

ORDINANCE NO. 07-2018

**ORDINANCE OF THE COUNTY OF BERKS AMENDING AND MODIFYING
ORDINANCE NO. 3-08 PROVIDING FOR THE RULES AND REGULATIONS
GOVERNING THE USE OF THE BERKS COUNTY PARK SYSTEM AND
PROVIDING PENALTIES FOR VIOLATION OF THE SAME AND REPEALING
ORDINANCE NO. 2-04 AUTHORIZING COUNTY PARK RANGERS AND THEIR
RESPECTIVE RESPONSIBILITIES AND DUTIES.**

WHEREAS, the County of Berks operates and maintains the following Park locations:

1. Allegheny Aqueduct/Beidler House
2. Antietam Lake Park
3. Heritage Center
4. Berks Leisure Area
5. Gring's Mill Recreation Area
6. Red Bridge Recreation Area
7. Stonecliffe Recreation Area
8. Union Canal Trail
9. Youth Recreation Facility

WHEREAS, certain Rules and Regulations concerning the use of said Parks have been previously made and enacted in Ordinance No. 3-08; and

WHEREAS, certain duties, responsibilities and requirements for Park Rangers have been previously set forth in Ordinance No. 2-04; and

WHEREAS, because of the continued acquisition, development and expansion of said Park System, it is deemed necessary to revise and re-establish the Rules and Regulations for use and implementation of said Park System by the visiting public.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of County Commissioners of the County of Berks, Pennsylvania, as follows:

SECTION 1. TITLE

This ordinance shall be known as the "County of Berks Park Rules and Regulations."

SECTION 2. PURPOSE

These Rules and Regulations are hereby enacted to govern the conduct by any person, group or organization entering any of the Park and recreational facilities operated and maintained by the County of Berks, through the Berks County Parks and Recreation Department, and to protect the public property.

The Park System and recreational facilities established, maintained and operated by the Department are open to all members of the public, irrespective of race, sex, national origin, color and creed.

SECTION 3. DEFINITIONS

Except where the context clearly indicates otherwise, the following terms used in this Ordinance shall have the following meanings:

1. The term "Charitable organization" shall mean an organization granted nonprofit status as a 501(c)(3) entity by the United States Internal Revenue Service.
2. The term "Department" shall mean the Berks County Parks and Recreation Department.
3. The term "Director" shall mean the Director for the Berks County Parks and Recreation Department appointed by the Berks County Board of Commissioners, or, in the absence of the Director, a designee.
4. The term "Park Board" shall mean the Berks County Parks and Recreation Board.
5. The term "Park Rangers" designates all appointed members of the Park Ranger staff.
6. The term "Park System" shall mean any lands or facilities owned, leased or controlled by the County of Berks and designated or used by the Berks County Board of Commissioners for Park purposes.

SECTION 4. HOURS

1. Berks County Parks are open year-round, starting at 8 a.m., and patrolled by Park Rangers. Park closing times are seasonally adjusted and posted at each Park.
2. The above stated hours may be modified by the Director during a controlled hunt authorized by Resolution of the County Commissioners, or in the event that an official Park Event is scheduled during those times.
3. Any section or part of any Park or recreational facility may be declared closed to the public by the Director at any time and for any interval of time, either temporarily or at regular and stated intervals and either entirely or for certain uses, as the Director shall find necessary.

SECTION 5. PERMITS

Permits are required for the following purposes:

1. Reservations for any group or gathering of twenty-five (25) persons or more.
2. Special Use Permits for any group or gathering of one hundred (100) persons or more.

3. Exclusive use of Park buildings, or any part of Park property, including volleyball/tennis courts, by a group or gathering of twenty-five (25) persons or more.
4. Special events of a cultural, civic or recreational nature held on Park property.
5. Use of County-owned property by individuals engaged in teaching lessons or training activities regardless of whether a fee is charged, unless the activity is sanctioned by the Department.

SECTION 6. ALCOHOLIC BEVERAGE PERMITS

At the sole discretion of the Director, a charitable organization, through an application submitted by an individual twenty-one (21) years of age or older, may obtain an Alcoholic Beverage Permit solely for the purpose of raising funds for a charitable purpose. An approved Alcoholic Beverage Permit will entitle a charitable organization to hold an event where only wine and/or beer is served to individuals twenty-one (21) years of age or older either 1) inside and a restricted, cordoned off area immediately outside the Gring's Mill Barn located at the Gring's Mill Recreation Area; or 2) inside and a restricted, cordoned off area outside the Reeser Farm House located in the Heritage Center. Events occurring inside or outside at the Gring's Mill Barn or the Reeser Farm House shall be restricted to individuals twenty-one (21) years of age or older. The fee for obtaining an Alcoholic Beverage Permit will be set by the Department and must be paid at least two weeks prior to the event, along with any applicable security deposit.

SECTION 7. APPLICATION FOR PERMITS

Any person or association of persons desiring to reserve a portion of any Park shall contact the Department. No person under the age of eighteen (18) years shall be issued a permit for the use of any Park facilities.

1. When a fee is required, permits will not be issued until payment is received.
2. Reservations are accepted for the current year on a first-come, first-served basis, beginning at 8:30 a.m. on the first business day in January. Facilities are available for standard reservations during the following time period: April 15 until October 24.
3. The holder of the permit issued by the Department shall be held responsible for the actions and conduct of other persons in the party and is responsible for knowing and abiding by all Park Rules and Regulations.
4. Applicant shall possess the permit during the event and present it to staff or Park Rangers if requested.
5. All services requested or expected shall be specified on the permit, and changes must be approved and may result in additional fees.
6. Falsified or misrepresented permits are voided.
7. Special Use Permits are required for the following events:
 - a) walks, runs and cycling events;
 - b) events where participation is controlled by donations or entry fees;
 - c) concerts, festivals or athletic tournaments;

- d) any organized gatherings in excess of 100 people; and
 - e) weddings and events that use tents, canopies, stages, PA systems and sound equipment and/or caterers.
8. In addition to the other requirements of the County of Berks Park Rules and Regulations, an applicant for an Alcoholic Beverage Permit must provide a Certificate of Insurance naming the County of Berks, its officers, employees and agents as additionally insured in the amount of \$1,000,000 per occurrence for personal liability and property damage.
 9. Charitable organizations holding events to benefit an organization or cause must provide proof of nonprofit status in the form of an IRS letter showing that it is a 501(c)(3) entity.
 10. All permits may be revoked for cause, or at the sole discretion of the Director.

SECTION 8. GUIDELINES FOR ISSUANCE OF PERMITS

The Department shall issue a permit hereunder when it is satisfied that:

1. The proposed use of the Park will not unreasonably interfere with or detract from the general public use and enjoyment of the Park System.
2. The proposed activity and use will not interfere with or detract from the promotion of public health, morals, welfare or recreation.
3. The proposed use does not present a substantial or unwarranted safety hazard.
4. The proposed activity or use is not reasonably anticipated to incite violence, crime or disorderly conduct.
5. The proposed activity will not entail unusual, extraordinary or burdensome expense for Park Rangers or maintenance by the Parks Department.
6. The facilities desired have not already been reserved.
7. Applicant agrees to pay all applicable costs prior to the issuance of a permit.

The Director shall take the following additional considerations into account in considering the application to fairly determine as to whether a permit should be issued hereunder:

1. The size and purpose for which the Park is normally used.
2. The location of the Park and the area surrounding it.
3. The facilities available to accommodate the intended use.

SECTION 9. FEES AND CHARGES

1. No person shall use any facility, land or area for which a fee or charge has been established by the Department without pre-payment of such fee or charge.
2. The Department may establish and revise without notice fees and/or charges associated with the issuance of permits and reservations within the Park System.

SECTION 10. OPERATION AND PARKING OF MOTOR VEHICLES

Unless part of a Department-sponsored event or administrative, Ranger or maintenance function, or specifically authorized, no person shall:

1. Park a vehicle in the Park System between the hours of sunset and 8 a.m., or as posted, unless different hours are established by general or specific notifications.
2. Park a vehicle on the premises if not participating in a sanctioned Park function.
3. Operate, stop, stand or park such vehicles upon any roadway or in any parking area in such a manner as to form an obstruction to traffic thereon.
4. Drive upon or park upon any grass area or lawn in any Park.
5. Operate, stop, stand or park a vehicle in such a manner as to block a fire lane, maintenance road, boat ramp or trail.
6. Operate a vehicle and park in any place where "No Parking" signs, "Restricted Parking" signs, marking or traffic control devices have been erected.
7. Operate or park a vehicle in such a manner as to block the exit or removal of another vehicle.
8. Park in an area designated for "Handicap-Accessible Parking" unless the driver or passenger has a valid State Permit or Plate for disabilities.
9. Operate a motor vehicle in excess of fifteen (15) miles per hour in any Park.
10. Operate an unauthorized vehicle in any Park or place other than Park roadways open to and regularly traveled by the general public.
11. Operate any vehicle upon any Park property, roadway or trail at an excessive speed or in a careless manner, disregarding the rights and safety of others, or in a manner that endangers any person or property.
12. Operate any kind of motorized or engine driven bike or vehicle (mini bikes, motorized scooters, motorcycles, all-terrain vehicles, snowmobiles, etc.) that is not or cannot be registered for use on public highways. Scooters for the ambulatory impaired may be used by such a person requiring the device when operated in a safe manner on appropriate trails.
13. Wash, paint or make mechanical repairs on vehicles except in cases of emergency.
14. Operate any commercial vehicles or tractor-trailers on Park property unless providing authorized service.
15. Abandon vehicles on Park property. Vehicles parked in excess of 48 hours or not conforming to the Pennsylvania Vehicle Code shall be considered abandoned.
16. Fail to yield the right of way to emergency, Park or other authorized vehicles.

In conjunction with this section, the Pennsylvania Motor Vehicle Code shall apply to all Park roadways within the Park System.

Vehicles in violation of applicable regulations or abandoned may be removed at the owner's expense by Park Rangers or the police.

The Department is hereby authorized and designated to establish areas which will be subject to the above described violations and to provide for the erection of necessary warning signs, traffic lines and traffic control/directional devices.

Vehicles classed as habitual violators, amassing 3 or more unpaid citations, may be towed at owner's expense.

SECTION 11. OPERATION OF BICYCLES

No person shall:

1. Ride a bicycle in a careless, negligent or reckless manner so as to create a nuisance or endanger the safety or property of persons within the Park System. Cyclists must yield to pedestrians on trails and within the Parks.
2. Ride a bicycle in a careless, negligent or reckless manner causing damage to a trail or property within the Park System.

SECTION 12. BOATING

1. In accordance with the Run of the River Dam Act and its accompanying regulations, launching of and operation of watercraft in the Tulpehocken Creek is not permitted within the area marked by signage immediately upstream and downstream of the dam at Gring's Mill Recreation Area.
2. Launching of and operation of any watercraft, including but not limited to any motorized boat, canoe, raft and sailboat, of any type or kind, is strictly prohibited at Antietam Lake Park. Watercraft in violation of this regulation may be removed at the owner's expense by Park Rangers or the police.

SECTION 13. ANIMALS, BIRDS AND REPTILES

1. Equestrians shall be permitted on trails and paved roads at Antietam Lake Park only. Persons bringing horses or ponies to Antietam Lake Park shall be responsible for maintaining the animal under their control at all times by use of reins or a lead. Horseback riding shall be conducted in a manner that, in the judgment of Park personnel, is not careless, negligent or reckless. Horseback riding in a manner that creates a nuisance or endangers wildlife, property or persons within the Park System is prohibited. Horse trailers shall be parked in designated trailer parking spaces at the Angora Road Trailhead only.
2. Horse-drawn vehicles are not permitted at any Park unless part of an official Department-sponsored special event.
3. Except as provided herein, pets are not permitted in any Park, except service animals. Dogs are permitted at Antietam Lake Park, but must be leashed at all times. Persons bringing dogs to Antietam Lake Park shall be responsible for proper removal and disposal of any waste.

No person shall:

1. Pursue, catch, molest, wound or kill any bird, animal or reptile or disturb any nest, lair, den, burrow or the like of any animal, except in such limited areas which the Department may from time to time designate as authorized hunting areas.
2. Except as authorized by the Director, release or abandon domestic or wild animals on Park property.
3. Feed ducks, geese, squirrels or other wild animals.
4. Drive or pursue any wild bird or animal from within the Park System except for the annual Department-sanctioned goose management program.
5. Spotlight or use vehicle headlights to view animals except in accordance with the Pennsylvania Game and Wildlife Code and the Rules and Regulations of the Pennsylvania Game Commission.

SECTION 14. LITTERING

1. No person shall bring any household, animal, yard, industrial or commercial waste or rubbish or any dangerous or detrimental substance into the Park System and deposit the same, either in a receptacle or any other place.
2. Trash or waste generated in the Park from a picnic or similar activity shall be put into receptacles supplied for that purpose.

SECTION 15. VANDALISM

No person shall:

1. Cause damage to any Park facility including buildings, structures, natural resources, fixtures, furniture, vehicles or equipment.
2. Play athletic games on wet ground in a manner that results in damage to the turf.
3. Tamper with, remove or destroy any official or authorized sign.
4. Engage in any form of graffiti activity within the Park System.

SECTION 16. OTHER PROHIBITED ACTIVITIES IN PARKS

The following are absolutely prohibited:

1. Tampering with drinking fountains, hydrants, wells or other water system facilities. Water that is posted "non-potable" shall not be used for drinking or cooking.
2. Operation of motorized or non-motorized aircraft, model vehicles and model watercraft, including drones, model airplanes, model cars, model boats and model rockets.
3. Camping with or without a tent, unless approved by the Director in conjunction with a Department-sponsored event.
4. Swimming, bathing or wading in creeks and lakes with or without artificial support, including inner tubes and air mattresses, except for fishermen with a valid State fishing permit who are permitted to wade in creeks and streams.

5. Gambling in any form.
6. Pouring or causing to spill or permit to escape in any area oil, gas, salt, acid or other harmful or noxious substance whether liquid, solid or gas.
7. Engaging in any form of golfing activity.
8. Throwing rocks, stones or other objects from any overlook, cliff, trail or bridge.
9. Failing to obey a posted Park sign.
10. Moon bounces or other inflatable equipment, except if they are being used as part of an official Department-sponsored special event or as otherwise approved by the Director.
11. Use of tobacco products in any park buildings, within 100 feet of playground areas or at locations where signage prohibits the use of tobacco products.
12. Using skateboards, in-line skates, scooters or similar wheeled apparatus or equipment in non-designated areas.
13. Using a metal detector and/or removing items on Park property.

Park Rangers may seize any contraband or any item used in violation of this Ordinance. Rangers shall take control of all lost and abandoned property and dispose of the same. Non-perishable property will not be retained beyond one year.

SECTION 17. DESTRUCTION OF PLANTS AND NATURAL RESOURCES

No person shall:

1. Run, walk or cycle off of established trails.
2. Cut, remove or destroy any tree or shrub, living or dead; or girdle, trim or otherwise deface or injure any tree or shrub; or break or remove any branch or foliage; or pick, uproot, remove or destroy any flower, plant or grass; or chisel, drill or remove any natural stone.
3. Remove or cause to be removed or dig any sod, earth, rock, gravel or sand.

SECTION 18. SIGNAGE AND ATTACHMENTS

No person shall tie, fasten, anchor or otherwise attach any balloons, decorations, rope, poster or other articles or device to any fence, natural feature, traffic or Park sign or building or structure except in accordance with a Permit issued by the Department. Signage and decorations if permitted must be removed at the conclusion of the reservation.

SECTION 19. ALCOHOLIC BEVERAGES

1. Except as authorized by an approved Alcoholic Beverage Permit, no person shall:
 - a) Consume or possess any alcoholic beverage while in or upon property within the Park System.
 - b) Enter or remain within the Park System while under the influence of alcohol.

2. Park Rangers shall confiscate alcoholic beverages in any person's possession while in the Park System unless the possession of alcoholic beverages is authorized by an approved Alcoholic Beverage Permit.

SECTION 20. PERSONAL CONDUCT

No person shall:

1. Engage in any violent, abusive, obscene, or otherwise indecent or disorderly conduct creating a breach of peace, or disturbing others while on County Park property.
2. Violate any penal law of the Commonwealth of Pennsylvania while on any property administered by or under the jurisdiction of the Department.

SECTION 21. PEDDLING AND SOLICITING

No person, other than a charitable organization, shall:

1. Peddle or solicit business of any nature whatsoever or collect any funds for any service or charity, or distribute handbills or post other advertising matter including unauthorized signs on property within the Park System.
2. Display or post political signs or engage in any form of electioneering/soliciting on property within the Park System.

A charitable organization may collect funds for a charitable purpose with the approval of the Director.

SECTION 22. USE OF AUDIO EQUIPMENT

No person shall:

1. Use a loudspeaker, public address system or amplifier within or upon property within the Park System without a Special Use Permit issued by the Department.
2. Play any radio, audio device, television or stereo equipment, or similar device, at a volume which would be construed as creating a public nuisance or disturbance.
3. Utilize a Disc Jockey (DJ) in the Park System unless approved as part of a Special Use Permit.

SECTION 23. FIRES

No person shall:

1. Set or cause to be set on fire any tree, forest, shrub, grass or meadow.
2. Set or cause to be set on fire any material, item, or property within the Park System which is not intended for such purposes.

3. Build any fire except within Park fireplaces, except at a Department-sponsored event, or metal grills using the appropriate materials. Tabletop gas grills with proper tanks and equipment are permitted. Large commercial-type wheeled grills, rotisseries and pits are prohibited for all persons, with the exception of a charitable organization holding an event approved by the Director.
4. Drop, dump or throw lighted matches, ashes, burning tobacco products or other flammable material.
5. Leave fires unattended at any time or not fully extinguished before being abandoned within the Park System.
6. Camp, demonstration and other fires and lit candles are only permissible if part of a Department-sponsored program or event.

SECTION 24. FIREWORKS AND EXPLOSIVES

The possession or discharge of any fireworks or explosives on any Park System property is prohibited.

SECTION 25. FISHING AND ICE FISHING

1. Unless an area is specifically posted otherwise, fishing with an appropriate license is permitted in all areas within the Park System.
2. Fishing shall be done in accordance with the Pennsylvania Fish and Boat Code and the rules and regulations of the Pennsylvania Fish and Boat Commission.
3. Ice fishing is permitted only at Antietam Lake Park in accordance with applicable federal, state and local laws, except where otherwise posted. Ice fishing is conducted at your own risk, as the Department does not monitor the ice conditions.

SECTION 26. HUNTING AND TRAPPING

1. Hunting is prohibited on all property within the Park System except during a controlled hunt authorized by Resolution of the Berks County Board of Commissioners.
2. When a controlled hunt is authorized, all hunting shall be done in accordance with the Pennsylvania Game and Wildlife Code and the rules and regulations of the Pennsylvania Game Commission.
3. Trapping within the Park System is prohibited.

SECTION 27. FIREARMS

1. For the purposes of this section, the term "firearm" shall be defined in accordance with the Pennsylvania Uniform Firearms Act.
2. Discharge of a firearm is prohibited, except in the following circumstances:
 - a) By any law enforcement officer or military personnel while carrying out the responsibilities of his/her position;

- b) For hunting purposes during controlled hunts in accordance with Section 27 of these Rules and Regulations;
 - c) In accordance with a special event permit granted in accordance with these Rules and Regulations or part of a Department-sponsored program or event.
3. Use or possession of an electric or electronic incapacitation device shall be in accordance with Title 18 of the Pennsylvania Statutes and Consolidated Statutes Annotated.
 4. Use or discharge of an air rifle, air gun, paintball gun, BB gun, sling shot, cross bow, bow and arrow or any other tension/air-propelled device is prohibited unless in connection with a permissible fishing or hunting activity or in accordance with a special event permit granted in accordance with these Rules and Regulations or as part of a Department-sponsored program or event.
 5. Target practice is prohibited.

SECTION 28. TRESPASS

No person shall:

1. Enter any grounds or enter into any fenced-in area(s) that have been posted by the Department with "No Trespassing" signs or any sign that would indicate that the area is not open to the general public.
2. Enter any building or area that is not open to the public.
3. Enter any construction site or disturb any construction equipment on property within the Park System except for authorized personnel.

SECTION 29. UNLAWFUL OBSTRUCTION

1. No person shall force, threaten, intimidate, or by any other means, prevent or obstruct any person from entering, leaving or making full use of the Park System or accessing their personal property while within the Park System.

SECTION 30. HINDERING EMPLOYEES

No person shall:

1. Cause or inflict harm against a Department employee or anyone associated with the Department.
2. Interfere with, hinder or use profanity towards any Park Ranger, Park employee or designee in the performance of his/her duties.
3. Fail or refuse to obey any lawful command by a Park Ranger, Park employee or designee.
4. Provide false information to a Park Ranger, Park employee or their designee.

SECTION 31. STONECLIFFE RECREATION AREA ACTION PARK

1. Use of the Stonecliffe Recreation Area Action Park is solely at the user's own risk. Users shall obey all posted signage. It is strongly recommended that all users wear safety equipment suitable to provide adequate bodily protection in the event of falls or collisions, such as helmets, knee pads, wrist guards, elbow pads and any other protective equipment that may protect a user from falls or collisions. Failure to do so may result in death or serious injury.
2. No person shall:
 - a) Bring glass containers, food or beverages into the Action Park.
 - b) Bring outside ramps or other objects into the Action Park.

SECTION 32. COUNTY-OWNED PROPERTIES IN LOWER ALSACE AND ALSACE TOWNSHIPS

County-owned property located in Lower Alsace and Alsace Townships that is not being used as part of the Park System is subject to Sections 10 through 30 of these Rules and Regulations. These properties are patrolled by Park Rangers, and the Department performs general maintenance on these properties on an as-needed basis.

SECTION 33. STATE STATUTES AND OTHER APPLICABLE REGULATIONS

All applicable statutes, rules and regulations of the Commonwealth of Pennsylvania shall have full force and effect upon any property within the Park System and shall be enforced by those having appropriate jurisdiction.

SECTION 34. PARK RANGER AUTHORITY

Park Rangers are authorized to perform all necessary duties relating to maintaining public Parks, trails, recreation areas and structures and buildings within the Park System, to perform security duties within the Park System and to enforce these Rules and Regulations. Park Rangers are hereby authorized to:

1. Enforce good order, patrol and protect the grounds and buildings within the Park System;
2. Exclude all disorderly persons from the grounds and buildings within the Park System;
3. Issue a warning, citation, suspension or expulsion from the property for violation of any County Park Rule or Regulation adopted by the County Board of Commissioners by ordinance or resolution; and
4. Enforce good order, patrol and protect the grounds within all County-owned property located in Lower Alsace and Alsace Townships.

SECTION 35. PENALTIES

1. Parking and traffic violations are subject to a citation and associated fines.

2. Any person who violates any provisions of this Ordinance shall, for every such offense, upon conviction thereof in a summary proceeding before a magistrate or district justice or other appropriate judicial official, be sentenced to pay the costs of prosecution, a fine not more than one thousand dollars (\$1,000.00), and/or to undergo imprisonment for a term not exceeding thirty (30) days. In addition, such person(s) shall be liable to the full extent for restitution. Furthermore, any violation of this Ordinance may, at the sole discretion of the Park Ranger Supervisor, result in an expulsion from all County Park properties, of thirty (30) days to one (1) year depending on the severity of the violation.

SECTION 36. SEVERABILITY

The provisions of this Ordinance are severable. If any sentence, clause or section of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not invalidate the remainder of this Ordinance, and it is hereby declared to be the intention of the County Commissioners of the County of Berks that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause or section not have been included herein.

SECTION 37. REPEALER

Ordinance No. 2-04 is specifically repealed. All other ordinances and resolutions or parts thereof, previously enacted and adopted are inconsistent herewith, and are hereby repealed insofar as they are inconsistent.

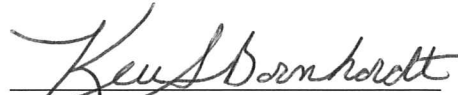
SECTION 38. EFFECTIVE DATE

These Rules and Regulations shall become effective on the date the ordinance is enacted by the Berks County Board of Commissioners.

ORDAINED and ENACTED as an Ordinance of the County of Berks, Commonwealth of Pennsylvania, in lawful session, duly assembled this 13th day of September, 2018.

COUNTY OF BERKS


Christian V. Leinbach, Chair


Kevin S. Barnhardt, Commissioner

ATTEST:


Maryjo Gibson, Chief Clerk


Mark C. Scott, Esq., Commissioner