ORDINANCE NO. 2004-03

AN ORDINANCE OF FRANKLIN TOWNSHIP DEFINING AND ESTABLISHING REGULATIONS FOR THE USE OF PARKS AND RECREATIONAL FACILITIES; FIXING THE HOURS OF THEIR USE; PROHIBITING CERTAIN CONDUCT THEREIN; REQUIRING RESERVATIONS FOR SPECIFIC USES; AUTHORIZING ADDITIONAL REGULATIONS AND THE CLOSING OF FACILITIES UNDER CERTAIN CIRCUMSTANCES; PERMITTING FISHING UNDER THE APPLICABLE LAWS OF THE COMMONWEALTH; DESIGNATING ENFORCEMENT OFFICERS; AND PRESCRIBING PENALTIES FOR VIOLATION.

The Board of Supervisors of Franklin Township ("Supervisors") hereby ordains:

Section 1. Definitions. As used in this ordinance, the following terms shall have the meaning indicated, unless a different meaning clearly appears from the context:

PARK OR PARKS- unless specifically limited, shall be deemed to include all parks, playgrounds, recreation areas, ball fields, tennis courts, beaches, recreation structures and facilities, and also entrances and approaches thereto, and all other land or property or structures under the jurisdiction of the Recreation Board, now or hereafter owned or acquired by Franklin Township for park or recreational purposes.

PERSON- any natural person, corporation, organization of persons, company, association or partnership.

RULES AND REGULATIONS – any rules and regulations hereby or hereafter promulgated by the Supervisors or the Recreation Board under the authority herein conferred.

Section 2. Park Hours. All parks shall be opened daily to the public between the time of sunrise and the time of sunset (as reported in the weather section of *The Times News*). In no event shall any person be permitted to be in attendance in any park outside of those hours, unless special permission is granted by the Supervisors or the Recreation Board.

Section 3. Prohibited Conduct. No person in attendance at a park shall:

1. Injure, deface, remove cut or damage any of the trees, plants, shrubs, turf, buildings, structures, signs or fixtures, or any other property of Franklin Township located within a park.

2. Litter any area of a park with garbage, paper, bottles, cans or other waste material; nor dispose of the same in any way except in receptacles designated for such purpose; nor dispose of grass clippings, brush or other debris from private property anywhere in a park, including receptacles.

3. Kindle or maintain any fire in a park except in fireplaces or areas specially designated for that purpose and located by authority of the Recreation Board.

4. Remove any bench, seat, table or other appliance without permission of the Recreation Board.

5. Injure, deface, destroy or remove any notice, rule or regulation posted at any place within a park by authority of the Recreation Board, nor shall any notice or placard be posted within a park other than by authority of the Recreation Board.

6. Set up any booth, table or stand for the sale of any article or service whatsoever within the limits of a park without permission of the Recreation Board; distribute, sell, service or rent any services or commodity or solicit for any purpose without permission of the Recreation Board.

7. Operate, stop or park any vehicle, bicycle or other means of conveyance except in areas where permitted or designated by proper authority of the Recreation Board, or operate the same in a reckless or negligent manner or in excess of 5 miles per hour (M.P.H.) or in such a manner as to become a nuisance to other area users.

8. Operate commercial vehicles, unless providing authorized services.

9. Bring onto the premises, possess or consume any alcoholic beverage or illegal drugs of any kind; no person shall enter a park in an intoxicated state or otherwise be under the influence of alcohol or illegal drugs.

10. Carry or discharge any firearms, slingshots, firecrackers, fireworks or other missile propelling instruments or explosives or arrows, or other dangerous weapons which have such properties as to cause annoyance or injury to any person or property, unless permission has been granted by the Recreation Board in designated areas; police officers in the performance of their duties will be exempt from these provisions.

11. Swim, golf, skateboard, engage in archery, camp or launch, dock or land any boat, engage in finding buried objects with special detectors, or participate in any other form of recreation, sporting endeavor or pastime, except in those areas which may be designated from time to time for that purpose by the Recreation Board.

12. Disrobe or change clothing except in buildings or facilities made available for that purpose.

13. Disturb the peace by any conduct so as to annoy any other person using a park for recreational purposes.

14. Operate a snowmobile, minibike, motorcycle, all-terrain vehicle (ATV), off-road vehicle, or similar vehicles.

15. Use threatening abusive, insulting, profane or obscene language or words.

16. Commit any disorderly or immoral acts.

17. Hold any public meeting or rally with more than five (5) persons or engage in any marching or driving as members of a military, political or other organization without permission of the Recreation Board, which requires a statement of information including the name of the organization, its purpose, number of persons expected to be invited, expected duration and name(s) of person(s) in charge.

18. Disobey a proper order of a police officer or Recreation Board member, or disobey or disregard or fail to comply with any rule or regulation, warning, prohibition, instruction or direction given by an authorized person and posted or displayed by sign, notice, bulletin, card, poster, or when notified or informed as to its existence by the Recreation Board or an authorized person.

19. Hunt for, capture or kill, or attempt to capture or kill, or aid or assist in the capturing or killing of, in any manner, any wild bird, or wild animal of any description, either game or otherwise, and to that end, it is unlawful for any person to carry onto or possess in any park, a shotgun or rifle or pistol or firearm of any make or kind unless specific permission is granted for a designated area by authority of the Recreation Board.

20. Allow pets to run at large or be out of control, or fail to promptly and completely clean up and remove from a park their pet's excrement.

Section 4. Fishing. All laws pertaining to fishing in the Commonwealth shall apply to fishing in parks and recreation areas, and provisions thereof are hereby incorporated by reference.

Section 5. Reservation for Specific Uses. The use of all parks shall be on a first come, first serve basis unless otherwise reserved:

1. by annual permission granted by the Supervisors or the Recreation Board for the scheduling of various league games, etc;

2. for school or college athletic games, practice, contests, or exhibitions;

3. for regularly scheduled school district or municipal recreation programs;

4. by permission granted by the Supervisors or the Recreation Board for a specific requested use.

Section 6. Authorization to Promulgate Additional Rules. The Recreation Board is authorized to establish additional rules and regulations as deemed necessary and with approval of the Supervisors.

Section 7. Authority to Close Areas. Recreation facilities which become hazardous for public use due to weather, water, fire or unforeseeable conditions may be closed at the discretion of either the Supervisors or the Recreation Board.

Section 8. Enforcement. The police officers of Franklin Township are charged with enforcement of the provisions of this ordinance.

Section 9. Penalties. Any person who shall violate any provision of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not less than twenty-five ($25.00) dollars nor more than one thousand ($1,000.00) dollars, and in default of payment, to imprisonment for a term not to exceed thirty (30) days.

Section 10. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

Section 11. Severability. If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance, It is hereby declared as the intent of the Supervisors that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

DULY ENACTED AND ORDAINED into law at a regular meeting of the Board of Supervisors of Franklin Township, Carbon County, Pennsylvania, held on the 20th day of July, 2004.

BOARD OF SUPERVISORS OF
FRANKLIN TOWNSHIP

ATTEST:

NANOVIC LAW OFFICES
ATTORNEYS AT LAW
57 BROADWAY
P. O. BOX 359
JIM THORPE, PENNSYLVANIA 18229-0359

ORDINANCE NO. 2010 - 02

AN ORDINANCE PROHIBITING SMOKING IN PARKS WITHIN THE TOWNSHIP OF FRANKLIN; REQUIRING ENFORCEMENT BY THE TOWNSHIP POLICE DEPARTMENT; AND PRESCRIBING PENALTIES FOR VIOLATIONS OF ITS PROVISIONS.

BE IT ORDAINED AND ENACTED by the Board of Supervisors of Franklin Township, Carbon County, Pennsylvania, as follows:

SECTION 1. Definitions. For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

A. BOARD OF SUPERVISORS: shall mean the Board of Supervisors of Franklin Township.

B. PARK OR PARKS: shall mean all places in all parks, playgrounds, ball fields, tennis courts, basketball courts, recreation areas, including structures and facilities, and also entrances and approaches thereto, now or hereafter owned, leased, operated, or maintained by the Township of Franklin, including but not limited to Phifer Ice Dam and Christman Field.

C. PERSON: shall mean any person, firm, partnership, association, corporation, company or organization of any kind.

D. SMOKING: the possession of a lighted cigarette, cigar, or pipe containing tobacco or other organic burning matter, regardless of its composition, or the lighting of such cigarette, cigar or pipe by any person.

E. TOWNSHIP: shall mean the Township of Franklin.

SECTION 2. Smoking Prohibited in Parks. Smoking is prohibited in all parks at all times by all persons.

SECTION 3. Enforcement. The Township Police Department shall enforce the provisions of this Ordinance.

SECTION 4. Penalties. The penalty for violation of this Ordinance shall be as follows:

FIRST OFFENSE: $25.00 plus costs

SECOND OFFENSE: within one calendar year $50.00 plus costs.

THIRD AND SUBSEQUENT OFFENSES: within one calendar year $100.00 plus costs.

SECTION 5. Effective Date. This Ordinance shall become effective five (5) days after enactment.

SECTION 6. Severability. The provisions of this Ordinance are severable. If any section, clause, sentence, part or provision hereof shall be determined to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not impair or affect any remaining provisions of the Ordinance, it being the intention of the Board of Supervisors that it would have adopted this Ordinance even if the offending language had not been included.

DULY ENACTED AND ORDAINED this 19th day of October, 2010 by the Board of Supervisors of Franklin Township in lawful session duly assembled

TOWNSHIP OF FRANKLIN

ATTEST:

Secretary

RESOLUTION NO. 2013-08

WHEREAS, Franklin Township (hereinafter "Franklin"), is a township of the second class located in Carbon County, Pennsylvania; and

WHEREAS, Franklin is the owner of a recreational area equipped with an enclosed pavilion, a kitchen, two (2) open pavilions and a bandshell, known as Phifer Ice Dams Park; and

WHEREAS, Franklin is desirous of allowing members of the general public ("person(s)"), to use the aforesaid enclosed pavilion, kitchen, two (2) open pavilions and bandshell under certain terms and conditions.

NOW, THEREFORE, be it hereby resolved that persons shall be permitted to use the enclosed pavilion, kitchen, the open pavilions and bandshell at the Phifer Ice Dams Park under these terms and conditions:

1. Any person desiring to reserve the pavilion for any one week day (Monday through Friday, inclusive) for a maximum of four (4) hours, shall pay Franklin a $50.00 fee, or a $75.00 fee if reservation time exceeds four (4) hours. Any person desiring to reserve the pavilion on a Saturday or a Sunday shall pay Franklin a $75.00 fee.

2. Any person desiring to reserve the pavilion and the kitchen for any one week day (Monday through Friday, inclusive) for a maximum of four (4) hours, shall pay Franklin a $75.00 fee or a $125.00 fee if reservation time exceeds four (4) hours. Any person desiring to reserve the pavilion and the kitchen on a Saturday or a Sunday shall pay Franklin a $125.00 fee.

3. Any person desiring to reserve the bandshell on any one day shall pay Franklin a $25.00 fee.

4. Any person desiring to be guaranteed reserve rights to either of the two (2) 24' x 24' x 8' open pavilions located adjacent to the ballfield, shall pay Franklin a $50.00 fee per pavilion, per day. In the case of the open pavilions, a day shall consist of sunrise until dusk.

5. Any person desiring to reserve the kitchen and/or the pavilion shall pay Franklin a $100.00 refundable deposit to secure their obligation to leave the premises in the same litter free and clean condition as it was when they arrived (see paragraph 13 below). After the kitchen and/or pavilion are inspected, and it is determined that paragraph 13 has been complied with, the deposit will be returned. If it is determined that paragraph 13 has not been complied with, the entire deposit shall be forfeited. If the deposit is forfeited, a letter will be sent to the person making the reservation explaining why the deposit was forfeited.

6. Any person desiring to reserve the kitchen and/or enclosed pavilion, the open pavilions or the bandshell, must make reservations with the Township secretary. Reservations will not be considered made until the secretary has received the fee set forth in paragraphs 1, 2, 3 and 4 above and the deposit set forth in paragraph 5 above. That is, if a person (A) asks the Township secretary to reserve the use of the pavilion for a certain day, but does not make payment until later, any other person (B) may reserve that particular day by paying the fee and the deposit before the first person (A) pays the fee and the deposit.

7. Any person reserving the pavilion and the kitchen, in any given year shall be given priority in reserving the same facilities (i.e. the pavilion and the kitchen) for the same time period in the following year; provided, that person makes his/her reservation (see paragraph 6 above) for the same time period in the following year within one (1) week of the use of the facilities in the current year. For example, if a person reserves the pavilion and the kitchen on the third Sunday in June of the current year, the same party shall be given priority in reserving the pavilion and kitchen on the third Sunday in June in the following year; provided, that person makes his/her reservation on or before the fourth Sunday in June of the current year.

8. A day shall consist of sunrise until 10:00 P.M., prevailing time.

9. Arrangements for opening/unlocking the pavilion and kitchen shall be made on a case by case basis at the same time as the reservation is made with the Township secretary.

10. If any person who has made reservations notifies the Township secretary that they wish to cancel their reservations at least seven (7) days before the reserved day, that person shall receive a full refund of that person's fee and the deposit.

11. All fees collected for the use of the pavilion, the kitchen, the open pavilions or the bandshell shall be deposited in the Township's recreation fund. Forfeited deposits shall be used to pay for clean-up.

12. No alcoholic beverages of any type, including, but not limited to, liquor, wine and beer, shall be permitted at any part of the Phifer Ice Dams Park, including the aforesaid pavilion, kitchen, open pavilions and bandshell.

13. All garbage created by those persons using the pavilion, the kitchen, open pavilions, or the bandshell shall be properly disposed of. With the exception that there may be a greater amount of garbage in the trash cans at the Phifer Ice Dams Park, all persons using the pavilion, the kitchen, open pavilions or the bandshell, shall leave the premises in the same litter free condition as it was when they arrived. Additionally, the kitchen appliances and utensils shall be cleaned and the kitchen and pavilion floors shall be broom swept clean.

14. Rules and regulations governing the use of the Phifer Ice Dams Park are posted at various locations in the park, including the pavilion. Persons who violate the posted rules and regulations may (a) be charged an additional fee to cover the cost of correcting such violation(s) and/or (b) be ineligible to rent the pavilion, kitchen, open pavilions and bandshell for one (1) or more years.

15. ALL PERSONS MAKING THE RESERVATION MUST AGREE, AND SHALL AGREE BY EXECUTING A COPY OF THIS RESOLUTION, THAT THAT PERSON SHALL BE RESPONSIBLE TO SEE THAT THE TERMS AND CONDITIONS CONTAINED IN THIS RESOLUTION ARE COMPLIED WITH BY ALL PERSONS USING THE PAVILION, THE KITCHEN, OPEN PAVILIONS OR THE BANDSHELL, ON THE RESERVED DATE, AND FURTHER AGREE TO INDEMNIFY, DEFEND AND HOLD FOREVER HARMLESS FRANKLIN AND ITS SUCCESSORS, AND ASSIGNS AGAINST ANY LOSS FROM ANY AND ALL CLAIMS, DEMANDS, JUDGMENTS AND ACTIONS, IN LAW OR EQUITY, THAT MAY HEREAFTER AT ANY TIME BE MADE OR BROUGHT AS A RESULT OF THE USE, IMPROPER, NEGLIGENT OR OTHERWISE, OF THE ENCLOSED PAVILION, THE

KITCHEN, THE OPEN PAVILIONS OR THE BANDSHELL ON THE RESERVED DAY.

RESOLVED this 19th day of March, 2013.

FRANKLIN TOWNSHIP SUPERVISORS

Chairman

Vice-Chairman

Member

ATTEST:

Secretary

3-4-13. Alk. Franklin. 10500-1.25