

**BOROUGH OF NEWVILLE
CUMBERLAND COUNTY, PENNSYLVANIA**

ORDINANCE 2020-04

**AN ORDINANCE OF THE NEWVILLE BOROUGH COUNCIL,
CUMBERLAND COUNTY, PENNSYLVANIA ESTABLISHING RULES AND
REGULATIONS FOR THE MANAGEMENT AND PROTECTION
OF NEWVILLE RECREATIONAL FACILITIES. THIS ORDINANCE
REPEALS THE PROVISION OF 2015-06**

WHEREAS, the Borough, pursuant to 43 OF 2012, Section 3301.1(a), an Act of July 16, 2012, has the authority to adopt ordinances necessary for the safety and general welfare in the Borough; and

WHEREAS, this Borough Council believes that this Ordinance is necessary for the proper management and protection of Newville Borough recreational facilities, namely, the Newville Community Park located at 50 West Street, hereinafter referred to as the “park”, and the Newville Borough Trailhead facility located at 23 McFarland Street, hereinafter referred to as the “trailhead”; and

NOW, THEREFORE BE, BE IT ENACTED AND ORDAINED and it is hereby adopted by the Newville Borough Council as follows:

SECTION 1. The preamble recited above is incorporated by reference herein as though set forth in full.

SECTION 2. As set forth in this Ordinance, the term “Newville Community Park” shall be defined as the tract of land situate in Newville Borough, bounded on the east by West Street, on the south by Cove Avenue and on the West and North by lands of the Big Spring School District. It includes what is commonly known as the Newville Community Park and the baseball field located adjacent thereto.

As set forth in this Ordinance, the term “Newville Trailhead Facility” shall be defined as the tract of land situate in Newville Borough, bounded on the south, east and west by the lands of the Cumberland Valley Trails to Trails Council, Inc., and on the north by McFarland Street.

SECTION 3. The following rules and regulations are hereby established for the Newville Community Park:

1. The park shall be open from sunrise to sunset, daily. At the designated closing time, all activities in the park, except those authorized by a special permit issued by the Borough of Newville, shall cease, and all persons in the park shall leave as soon as possible thereafter. Only authorized personnel shall be permitted in the park any time between the closing time and opening time herein listed.
2. No person shall possess, transport or consume any alcoholic beverages in the park.

3. The use of tobacco products shall be prohibited within the park. Tobacco products include the following:
 - (a) 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; and
 - (b) Any electronic device that delivers nicotine or other substances to the person inhaling from the device, including, but not limited to an electronic cigarette, cigar, pipe, or hookah.
 - (c) Notwithstanding any provision of subsections (a) and (b) to the contrary, "tobacco product" includes any component, part, or accessory of a tobacco product, whether or not sold separately. "Tobacco product" does not include any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where such product is marketed and sold for such an approved purpose.
4. No person shall injure, deface, remove, cut or damage any of the trees, plants, shrubs, turf, playing fields, building structures or fixtures thereon, or any other property of the Borough located within the park.
5. All animals must be on a leash and shall be attended while within the confines of the park. Clean-up of the animal's defecation is required. Animals are prohibited within the play apparatus area, said area being lined with special wood carpet material and bordered on all sides by timbers. All animals must be handled or maintained in such manner so as to not attack or intimidate another person(s) or animal(s).
6. Reservations for pavilions. Permits issued by the Borough of Newville shall be required for all pavilion rentals. The cost of the permit is \$35 per event. Permits shall be issued for one day only, unless otherwise approved by the Newville Borough Council. Such permit shall indicate the pavilion location and times for which the permit shall be issued. The application for such permit shall be in the name of a person who shall be responsible for seeing that all refuse left by the group is placed in proper containers before leaving the area used. Anyone using the picnic pavilions for which a permit is granted to another shall vacate the pavilion during the time for which the permit is issued. Permits must be posted by the group/individual to whom it was issued.
7. No person shall hold any meeting or gathering, assembled through advertisement or public notice, or any gathering otherwise assembled through advertisement or public notice, or any gathering otherwise assembled and composed of twenty-five (25) or more persons within the limits of the park, without having first made application to the Borough of Newville for permission. Such permission, if issued by the Newville Borough Council, shall indicate the specific location in the park where such gathering or meeting shall be held, and such gathering shall not be in any other spot within the park. The application for such permit shall be in the name of the person who shall be responsible for seeing that all refuse left by the group is placed in proper containers before leaving the park.
8. Loud, lewd and offensive behavior, including but not limited to loud music, talking, swearing or disorderly conduct, is prohibited within the confines of the park.

9. No person shall set up any booth, table, stand or vehicle for sale of article of food whatsoever, within the limits of the park, without the consent of the Newville Borough Council, which shall have the authority and absolute discretion to grant or refuse such consent in any instance. The Newville Borough Police Department shall be notified of any permits or authorization.
10. No person shall dispose of any waste or garbage in the park, except in the receptacles designated for the respective purposes. All persons using the park shall dispose of all waste and garbage left by them in such proper receptacles. Disposal of personal household trash in the park dumpster or any park trash receptacle is prohibited.
11. No person shall set or maintain any fire in the park, except in stoves and fireplaces maintained for the purpose. This restriction shall not prohibit the use of charcoal or gas burners within the park.
12. Skateboards, roller blades, scooters and bicycles shall be permitted on the park access road only. No jumping shall be permitted. The use of ramps rails or other such devices for skateboarding or bicycle jumping shall be prohibited due to insurance regulations.
13. Only authorized vehicles of the Borough of Newville or the Big Spring School District, or personal vehicles operated by employees of the same shall be permitted within the bounds of the park. All trucks shall be prohibited from entering and/or parking in any area, except Newville Borough or Big Spring School District maintenance vehicles, or trucks making deliveries to the park. Trucks or vehicles engaged in park maintenance authorized by the Borough of Newville shall be allowed within the park.
14. No person shall climb or hang from the park pavilion rafters or park fences. Climbing on the outside of the tube slides or any play apparatus is strictly prohibited.
15. No person shall ride a horse, hit golf balls, wash a motor vehicle, shoot a bow and arrow, shoot a paint ball gun, operate a remote control vehicle or air drone, fly a model airplane or drive an unlicensed motor vehicle within the park.
16. No person other than an officer of the law with proper authority or an individual possessing the proper license and permit to carry a firearm may do so within the park. No person shall engage in hunting within the park. The term "weapon" shall mean any device capable of lethal or harmful use and possessed under circumstances not manifestly appropriate for lawful uses, which it may have. The term "weapon" includes, but is not limited to any knife, cutting instrument, cutting tool, nunchuck stick, paint ball gun and any other tool instrument or implement capable of inflicting serious bodily injury.

SECTION 4. The following rules and regulations are hereby established for the Newville Trailhead Facility:

1. The trailhead shall be open from sunrise to sunset, daily. At the designated closing time, all activities at the trailhead, except those authorized by a special permitted issued by the Borough of Newville, shall cease, and all personnel shall leave as soon as possible thereafter. Only authorized personnel shall be permitted in the trailhead any time between the closing time and opening time herein listed.

2. No person shall possess, transport or consume any alcoholic beverages in the trailhead.
3. The use of tobacco products shall be prohibited within the park. Tobacco products include the following:
 - (a) 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; and
 - (b) Any electronic device that delivers nicotine or other substances to the person inhaling from the device, including, but not limited to an electronic cigarette, cigar, pipe, or hookah.
 - (c) Notwithstanding any provision of subsections (a) and (b) to the contrary, "tobacco product" includes any component, part, or accessory of a tobacco product, whether or not sold separately. "Tobacco product" does not include any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where such product is marketed and sold for such an approved purpose.
4. No person shall injure, deface, remove, cut or damage any of the trees, plants, shrubs, turf, playing fields, building structures or fixtures thereon, or any other property of the Borough located within the trailhead.
5. All animals must be on a leash and shall be attended while within the confines of the trailhead. Clean-up of the animal's defecation is required. Animals are prohibited within the play apparatus area, said area being lined with special wood carpet material and bordered on all sides by timbers. All animals must be handled or maintained in such manner so as to not attack or intimidate another person(s) or animal(s).
6. No person shall hold any meeting or gathering, assembled through advertisement or public notice, or any gathering otherwise assembled through advertisement or public notice, or any gathering otherwise assembled and composed of twenty-five (25) or more persons within the limits of the trailhead, without having first made application to the Borough of Newville for permission. Such permission, if issued by the Newville Borough Council, shall indicate the specific location in the trailhead where such gathering or meeting shall be held, and such gathering shall not be in any other spot within the trailhead. The application for such permit shall be in the name of the person who shall be responsible for seeing that all refuse left by the group is placed in proper containers before leaving the trailhead.
7. Loud, lewd and offensive behavior, including but not limited to loud music, talking, swearing or disorderly conduct, is prohibited within the confines of the trailhead.
8. No person shall set up any booth, table, stand or vehicle for sale of article of food whatsoever, within the limits of the trailhead, without the consent of the Newville Borough Council, which shall have the authority and absolute discretion to grant or refuse such consent in any instance. The Newville Borough Police Department shall be notified of any permits or authorization.
9. No person shall dispose of any waste or garbage in the trailhead, except in the receptacles designated for the respective purposes. All persons using the trailhead shall dispose of all waste and garbage left by them in such proper receptacles. Disposal of personal household trash in the trailhead trash receptacle is prohibited.

10. No person shall set or maintain any fire in the trailhead, except in stoves and fireplaces maintained for the purpose. This restriction shall not prohibit the use of charcoal or gas burners within the trailhead.
11. Skateboards, roller blades, scooters and bicycles shall be permitted on the paved portion of the trail only. No jumping shall be permitted. The use of ramps, rails or other such devices for skateboarding or bicycle jumping shall be prohibited due to insurance regulations.
12. No person other than an officer of the law with proper authority or an individual possessing the proper license and permit to carry a firearm may do so within the trailhead. No person shall engage in hunting within the trailhead. The term "weapon" shall mean any device capable of lethal or harmful use and possessed under circumstances not manifestly appropriate for lawful uses, which it may have. The term "weapon" includes, but is not limited to any knife, cutting instrument, cutting tool, nunchuck stick, paint ball gun and any other tool instrument or implement capable of inflicting serious bodily injury.
13. The placing and/or operation of motorized vehicles on the trail shall be limited to authorized personnel only.
14. The intended use of the trail is for walking, jogging, mountain bike riding, roller blading and horseback riding. Intentional blocking of the trail is prohibited.

SECTION 5. Fines and Penalties. Any person who shall violate any provision of this Ordinance shall be guilty of a summary offense and upon conviction thereof be sentenced to a fine from \$50.00 to \$300.00, or in the default of payment of such fine and costs, undergo imprisonment for not more than thirty (30) days.

The Chief of Police, or his designee, may also have the discretion to impose a suspension from the park or trailhead, in accordance with the following:

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| First Offense: | Suspension from the park for a period of two (2) weeks, unless the conduct constitutes a violation of the Pennsylvania Crimes Code, in which case the offense shall be treated as a third offense, as set below. |
| Second Offense: | Suspension from the park or trailhead for a period of three (3) months and/or community service hours totaling no more than thirty (30). |
| Third Offense: | Banned from the park or trailhead. The suspended individual or group may apply for reinstatement after a period of one year. The Newville Borough Council Recreation Committee and the Chief of Police shall have the full authority and discretion in determining appeals. |

SECTION 6. All other Ordinances or parts of Ordinances inconsistent herewith shall be and the same are expressly repealed.

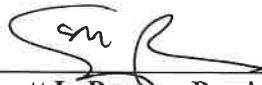
SECTION 7. In the event that any provision, section, sentence, clause or portion of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence,

clause or portion of this Ordinance, it being the intent that such remainder shall be and shall remain in full force and effect.

SECTION 8. It is declared that enactment of this Ordinance is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of the Borough of Newville.

DULY ENACTED AND ORDAINED this _____ day of April, 2020, by the Council of the Borough of Newville, Pennsylvania, in lawful session duly assembled.

BOROUGH OF NEWVILLE

By: 


Scott L. Penner, President
Newville Borough Council

Attest:



Lindsey Williamson, Borough Secretary

Examined and approved this 16th day of April, 2020.

By: 

Randy L. Finkey, Mayor
Borough of Newville
Cumberland County, Pennsylvania