

ORDINANCE NO. 15298

FILE OF CITY COUNCIL

BILL NO. 34 - 2016

June 15, 2016

AN ORDINANCE

Amending Article 951, Park Regulations of the Codified Ordinances, by making Parks and Recreation the governing agency, modifying the language on conducting business in parks, renumbering definitions, prohibiting buses from entering and parking in the park without a permit, prohibiting bonfires, using a generator, possessing or drinking alcoholic beverages or building a fire without a permit, allowing bike riding only in authorized places and times, modifying the permit process including deleting the appeal process and allowing the Director or designee to revoke a permit, and enabling SWEEP tickets to be issued for a number of violations.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALLENTOWN:

SECTION 1. That Article 951, Park Regulations, be amended to read as follows:

**ARTICLE 951
Park Regulations**

- 951.01 Purpose
- 951.02 Applicability
- 951.03 Construction
- 951.04 Definitions
- 951.05 Structures, Plants, Trees, Earth, Rubbish
- 951.06 Feeding of Water Fowl Prohibited (13824 §1 4/24/00)
- 951.07 Release of Birds, Animals or Fish Prohibited (13824 §1 4/24/00)
- 951.08 Vehicles
- 951.09 Weapons, Tools
- 951.10 Explosives and Fireworks
- 951.11 Advertising, Assemblages, Entertainment
- 951.12 Sale of Merchandise Prohibited
- 951.13 Fires; Ignitable and Combustible Materials
- 951.14 Alcoholic Beverages, Controller Dangerous Substances, Solicitation and Gambling
- 951.15 Miscellaneous Conduct
- 951.16 Closing Hours
- 951.17 Passive Parks
- 951.18 Permits
- 951.19 Reservations
- 951.20 Authority to Close
- ~~951.21 Enforcement~~
- 951.98 Severability
- 951.99 Penalty

951.01 PURPOSE

The purpose of this ordinance is to provide rules and regulations for the use or conduct in the parks and recreation areas of the City. (Bill 7, 1904; 9918 [Repealed]; 11866 §1 3/16/72; 11995 §1 2/21/73; 12202 §1 8/18/76; 13062 §1 7/13/91)

951.02 APPLICABILITY

This ordinance shall apply in all parks and recreation areas under the jurisdiction of the City, unless expressly exempted. For the issuance of permits, temporary designations, authorizations, granting of approval and other actions, the approving governing agency shall be the Department of Parks and Recreation. (Director of Parks and Recreation ~~Community Development~~ or designee.)

951.03 CONSTRUCTION

No provision hereof shall make unlawful any act necessarily performed by any public officer or employee of the city in line of duty or work as such, or by any person, their agent or employees, in the proper and necessary execution of the terms of any agreement with the City.

951.04 DEFINITIONS

1. **Informal group:** Casual. Unstructured, spontaneous gathering, i.e. a pick up game.
2. **Notice of violation:** a written document issued to a person in violation of a city ordinance which specifies the violation and contains a directive to take corrective action within a specified time frame or face further legal action.
3. **Person:** Any natural person, corporation, company, association, joint stock association, firm or co-partnership.
3. **Public Officer** is defined as any police officer, authorized inspector, or public official sworn to enforce the City Ordinances.
4. **Soliciting:** Persons selling goods or services by sample or taking orders for future delivery with or without accepting advance payment for the goods. Persons seeking any form of contributions.
5. **Stopping or Standing:** When prohibited means any cessation or movement of a vehicle occupied or not, except when necessary to avoid conflict with pedestrians or other traffic including horses and bicycles.
6. **Vehicle:** Any conveyance (except baby carriages and motorized wheel chairs) including motor vehicles, busses, trailers of all types, campers, tricycles, bicycles, motorized or not, sleds, sleighs, snowmobiles, all terrain vehicles (ATV), pushcarts, or vehicles propelled by other than muscular power. Also any horse or horsedrawn conveyance.
7. **Vending:** Selling or trading any item or service
8. **Violation Ticket** is defined as a ticket issued by a police officer or public officer to a person who violates a provision of this Article.

951.05 STRUCTURES, PLANTS, TREES, EARTH, RUBBISH

It shall be unlawful for any person in a public park or recreation area to:

- A. Except by permit, mark, deface, disfigure, injure, tamper with or displace or remove any buildings, bridges, tables, benches, fireplaces, railings, pavings or paving materials, water lines or other public utilities or parts of appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, sculptures, stakes, posts, or other boundary markers, or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal.
- B. Fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition. No person over the age of six (6) years shall use the restrooms and washrooms designated for the opposite sex.
- C. Except by permit, dig or remove any soil, rock, sand, stones, trees, shrubs or plants or other wood or materials, or make any excavation by tool, equipment, blasting or other means or agency.
- D. Construct or erect any building or structure of whatever kind, whether permanent or temporary, or run or string any public service utility into, upon, or across such lands, except on special written permit issued hereunder.
- E. Except by permit, damage, cut, carve, mark, transplant or remove any plant or injure the bark, or pick flowers or seed of any tree or plant, dig in or otherwise disturb grass areas, or in any other way injure the natural beauty or usefulness of any area.
- F. Climb any tree or walk; climb, stand or sit upon monuments, sculptures, vases, planters, fountains, railings, fences or upon any other property not designated or customarily used for such purpose.
- G. Except by permit, attach any rope or cable or other contrivance to any tree, fence, railing, bridge, bench, or other structure.
- H. Throw, discharge, or otherwise place or cause to be placed in the waters of any fountains, 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 of thing, liquid or solid, which will or may result in the pollution of said waters.
- I. Take into, carry through, or put into any park, any rubbish, refuse, garbage or other material. Such refuse and rubbish shall be deposited in receptacles so provided. Where receptacles are not provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere.
- J. Hunt, molest, harm, frighten, kill, trap, pursue, chase, tease, shoot or throw missiles at any creature; nor shall one remove or have in one's possession the young of any wild animal, the eggs or nest, or young wild creature.
- K. Walk a dog without a leash, said leash to be no longer than six (6') feet.
- L. Ride a horse except on designated bridle trails; horses shall be thoroughly broken and properly restrained, and ridden with due care, and shall not be allowed to graze or go unattended.
- M. Dig for fishing bait.

N. Operate a snowmobile.

O. Operate any all-terrain vehicle (ATV).

P. Operate any motorized model aircraft or boats with the exception of model motorized boats at Canal Park.

951.06 FEEDING OF WATER FOWL PROHIBITED

No person shall feed any water fowl in the City's parks and the Municipal Golf Course. (13824 §1 4/24/00)

951.07 RELEASE OF BIRDS, ANIMALS OR FISH PROHIBITED

No person shall release domestic waterfowl or any other bird, animal or fish in the City's parks and Municipal Golf Course. (13824 §1 4/24/00)

951.08 VEHICLES

It shall be unlawful for any person in a public park or recreation area to:

A. Drive any vehicle on any area except the paved park roads or parking areas, or such areas as may on occasion be specifically designated as temporary areas.

B. Drive or operate any vehicle, with the exception of bicycles on Tuesday, Thursday and Saturday, beyond the access roads leading to parking areas within Trexler Park, provided that children under the supervision of an adult may ride tricycles or bicycles with training wheels.

C. No person shall operate any vehicle on any of the roads within the parks at a rate of speed in excess of twenty (20) miles per hour or in excess of any designated lesser speed where the same is so marked. Any person driving a vehicle in the parks shall drive in a careful and prudent manner so as not to endanger the life, limb or property of any person, or cause any injury or damage to the shrubbery, trees, lawns, birds, or animal life or any property within the parks.

D. Park a vehicle anywhere except on a designated parking area.

E. Leave a vehicle standing or parked in established parking areas or elsewhere in the park and recreation areas during hours when the park and recreation areas are closed, except for vehicles whose owners or operators are licensed fishermen actively engaged in fishing, or as otherwise posted.

F. Ride a bicycle without reasonable regard to the safety of others.

G. Drive or operate within the parks any commercial vehicle, truck or tractor, or vehicle used for advertising, except for local delivery of commercial goods or products to established residences, occupied buildings, authorized public events or the stocking of fish in any waterway within the park.

H. Use the parks, park drives, parking places, or parkways for the purpose of demonstrating any vehicles, or for the purpose of instructing another to drive or operate any vehicle, except by City permit; nor shall any person use any park area, including parking places, for the repairing or cleaning of any vehicle, except in an emergency

I. Bring or park any charter or school bus into a park without a permit and only then in areas approved for charter / school busses.

J. Bring food trucks or ice cream trucks into a park without valid Health Bureau license and Business licenses and a permit.

951.09 WEAPONS, TOOLS

It shall be unlawful for any person to bring into or have in his possession in any park or recreation area:

A. Any burglar tools.

B. BB gun, air gun, spring gun, slingshot, bow, or other weapon in which the propelling force is gunpowder, a spring or air. (15183 § 2/04/15)

951.10 EXPLOSIVES AND FIREWORKS

It shall be unlawful for any person to:

Have in his possession or set off any fireworks. Permits may be given for conducting property supervised fireworks in designated park areas.

951.11 ADVERTISING, ASSEMBLAGES, ENTERTAINMENT

A. No person shall post, paint, affix, distribute, deliver, place, cast or leave about, any bill, billboard, placard, ticket, handbill, circular, or advertisement except by permit.

B. No person shall do any of the following without a permit, provided that no permit shall be required for any action or event sponsored by the City.

1. Display any advertising signs or other advertising matter, provided that a sign attached to a vehicle to identify the vehicle, or a sign lawfully on a taxi or bus, is not prohibited.

2. Operate for advertising purposes any musical instrument, soundtrack or drum.

3. Hold public assemblages.

4. Conduct exhibitions.

5. Hold a parade.

6. Drink or possess alcoholic beverages. Permits may be granted only for specific designated areas of certain parks.

951.12 SALE OF MERCHANDISE PROHIBITED

No person shall expose or offer for sale any article in any park or recreation area, without a permit and a license as a vendor, as provided in Article 319 of the Codified Ordinances of the City of Allentown.

951.13 FIRES; IGNITABLE AND COMBUSTIBLE MATERIALS

No person shall kindle, build, maintain or use a fire except in designated fireplaces or grills boxes. Bonfires are not permitted without a permit. ~~brought to the park for this purpose.~~ Any fire shall be continuously under the care and direction of a competent person the time it is kindled until it is extinguished. No person shall throw away or discard any lighted match, embers, cigar, cigarette, tobacco, paper or other material within or against any building or vehicle, or under any tree or in underbrush. Embers must be disposed of properly.

951.14 ALCOHOLIC BEVERAGES, CONTROLLED DANGEROUS SUBSTANCES, SOLICITATION AND GAMBLING

While in a public park or recreation area, all persons shall conduct themselves in a proper and orderly manner, and in particular, no person shall:

- A. Bring alcoholic beverages, drink or use the same at any time without a permit nor shall any person be under the influence of intoxicating liquor or a controlled dangerous substance in a park or recreation area.
- B. Solicit contributions for any purpose, whether public or private except by permit.
- C. Play any game of chance or have possession of any instrument or device for gambling except by permit.
- D. Play, engage or take part in any game or competitive sport for money, or other valuable thing, without a written permit.

951.15 MISCELLANEOUS CONDUCT

It shall be unlawful for any person in a park or recreation area to:

- A. Camp or stay overnight anywhere in a tent or recreational vehicle.
- B. Enter an area posted as "closed to the public."
- C. Engage in threatening, abusive, insulting or indecent language or engage in any disorderly conduct or behavior tending to breach the public peace.
- D. Fail to produce and exhibit any permit one claims to have, upon request of any authorized person who shall desire to inspect the same for the purpose of enforcing compliance with any ordinance or rule.
- E. Disturb or interfere unreasonably with any person or party occupying any area or participating in any activity under the authority of a permit.
- F. Erect or occupy any tent, stand or other structure in any park or playground, or sell or give away from any such tent, stand or other structure any food, drink or other things, without a permit.
- G. Hit golf balls except in the Golf Course.
- H. Bring a generator to a park without a permit.
- I. Play amplified music in a park without a permit.

951.16 CLOSING HOURS

No person shall be in any park during the hours the park is closed. The parks are closed from sundown to sunrise except where permitted activities are taking place. Closing hours will be posted at all parks.

951.17 PASSIVE PARKS

Trexler Park, Allen Park, West Park and the Tenth Street Cemetery Park are designated as passive parks. It shall be unlawful for any person within these parks to:

- A. Build fires.
- B. Hunt or fish.
- C. Ride a horse.
- D. Sunbathe.
- E. Swim.
- F. Picnic.
- G. Roller-skate or skateboard.
- H. Play any active games.
- I. Drink or possess alcoholic beverages without a permit.
- J. Ride a bike except where and when allowed.
- K. Operate recreational vehicles or ATV's.
- L. Build any type of fire, without a permit.
- M. Play amplified music without a permit.

951.18 PERMITS

A. Permits for special events in parks and recreation areas including, but not limited to picnics, egg hunts, ice cream festivals, fishing contests or sports, or for the sale of items, or for the use or possession of alcoholic beverages, shall be obtained by application to the Director of Community Development or the Director's designee in accordance with the following procedure:

1. A person seeking issuance of a permit hereunder shall file an application stating:
 - a. The name and address of the applicant.
 - b. The name and address of the person, persons, corporation or association sponsoring the activity, if any.
 - c. The day and hours for which the permit is desired.
 - d. The park or portion thereof for which the permit is desired.
 - e. Any other information reasonably necessary to a determination as to whether a permit should be issued hereunder.
 - ~~f. Variances required from park rules and regulations.~~

2. Standards for issuance of a use permit shall include the following findings:
 - a. That the proposed activity or use of the park will not unreasonably interfere with or detract from the general public's enjoyment of the park.
 - b. That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation.
 - c. That the proposed activity or uses that are reasonably anticipated will not include violence, crime or disorderly conduct.
 - ~~d. That the proposed activity will not entail extraordinary or burdensome expense or police operation by the City.~~

d. e. That the facilities desired have not been reserved for other use on the date and hour requested in the application.

3. The fee for such permits shall be established and published in accordance with the provisions as set forth for rules and regulations in Section 121.05 of the Administrative Code.

B. Appeal

~~Within ten (10) days, or one month prior to the event, whichever is later, after the receipt of an application, the Director of Community Development shall tell an applicant in writing of the decision to grant or deny a permit; in the event of a denial the notification shall include the reason for the denial. Any aggrieved person shall have the right to appeal to City Council by serving written notice thereof on the City Clerk within five (5) working days of said refusal.~~

~~A copy of said notice shall also be served on the Director of Community Development within the same time who shall immediately forward the application and the reasons for its refusal to City Council. City Council shall decide within ten (10) days from the receipt of the appeal by the City Clerk, or at its first meeting after the appeal, whichever is later. The decision of City Council shall be final.~~

B. G. A permittee shall be bound by all park rules and regulations and all applicable ordinances fully as though the same were inserted in said permits.

C. D. An applicant for any permit may be required to submit evidence of liability insurance covering injuries to members of the general public arising out of such permitted activities in such amounts as may be from time to time determined prior to the commencement of any activity or issuance of any permit.

D. E. Revocation

~~City Council~~ The Director of Parks and Recreation or designee shall have the authority to revoke a permit upon a finding of violation of any rule or ordinance or upon good cause shown.

E. In the event Mayfair desires to lease City property to conduct its events, this section shall not prohibit the Mayor from entering into short term lease agreements for Mayfair which contain terms different than and varying from the provisions of this section.

F. Exhibit Permits

All permittees must be prepared to produce and exhibit any permit from the Director or designee he/she claims to have upon request of any authorized person who desires to inspect the permit for the purpose of enforcing compliance with any ordinance or rule. Users

E. Exhibit Permits

All permittees must be prepared to produce and exhibit any permit from the Director or designee he/she claims to have upon request of any authorized person who desires to inspect the permit for the purpose of enforcing compliance with any ordinance or rule. Users

951.19 RESERVATIONS

Any person may reserve any park, shelter, playground area or sports playing field for a specific time and date, in accordance with the terms of this section.

A. Each person shall pay a scheduling reservation fee to be established and published in accordance with the provisions as set forth for rules and regulations in Section 121.05 of the Administrative Code.

B. Nothing in this section shall prohibit any ~~organized or~~ informal group from occasionally using park facilities without a reservation permit. Such use shall not interfere with the use of facilities by a person having a reservation.

951.20 AUTHORITY TO CLOSE

The Director of ~~Community Development~~ Parks and Recreation or designee may close the public parks or parkways within the city on days when weather conditions make the use of the area unsafe or result in injury to the same or when the public use would interfere with work being done in the park or in the interest of public safety.

951.21 ENFORCEMENT

A. Enforcement: The Mayor is hereby authorized to designate certain supervisory employees of the City to enforce the provisions of this ordinance. These special appointees shall have the power to issue citations and, when appropriate, to institute summary proceedings for violations of the aforesaid ordinance. These employees shall not, however, have the power of arrest.

951.98 SEVERABILITY

If any provision, paragraph, word, section or subsection of this ordinance is invalidated by any court of competent jurisdiction, remaining provisions, paragraphs, words, sections, or subsections shall not be affected and shall remain in full force and effect. (12202 §1 8/18/76)

951.99 PENALTY

~~Any person violating the provisions of this Article shall be fined not more than Six Hundred (\$600.00) Dollars or imprisoned not more than ninety (90) days or both. (11995 §1 2/21/73)~~

A. Penalties

1. Any violation of the provisions of this Article may be cause for a citation, a violation ticket and/or a notice of violation to be issued to the violator.

2. A notice of violation or violation ticket shall be served upon a violator by handing it to the violator, by handing it to an adult member of the household or other person in charge of the residence at the residence of the person to be served, by leaving or affixing the notice or violation ticket to the property where the violation exists, by handing it at any office or usual place of business of the violator, to his/her agent or to the person for the time being in charge thereof, or by mailing the notice to the violator's address of record.

3. Each day a violation continues or is permitted to continue may constitute a separate offense for which a separate fine may be imposed.

4. A public officer is authorized and empowered to cause a violation to be corrected.

5. If the City has affected the correction of the violation, the cost thereof may be charged to the owner of the property, tenant or offending party. The cost shall be determined by the Director of Parks and Recreation or designee in order that the City shall be compensated for both direct and indirect costs and expenses incurred.

6. Violation Ticket Appeals Process

a. A person in receipt of a violation ticket may appeal to the Hearing Officer designated by the Director of Community and Economic Development or designee by filing a request within ten (10) days of receipt of the violation ticket.

b. The Hearing Officer, designated by the Director of Parks and Recreation may uphold the Appeal, deny the Appeal or may modify the violation ticket and/or any associated costs, fines or penalty amounts.

7. Violation Ticket Fines

a. Violation tickets shall be issued in the amount of One Hundred (\$100) Dollars.

b. Any person who receives a violation ticket for any violation of this Article, may within ten (10) days, admit the violation, waive a hearing and pay the fine in full satisfaction, as indicated on the violation ticket.

8. Violation Ticket Penalties

a. If the person in receipt of an one hundred (\$100) Dollar violation ticket does not pay the fine or request a hearing within ten (10) days, the person will be subject to a Twenty-five (\$25) Dollar penalty for days eleven (11) through twenty (20).

b. Failure of the person to make payment within twenty (20) days shall make the person subject to a citation.

9. Citation Fines

a. Any person, firm or corporation who shall fail, neglect or refuse to comply with any of the terms or provisions of this Article, or of any regulation or requirement pursuant hereto and authorized hereby shall, upon conviction in a summary proceeding, be ordered to pay a fine not less than One Hundred (\$100) Dollars, nor more than One Thousand (\$1000) Dollars on each offense or imprisoned no more than ninety (90) days, or both.

b. The Magisterial District Judge may order the violator to make restitution for damage to any real or personal property or for any remediation or abatement expense.

B. The Police Department and Park and Recreation Bureau employees shall have the authority to order any person or persons acting in violation of this ordinance to leave the park or recreation area.

951.98 SEVERABILITY

If any provision, paragraph, word, section or subsection of this ordinance is invalidated by any court of competent jurisdiction, remaining provisions, paragraphs, words, sections, or subsections shall not be affected and shall remain in full force and effect. (12202 §1 8/18/76)

SECTION 2. That all Ordinances inconsistent with the above provisions are repealed to the extent of their inconsistency.

SECTION 3: That this ordinance will take effect ten (10) days after final passage.

BILL 34 AMENDMENTS

1. In Section 951.08 VEHICLE, add J:

It shall be unlawful for any person in a public park or recreation area to:

J. Bring food trucks or ice cream trucks into a park without valid Health Bureau license and Business licenses and a permit.

2. In Section 951.09 FIREARMS, WEAPONS, TOOLS, delete the word Firearms – this is a simple housecleaning measure to reflect the change made to the regulations.

3. In Section 951.15 MISCELLANEOUS CONDUCT, add I:

It shall be unlawful for any person in a park or recreation area to:

I. Play amplified music in a park without a permit.

4. In Section 951.17 PASSIVE PARKS

Trexler Park, West Park and the 10th Street Cemetery are designated as passive parks. It shall be unlawful for any person in a park or recreation area to:

M. Play amplified music without a permit.

5. In Section 951.18 PERMITS, replace the strikeout relating to Mayfair with the following:

E. In the event Mayfair desires to lease City property to conduct its events, this section shall not prohibit the Mayor from entering into short term lease agreements for Mayfair which contain terms different than and varying from the provisions of this section.

6. In Section 951.21 ENFORCEMENT, remove the strike-out from A, leaving in the paragraph (deleting B):

Enforcement: The Mayor is hereby authorized to designate certain supervisory employees of the City to enforce the provisions of this ordinance. These special appointees shall have the power to issue citations and, when appropriate, to institute summary proceedings for violations of the aforesaid ordinance. These employees shall not, however, have the power of arrest.

BILL 34 AMENDMENTS PASSED, 6 -0

	Yea	Nay
Candida Affa	X	
Julio A. Guridy	X	
Daryl Hendricks, VP	X	
Roger MacLean	X	
David K. McGuire	X	
Cynthia Y. Mota		
Ray O'Connell, Pres.	X	
TOTAL	6	0

I hereby certify that the foregoing Ordinance was passed by City Council on July 20, 2016 and signed by the Mayor on July 22, 2016.

Michael P. Healy

CITY CLERK

- **What Department or Bureau is Bill originating from? Where did the initiative for the bill originate?**

Department of Parks and Recreation

- **Summary and Facts of the Bill**

The proposed Ordinance revises Title Seven: Parks and Hamilton Street Regulations, Article 951, Park Regulations.

- **Purpose – Please include the following in your explanation:**
 - **What does the Bill do – what are the specific goals/tasks the bill seek to accomplish**
 - **What are the Benefits of doing this/Down-side of doing this**
 - **How does this Bill related to the City’s Vision/Mission/Priorities**

The Ordinance clarifies rules for the use of City parks, including who is responsible for overseeing the implementation of the rules and who is responsible for their enforcement. It also enables SWEEP tickets to be issued for number of violations.

- **Financial Impact – Please include the following in your explanation:**
 - **Cost (Initial and ongoing)**
 - **Benefits (initial and ongoing)**

There will be the potential for a moderate increase in revenue generated from the issuance of SWEEP tickets.

- **Funding Sources – Please include the following in your explanation:**
 - **If transferring funds, please make sure bill gives specific accounts; if appropriating funds from a grant list the agency awarding the grant.**

- **Priority status/Deadlines, if any**

- **Why should Council unanimously support this bill?**

Updating the Ordinance will enable the City to better manage the use of its parks, will strengthen enforcement when needed and will improve the overall quality of park users experiences when they visit a City park.

Bill 34 Amendments

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