

BOROUGH OF TOPTON
BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO. 04-2021

AN ORDINANCE OF THE BOROUGH OF TOPTON, BERKS COUNTY, PENNSYLVANIA, REPEALING AND REPLACING IN ITS ENTIRETY BOROUGH ORDINANCE NO. 6-1974, ESTABLISHING AND CREATING A TOPTON PARK CODE; DESIGNATING A CERTAIN AREA TO BE KNOWN AS TOPTON BOROUGH PARK; ESTABLISHING THE HOURS SAID PARK SHALL BE OPENED TO THE PUBLIC; EMPOWERING THE MAYOR TO DESIGNATE PARKING AREAS WITHIN SAID PARK; EMPOWERING THE POLICE OF THE BOROUGH TO DESIGNATE TEMPORARY PARKING AREAS WITHIN SAID PARK AND TO REGULATE AND DIRECT THE OPERATION OF VEHICLES AND OTHER MODES OF TRANSPORTATION; PROHIBITING PARKING WITHIN THE PARK EXCEPT IN DESIGNATED PARKING AREAS; PRESCRIBING RULES AND REGULATIONS FOR THE CONDUCT OF PERSONS WHILE IN SAID PARK AND FOR THE USE OF PARK FACILITIES; AND PROVIDING PENALTIES FOR VIOLATION OF THE PROVISIONS OF THIS ORDINANCE.

BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of Tipton, Berks County, Pennsylvania ("Borough"), and it is hereby ENACTED and ORDAINED by the authority of the same as follows:

Section 1. Title. This Ordinance shall be known as and may be cited as the "Tipton Park Code" and shall set forth the regulations for the use of the park land of the Borough as set forth herein.

Section 2. Repeal and Replacement of Ordinance No. 6-1974. This Ordinance shall repeal and replace in its entirety Borough Ordinance No. 6-1974.

Section 3. Designation of Tipton Borough Park. The tracts of land within the Borough which have been designated by the Borough Council and marked by signage, together with all land areas which may be added from time to time by Borough Council, shall be designated as the "Tipton Borough Park" ("Park") and its use subject to the Tipton Park Code.

Section 4. Hours of Operation. The Park shall be opened daily to the public between the hours of dawn and dusk, with the following hours for specific Park facilities:

- a) The basketball court shall be open from 7:00 a.m. to 10:00 p.m.

Provided, however, that if in the opinion of the Mayor of the Borough of Tipton the closing of the Park or any of the above facilities at a time earlier than stated herein is necessary to protect the safety, health, morals or general welfare of the citizens and residents of the Borough or of the persons then in the Park, the said Mayor is hereby empowered to order the closing of the Park or facilities at an earlier time. In the event the said Mayor shall exercise the authority herein granted to the Mayor, the said Mayor shall cause the police having jurisdiction in the Borough to immediately go upon the premises of the Park and notify all persons then in the Park as to the time that the Park and/or Park facility or facilities shall be closed. Except as hereinabove provided in this section or any other section of this Ordinance, at dusk all activities in the park shall cease and all persons in the Park shall leave as soon as possible thereafter; provided, however, that in the event the Park is closed prior to dusk in accordance with the authorization herein granted to the Mayor of the Borough, all activities in the Park shall cease as soon as directed by the police having jurisdiction in the Borough and all persons in the Park shall leave as soon as possible thereafter. No persons other than authorized employees or officials of the Borough shall be in the Park at any time between dusk or any other time the Park is closed and dawn on the following morning.

Section 5. Discretion of Mayor. No group shall hold or continue any function within the Park after dusk and before dawn, except with the written permission of the Mayor. Said Mayor is hereby empowered to grant written permission to any person or group desiring to hold such a function within the park area subsequent to dusk whenever, in the opinion of the Mayor, the holding or continuing of such function will not adversely affect the safety, health, morals or general welfare of the persons attending said function or the safety, health, morals or general welfare of the citizens or residents of the Borough.

Section 6. Designation of Parking and Regulation of Operation of Vehicles. The Mayor of the Borough is hereby authorized and empowered to designate parking areas within the Park. The Police having jurisdiction within the Borough are hereby authorized and empowered to designate temporary parking areas within the Park, to temporarily close any road or roads within the Park, and to otherwise regulate and direct the operation of vehicles and other modes of transportation within said Park. Whenever any road within said Park has been temporarily closed as hereinabove provided, such closed road shall not be considered a road within the meaning of this Ordinance and no person shall operate any vehicle or other mode of transportation upon the same while said road is temporarily closed. No person shall park any vehicle within the Park except in those places which have been designated as either permanent or temporary parking areas as hereinabove provided.

Section 7. Damage to Park Property. No person shall injure, deface, remove, cut or damage any of the trees, plants, shrubs, turf, buildings, structures, fixtures or any other Park real estate, personal property, or fixtures.

Section 8. Removal and Moving of Park Property. No person shall remove or move without written permission of the Mayor any bench, seat or table from the Park.

Section 9. Conduct. No person shall conduct himself or herself within the Park so as to annoy any other person lawfully using the Park or interfere with lawful use of the Park.

Section 10. Waste Disposal. No person shall dispose of any waste or garbage in the Park except in receptacles designated for such purposes. All persons using the Park shall dispose of all waste and garbage left by them in such designated receptacles.

Section 11. Fires. No person shall build, set or maintain any fire within the Park except fires for cooking purposes within properly constructed fire places or metal braziers or charcoal grills. All fires built and maintained as hereinbefore provided shall, nevertheless, be constantly attended by an individual at least sixteen years of age. Any person building or maintaining such a fire shall, before leaving the area thereof, dispose of said fire by first thoroughly quenching the same with water and then placing the quenched coals or ashes remaining therefrom in a container within the Park designated for such purpose. No persons shall throw, place or scatter fire coals or ashes upon the ground or upon or against any tree, shrub or plant or upon or against any building or other improvement within the Park.

Section 12. Motor Vehicle Repairs. No persons shall make any repairs to any motor vehicle within the Park unless such repairs be of an emergency nature.

Section 13. Vehicle Operations. No person shall operate any motor vehicle, bicycle or any other mode of transportation within the Park in such a manner as to disregard the rights or safety of others or in such a manner so as to endanger any person or property.

Section 14. Motor Vehicles. Any person operating a motor vehicle within the Park shall drive such vehicle only upon the roads located therein or upon a designated parking area, provided, however, that this provision shall not apply to persons actually engaged in duly authorized construction, maintenance or repair work within the Park.

Section 15. Bicycles . No person shall ride or park a bicycle within twenty-feet of or within any playground area or upon any athletic field located within the Park.

Section 16. Horses and Other Animals. - No person shall ride a horse, pony, donkey, mule, or the like within the Park except in connection with a public game or exhibition, and in such case only when permission has first been obtained from the Mayor. The Mayor is hereby empowered to grant special permission whenever such

game or exhibition will not adversely affect the safety, health or general welfare of persons using the Park and will not materially damage the Park or the buildings or improvements thereof.

Section 17. Dogs and Domestic Animals. No person shall permit any dog or other domestic animal under his or her control to urinate or defecate within any playground or athletic field area of the Park as hereinabove. Any person shall have any dog or other domestic animal under control and shall not allow any dog or domestic animal to run at large unless within such a designated area of said Park.

Section 18. Penalties. Any person who shall act in violation of this Ordinance shall, upon conviction thereof by a Magisterial District Judge in an action brought in the same manner as for summary offenses as set forth in the Pennsylvania Rules of Criminal Procedure, be sentenced to pay a fine which shall not be less than Thirty-Five Dollars (\$35.00) nor more than Three Hundred Dollars (\$300.00), and the costs of prosecution, and in default of payment thereof, shall be imprisoned for not more than five (5) days.

Section 19. Severability. If any provision, paragraph, word, section, or subsection of this Part is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, or subsection shall not be affected and shall remain in full force and effect, and shall not affect the validity of the remainder of the Ordinance.

Section 20. Repealer. All relevant ordinances, regulations, and policies of the Borough of Topton, Pennsylvania not amended shall remain in full force and effect. Any Ordinance or part of an Ordinance conflicting with the provisions of this Ordinance shall be and the same is hereby repealed to the extent of such conflict.

Section 21. Effective Date. This Ordinance shall become effective on the earliest date permitted by law.

DULY ENACTED AND ORDAINED this 10th day of May, 2021, by the Council of the Borough of Topton, Berks County, Pennsylvania.

ATTEST:

By: [Signature]
Sherry Palinka, Secretary

BOROUGH OF TOPTON

By: [Signature]
Toby Bower, Council President

DULY approved this 10th day of May, 2021

By: [Signature]
Thomas A. Biltcliff, III, Mayor