

## Chapter 16

### Parks and Recreation

#### Part 1

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**Part 1****Park Rules****A. Regulations for the Veterans' Park/Gazebo Parklet****§16-101. Definitions.**

The following words and phrases, whenever used in this Part 1A, shall be construed as follows:

*Activity* - a scheduled function of a public nature, to which the public is invited as participants and/or spectators.

*Borough* - the Borough of Mount Pleasant.

*Borough special event* - any event conducted by or sponsored by the Borough of Mount Pleasant, on the Borough's streets, park properties, or other public properties, including but not limited to cultural events (e.g., the Annual Glass and Ethnic Festival), memorial-type services, the annual Fire Department fair, any other festivals or fairs conducted by or sponsored by the Borough, parades, farmers' markets, concerts in the park, events conducted by the Mount Pleasant Borough Business District Authority, car cruises, tractor shows, Garden Club sales, or other events conducted by or sponsored by the Borough.

*Gathering* - a scheduled function of a private nature including, but not limited to, parties, receptions, picnics, or reunions, where participation is limited to members of a particular family, group or organization, or to invited guests. Wedding ceremonies are not included in the definition of a "gathering."

*Local military service veterans organizations* - Military-related Veterans Organizations based in the Borough, being VFW Post #3368 and American Legion Post #446.

*Loitering* - maliciously lingering, remaining, sauntering, waiting, or idling in a Borough park or other public property or right-of-way, for no legitimate purpose.

*Persons* - individuals, groups, organizations, associations, partnerships, firms, and corporations.

*Veterans' Park/Gazebo Parklet* - the Mount Pleasant Borough Public Park located on Diamond Street, between Main Street and Washington Street, upon which sit the Veterans' Wall and the Gazebo. The "Memorial" Area is described as follows: the area from Union Alley to Main Street, and from Diamond Street to the Veterans' Wall. The "Gazebo" area is described as follows: the area from Union Alley to Washington Street, and from Diamond Street to the property line (approximately 10 feet beyond the Gazebo).

*Wedding* - a wedding ceremony performed by a duly authorized official, and also includes wedding pictures taken in the Gazebo Parklet area. This definition of wedding does not include wedding receptions.

(Ord. 611, 9/4/2007, §101)

**§16-102. Permit Required.**

No person or persons as defined herein shall be permitted to conduct any activities or gatherings, as defined herein, in the Veterans' Park/Gazebo Parklet. However, weddings as defined herein are permitted in the Gazebo Parklet only. Permitted weddings include only the wedding ceremony, and wedding pictures. Wedding receptions are not permitted in the Gazebo Parklet area.

(*Ord. 611, 9/4/2007, §102*)

**§16-103. Application for Use.**

1. The Borough Manager shall reserve the right to grant or deny all applications for the use of Veterans' Park/Gazebo Parklet. Unless waived by the Borough Manager, all applications for use of the Veterans' Park/Gazebo Parklet shall be signed by an adult 18 years of age or over who shall be responsible for compliance with the terms of the permit.

2. Requests for use shall be made a minimum of 60 days and a maximum of 6 months prior to the date of requested use.

3. Denial of an application shall be based on the following criteria:

A. When the Veterans' Park/Gazebo Parklet is not available.

B. Refusal by an applicant to agree in writing to conditions of this permit.

C. Failure of an applicant to file an application in sufficient time for administrative review.

D. 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 the proposed event.

E. The filing of more than one application for the 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.

F. When usage of the 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 park.

G. When usage of the facility may unreasonably interfere with or detract from the public health, safety, welfare, and recreation.

H. When usage of the facility may include violence, crime, or disorderly conduct.

I. When usage of the facility may result in additional expense to the Borough or impose a burden on the Borough's Police Department.

J. When the proposed event will not be under the immediate direction, control and Supervision of a responsible person or persons over the age of 18.

K. Record of applicant or event not complying with regulations of this Part, or any other Borough ordinance, rule, or regulation, or with any State or Federal law.

L. Record of the applicant entity having complaints or violations registered against it with the Better Business Bureau.

M. Record of the applicant having misdemeanor and/or felony convictions.

(Ord. 611, 9/4/2007, §103)

**§16-104. Priority of Use.**

Use of the Veterans' Park/Gazebo Parklet is based on priority ranking. Groups ranked at a low priority may be subject to rescheduling with 30 days written notice. Group priority rating shall be as follows:

- A. Borough of Mount Pleasant, and Borough sponsored concerts, fairs, festivals, ceremonies, and/or other Borough sponsored activities or special events.
- B. Military memorial-type services or parades conducted by local military service veterans' organizations, being VFW Post #3368 and American Legion Post #446; also, events by the Mount Pleasant Elks Club on Flag Day.
- C. Weddings.

(Ord. 611, 9/4/2007, §104)

**§16-105. Revocation of Permit.**

A permit issued under this Part may be revoked by the Borough if any terms or conditions of the permit are violated by the permittee or any agent or employee of the permittee, or if any rule or regulation or any provision of this Part or any other applicable ordinance is violated, or upon good cause shown. Said permit may be revoked by the Borough Manager with or without notice to the persons to whom the permit was issued.

(Ord. 611, 9/4/2007, §105)

**§16-106. Right of Appeal.**

An applicant may appeal the decision of a Borough representative regarding park permits. The applicant must file such appeal through the following appeal process; first, appeal is made to the Borough Council following the uniform appeal procedure. If the appeal to Council is denied, the applicant then can further appeal to the Westmoreland County Court of Common Pleas pursuant to the Pennsylvania Local Agency Law, 2 Pa.C.S.A. §551 *et seq.*

(Ord. 611, 9/4/2007, §106)

**§16-107. Permit.**

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

- A. Name of applicant, and the name of the person in charge of the proposed wedding, service, parade, or other event applied for pursuant to §16-109.
- B. Address and telephone number of applicant(s).
- C. The date for which the permit is desired.
- D. Starting time of the proposed wedding, service, or other event.
- E. Finishing time of the proposed wedding, service, or other event.
- F. An estimate of the number of persons expected to attend.
- G. Additional Borough personnel or items requested, such as tables, chairs,

and associated equipment.

H. The entity type of the permittee, i.e., nonprofit corporation, for profit corporation, unincorporated association, etc., and whether it has 501(c) tax exempt status.

I. Any other information which the Borough shall find reasonably necessary for a fair determination as to whether a permit should be issued hereunder.

(Ord. 611, 9/4/2007, §107)

#### **§16-108. Fees and Deposits.**

Fees and deposits may be levied to offset Borough expenses incurred in providing services. Basic rates for use of facilities are established by resolution adopted by the Borough Council and are subject to change by the Borough Council.

(Ord. 611, 9/4/2007, §108)

#### **§16-109. Use of the Veterans' Park/Gazebo Parklet.**

The Borough's Memorial Area/Gazebo Parklet area may be made available for the use of persons only for weddings as defined herein, subject to the issuance of a permit and the payment of fees therefore. All applications for use of the Gazebo Parklet must be signed by an adult 18 years of age or over who shall agree to be responsible for said exclusive use. Only the following activities and/or gatherings are permitted, respectively, in the Memorial Area and the Gazebo Area:

A. *Memorial Area.* Only the following are permitted in the Memorial Area:

- (1) Weddings.
- (2) Borough sponsored special events.
- (3) Borough sponsored memorial type ceremonies approved in advance by the Borough.
- (4) Military or memorial-type services or parades conducted by local military service veterans' organizations, being VFW Post #3368 and American Legion Post #446, and Elks Club events on Flag Day.
- (5) Free speech, which is permitted to be conducted only in the following area: on the sidewalk southeast of the Doughboy, on the North side of the Veterans' Park wall area.

B. *Gazebo Area.* Only the following are permitted in the Gazebo Area:

- (1) Weddings.
- (2) Borough sponsored concerts.
- (3) Borough sponsored festivals and fairs.
- (4) Borough sponsored memorial type ceremonies approved in advance by the Borough.
- (5) Military or memorial-type services or parades conducted by local military service veterans' organizations, being VFW Post #3368 and American Legion Post #446, and Elks Club events on Flag Day.
- (6) Borough sponsored special events.

(Ord. 611, 9/4/2007, §109)

**§16-110. Approval of Permits.**

In order to receive a permit under this Part, an applicant's permit application must be approved by the Borough Manager, the Borough's Safety Committee, and the Borough's Park Committee.

(*Ord. 611, 9/4/2007, §110*)

**§16-111. No Use of Park During Borough Events.**

No permits under this Part will be approved, and no weddings shall be permitted in the Gazebo Parklet, while any Borough event or Borough-sponsored event of any nature whatsoever is occurring or is scheduled to occur.

(*Ord. 611, 9/4/2007, §111*)

**§16-112. Payment of Security Fee.**

A security fee is required for all weddings, in the amount as established from time to time by resolution of Borough Council.

(*Ord. 611, 9/4/2007, §112; as amended by Ord. 624, 1/19/2010*)

**§16-113. All Other Ordinances in Force and Applicable.**

A permittee shall be bound by all park rules and regulations, all provisions of this Part, any terms and conditions set forth in the permit, all applicable ordinances of the Borough as though the same were inserted in said permit, and all applicable State and Federal laws and regulations.

(*Ord. 611, 9/4/2007, §113*)

**§16-114. Occupancy of Borough Streets and Alleys Is Not Permitted.**

No weddings are permitted to occur or to spill out into the Borough's streets or alleys. It shall be unlawful for a permittee and/or any of the attendees at a wedding in the Gazebo Parklet to gather upon or in any way to obstruct a street or alley in the Borough.

(*Ord. 611, 9/4/2007, §114*)

**§16-115. Prohibited Conduct.**

The following conduct is prohibited in the Veterans' Park/Gazebo Parklet, and the commission of such conduct shall be a violation of this Part:

- A. The use of profane or obscene language.
- B. The possession, carrying, use or drinking of any alcoholic beverage.
- C. Fighting, assault, battery, disturbing the peace, or disorderly conduct.
- D. Any acts which could be reasonably foreseen to endanger the safety of any person or persons.
- E. Loitering.

(*Ord. 611, 9/4/2007, §115*)

**§16-116. Penalties.**

Any person, firm, or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 611, 9/4/2007, §116; as amended by Ord. 624, 1/19/2010*)

**§16-117. Borough Exempt from Provisions.**

In those situations where the Borough of Mount Pleasant itself is conducting or sponsoring the event, the Borough of Mount Pleasant is exempt from any and/or all of the provisions of this Part.

(*Ord. 611, 9/4/2007, §118*)

**§16-118. Local Military Service Veterans Organizations Exempt from Payment of Fees.**

For the reason that the local military service veterans organizations as defined herein, being VFW Post #3368 and American Legion Post #446, both based in the Borough, are service organizations supportive of military veterans, and since one of the primary purposes of establishing the Veterans Wall/Gazebo Parklet is to pay tribute to military veterans, Borough Council hereby declares that VFW Post #3368 and American Legion Post #446 are exempt from the payment of any and all permit fees or security fees under this Part, for conducting military-related memorial-type services or parades. Notwithstanding the above, these said local military service veterans organizations as defined herein are required to apply for a permit before conducting services or parades which application shall be subject to the considerations contained in §16-103, above. Also, the Mount Pleasant Elks Club is exempt from such fees for events conducted on Flag Day, but the Elks Club is required to apply for a permit in the manner set forth above.

(*Ord. 611, 9/4/2007, §119*)

**§16-119. Exemption for Local Farmers Selling Locally Grown Produce Which They Themselves Grow.**

The Borough recognizes that the Borough of Mount Pleasant and the local areas surrounding it have a long history of an agricultural-based economy, and that many local growers of produce, in order to survive economically, rely upon selling their seasonal produce in “town square” type areas in local communities, including the Borough’s Memorial Square or Doughboy Square. Based upon said historical and cultural traditions, the Borough hereby provides that in the area described herein as the “Free Speech Zone,” local persons may sell locally grown produce which they themselves have grown, subject to the following regulations. Such persons may sell their own locally grown produce only during the local produce growing season, only during the hours between dawn and dusk, only in the space allotted to each such person by the Borough, and only on a “space available” basis as determined by the Borough. No such selling activity is permitted during Borough special events as defined herein, nor during any time that free speech events are being held in said Free Speech Zone. Persons selling produce in the Free Speech Zone under this provision must remove all



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stands, all produce, and all other materials by dusk each day. No produce, equipment, produce selling stands, or apparatus are permitted to remain overnight in said Free Speech area. Persons wishing to sell locally grown produce under this Section must first register with the Borough, and the Borough, in its sole discretion, may deny permission if space is not available and/or other events are occurring.

*(Ord. 611, 9/4/2007, §120)*



**B. Regulations for the Recreational Parks (Frick, Willows, Jack Bobbs, Medic-10, Satcho)****§16-121. Definitions.**

The following words and phrases, whenever used in this Part 1B, shall be construed as follows:

*Activity* - a scheduled function of a public nature, to which the public is invited as participants and/or spectators.

*Borough* - the Borough of Mount Pleasant.

*Borough sponsored event* - any event conducted by or sponsored by the Borough of Mount Pleasant, on the Borough's streets, park properties, or other public properties including, but not limited to, cultural events (e.g., the Annual Glass and Ethnic Festival), memorial-type services, the annual Fire Department fair, any other festivals or fairs conducted by or sponsored by the Borough, parades, farmers' markets, concerts in the park, events conducted by the Mount Pleasant Borough Business District Authority, car cruises, tractor shows, garden club sales, or other events conducted by or sponsored by the Borough.

*Gathering* - a scheduled function of a private nature including, but not limited to, parties, receptions, picnics, or reunions, where participation is limited to members of a particular family, group, or organization, or to invited guests. Wedding ceremonies are not included in the definition of a "gathering."

*Loitering* - maliciously lingering, remaining, sauntering, waiting, or idling in a Borough Park or other public property or right-of-way, for no legitimate purpose.

*Persons* - individuals, groups, organizations, associations, partnerships, firms, and corporations.

*Recreational parks* - the following public parks in the Borough of Mount Pleasant: Frick Park; Jack Bobbs Park; Medic-10 Park; Satcho Park; and Willows Park. For purposes of this Part 1B, these five Borough Parks will sometimes be collectively referred to as the Borough's "recreational parks." These said five recreational parks have the common characteristic of having playground equipment, sports fields or courts, and/or pavilions. These five recreational parks are further identified individually as follows:

A. *Frick Park* - located in the vicinity of the Borough Building/Police Station on or around Etze Avenue. Facilities include two basketball courts, a volleyball court, a baseball/softball field, a playground with playground equipment, and two pavilions.

B. *Jack Bobbs Park* - located in the vicinity of Spruce Street. Facilities include a basketball court and a playground with playground equipment.

C. *Medic-10 Park* - located in the vicinity of Yoder Avenue. Facilities include a basketball court and a playground with playground equipment.

D. *Satcho Park* - located in the vicinity of the intersection at North Geary Street and South Geary Street. Facilities include a playground with playground equipment.

E. *Willows Park* - located in the vicinity of the Borough's sewage treatment facility. Facilities include two soccer fields, two baseball fields, a

playground with playground equipment, three pavilions, and a concession stand.

*Sports tournament* - tournaments or leagues approved in advance by the Borough, where teams compete in such sports including, but not limited to, baseball, softball and soccer at the appropriate Borough recreational park as provided in this Part 1B.

(Ord. 611, 9/4/2007, §201)

**§16-122. Permit Required.**

No person or persons as defined herein shall be permitted to conduct any activities, gatherings, or sports tournaments in the recreational parks, without first obtaining a permit from the Borough.

(Ord. 611, 9/4/2007, §202)

**§16-123. Application for Use.**

1. The Borough Manager shall reserve the right to grant or deny all applications for the use of recreational parks, within the Borough, for purposes of holding or conducting activities or gatherings as defined above. Unless waived by the Borough Manager, all applications for use of the recreational parks shall be signed by an adult 21 years of age or over who shall be responsible for compliance with the terms of the permit.

2. Requests for use shall be made a minimum of 60 days and a maximum of 6 months prior to the date of requested use.

3. Denial of an application shall be based on the following criteria:

A. When the recreational park with the required capacity for the proposed activity or gathering is not available.

B. Refusal by an applicant to agree in writing to conditions of this permit.

C. Failure of an applicant to file an application in sufficient time for administrative review.

D. 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 the proposed activity, gathering, or sports tournament.

E. The filing of more than one application for the 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.

F. When usage of the 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 park.

G. When usage of the facility may unreasonably interfere with or detract from the public health, safety, welfare, and recreation.

H. When usage of the facility may include violence, crime, or disorderly conduct.

I. When usage of the facility may result in additional expense to the Borough

or impose a burden on the Borough's Police Department.

J. When the proposed activity, gathering or sports tournament will not be under the immediate direction, control, and supervision of a responsible person or persons over the age of 21.

K. Record of applicant or event not complying with regulations of this Part 1B, or any other Borough ordinance, rule, or regulation, or with any State or Federal law.

L. Record of the applicant entity having complaints or violations registered against it with the Better Business Bureau.

M. Record of the applicant having misdemeanor and/or felony convictions.

(*Ord. 611, 9/4/2007, §203*)

#### **§16-124. Priority of Use.**

Use of the recreational parks is based on priority ranking. Groups ranked at a low priority may be subject to rescheduling with 30 days written notice. Group priority rating shall be as follows:

A. Borough of Mount Pleasant, and Borough sponsored concerts, fairs, festivals, ceremonies, and/or Borough sponsored activities or special events.

B. Other governmental agency meetings open to the public.

C. Sports Tournaments approved by the Borough.

D. Youth, family, or adult community recreation activities open to the general public, sponsored, or conducted by recognized community organizations.

E. Groups conducting recreation activities open to only their own members (closed meetings).

F. Nonrecreation use, service organizational meetings, or restricted activities not open to the general public.

G. Religious, sectarian, or political groups.

H. Out-of-Borough groups (51 percent of participants do not reside or work within Borough limits).

(*Ord. 611, 9/4/2007, §204*)

#### **§16-125. Revocation of Permit.**

Permit issued under this Part 1B may be revoked by the Borough if any terms or conditions of the permit are violated by the permittee or any agent or employee of the permittee, or if any rule or regulation or any provision of this Part 1B or any other applicable ordinance is violated, or upon good cause shown. Said permit may be revoked by the Borough Manager with or without notice to the persons to whom the permit was issued.

(*Ord. 611, 9/4/2007, §205*)

#### **§16-126. Right of Appeal.**

An applicant may appeal the decision of a Borough representative regarding park permits. The applicant must file such appeal through the following appeal process: first,

appeal is made to the Borough Council following the uniform appeal procedure. If the appeal to Council is denied, the applicant then can further appeal to the Westmoreland County Court of Common Pleas pursuant to the Pennsylvania Local Agency Law, 2 Pa.C.S.A. §551 *et seq.*

(*Ord. 611, 9/4/2007, §206*)

**§16-127. Permit.**

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

- A. Name of applicant, the sponsoring organization(s), and the name of the person in charge of the proposed activity.
- B. Address and telephone number of applicant(s).
- C. Park or building being applied for and the area involved.
- D. The date for which the permit is desired.
- E. Starting time of the proposed activity.
- F. Finishing time of the proposed activity.
- G. An estimate of the number of persons expected to attend.
- H. Additional Borough personnel or items requested, such as tables, chairs, and associated equipment.
- I. Nature of the proposed activity or activities, including equipment and vehicles to be brought into the park, duration and nature of the use of any amplified sound whether sound, or speech.
- J. The anticipated charges or fees to be collected from persons attending.
- K. Individual(s) or entities who will receive moneys collected, and purpose for money.
- L. The entity type of the permittee, i.e., nonprofit corporation, for profit corporation, unincorporated association, etc., and whether it has 501(c) tax exempt status.
- M. Notice of requirement of certificate of co-insurance for public liability, in the form of attachment to application, if required.
- N. Any other information which the Borough shall find reasonably necessary for a fair determination as to whether a Permit should be issued hereunder.

(*Ord. 611, 9/4/2007, §207*)

**§16-128. Fees and Deposits.**

Fees and deposits may be levied to offset Borough expenses incurred in providing services. Basic rates for use of facilities are established by resolution adopted by the Borough Council and are subject to change by the Borough Council.

(*Ord. 611, 9/4/2007, §208*)

**§16-129. Use of the Recreational Parks.**

The Borough's reservable areas may be made available for the use of persons and groups subject to the issuance of a permit and the payment of fees therefore. Use of the

recreational parks for pre-advertised assemblies may not be made without the issuance of a permit. All applications for use of the recreational parks must be signed by an adult 21 years of age or over who shall agree to be responsible for said exclusive use.

(*Ord. 611, 9/4/2007, §209*)

**§16-130. Gatherings or Activities Limited to Willows Park and Sports Tournaments Limited to Willows Park and Frick Park.**

Willows Park is the only Borough park in which gatherings or activities as defined herein are permitted to occur. Willows Park and Frick Park are the only Borough parks where sports tournaments as defined herein are permitted to occur.

(*Ord. 611, 9/4/2007, §210*)

**§16-131. Sports Tournaments.**

Sports tournaments as defined herein are permitted only when approved in advance by the Borough. Sports tournaments are permitted only in Willows Park or Frick Park, as appropriate and as determined by the Borough in its sole discretion. Sports tournaments approved in advance by the Borough are not subject to the permit fees provided for in §16-135, the security fees provided for in §16-136, nor the provision of public restroom facilities provided for in §16-141 of this Part 1B.

(*Ord. 611, 9/4/2007, §211*)

**§16-132. Approval of Permits.**

In order to receive a permit under this Part 1B, an applicant's permit application must be approved by the Borough Manager, the Borough's Safety Committee, and the Borough's Parks and Recreation Committee. Only the following activities and/or gatherings are permitted, respectively, in the various recreational parks:

- A. *Frick Park*. Only the following are permitted in Frick Park:
  - (1) Borough sponsored special events.
  - (2) Car shows sponsored by the Borough.
  - (3) Carnivals sponsored by the Borough.
  - (4) Concerts sponsored by the Borough.
  - (5) Softball.
  - (6) Basketball.
  - (7) Volleyball.
  - (8) Use of playground equipment.
  - (9) Sports tournaments approved in advance by the Borough.
- B. *Willows Park*. Only the following are permitted in Willows Park:
  - (1) Borough sponsored special events.
  - (2) Little league.
  - (3) Soccer.
  - (4) Use of playground equipment.
  - (5) Use of pavilions for picnics and gatherings.

- (6) Scouting events.
- (7) Gatherings or activities as defined herein.
- (8) Sports tournaments approved in advance by the Borough.
- C. *Jack Bobbs*. Only the following are permitted at Jack Bobbs Park:
  - (1) Borough sponsored special events.
  - (2) Use of playground equipment.
- D. *Medic-10 Park*. Only the following are permitted at Medic-10 Park:
  - (1) Borough sponsored special events.
  - (2) Use of playground equipment.
- E. *Satcho Park*. Only the following are permitted at Satcho Park:
  - (1) Borough sponsored special events.
  - (2) Use of playground equipment.
- F. No gatherings or activities as defined herein are permitted in Frick, Jack Bobbs, Medic-10, or Satcho Parks. Gatherings or activities as defined herein are only permitted in Willows Park, subject to all terms and conditions of this Part 1B, all park rules and regulations, and any and all applicable ordinances and other laws.

(Ord. 611, 9/4/2007, §212)

**§16-133. No Use of Park During Borough Events.**

No permits under this Part 1B will be approved, and no activities, gatherings, or sports tournaments shall be permitted in the recreational parks while any Borough event or Borough-sponsored event of any nature whatsoever is occurring or is scheduled to occur.

(Ord. 611, 9/4/2007, §213)

**§16-134. Times for Use of Park.**

All activities and gatherings in Willows Park shall occur between the hours of 9 a.m. and closing time (12 midnight). (Except for Borough approved overnight events such as sleepovers by scouting groups, which events are permitted when approved in advance by the Borough). The recreational parks shall be open for public use at the following times:

- A. *Jack Bobbs Park* - from sunrise until ½ hour following sunset.
- B. *Medic-10 Park* - from sunrise until ½ hour following sunset.
- C. *Satcho Park* - from sunrise until ½ hour following sunset.
- D. *Willows Park* - from sunrise until 12 midnight.
- E. *Frick Park* - no closing time.

(Ord. 611, 9/4/2007, §214)

**§16-135. Payment of Permit Fee.**

A permit fee is required for all gatherings and activities, in the following amounts:

- A. For gatherings and activities where the number of expected attendees is



between zero and 100 people, the required permit fee an amount as established from time to time by resolution of Borough Council. [Ord. 624, 1/19/2010]

B. For gatherings and activities where the number of expected attendees is between 101 and 300 people, the required permit fee is an amount as established from time to time by resolution of Borough Council. [Ord. 624, 1/19/2010]

C. No activities or gatherings are permitted where the number of attendees will exceed 300 people.

(Ord. 611, 9/4/2007, §215; as amended by Ord. 624, 1/19/2010)

**§16-136. Posting of Security.**

For all gatherings and activities, security must be posted in the following amounts:

A. *Gatherings.*

(1) For gatherings where the number of expected attendees is between zero and 100 people, the required security is in the amount of \$100.

(2) For gatherings where the number of expected attendees is between 101 and 200 people, the required security is in the amount of \$200.

(3) For gatherings where the number of expected attendees is between 201 and 300 people, the required security is in the amount of \$300.

(4) No activities or gatherings are permitted where the number of attendees will exceed 300 people.

(5) The above security requirements can be met either by providing to the Borough a cashier's check made payable to the Borough in the above amount based on the number of people expected to attend, or by posting a bond in said relevant amount.

B. *Activities.*

(1) For activities where the number of expected attendees is between zero and 100 people, the required security is in the amount of \$1,000.

(2) For activities where the number of expected attendees is between 101 and 200 people, the required security is in the amount of \$5,000.

(3) For activities where the number of expected attendees is between 201 and 300 people, the required security is in the amount of \$10,000.

(4) No activities or gatherings are permitted where the number of attendees will exceed 300 people.

(5) The above security requirements can be met either by providing to the Borough a cashier's check made payable to the Borough in the above amount based on the number of people expected to attend, or by posting a bond in said relevant amount.

C. The amount of the required security may be amended, from time to time, by resolution of Borough Council. [Ord. 624, 1/19/2010]

(Ord. 611, 9/4/2007, §216; as amended by Ord. 624, 1/19/2010)

**§16-137. Pavilion Designation, Rental Provisions, and Rental Deposit Fees.**

1. *Pavilion Designation.* The three pavilions in Willows Park will be designated

by number as Pavilions 1, 2, and 3, and will be appropriately identified with signs or other postings. There is one large pavilion and two smaller pavilions at Willows Park.

2. *Rental Provisions.* The Willows Park pavilions will be made available for rentals by the public for activities or gatherings as defined herein, subject to the provisions of this Part 1B, and subject to availability as determined by the Borough. The required pavilion rental fee shall be in an amount as established from time to time by resolution of Borough Council. [Ord. 624]

3. *Clean-up or Security Fee for Pavilion Rental.* In addition to the pavilion rental Fee, and the gathering/activity permit fee and security fee where applicable, there also is a required clean-up fee or security fee for renting the Willow Park Pavilions, said clean-up fee to be established by resolution of Borough Council. If the Borough's inspection following the rented pavilion use results in the Borough finding that the rented pavilion has been satisfactorily cleaned and that no damage to the pavilion has occurred, the clean-up fee will be returned to the applicant. Otherwise, the clean-up fee is forfeited by the applicant and will be retained by the Borough.

(Ord. 611, 9/4/2007, §217; as amended by Ord. 624, 1/19/2010)

**§16-138. Cleanup, Inspection, and Forfeiture of Bond in the Event of Damage to Borough Property or Failure to Satisfactorily Clean the Premises.**

1. Promptly at the conclusion of the permitted activity or gathering, or as soon thereafter as is convenient to the Borough, the park premises will be inspected by a representative of the Borough.

2. In the event that the Borough's inspection leads the Borough to determine that the Borough's property has been damaged, or that the Borough's property has not been satisfactorily cleaned up and restored to its pre-activity or pre-gathering condition, the permittee shall immediately pay to the Borough its actual damages, in an amount sufficient to restore the Borough's property to the condition in which it existed prior to the permittee's activity or gathering. In the event that the permittee does not immediately pay such funds to the Borough, the Borough shall, among all other available legal remedies, have the right to retain the security funds provided by cashier's check as set forth above and/or to invoke said bond posted by the permittee and to sue on the same, as the case may be. In the event that said damages are in excess of said maximum security amount, permittee shall be billed for the additional amount of the damages. Failure to pay any and all damages under this subsection shall be deemed a violation of this Part 1B, and shall subject the permittee to the penalties and fines provided for in §16-143 of this Part 1B.

(Ord. 611, 9/4/2007, §218)

**§16-139. All Other Ordinances in Force and Applicable.**

A permittee shall be bound by all park rules and regulations, all provisions of this Part 1B, any terms and conditions set forth in the permit, all applicable ordinances of the Borough as though the same were inserted in said permit, and all applicable State and Federal laws and regulations.

(Ord. 611, 9/4/2007, §219)

**§16-140. Indemnification and Insurance.**

No activity or gathering shall be held in the recreational parks unless the permittee has complied with the following requirements prior to the scheduled date for the activity or gathering:

A. The permittee shall agree to indemnify and hold harmless the Borough, its officers, employers, officials, and agents for all claims, damages, or other monetary losses arising from the activity or gathering for which the permit is issued.

B. The permittee shall obtain and maintain comprehensive general liability in the amount of, at a minimum, \$1,000,000 per occurrence and \$1,000,000 aggregate, for each bodily injury and property damage, or in such other amount as Borough Council may establish from time to time by resolution, ordinance, or motion. The insurance policy shall also name the Borough as an additional insured. A certificate of insurance, naming the Borough as an additional insured, shall be provided to the Borough Manager before a permit will be issued.

(Ord. 611, 9/4/2007, §220)

**§16-141. Occupancy of Borough Streets and Alleys Is Not Permitted.**

No activities or gatherings are permitted to occur or to spill out into the Borough's streets or alleys. It shall be unlawful for a permittee and/or any of the attendees at an activity or gathering in the recreational parks to gather upon or in any way to obstruct a street or alley in the Borough.

(Ord. 611, 9/4/2007, §221)

**§16-142. Provision of Public Restroom Facilities.**

At the permitted activity or gathering, the permittee shall provide portable public restroom facilities in a quantity sufficient to service the expected number of attendees, said quantity of portable restroom units to be determined by the Borough in its sole discretion. Placement of said public restroom facilities shall be determined by the Borough, in its sole discretion. All of the said portable units shall be removed from the Recreational Parks premises, by the permittee, immediately upon the conclusion of the activity or gathering.

(Ord. 611, 9/4/2007, §222)

**§16-143. Prohibited Conduct.**

The following conduct is prohibited in the recreational parks, and the commission of such conduct shall be a violation of this Part 1B:

- A. The use of profane or obscene language.
- B. The possession, carrying, use or drinking of any alcoholic beverage.
- C. Fighting, assault, battery, disturbing the peace, or disorderly conduct.
- D. Any acts which could be reasonably foreseen to endanger the safety of any person or persons.
- E. Loitering.
- F. Being present in any of the parks at a time when the park is open to the Public, as established in §16-134 of this Part 1B.

G. Conducting an activity or gathering as defined herein, where the number of persons who actually attend exceeds the respective limits set forth in §§16-135 and 16-136 of this Part 1B based on the permit fee and security fee posted, or in any event exceeds 300 in number.

(*Ord. 611, 9/4/2007, §223*)

**§16-144. Proceeds Permitted to Go Only to Nonprofit Entities.**

A permittee shall be permitted to collect fees, charges, donations, concessions, etc., only if the permittee establishes to the Borough's satisfaction that the permittee has been approved by the United States Internal Revenue Service for §501(c) nonprofit status or has otherwise been approved by the Internal Revenue Service as a nonprofit entity.

(*Ord. 611, 9/4/2007, §224*)

**§16-145. Penalties.**

Any person, firm, or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 611, 9/4/2007, §225; as amended by Ord. 624, 1/19/2010*)

**§16-146. Shutting down the Activity or Gathering When Prohibited Conduct or Other Ordinance Violations Occur.**

In addition to the penalties provided for in §16-145 of this Part 1B, the Borough reserves the right to shut down an activity, gathering, or sports tournament whenever any permittee or attendee violates any of the prohibited conduct provisions contained in §16-143 of this Part 1B, or otherwise violates this or any other ordinance or any State or Federal law. In such event, the gathering, activity, or sports tournament shall be immediately over, the attendees shall disburse and leave Borough grounds, and the permittee shall not be entitled to the return of any permit fees paid.

(*Ord. 611, 9/4/2007, §226*)

**§16-147. Borough Exempt from Provisions.**

In those situations where the Borough of Mount Pleasant itself is conducting or sponsoring the event, the Borough of Mount Pleasant is exempt from any and/or all of the provisions of this Part 1B.

(*Ord. 611, 9/4/2007, §228*)