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Borough of Tyrone

Exhibit A
Rules and Regulations for All Parks, Playgrounds and Facilities

Section I. Definitions.

The following words and phrases, whenever used in these regulations, shall be construed as defined in this section:

ALCOHOLIC BEVERAGE — Alcohol, spirits, liquor, wine, beer and every liquid or solid containing 1/2 of 1% or more of alcohol by volume and which is fit for beverage purposes either alone or combined with other substances.

AMPLIFIED SOUND — Sound projected and transmitted by electronic equipment, including amplifiers.

AMPLIFIED SPEECH — Speech projected and transmitted by electronic means.

BOROUGH — The Borough of Tyrone.

BOROUGH MANAGER — The manager of the Borough of Tyrone, or a designated representative to act in his/her place.

BUILDINGS — Those structures or any portion thereof under the management of the Borough and/or made available for the use of permittees, including parking areas.

DESIGNATED REPRESENTATIVE — A person appointed by the Borough Manager or the Borough Council to act as a representative.

FACILITIES or FACILITY or AREA — Borough owned or leased property, excluding streets and alleys, improved or unimproved Borough parks, park amenities, playgrounds, recreation areas and Borough buildings.

PARKS and PLAYGROUNDS — All grounds, roadways and lands acquired by the Borough or any area thereof which is controlled by the Borough for use and enjoyment by the public for rest, recreation, educational and like purposes.

PERMIT — A document that authorizes use of parks, equipment or building as provided for and defined within Borough ordinances.

PERMITEE — A person, group and/or other entity which receives a permit.

PERSONS — Individuals, groups, organizations, associations, partnerships, firms and corporations.

SECTION — A section of these regulations unless some other statute or policy is specifically identified.

SHALL — Mandatory; "may" means permissive.

Section II. Authority and enforcement.

The Borough hereby authorizes the Borough Manager and/or the designee of the Borough Manager, to implement and administer these regulations. The Borough Manager and/or the Borough Manager's designee, the Code Enforcement Officer for the Borough and/or the Borough Police Department, shall enforce the provisions of these regulations.

Section III. Entry to activities.

The Borough Manager, or a duly authorized representative, may enter any park and/or playground area or facility at any time to inspect the premises for safety, compliance of use, hazards, or other reasons deemed necessary by the Borough.

Section IV. Hours of use and closure.

1. Hours. The use of all public parks, playground and facilities within the Borough limits shall be from the hours of 6:00 a.m. to 9:00 p.m. Permits shall be granted for any reservable facility only after 8:00 a.m. until one hour before sunset unless the facility has appropriate lighting.

2. Park closure. The Borough Manager, or a duly authorized representative, may close a park, playground and/or facility at any time there is an apparent danger to the persons using the property itself, or for any cause which would provide for the safety and protection of the public. This section may be enforced without concurrence of those individuals or groups involved in the use of the premises involved. Remaining in an area closed by the Borough Manager or authorized representative is prohibited.

Section VI. Use of Borough parks, playgrounds and/or facilities — reservations require permit.

1. Nonreserved use. Borough parks, playgrounds and/or other facilities are provided for the express purpose of carrying out the Borough's functions. As such individuals and groups may use and enjoy the Borough's parks and playgrounds during the hours such park and/or playground is open for public use without permission and/or without charge.

2. Reserved use by permit only. Portions of the Borough's parks, playgrounds and/or facilities may be reserved and made available for the use of persons and groups subject to the issuance of a permit and the payment of fees and deposits (if applicable). Such fees and deposits shall be levied to offset Borough expenses incurred in administering the

application required herein, ensuring compliance with these regulations and such other expenses as the Borough may incur. Basic rates for use of facilities are established by resolution adopted by the Borough Council and are subject to change by the Borough Council from time to time. Use of any park and/or facility for pre-advertised (by any method) assemblies and/or activities of any type may not be made without the issuance of a permit. All applications for use of any park, playground and/or facility must be signed by an adult 21 years of age or over who agree to be responsible for said use.

3. Permit a privilege only. A permit is a privilege and not a right and may, therefore, be denied and/or cancelled without recourse at any time by the Borough. Any request which will place a major impact on a given facility may be denied. “Major impact” is defined as any activity that impedes the normal use of more than one area of any Borough facility.

4. Revocation of permits. Permits will be immediately revoked if false statements are made in reserving a facility, in the application for permit and/or otherwise, or if the individual or group willfully violates any rule or regulation established by the Borough. A permitee shall be responsible for the condition in which they leave Borough premises.

5. First-come basis. Persons or groups may use any designated reservable or nonreservable portion of any park, playground and/or facility without a permit on a first come, first served basis; however, such person and/or group must vacate any reserved facility at the time a permitted group arrives.

6. For-profit use prohibited. No permit shall be issued authorizing the use of any park, playground and/or facility thereof when the activity proposed is to be held for the sole purpose of advertising for sale any product, goods, wares, merchandise, services or event that is designed to be held purely for private profit.

7. Damages from use. Individuals or groups causing damage to any park, playground, facility, fixtures, furniture or appurtenance shall be required to reimburse the Borough for all costs involved to restore the same to its original condition. Such individuals or groups shall be subject to refusal of use in the future.

8. Security measures and deposits. To ensure proper use and control of facilities and equipment, a security guard(s) [provided and paid for by the applicant(s)] may be required when an event is the major use of a facility. Additional security measures may be required to protect the general public and Borough property. A security deposit may be required in an amount as determined by the Borough Manager to cover any damages which may result from an activity. Any such deposit not used after the event has occurred shall be returned to the applicant and, in the event there is more than one applicant, the Borough Manager, at the said Manager’s discretion, may return it to only one applicant without recourse.

All applicants/permitees, by signing the application, agree to hold the Borough harmless and indemnify Borough from any and all liability for injury to persons or property occurring as the result of the activity sponsored by applicant/permittee, and said persons shall be liable to the Borough for any and all damages to parks, playgrounds, facilities, and equipment owned or controlled by Borough which result from the activity or permittee or is caused by any participant in said activity. Any applicant/permitee exercising any of the privileges authorized

by this policy does so at the applicant's/permittee's sole risk without liability on the part of the Borough for any injury to persons or property resulting therefrom.

Public liability insurance shall be provided by all applicants/permittees naming the Borough as an additional insured and the same shall be proved by providing to the Borough, prior to the grant of the permit, a certificate of insurance naming the Borough as an additional insured on the form attached hereto.

Section VII. Priority of use by groups.

1. Priority of use. Use of Borough parks, playgrounds and/or facilities is based on priority ranking. Groups ranked at a low priority may be subject to rescheduling with 30 days' written notice; in that event, the Borough will attempt to relocate the group to another Borough facility.

2. Priority ranking. Group priority ranking shall be as follows:

   A. Borough of Tyrone and Borough sponsored activities (the same shall not be subject to the application process herein set forth;

   B. Borough residents;

   C. Non-Borough residents;

   D. All others.

Section VIII. Application for use required.

1. Information required. The application for a permit shall include, but not be limited to, the following information:

   A. Name of the applicant, the sponsoring organization(s), and name of the person in charge of the proposed activity certification that the applicant(s) are at least 21 years of age;

   B. Address and telephone number of applicant(s);

   C. Park or facility being applied for and the area involved;

   D. Starting time of the proposed activity;

   E. Finishing time of the proposed activity;

   F. Number of persons expected;

G. Nature of the proposed activity or activities, including equipment and vehicles to be used, duration and nature of the use of any amplified sound whether sound or speech;

H. Fees to be charged for admission and/or to participate in an activity and moneys collected;

I. Individual(s) who will receive moneys/fees collected and purpose for money;

J. Notice of requirement of certificate of insurance for public liability, naming the Borough as an additional insured, in the amounts and on the form of attachment to application;

K. Payment of any deposit required for the use of the premises involved. The required deposit for use of the premises will be set by resolution of Borough Council from time to time;

L. Applications shall be filed with the Borough a minimum of 14 days prior to the date of requested use;

M. All applications shall contain language incorporating these rules and regulations and by signing the application, the applicant(s) shall agree with and be bound by these regulations.

Section XI. Grant or denial of application and revocation of permit.

1. The Borough Manager shall have the right to grant or deny all applications for the use of parks and/or facilities within the Borough.

   A. An application shall be approved in the event the Borough Manager is satisfied that all requirements of these regulations have been satisfied and that the permit is in the best interest of the Borough.

   B. An application shall be denied by the Borough Manager, without recourse and/or appeal, based on the following criteria:

      1. When a facility with the required capacity for the proposed activity is not available;

      2. Refusal by an applicant(s) to agree, in writing, to conditions of the permit;

      3. Failure of an applicant(s) to file an application in sufficient time for administrative review;

      4. The failure to provide the required number of personnel to properly police and protect the activity and other users of the facility or area due to the size or nature of proposed activity;

5. The filing of more than one application for the same facility at the same time. Under these circumstances, the Borough Manager will give consideration to the application first received and the schedule of priority classification;

6. When usage of facility may damage, destroy or detract from the Borough property and/or cause harm, injury, discomfort or displeasure to the other persons in or near the property and/or cause possible litigation;

7. Prior record of applicant or event not complying with these regulations.

2. Revocation of permit. A permit, once granted, may be revoked if any terms or conditions of the permit are violated by the permittee or any agent or employee of the permittee. Said permit may be revoked by the Borough Manager with or without notice to the persons to whom the permit was issued and without recourse and/or appeal.

Section X. Miscellaneous.

1. Setup. Setup, breakdown and basic cleanup will be the responsibility of the group utilizing the facility.

2. Decorations. Decorations of any building or on any structure which cause damage (such as staples or nails) are prohibited unless approval is obtained by the user from the Borough representative.

3. Overnight camping. Overnight camping without a permit is prohibited.

   A. Youth groups. A permit may be issued to any youth group of a responsible nature allowing the members to camp overnight at a designated location in a park. The members of such group shall be supervised by an adequate number of responsible adults, 21 years of age or older. The members of the group and/or adult supervisors in charge of a youth group shall comply with time, location and conditions specified in the permit. Said use shall not interfere with the use of the park or in any way be detrimental to the park.

   B. No trailers, campers and motor homes. Overnight parking of trailers, campers, or motor homes is not permitted at any park and/or facility.

4. Fire. Open fires in Borough parks without a permit are prohibited.

5. Amplified sound. Amplified sound, whether for speech, music, or otherwise, is prohibited without first obtaining a Borough permit.

6. Hot air balloons, hang gliders, sky divers. The operation or landing of hot air balloons, hang gliders and sky divers is prohibited in Borough parks, without first obtaining a Borough permit.

7. Model airplanes, boats, cars or model rockets. The operation of motor-driven boats and cars that are battery operated are permitted on park property.

8. Golf. The use of golf clubs for playing or practicing is prohibited on park property, except in designated areas and without first obtaining a Borough permit.

9. Dumping. Dumping rocks, soil, grass clippings, branches, leaves, equipment, vehicles, furniture, furnishings or accessories, or any other item or material is prohibited.

10. Animals. Dogs and cats are permitted in designated areas on park property. Horses, mules, goats, donkeys, or similar animals are not permitted on park property unless granted by permit of the Borough Manager. No animal shall be allowed to graze or run at large within the boundaries of a Borough park. No animal shall be killed, harmed or removed from any park unless by the Borough. Dogs are not permitted in any playground area. All persons having or walking dogs in designated areas are required to cleanup if said animal defecates.

11. Smoking. Smoking is prohibited in all Borough parks, the swimming pool, playgrounds and/or other facilities.

12. Trespassing. Trespassing into areas designated "No Trespassing" is prohibited. This includes, but is not limited to, rooms in Borough buildings or structures, swimming pools during specific posted hours, fenced control areas such as storage areas, shop areas, holding areas, construction sites, and all other areas posted for protection of property, health, safety or welfare or where damage to body and limb, equipment, fixtures or accessories or property may occur.

13. Motor vehicles and parking. Motorized vehicles shall not be operated or parked on Borough property except on designated roadways or within designated markings.

14. Posted property. Motor vehicles shall not be operated over roads which are posted against public use or provided with closed gates. Motor vehicles shall not be operated over riding or hiking trails unless permission is posted.

15. Alcoholic beverages and recreational drugs. All alcoholic beverages and recreational drugs are prohibited. A person shall not enter, be or remain in any park or facility while in possession of, transporting, purchasing, selling, giving away, or consuming any alcoholic beverage or recreational drug.

16. Flora and turf. Removing or injuring any form of plant life on park or playground property, including the removal of wood, turf, grass, soil, rock, sand and gravel, is prohibited except by a duly authorized Borough employee or authorized contractor in the performance of his/her duties or unless specifically authorized by the Borough Manager.

17. Litter, rubbish and glass containers. Carrying onto any park property any garbage, trash or other refuse is prohibited. Trash generated at the park or facility must be deposited in provided trash receptacles or carried off the park property. Glass containers are prohibited.

18. Throwing missiles. Throwing missiles, mud, sand, or any object that may cause bodily harm to others is prohibited on park, playground and/or other facilities. Objects safely and reasonably used in the course of recreational activities are exempt from this section.

19. Firearms and weapons. Possession or discharging of firearms, air guns, slingshots or bows and arrows is prohibited on park property, including any portion of the riding and hiking trails and on playgrounds and facilities, other than in those areas supervised by the Pennsylvania Game Commission.

20. Hunting. Hunting, shooting, wounding or capturing animals on park property is prohibited other than in those areas supervised by the Pennsylvania Game Commission.

21. Fireworks and dangerous objects. The possession or firing of firecrackers, rockets, torpedoes or fireworks on park property is prohibited. Tyrone Borough retains the exclusive right to provide fireworks on Borough property for public display.

22. Interference. No person shall use, attempt to use or interfere with the use of any facility which is reserved for another person or group holding a permit issued from the Borough.

23. Compliance. No person shall enter, occupy or remain in any park, building and/or other facility of the Borough unless compliance with the appropriate regulations set forth herein.

24. Nonprofit, charitable and religious organizations. Nothing in these regulations shall be construed in a way to deny access of any park or building of the Borough to any nonprofit, charitable or religious organizations. Nonprofit, charitable and religious organizations shall be permitted access based upon the ranking set forth in these regulations. No permit shall be granted in the event such organization does not comply with the applicable state and federal law for use of a public facility.

25. Location of donation boxes for nonprofit, charitable or religious organizations. Nonprofit, charitable or religious organizations desiring to place donation boxes on any property or in any building owned or controlled by the Borough must apply for a permit with the Borough Manager. No permit shall be granted in the event such organization does not comply with the applicable state and federal law for use of a public facility.

26. Rest rooms. People who fail to maintain rest rooms in a neat and sanitary condition will face expulsion from the park or facility. No person over the age of five years shall use rest rooms and wash rooms designated for the opposite sex.

27. Climbing. Climbing upon any man-made or natural edifice that is not designed or customarily used for such purpose is prohibited in Borough parks and/or facilities.

28. Pollution. Polluting by any means or methods of any stream, ditch, pond, or any source of water within the confines of the park and/or facility is prohibited. Such person or persons will be prosecuted according to applicable law.

29. Bicycle usage. Riding a bicycle without regard to the safety of others and leaving a bicycle lying on the ground or paving or against trees or any place or position where a person may trip over or be injured by it is prohibited in Borough parks and/or facilities.

30. Swim, wade or bathe. To swim, wade or bathe in lakes, ponds and fountains located in Borough parks and/or facilities is prohibited if the body of water in not designed for such purpose.

31. Ice skating. Ice skating is prohibited on any frozen lakes or ponds located on Borough property.

32. Fire damage. Dropping, throwing or otherwise scattering lighted matches, burning cigarettes or cigars, tobacco paper or other flammable materials within any park, facility, or on any highways, roads, or streets abutting or contiguous thereto of Borough property is prohibited.

33. Abusive language. Any person who annoys another by uttering of profane, threatening, indecent or abusive language or act in a disorderly manner will be removed and or prohibited from the park and/or facility.

34. Gambling. No person shall gamble, participate in or abet any game of chance, except in such areas and under such regulations or penult as may be designated by the Borough of Tyrone.

35. Roller hockey rink. Use of the Borough's roller hockey rink shall be limited to those wearing in-line skates only. No skateboards, bicycles, roller skates or any other such items are permitted to be used on the rink surface due to the damage which results from such use. Any person found using anything other than in-line skates on the rink surface will be removed and/or prohibited from the park facility. **[Added 5-8-2017 by Ord. No. 1393]**