

ORDINANCE NO. 2023-03

**AN ORDINANCE CREATING A PARKS AND RECREATION BOARD FOR
HEIDELBERG TOWNSHIP AND PROVIDING FOR THE MEMBERSHIP,
ORGANIZATION, BOARD MINUTES, REPORTS AND RESTRICTIONS, POWERS
AND DUTIES, RULES AND REGULATIONS, RECREATIONAL ACTIVITIES,
GENERAL PROVISIONS, REPEALER AND AN EFFECTIVE DATE**

WHEREAS, pursuant Section 2204 of the Second Class Township Code, this Ordinance is intended to create and establish a Parks and Recreation Board for the Heidelberg Township that shall advise the Board of Supervisors on all matters pertaining to parks, open space, and recreation lands and programs and the operation and maintenance of such lands in Heidelberg Township (collectively, the park); and

WHEREAS, it shall be the mission of the Park and Recreation Board to advise the Board of Supervisors in order to foster a meaningful and satisfying program of leisure and recreational activities and events for the residents of Heidelberg Township in a manner that will preserve the Township's natural and historic resources for the enjoyment of future generations; and

NOW THEREFORE, the Board of Supervisors of Heidelberg Township, York County, Pennsylvania, hereby ordains as follows:

Section 1. Creation of Board; Membership

There is hereby created and established in and for Heidelberg Township, County of York, Commonwealth of Pennsylvania, the "Heidelberg Township Park and Recreation Board," consisting of five members who shall be residents of Heidelberg Township. The members shall serve without compensation.

The members shall be appointed by the Heidelberg Township Board of Supervisors, each for a term of five years, which term shall expire on December 31, except that the terms if the members first appointed shall be staggered so that two vacancies shall occur on December 31, 20XX, two on December 31, 20XX, and one on December 31, 20XX.

Each vacancy caused by reasons other than expiration of the term shall be filled in the same manner as the original appointment and shall be for the remaining, unexpired term of the member. Each member shall serve until December 31 of the year in which the member's term is scheduled to expire or until a new appointment has been made in accordance with the requirements of this section. The Chairperson of the Parks and Recreation Board shall promptly notify the Board of Supervisors of any vacancies on the Board. The Board may nominate candidates for the open position.

Section 2. Organization

The Board shall meet monthly or as often as shall be required to perform its duties. The Board shall conduct all meetings as public meetings in accordance with the requirements of the Pennsylvania Sunshine Act.

All actions of the Board shall require concurrence of a majority of voting members of the Board.

The members of the Board hereby established shall elect their own Chairperson and Secretary and select all other necessary officers to serve for a period of one year.

Section 3: Board Minutes; annual report; restrictions

The Board Secretary shall keep minutes of all meetings for review and approval by the Board members. Copies of the approved minutes shall be provided to the Township Secretary on a timely basis for distribution to the Board of Supervisors.

The Board shall submit an annual report to the Board of Supervisors no later than March 1 of each year. The report shall include a listing of the significant activities of the Board during the prior year and comments and recommendations with respect to the management and operation of recreation programs and park and open space places within Heidelberg Township, including an analysis of park, recreation and open space areas and programs, as well as maintenance and operations.

The Board shall not have authority to enter into any contracts or to incur any obligations binding upon Heidelberg Township.

Section 4: Power and Duties

The Board, in cooperation with other advisory bodies designated from time-to-time by the Board of Supervisors, shall advise and make recommendations to the Board of Supervisors with respect to planning, design, management, operations, improvement and activities of park, recreation and open space lands and programs in Heidelberg Township.

The Board may adopt bylaws with the approval of the Board of Supervisors.

The Board shall promote activities and programs that enhance the use and enjoyment of the park, recreation and open space lands in the Township.

The Board shall participate in the initiation, review and recommending development of recreation areas and park facilities to the Board of Supervisors for approval and funding.

The Board shall recommend to the Board of Supervisors, by September 1, a budget for equipping, operation and maintaining recreation places and facilities in the Township.

The Board shall not have the power to amend, adopt, alter, repeal or change any rules and regulations that govern the use of the park(s) by the public that have been adopted by the Board of Supervisors. The Board of Supervisors shall have the power to adopt rules and regulations for the operation of the parks and recreation places in the Township.

Section 5: Rules and Regulations

All parks, open space and recreation lands shall be open from sunrise to sunset.

All persons using the park facilities shall protect, wherever possible, wildlife in the park. To accomplish this goal, no person shall injure, deface, climb, mutilate, pull up, remove, or destroy any vegetation in the park, whether sod, tree, brush, shrub, vine, fern, flower, or fruit. No person shall hunt, trap, chase, capture, or molest in any manner whatsoever wildlife of any kind or disturb the nests or eggs of birds or fish or homes of animals, except as may be authorized by the Township through the issuance of a Hunting Permit.

Pets are permitted in the park and must be always leashed and under the direct control of the owner. The use of voice command and/or electronic device for control is prohibited and does not constitute immediate control as required under this section. Pet waste must be cleaned up, bagged, and removed from the park by the pet owner.

No person shall litter, discard, deposit, dump or allow to blow away refuse of any kind or nature within or upon the park system, except by placing said refuse in appropriate refuse containers provided for such purposes; dispose of cremated ashes without obtaining prior approval; pour or cause to spill or permit to escape in any area of the park system, any oil, gas, salt, acid or other deleterious substance, whether liquid, solid or gaseous; deposit any bodily waste in or on any portion of the park system except in a container for that purpose.

No person shall remain in an area of the park system for no obvious reason/s or maliciously prowl around.

The provisions of this Ordinance may be enforced by a law enforcement officer or by another proceeding now or hereafter authorized by law.

No person shall camp (either overnight or otherwise) in the park, without the express written approval/permission of the Board of Township Supervisors.

No person shall engage in any violent, abusive, loud, boisterous, vulgar, lewd, wanton, obscene or otherwise disorderly conduct tending to create a breach of the peace or to disturb or annoy others while in or on the park grounds, including but not limited to: fighting or physical or verbal threats, causing a creating a noise which would likely annoy or disturb a reasonable person of normal sensitivities, urination or defecation in any area of the park other than a toilet, or deliberately follow or observe another individual within or upon park property in order to intimidate or make them feel unsafe.

No person shall commit any indecent or immoral act tending to debauch the morals or manners of the public while in or on the park grounds, including but not limited to: disrobing or changing clothing, except in buildings or facilities made available for that purpose; failing to cover one's genitals, pubic area, buttocks and female breast, below the top of the nipple, with clothing that is impossible to see through; perform or engage in sexual activities in which genitalia or female breast is exposed or is touched through clothing; or solicitation for sexual activity.

No person shall transport, sell, consume or have in their possession any intoxicating beverages or substances while in the park; Sell, use, transport or have in their possession any drug or narcotic of which is prohibited by state or federal law while within the park; Be under the

influence of any narcotics or intoxicants or intoxicating beverages while within the park; or Grow illegal or controlled plants or otherwise, as defined by state and federal laws, such as marijuana, within the park.

Section 6: Recreational Activities

Any person who desires to engage in any activities for which no designated area has been made within the park shall first obtain expressed written permission from the Board of Supervisors before conducting said activity. Without the aforementioned authorization, such activities shall be prohibited. Any publicly advertised activities must receive prior written permission from the Board of Supervisors to hold such an activity or event. Absence of such authorization shall result in the activity or event being prohibited. As part of the approval process, a certificate of insurance naming Heidelberg Township as additionally insured may be required.

Section 7: General Provisions

The park is primarily for the use of Heidelberg Township residents; however, as Heidelberg Township property, no discrimination shall be permitted between residents of the Township and visitors from other areas. Parents are responsible for the safety and behavior of their children within the park and no Township supervision will be available or provided. Users of the park shall respect the rights of others and conduct themselves in a manner acceptable and becoming of others. Users of the park are required to follow the direction of Heidelberg Township personnel, or other duly authorized authorities, who are working in or monitoring the park and activities.

Section 8: Repealer

All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

Section 9: Effective Date

This Ordinance shall become effective five (5) days from its enactment.

ENACTED AND ORDAINED by the Board of Supervisors of Heidelberg Township on this ____ day of _____, 2023.

ATTEST:

**BOARD OF SUPERVISORS OF
HEIDELBERG TOWNSHIP**

Secretary

Timothy Hansen, Chairman