

MUNICIPALITY OF MURRYSVILLE  
WESTMORELAND COUNTY, PA.

ORDINANCE NO. 976-17

~~AN ORDINANCE TO AMEND THE CODE OF THE MUNICIPALITY OF MURRYSVILLE BY DELETING AND REPEALING CHAPTER 166 THEREOF, PARKS AND PLAYGROUNDS, AND REPLACING IT WITH A NEW CHAPTER 166, TO BE ENTITLED PARKS AND PLAYGROUNDS, WHICH DEFINES REGULATIONS APPLYING TO PARKS AND PLAYGROUNDS AND PROVIDES PENALTIES FOR VIOLATION OF THE CHAPTER.~~

WHEREAS, the Municipality of Murrysville has acquired and may in the future acquire public park lands, and has been requested by the Parks and Recreation Commission to provide a set of rules for the orderly administration and use of the same, and for the public welfare and safety;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Council of the Municipality of Murrysville as follows:

Section 1. The **following sections** of the Code of the Municipality of Murrysville and ordinances ~~is~~ **are** hereby amended ~~by deleting and repealing Chapter 166, Parks and Playgrounds~~ **or repealed**:

**SUBSECTION 166-2(5),(9) and (10)**  
**SUBSECTION 166-3(1) and (3)**  
**SUBSECTION 166-4(1),(2),(3),(4),(5) and (6)**  
**SUBSECTION 166-5**  
**ORDINANCE NO. 933-15**

Section 2. The Code of the Municipality of Murrysville is hereby amended by adding thereto a new Chapter, to replace Chapter 166 herein above repealed, to be Chapter 166, Park and Playground Regulations, to read as follows:

§166-1. Applicability.

- A. The regulations set forth in this chapter shall apply to each park, playground, conservation area, green space, pedestrian right-of-way, or other public recreation area owned by the Municipality of Murrysville. A copy of the regulations and the penalties prescribed in this chapter shall to the extent practicable be posted at a conspicuous place at each such park.
- B. Nothing in this chapter shall be construed as prohibiting the development and management of park premises by the Municipality in accordance with its Recreation and Open Space Plan.

§166-2. Prohibited activities.

There is absolutely prohibited within the premises of the parks set forth in §166-1 hereof the following conduct:

- (1) Picking, disturbing, mutilating, transplanting or removing any plant *unless directed by the Municipality.*
- (2) Disturbing, harming or destroying any animal or the habitation thereof with the sole exception of hunting by special permit as described in §166-4(1) hereof.
- (3) Littering.
- (4) Use of motorized trail bikes, snowmobiles and all-terrain vehicles.
- (5) Use of skateboards *except in designated areas.*
- (6) Destruction, alteration or vandalism of park grounds or improvements thereon.
- (7) Swimming.
- (8) Ice skating or ice fishing.
- (9) Possession or consumption of alcoholic beverages ~~is prohibited~~ *with the exception of Sardis Park, Townsend Park, and Murrysville Community Park as described in subsection 166-4(6) thereof.*
- (10) *Smoking or use of tobacco.*

§166-3. Conditionally Permitted Activities

The following conduct is permitted within the parks only when the appropriate conditions described herein are satisfied:

- (1) Delivering, conveying or causing any domesticated animal to be in a park is permitted provided the animal is *on a leash or lead of no more than eight (8) feet. Dogs are permitted to be off leash or otherwise controlled in accordance with state law (1) in the confines of the Brooks Family Dog Park and Pleasant Valley Park; (2) Townsend Park and Pleasant Valley Park Monday through Friday, excepting days designated for the Murrysville Summer Recreation Program, dawn until 3:00 p.m. so as not Domesticated animals are not* to disturb or damage park property, other occupants of the park, or wildlife in the parks. Such control includes the repair of any damage caused by such animal, and the removal and proper disposal of all waste generated by such animal. Domesticated animals are not permitted in playground areas *unless they are a service dog.* *Horses Domesticated animals are not permitted on any playing field area. All domesticated animals must be licensed and vaccinated according to prevailing laws. The license and evidence of vaccination must be visually displayed in accordance with prevailing laws.*

- (2) Fire is permitted only in the permanent cooking grills provided by the Municipality, or in accordance with a permit issued for camping under §166-4(3) hereof.
- (3) Motorized conveyances, or vehicles of any type **excepting wheelchairs**, are permitted only on established access roads and only for the purpose of ingress and egress to the park, and only when operated in accordance with state law. Authorized park construction and maintenance vehicles are permitted.
- (4) Fishing is permitted only in accordance with state regulations.
- (5) ~~Smoking is permitted unless a fire hazard notice is posted.~~

§166-4 Activities Permitted Only With Special Permit.

The following activities are permitted only upon the issuance of a permit by the Municipality stating the date, location, time period, and approximate number of people participating in the activity. A fee for such permit may be required as set forth in the Fees Ordinance. The Municipality may, in its sole discretion, require as a condition for the grant of a permit, a ~~cash bond~~ **security deposit** and/or other measures, such as evidence of insurance, to cover the cost of any damage, or to provide for the health and safety of the public and/or for clean-up operations. Permits shall be issued by a designee of the Mayor only to applicants who provide evidence of responsibility for the safe and reasonable conduct of such activity.

- (1) Hunting with bow and arrow ~~or flint lock firearm~~ during specially prescribed periods in **Murrysville Community Park, Duff Park, Townsend Park, Pleasant Valley Park, Kellman Reserve, Skena Reserve, Pin Oak and Verner open spaces** ~~Duff and Townsend Parks~~ on posted dates only, and only in accordance with state hunting regulations.
- (2) Camping, including the making of camp fires. A \$50 ~~bond~~ **security deposit** shall be posted for such a permit **unless waived by Council.**
- (3) Commercial activity. A \$50 ~~cash bond~~ **security deposit** shall be posted for such a permit.
- (4) Occupation of a park before sunrise or after sunset. A \$50 **security deposit** shall be posted for such a permit.
- (5) Exclusive use of a specific shelter or area within a park. A \$50 ~~cash bond~~ **security deposit** shall be posted for such a permit.
- (6) Possession or consumption of alcoholic beverages is prohibited except **at Sardis Park, Townsend Park, and at Murrysville Community Park when authorized by Council.** **A \$200 security deposit shall be posted for such a permit.**

§166-5. Violations and Penalties.

Any person who shall violate or cause there to be violated the regulations and/or prohibited conduct set forth in this chapter shall be punishable in a summary proceeding before any district magistrate of the County of Westmoreland by payment of the costs of prosecution and a fine of not less than ONE HUNDRED DOLLARS (\$100.00) ~~nor more than THREE HUNDRED DOLLARS~~ **for the first violation, THREE HUNDRED DOLLARS (\$300.00) for the second violation and FIVE HUNDRED DOLLARS (\$500.00) FOR EACH SUCCEEDING** each violation. ~~; and, in default of the payment thereof, imprisonment in the jail of the County for a period not exceeding thirty (30) days for each such violation.~~ Proceedings for the violation of this ordinance shall be commenced in the name of the Municipality by either summons or warrant in the discretion of the officer before whom the action is commenced and shall be directed to and served by a constable of the Municipality.

**The Chief Administrator, based on evidence received and with a recommendation from the Murrysville Parks and Recreation Commission, shall have the authority to ban a domesticated animal from any Municipal property defined in Section §166-1. The aggrieved party shall have a right to appeal the Chief Administrator's decision to Murrysville Council.**

§166-6. Rewards.

Any person or group of persons who submits information leading to the arrest and conviction of an individual for destruction, alteration or vandalism of park grounds or improvements thereon shall be eligible for receipt of a reward of \$500. In the event that multiple individuals submit information relating to one incident of vandalism (involving one or more than one persons) or to one person, one reward of \$500 shall be divided equally between the reporting individuals.

Section 3. The provisions of this ordinance are severable. If any part of this ordinance is declared to be illegal, unconstitutional or invalid, such illegality, unconstitutionality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses or sections of this ordinance. It is hereby declared, as the intent of the Council of Murrysville, that this ordinance would have been adopted had such illegal, unconstitutional or invalid portion thereof not been included herein.

THIS ORDINANCE ORDAINED AND ENACTED AT A REGULARLY CONSTITUTED DULY CONVENEED MEETING OF THE COUNCIL OF THE MUNICIPALITY OF MURRYSVILLE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

**COUNCIL OF THE MUNICIPALITY OF MURRYSVILLE**

\_\_\_\_\_  
Joan C. Kearns, Council President

\_\_\_\_\_  
James R. Morrison, Municipal Secretary

(Seal)

APPROVED/REJECTED:

\_\_\_\_\_  
Robert J. Brooks, Mayor

Dated: \_\_\_\_\_, 2017

<b>Member</b>	<b>Yes</b>	<b>No</b>	<b>Absent</b>	<b>Abstain</b>
Loren Kase				
Joan C. Kearns				
Jeffery L. Kepler				
Jamie Lee Korns				
Joshua R. Lorenz				
David R. Perry				
Tony Spadaro				