

COUNTY OF DELAWARE PENNSYLVANIA

ORDINANCE No. 2023-2

AN ORDINANCE OF THE COUNTY OF DELAWARE, COMMONWEALTH OF PENNSYLVANIA AMENDING AND RESTATING CHAPTER 141 OF THE COUNTY CODE RELATING TO COUNTY PARKS.

WHEREAS, pursuant to § 1-10 of the Code (the "Code") of the County of Delaware, Commonwealth of Pennsylvania (the "County"), the Code may be amended by ordinances of the County Council when passed and adopted in such form as to indicate the intention of the County Council to be a part of the Code; and

WHEREAS, Chapter 141 of the Code sets forth the rules and regulations for the County Parks; and

WHEREAS, County Council desires to modernize and update such rules and regulations based upon recommendations from the Park Board;

IT IS HEREBY ENACTED AND ORDAINED BY County Council of Delaware County, Commonwealth of Pennsylvania as follows:

SECTION 1. The Code shall be amended to replace Chapter 141 of the Code in its entirety to read as set forth in Exhibit A attached hereto.

SECTION 2. Any and all other ordinances or parts of ordinances in violation or in conflict with the terms, conditions and provisions of this ordinance are hereby repealed to the extent of such irreconcilable conflict.

SECTION 3. The terms, conditions and provisions of this ordinance are hereby declared to be severable, and should any portion, part or provision of this ordinance be found by a court of competent jurisdiction to be invalid, unenforceable or unconstitutional, County Council hereby declares its intent that the ordinance shall have been enacted without regard to the invalid, unenforceable or unconstitutional portion, part or provision of this ordinance.

SECTION 4. This Ordinance shall take effect on the tenth day after its adoption.

ENACTED AND ORDAINED by County Council of the County of Delaware, Pennsylvania,
this day of 2023.

COUNTY OF DELAWARE

Dr. Monica Taylor, Chair

Elaine Paul Schaefer, Vice Chair

Kevin M. Madden

Christine A. Reuther

Richard R. Womack, Jr.

Attested:

Anne M. Coogan
County Clerk

EXHIBIT A

Chapter 141 Parks and Recreation Areas

§ 141-1. Park Hours.

- A.** All Parks are open to the public from dawn to dusk (exception by permit only).
- B.** Any Park may be closed for public use at the discretion of the Park Director due to weather, water, fire or other conditions.
- C.** No person shall be permitted within the Park after hours, except as authorized by the County Department of Parks and Recreation.

§ 141-2. Permits.

A. When permits are required.

- 1. Groups of ten or more (except Rose Tree Park).** No group of ten (10) or more persons shall use a County Park or recreation area for a picnic, event, or outing without first having obtained a permit in advance from the County Parks and Recreation Department, Groups arriving more than one-half hour late will forfeit their right to any reservation made should others occupy the area.
- 2. Rose Tree Park.** While there are picnic tables available, there is no designated picnic grove, and permits will not be issued for picnicking (except events of more than 50 percent of the Park's total picnic area or more than 150 persons - see § 141-2C). Except as described in § 141-2B.7, all may picnic on a "first come, first served" basis. Permits are required for all other uses of Rose Tree Park. See § 141-3 for additional rules specific to Rose Tree Park.
- 3. Playing Fields.** A permit is required for the use of playing fields in any Park. Permits for weekend use of playing fields will be issued to all users on a first come, first served basis subject to § 141-2B.7. Seasonal permits are required for use of a specific playing field, Monday through Friday, after 5:00 p.m. The permit holder for a specific playing field from the prior season may be given priority for re-issuance of the permit for the same field in the following season.
- 4. Commercial Use.** Further restrictions on commercial use of any kind in a County Park, including accepting payment in any form, are detailed under § 141-5.

B. Permit applications & prioritization.

- 1. Process.** Reservations and requests for permits to utilize a Park should be made by contacting the Delaware County Parks and Recreation Department, 8:30 A.M. to 4:30 P.M., Monday through Friday at: (610) 891-4663 or by completing and submitting the application on the County Parks and Recreation Department website.
- 2. Subject to Approval.** Subject to the provisions of these regulations, each application for a Park Use permit shall be reviewed by the Parks and Recreation Department and such application shall not be considered approved until a permit is issued; and said permit shall be available for inspection at all times while using a facility. Application for the use of Park system facilities shall be in writing and made on a form provided for the purpose; a copy of which is available from the County Parks and Recreation Department. Such application will be signed by an authorized representative of the organization making the application. All requested events are subject to the approval and discretion of the Delaware County Parks and Recreation Department.

3. **Timing.** Permit applications must be submitted at least two weeks prior to the date of the proposed function, and may be submitted up to 365 days in advance of the proposed function.
4. **Rain dates.** "Rain Date" permits will not be issued for picnic areas. If cancellation is due to weather no penalty will be assessed against the user for failing to appear for use.
5. **Holidays.** Park use permits shall be issued on a first come, first served basis on Memorial Day, Flag Day, July 4th, and Labor Day (Note: Park use permits are not required at Rose Tree Park except for large scale events - see § 141-2C).
6. **First come, first served.** Park use permits requesting use of less than 50 percent of the Park's total picnic area or less than 150 persons (whichever is smaller) will be issued to all users on a first come, first served basis. Large group picnics or events requiring use of more than 50 percent of the Park's total picnic area or more than 150 persons (whichever is smaller) will be restricted to the picnic area and/or the playing field designated on their permit.
7. **Prioritization.** Notwithstanding § 141-2B.6, the County Parks and Recreation Department may permit priority use for the following entities.
 - i. The Delaware County Parks and Recreation Department.
 - ii. All other Delaware County Departments, Boards, and Commissions.
 - iii. a Delaware County municipality or school district.
 - iv. a local branch of the United States Government or the Commonwealth of Pennsylvania
 - v. a registered non-profit organization with its principal place of business in Delaware County.
8. **Non-transferable.** Permits are not transferable to other persons or organizations.
9. **Cancellation.** Notice of cancellation of use must be given to the County Parks and Recreation Department seven (7) days prior to the reservation date in order to receive a full refund of any fee paid for Park use. If a permitted user fails to appear for their scheduled use or fails to cancel seven (7) days prior to the scheduled use, any and all fees paid to the County Parks and Recreation Department will not be refunded.
10. The County Parks and Recreation Department may determine insurance and damage deposits requirements for permits commensurate with the size and scope of use.

C. Additional restrictions for events over 150 people.

1. Large-scale events (any use involving 150 or more persons) require a permit and will be limited to two per month per Park. County Park Police and Park groundskeepers must be utilized and paid for by the user for large-scale events. Appropriate insurance and damage deposits are required for all events commensurate with the size and scope of the event (specific requirements can be obtained by contacting the County Parks and Recreation Department).
2. No large-scale event (an event of 150 persons or more) will be permitted in the Rose Tree Park from ten (10) days prior to, or until ten (10) days after, the Rose Tree Summer Festival or any other event specifically designated by the County Parks and Recreation Department.

D. Permit fees. Any charge for use of any County Park shall be in accordance with a Fee Schedule that shall be adopted by the Delaware County Parks & Recreation Board (the "Parks Board"). Inquiry should be made to the County Parks and Recreation Department regarding applicable fees and deposits.

E. Use of Buildings.

1. An Hourly or Per Day rate will be charged for use of the Buildings. Appropriate insurance and damage deposits are required when a building will be used.

2. Long-term use (any use longer than two weeks total use in a one year period) of any building requires a lease agreement that must be handled through the Delaware County Solicitor's Office. An application for such use must be made in writing to the County Parks and Recreation Advisory Board and also submitted to the County Solicitor's Office.

F. Garden plots and other long term park use.

1. Short-term lease of land for gardening is available to all County residents by permit approved and issued through the Parks and Recreation Department.
2. Long-term use (any use longer than two weeks total use in a one year period) of any park land requires a lease agreement that must be handled through the Delaware County Solicitor's Office. An application for such use must be made in writing to the County Parks and Recreation Advisory Board and also submitted to the County Solicitor's Office.

§ 141-3. Regulated & Prohibited Activities.

- A. Adults in Playgrounds.** It shall be unlawful for any adult to enter and remain in a designated Play Area, where signage is posted, unless the adult is supervising and/or accompanying child(ren) who is/are then visiting the Play Area.
- B. Alcoholic Beverages and Controlled Substances.** Alcoholic beverages or controlled substances of any kind are prohibited in all County parks except when permitted with respect to alcoholic beverages for a specific event or events occurring at a designated County park or parks as approved by County Council by resolution.
- C. Amphitheaters and Stages.**
1. Rose Tree & Upland Parks: No non-County agencies may use the stage at the Rose Tree Park Amphitheater or Redwood Center.
 2. Glen Providence Park: Registered non-profit organizations may apply for a permit to use the Glen Providence stage subject to any restrictions established by the County Parks and Recreation Department. A Certificate of Liability Insurance must be provided.
- D. Bathing.** No person shall bathe, wade or swim in any Park waters except at such times and places as the County Parks and Recreation Department may designate.
- E. Boating.** No person shall use or operate a boat, kayak, canoe, inflated float, raft or other watercraft in any Park waters.
- F. Camping.** No person shall erect or maintain a tent or shelter and/or camp in any Park without the written authorization of the County Parks and Recreation Department. Security for after dusk activities or use must be provided by the user and after dusk Park or facility use is at the user's own risk.
- G. Changing/Disrobing in Authorized Areas.** No person shall change in and out of any clothing or bathing attire except in areas designated or customarily provided for such use.
- H. Firearms, Weapons and Fireworks.** (i) Possession or discharge of explosives, bows and arrows, air guns, slingshots, rockets, or fireworks and (ii) discharge of any type of firearm or weapon are prohibited.
- I. Fires.** No person shall build, light or maintain any fire or discard any burning materials.
- J. Golf.** Golf, and use of golf clubs and golf carts is permitted in designated areas only.
- H. Horses.** No person shall use, ride, or drive a horse except at such times and only on paths and areas designated by the County Parks and Recreation Department.

- I. **Metal Detecting.** Metal detecting is allowed in County Parks, with the following provisions:.. any divots must be replaced, and no digging may be done in athletic fields, garden beds, fenced-off areas, or the amphitheater in Rose Tree Park (due to sprinkler heads and underground wiring). For questions about particular areas, call the Parks & Recreation office during business hours.
- J. **Noise.** Excessive noise is not permitted, pursuant to any and all applicable local noise ordinances.
- K. **Pets.** No person shall cause or permit any animal owned by them, in their custody or under their control (except a dog in a permitted area, when restrained by a leash not exceeding six feet in length, or those animals permitted by state statute) to go or be in any Park area. Each such animal so found at large may be seized and disposed of as provided by the law or ordinance covering the disposal of stray animals on highways or public property then in effect at the place where such stray animal may be seen. An exception is made for dogs off leash in areas publicly designated as dog parks by the County Parks and Recreation Department. Any person having control, or person that should have control over an animal or animals within the Park shall dispose of any feces left by the animal(s). Such feces shall be disposed of in a sanitary manner. No dog training is permitted in County Parks.
- L. **Poisons.** No person shall bring into or have in said Parks any poison or poisonous substance, without the written authorization of the County Parks and Recreation Department.
- M. **Remotely-Controlled Devices.** No person shall engage in the use of drones, gas or battery powered model aviation devices, model motor vehicles, or boats, whether radio controlled or not, except at areas designated by the County Parks and Recreation Department or as authorized by permit.
- N. **Sledding, Skating and Skiing.** No person shall coast, tube, snowboard, sled or downhill ski except where, when and if there are places designated by the County Parks and Recreation Department. No person shall use in-line skates or roller skates except at places designated by the County Parks and Recreation Department. No person shall ice skate or go upon the ice except at such times and upon such places designated by the County Parks and Recreation Department.
- O. **Urinating or Defecating.** No person shall urinate or defecate except in facilities provided for such use.
- P. **Bicycles and non-motorized vehicles.** The County Parks and Recreation Department may establish restrictions on the use of bicycles and nonmotorized vehicles in specific areas of the parks.
- Q. **Designation of Non-Smoking Areas.** The Parks Board may, in its discretion, provide that smoking (including devices such as e-cigarettes and vaping) is prohibited in designated areas of the Parks.
- R. **Additional Specific Prohibited Uses.**
 - 1. All flea markets, car shows, carnivals, fairs, circuses or events of similar nature are not permitted in any Delaware County Park. For purposes of this rule, a fair includes the assembly of amusement rides, games or other attractions.
 - 2. Lotteries, bingo, games of chance, card games and gambling of any kind.
 - 3. The display of animals customarily displayed in zoos.
 - 4. Helicopter rides, bungee jumping.
 - 5. Use of heavy equipment or machinery by anyone not specifically authorized to operate within the Park by the Parks and Recreation Department.
 - 6. The parking or presence of trailers, mobile homes, motor homes or other similar mobile sleeping facilities.
 - 7. Boisterous, immoral or indecent conduct.

§ 141-4. Vehicles.

- A. Motorized vehicles are prohibited.** Operation of mini-bikes, go-carts, motorcycles, snowmobiles, ATVs (all-terrain vehicles) and other similar types of vehicles and motorized vehicles are prohibited. Exceptions apply to pedal assist e-bikes and motorized mobility scooters on trails, subject to a speed limit of 15 mph, and pursuant to any additional Pennsylvania Department of Conservation & Natural Resources guidelines.
- B.** All the provisions of the Pennsylvania Motor Vehicle Code and traffic laws shall apply in the Parks and shall be strictly enforced with such further restrictions as may be stated herein. The Park Police will strictly enforce speed restrictions.
- C.** No person shall ride or drive any type of vehicle within or upon a walk, bridle path, or any part of the Park not designated or customarily used for such purpose except or unless authorized by a specific permit issued by the County Parks and Recreation Department.
- D.** When a Park Police Officer or any law enforcement officer is directing traffic, all drivers of vehicles and pedestrians shall obey the officer's orders and directions whether by hand, voice or other manner.
- E.** No owner or driver shall park any vehicle anywhere outside of designated parking spaces, or leave the vehicle parked anywhere on the County Parks and Recreation Department property after sunset except at such times and in such places as the County Parks and Recreation Department may designate.
- F.** When a road, drive or parkway shall be restricted as to traffic or closed or where there are road restrictions, duly marked signs, road markings or barricades, it shall be a violation of this regulation to fail to observe and obey restrictions, signs, road markings or barricades.

§ 141-5. Access & Commercial Use.

- A. Access.** No facility or Park user is permitted to deny or block access to a Park to the general public. No facility or Park user is permitted to charge admission or donation to enter or use a Park, facility or Parkland or charge a fee to exit a Park, facility or Parkland. Any requisite fees will be charged by and payable to Delaware County.
- B, Solicitation and Commercial Use.** No person, business, group or organization shall solicit donations or contributions for any purpose without written authorization of the County Parks and Recreation Department. Commercial use of any Parkland will be by permit only.
- D. Merchandise Sale Prohibited.** No person shall sell or offer for sale any object or merchandise or any other thing, whether corporeal or incorporeal, except pursuant to written authorization issued by the County Parks and Recreation Department.
- E. Advertising, Signs and Decoration.** No person shall advertise within a County Park without the written authorization of the County Parks and Recreation Department. The location of any such advertising shall be selected by and then specified in writing by the County Parks and Recreation Department. No person shall place any kind of signage or decoration upon or in County Parks without the written authorization of the Parks and Recreation Department.
- F. Production of Film.** No persons shall engage in production and filming of a movie, or commercial-use advertisement in a County Park. Exceptions may be granted by the County Parks and Recreation Department for filming of events.

§ 141-6. Protection of Property. No person shall damage, deface, remove or tamper with any property within any County Park. Do not attempt to remove any graffiti, but rather report any graffiti to the County Parks and Recreation Department or County Park Police.

§ 141-7. Wildlife & Natural Resources.

A. Wildlife & Hunting.

1. No person shall kill, wound, harass, trap, hunt, remove or have in his possession any animal, reptile, bird or nest or remove the eggs or young of any of the above
2. No person shall fish in any of the Park waters, unless in possession of the annually- required Commonwealth of PA Fish and Boat Commission fishing license.
3. No person shall feed any animal or waterfowl any food or other substance except such food expressly permitted by the Pennsylvania Game Commission.

B. Natural Resources. The following activities are prohibited without written permission from the Delaware County Parks and Recreation Department, pursuant to Pennsylvania Department of Conservation & Natural Resources guidelines:

1. Cutting, picking, digging, damaging, or removing (in whole or in part) a living or dead plant, vine, shrub, tree, or flower, including fungus, lichen, and moss.
2. Removing rocks, shale, sand, clay, soil, or other mineral products.
3. Removing peat, bark, mulch, pine straw, or other natural resources.
4. Planting a tree, shrub, or plant.
5. Releasing an animal that was brought into a County Park.

C. Streams – The following activities are prohibited without permits from the PA Department of Environmental Protection (PADEP) or possibly other agencies, pursuant to PADEP guidelines: Redirecting the flow of a stream by reshaping gravel bars, or moving gravel to the streambank

§ 141-8. Pollution and Refuse.

- A. Pollution of Waters.** No person shall, within or without said Parks, discharge into the waters of the Parks or any tributary, river, brook, stream, storm sewer or drain flowing into said waters any substance which may result in the pollution of said waters.
- B. Littering.** No person shall throw, deposit or leave litter or recyclable material within the Park except in designated receptacles provided therefore. Users of Parks and facilities categorized as "large scale events" must bring their own trash bags and trash cans and remove all trash from the premises at the conclusion of their event.
- c. Dumping.** No person or company shall dump any material anywhere within the Park. This is to include depositing in any dumpster, waste station, garbage can, or recycling can any waste which is generated outside of the Park.

§ 141-9. Memorials, Plaques and Other Installations.

The Parks Board has determined that the further additions of traditional memorials (being those generally constructed with masonry, statuary, flags and/or plaques which commemorate people, organizations, or events) conflict with the long-term interest of the Delaware County park system to provide areas for public recreation and environmental protection and therefore should not be permitted.

This prohibition does not apply to plaques affixed on or nearby the following, which may be approved by the County Parks and Recreation Department without Parks Board input: (a) benches; (b) Picnic tables; and (c) specimen trees.

Any memorial bench or picnic table in disrepair, or tree that has died, may be removed at the discretion of the County Parks and Recreation Department.

The Parks Board welcomes the memorializing of capital and landscaping improvements that implement aspects of the Master Plan for the target park, but such require normal Parks Board and County Council approval, per the next section.

The Parks Board also recognizes that extraordinary situations can arise for more significant memorials not envisioned by this policy, and for those cases the following will apply:

- A. No memorials, plaques, commemorative installations, or construction or installation of any kind is permitted in any County Park without the express written approval of the Parks Board and County Council.
- B. Any memorials, plaques, commemorative installations, buildings, and existing appurtenances of any kind shall have provision for maintenance, upkeep and insurance as determined by the County Parks and Recreation Department. Evidence of any required insurance coverage must be provided on a yearly basis and upon the request of the County Parks and Recreation Department. Failure to provide any required certificate of insurance evidencing such coverage to the County Parks and Recreation Department may result in the removal of the appurtenance, memorial plaque, installation or building structure. Structures identified in this paragraph, but in existence as the result of prior approval of Delaware County Council (including the Smedley Park World War I Memorial, the Delco Police Memorial, the Delco Flag Foundation structure and the Dr. Jaisohn Korean Memorial), prior to January 1, 2004, are exempt from insurance requirements.
- C. Any memorials placed without the prior written approval of County Council and the Parks Board will be removed.

§ 141-10. Penalties. All local, state and federal laws must be strictly complied with and will be enforced by appropriate authority. The Park Police Officers have the right and power to enforce all the rules and regulations of the County Parks and Recreation Department, and pursuant to 16 P.S. § 2510(b) violations of the rules and regulations shall be a summary offense punishable by a fine of up to \$300. Any person who shall violate any provision of these rules and regulations may also be punished by fine, the costs of prosecution, and any penalty required or permitted by any other local, state or federal authority.