

CHAPTER 16

PARKS AND RECREATION

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Part 1
Regulations

§101. Definitions. As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

PARK OR PARKS - unless specifically limited, shall be deemed to include all parks, playgrounds, recreation areas, tennis courts, beaches, recreation structures and facilities, and also entrances and approaches thereto, and all other land or property or structures now or hereafter owned or acquired by the Borough of Emmaus for park or recreational purposes.

PERSON - any natural person, corporation, organization of persons, company, association or partnership.

RULES AND REGULATIONS - any rules and regulations hereby or hereafter promulgated by the Borough Council under the authority herein conferred.

(Ord. 675, 11/17/1986)

§102. Park Hours. All parks shall be opened daily to the public at such hours as the Borough Council may from time to time designate, but in no event shall any person be permitted to be in attendance in any park between 9:00 P.M. and sunrise, unless special permission be granted by the Borough Council. (Ord. 675, 11/17/1986)

§103. Prohibited Conduct. No person in attendance at a park shall:

1. Injure, deface, remove, cut or damage any of the trees, plants, shrubs, turf, buildings, structures, signs or fixtures, or any other property of the Borough located within the park.

2. Litter any area of the park with garbage, paper, bottles, cans or other waste material; nor dispose of the same in any way except in receptacles designated for such purpose.

3. Kindle or maintain any fire in the park except in fireplaces or areas specially designated for that purpose and located by authority of the Borough Council.

4. Remove any bench, seat, table or other appliance without permission of the Borough Council.

5. Injure, deface, destroy or remove any notice, rule or regulation posted at any place within the park by authority of the Borough Council; nor shall any notice or placard be posted within the park other than by authority of said Borough Council.

6. Set up any booth, table or stand for the sale of any article or service whatsoever within the limits of the park without permission of the Borough Council; distribute, sell, service or rent any services or commodity or solicit for any purpose without permission of the Borough Council.

7. Operate, stop or park any vehicle, bicycle or other means of conveyance except in areas where permitted or designated by proper authority of the Borough Council, or operate the same in a reckless or negligent manner or in excess of any posted speed limit or in such a manner as to become a nuisance to other area users.

8. Operate commercial vehicles, unless providing authorized services.

9. Bring onto the premises, possess or consume any alcoholic beverage or illegal drugs of any kind; no person shall enter the park in an intoxicated state or otherwise be under the influence of alcohol or illegal drugs. However, beer, except in bottles, is permitted and is restricted to the picnic areas.

10. Discharge any firearms, slingshots, firecrackers, fireworks or other missile propelling instruments or explosives or arrows, or other dangerous weapons, which have such properties as to cause annoyance or injury to any person or property, unless permission has been granted by the Borough Council in designated areas; police officers in the performance of their duties will be exempt from these provisions. However, an individual will be permitted to use deadly force with a firearm or weapon solely to protect oneself or a third person against death, serious bodily injury, kidnapping, or sexual intercourse by force or threat as provided by 18 Pa.C.S.A. §505(b) and §506(a). [Ord. 1081]

11. Play ball, swim, golf, pitch horseshoes, engage in archery, camp or launch, dock or land any boat, engage in finding buried objects with special detectors, or participate in any other form of recreation, sporting endeavor or pastime, except in those areas which may be designated from time to time for that purpose by the Borough Council.

12. Disrobe or change clothing except in buildings or facilities made available for that purpose.

13. Disturb the peace by any conduct so as to annoy any other person using the park for recreational purposes.

14. Use threatening, abusive, insulting, profane or obscene language or words.

15. Commit any disorderly or immoral acts.

16. Hold any public meeting or rally with more than five (5) persons or engage in any marching or driving as members of a military, political or other organization without permission of the Borough Council, which requires a statement of information, including the name of the organization, its purpose, number of persons expected to be invited, expected duration and name(s) of person(s) in charge.

17. Disobey a proper order of a police officer or disobey or disregard or fail to comply with any rule or regulation, warning, prohibition, instruction or direction given by an authorized person and posted or displayed by sign, notice, bulletin, card, poster, or when notified or informed as to its existence by the Borough Council or an authorized person.

18. Hunt for, capture or kill, or attempt to capture or kill, or aid or assist in the capturing or killing of, in any manner, any wild bird or wild animal of any description, either game or otherwise, and to that end, it is unlawful for any person to carry onto or possess in any park, a shotgun or rifle or pistol or firearm of any make or kind unless specific permission is granted for a designated area by authority of the Borough Council.

19. Allow pets to walk with them or accompany them, except for service animals, whose assistance is necessary and required by an individual due to an ongoing physical handicap (i.e., seeing eye or guide assistance dog, hearing ear dog, etc.). [Ord. 1045]

(Ord. 675, 11/17/1986; as amended by Ord. 1045, 10/6/2008; and by Ord. 1081, 10/17/2011, §A)

§104. Fishing. All laws pertaining to fishing in the Commonwealth shall apply to fishing in parks and recreation areas, and provisions thereof are hereby incorporated by reference. (Ord. 675, 11/17/1986)

§105. Authorization to Promulgate Additional Rules. The Borough Council is authorized to establish additional rules and regulations as deemed necessary. (Ord. 675, 11/17/1986)

§106. Authority to Close Areas. Recreation facilities which become hazardous for public use due to weather, water, fire or unforeseeable conditions may be closed only at the discretion of the Borough Council. (Ord. 675, 11/17/1986)

§107. Enforcement. The police officers of the Borough are charged with enforcement of the provisions of this Part and of rules and regulations promulgated by the Borough Council. (Ord. 675, 11/17/1986)

§108. Penalties. Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not more than three hundred dollars (\$300.00), and/or to imprisonment for a term not to exceed ninety (90) days. (Ord. 675, 11/17/1986)

§109. Rules of Conduct for Triangle Park.

1. Definitions.

PARK - these regulations shall apply to Triangle Park, located within the boundaries created by the south unit block of 4th Street, the 300 block of Main Street, and the portion of Chestnut Street between Short Street and 4th Street.

PERSON - any natural person, partnership, corporation, organization of persons, company, association, or other legally recognizable entity.

PARK HOURS - the park shall be open to the public on a daily basis. The Borough Council, by resolution, may establish times when the park is closed on a regular basis. Absent a specific resolution limiting the times and/or dates that the park is closed on a regular basis, the park shall remain open at all times. Nothing in this Section shall prohibit the Borough Council from closing the park on a temporary basis to accommodate any legitimate purpose.

2. Prohibited Conduct. No person in attendance at the park shall:

A. Operate a skateboard, rollerblades, roller skates, bicycle, or other form of wheeled device used for transportation or recreation in any area of the park, except for operating such a device onto the park as a means of ingress and egress to and from the park. Operation of devices such as wheelchairs, strollers, or other assistive devices in the park is permitted.

B. Deface, damage, cut, vandalize, injure, or remove any of the trees, plants, turf, structures, signs, fixtures, or any other property of the Borough located in the park.

C. Swim, play, or bathe in the fountain, or introduce any foreign object or liquid into the fountain.

D. Play any type of game or participate in any type of event that involves the throwing, kicking, pitching, or projecting of any object.

E. Use threatening, abusive, insulting, profane, or obscene language or gestures.

F. Commit any disorderly or immoral act.

G. Disturb the peace by any conduct so as to annoy any other person using the park.

H. Remove any notice, sign, placard, rule, or regulation posted by the Borough at any place in the park.

I. Litter any area of the park, or fail to use the refuse and/or recyclable containers for the disposition of garbage and/or recyclables.

J. Set up any booth, table, or stand for the sale or display of any article or service, or for the promotion of a cause or event without the permission of the Emmaus Borough Council.

K. Possess or consume any alcoholic beverage or illegal drugs of any kind; no person shall enter the park in an intoxicated state or otherwise under the influence of alcohol or illegal drugs.

L. Kindle or maintain a fire of any sort.

M. Discharge any firearms, slingshots, firecrackers, fireworks, arrows, or other missile propelling instruments or explosives, or any weapons or implements with such properties as to cause annoyance or injury to any person or property. Police officers in the performance of their law enforcement duties are exempt from these provisions. However, an individual will be permitted to use deadly force with a firearm or weapon solely to protect oneself or a third person against death, serious bodily injury, kidnapping, or sexual intercourse by force or threat as provided by 18 Pa.C.S.A. §505(b) and §506(a). [Ord. 1081]

N. Disobey any proper order of a police officer or disobey or disregard or fail to comply with any rule or regulation, warning, prohibition, instruction, or direction given by an authorized person and posted or displayed by sign, or when notified or informed of its existence by the Borough Council or an authorized person.

O. Bring any pet or pets onto the park.

3. Authorization to Promulgate Rules. The Borough is authorized to establish additional rules and regulations as it deems necessary.

4. Authority to Close Areas. The park may be closed by Borough employees, with or without notice, in the event of the development of any hazardous condition. The Borough Council may temporarily close the park for any legitimate purpose.

5. Enforcement. The Emmaus Police Department shall enforce this Section and the rules and regulations promulgated thereby.

6. Penalties. Any person violating any provision of this Section shall, upon conviction thereof, be sentenced to pay a fine of not more than three hundred dollars (\$300.00), and/or to imprisonment for a term not to exceed ninety (90) days.

(Ord. 675, 11/17/1986; as added by Ord. 1061, 11/16/2009; and by Ord. 1081, 10/17/2011, §B)

Part 2
Restrictions

§201. Utilization of Certain Indentured Lands. Those lands conveyed to the Borough of Emmaus by a certain indenture dated July 29, 1958, and recorded in the Lehigh County Recorder of Deeds Office in Deed Book 925, page 529, shall be utilized by the Borough for playground purposes. (Ord. 824, 1/2/1996, §1)

