commissioners

NOTICE

NOTICE is hereby given that the Board of Commissioners of Springfield Township, at its public meeting on _____, 2021, at the Springfield Township Building, 1510 Paper Mill Road, Wyndmoor, Pennsylvania, 19038 will hold a public hearing on and could vote to adopt an Ordinance amending entitled “Parks and Recreation Ordinance” amending the Code of Springfield Township to repeal and replace Chapter 59 (Parks and Recreation) to update the regulation of the parks, recreation areas and facilities and the programming held thereon in the Township.

Copies of the proposed Ordinance are available for examination during normal business hours at the offices of *Montgomery Newspapers*, Fort Washington, Pennsylvania, the Montgomery County Law Library, Court House, Norristown, Pennsylvania, the office of the Township Manager, Springfield Township Building, and the Free Library of Springfield Township. Copies of the proposed ordinances may be obtained in the office of the Township Manager for a charge not greater than the cost thereof.

JAMES J. GARRITY, ESQUIRE
WISLER PEARLSTINE, LLP
Solicitor for Springfield Township