

**BOROUGH OF NEW CUMBERLAND**

**Cumberland County, Pennsylvania**

**Ordinance No. 710**

**AN ORDINANCE DESIGNATING PUBLIC PARKS IN THE BOROUGH OF NEW CUMBERLAND, CUMBERLAND COUNTY, PENNSYLVANIA, PRESCRIBING RULES AND REGULATIONS FOR THE USE OF SAID PARKS, PRESCRIBING PENALTIES FOR THE VIOLATION OF SAID RULES AND REGULATIONS, AND REPEALING PRIOR ORDINANCE NOS. 625 AND 692.**

BE IT ENACTED AND ORDAINED by the Council of the Borough of New Cumberland, Cumberland County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same:

SECTION 1 - The following areas are hereby designated public parks in the Borough of New Cumberland:

1. Borough Park bounded by the Yellow Breeches Creek on the south, Locust Alley on the east, Front Street extended and property of Pennsylvania Power and Light Company on the north, and the rear property lines of Wayne Avenue on the west.
2. Four garden plots in Market Square - two being north of Third Street and two being south of Third Street.
3. Seventh Street triangle (Elkwood Park) being a triangle plot bounded on the north by Seventh Street, on the south by Sixth Street, on the west by Bridge Street and on the east by the eastern spur of Bridge Street.
4. Twelfth Street playground (Will Cole Park) being a park area east of Twelfth Street, south of Martin Street, west of Market Street and north of the property now or formerly of Lorraine Kunkel at 1104 Market Street.
5. Veteran's Park being that area situate between the two branches of Park Avenue west of Bridge Street and east of Pine Street.
6. Drexel Hills Park being that area surrounded by the real property lines of the houses on Park Avenue to the south, Drexel Hills Boulevard to the west, Brookhaven Road to the north, and Crescent Court to the east.
7. Sherwood Road Park bounded on the west by U.S. 83, on the south by Sherwood Road, on the north by the real property line of lots on Carol Street and on the east by property lines on Sherwood Road north of Locust Street.

8. Anna and Bailey Streets garden plot situate in the center of Anna Street and bounded on the south by Bailey Street and on the north by Haldeman Boulevard.
9. Haldeman Bowl situate in the center of Haldeman Boulevard east of Bridge Street, west of Warren Street and situate north of Haldeman Court.
10. Benjamin property (New Cumberland Public Library) bounded on the east by Brandt Avenue, on the north by Ninth Street, on the west by Sharon and Geary Streets and on the south by the real property lines of houses on Seventh Street.
11. Memorial Field bounded on the west by Beech Avenue, on the north by Fifth Street, on the east by Eutaw Avenue, and on the south by Fourth Street.
12. Susquehanna Boat Launch facilities accessed via the Third Avenue underpass, as demarcated and bounded on the north by the Susquehanna River and on the south by the Norfolk Southern Railroad right-of-way.

SECTION 2 - The said parks of the Borough of New Cumberland, Pennsylvania are for the benefit and pleasure of the residents of the Borough of New Cumberland, Pennsylvania, or other non-residents who have been issued a valid permit by the Borough of New Cumberland to utilize said parks. All persons who use the parks shall be subject to the rules and regulations prescribed and set forth in this ordinance and its supplements and amendments.

SECTION 3 - The parks may be closed during hours designated by the Borough Council of the Borough of New Cumberland, Pennsylvania. Any person entering upon a municipal park during such hours when the park is closed shall be subject to the penalties imposed by this ordinance.

SECTION 4 - Automobiles and any other motor vehicles, trailers, etc., are permitted to be driven and parked only in the approved driveways and parking areas unless otherwise directed by the Police of the Borough of New Cumberland, Pennsylvania.

SECTION 5 - In that Borough parks have no facilities to accommodate the use of skateboards and that normal park activities are not consistent with the use of skateboards, no person(s) shall have in their possession, ride or operate any skateboard within any park. Any person(s) who violates any provision of this Section shall, upon conviction thereof:

- A. The skateboard used in violation of this Ordinance shall be impounded by the Police Department of the Borough for a period of sixty (60) days and said person shall, upon conviction, be sentenced to pay a fine of fifty dollars (\$50.00) and costs. In the event said person is a minor, the skateboard of said minor shall be impounded for sixty (60) days and the parent, guardian, or other person having legal custody of said minor will be notified of the offense. After the sixty (60) day impoundment and fine and costs have been paid, a skateboard may be destroyed if not picked up within thirty (30) days.

- B. Second offense. A second and/or subsequent offense will result in the skateboard used in violation of this Ordinance being impounded by the Police Department and, upon conviction the person charged will be sentenced to pay a fine of not less than fifty dollars (\$50.00) and not more than three hundred dollars (\$300.00), plus costs in all cases. After conviction for any second offense the skateboard shall be destroyed.

SECTION 6 - No person shall do any of the following acts within Borough parks:

1. Commit any disorderly or immoral acts.
2. Bring any alcoholic beverages into the park or be intoxicated or drink alcoholic beverages in the park.
3. Throw stones or missiles.
4. Utter loud, profane, offensive or indecent language.
5. Beg or solicit funds or contributions.
6. Publicly solicit subscriptions.
7. Allow any animals in the parks except as specifically set forth in Section 7 hereof.
8. Throw, deposit or drain any offensive substance of any kind or deposit paper, bottles, fruit, refuse in any place save receptacles provided therefore.
9. Camp or sleep on the ground or elsewhere except in such places and at such times which may be designated by the Borough Council.
10. Operate any vehicle at a speed exceeding ten (10) miles per hour.
11. Swim/raft/inner tube/float from the banks of the Yellow Breeches Creek or Susquehanna River, except in designated areas posted by the Borough where said activities are expressly permitted.
12. Drive or use any unlicensed motor vehicle.
13. Allow any unlicensed individual to operate any motor vehicle.
14. Drive any motor vehicle without having a valid operator's license.
15. Feed or provide food for waterfowl (e.g., ducks and geese) or any other wildlife.

SECTION 7 – No person shall allow any domestic or nondomestic animal in any Borough park except dogs are permitted in the Borough parks under the following conditions:

1. It shall be unlawful for any person to permit any dog to run at large in any park. All such dogs must be controlled by a substantial leash being not more than six (6) feet in length and by a person with the ability to restrain such dog at all times.
2. It shall be unlawful for any person to permit any dog on any athletic fields, basketball courts, tennis courts, gazebos, playgrounds, playground equipment, and horseshoe pits in any Borough park.
3. It shall be unlawful for any person to bring into any park any dog that is declared dangerous by a court of competent jurisdiction.
4. It shall be unlawful for any owner, and the person in control of the dog, to fail to promptly remove any excrement from such dog while in any Borough park.
5. It shall be unlawful for any person to permit any dog to disturb, molest, or cause danger to other dogs or persons that inhabit any park.
6. It shall be unlawful for any owner, or the person in control thereof, to fail to exercise proper care and control of any dog to prevent them from becoming a public nuisance. “Public nuisance” shall mean any dog which:
  - a. Molests passersby or passing vehicles.
  - b. Attacks other dogs or animals.
  - c. Is at large.
  - d. Damages public or private property.
  - e. Barks, whines or howls in an excessive, continuous or untimely fashion.

SECTION 8 - No person shall commit any of the following acts within the parks without having previously obtained the consent and approval of the New Cumberland Borough Council:

1. In any manner pull, injure or break any flower, fruit, plant, turf, pump or water fixtures or any other structures.
2. Write, paint or carve on any tree, bench or other structure.
3. Carry or discharge any firearms, air rifles, air pistols, paint ball weapons of any kind, sling shots, fireworks, or bow and arrow.
4. Obstruct in any way, any roadway or path.
5. Pick or remove any flowers, or shrubs within the parks, or carry any axe, chain saw, saw, picks, shovels or spades within the parks.
6. Post or display any sign, banner or advertisement of a political or commercial nature.

7. Build a fire other than at the places provided therefore.
8. Injure or unnecessarily destroy any wildlife.
9. Play baseball, tennis or any other game or sport at a place not designated for that purpose.
10. Deface or mutilate any order posted by said Borough.
11. Violate the regulations relating to the use of any building or place.
12. Wash any vehicle.
13. Offer any item for sale.
14. Moor, store, or dock any boat/canoe/kayak, except in spaces expressly dedicated for such purposes.
15. Have in their possession or use any skateboard.
16. Attach any material to any bench, table, building or other structure by the use of staples, tacks, nails, glue, or any type of adhesive material.

SECTION 9 - Any person apprehended violating any of the foregoing rules and regulations may be expelled from the park by the New Cumberland Borough Police or other Borough official, and shall be responsible to make payment to the Borough for any damage caused by him/her.

SECTION 10 –Any person violating any provision of this Ordinance shall, upon conviction thereof before any district justice having jurisdiction, in addition to the costs of prosecution, be sentenced as follows:

1. For the first offense, be charged with a summary offense and shall be fined not more than \$300, plus costs.
2. For any subsequent offense that occurs within two (2) years of sentencing for the prior violation, be charged with a misdemeanor of the third degree and, upon conviction, shall be fined not more than \$600, plus costs.
3. Each day that a violation of this Section occurs shall constitute a separate offense.

SECTION 11 - The regulations imposed above shall apply not only to those areas described herein as public parks, but also to any areas hereinafter designated as public parks by the Borough of New Cumberland. Penalties herein imposed shall also be applicable in the event of violations occurring in areas hereinafter designated as public parks.

SECTION 12 – Except as set forth below, parks are closed between the hours of dusk to dawn. Seasonal hours and hours required by special events may be established at the discretion of the New Cumberland Borough Council. The foregoing notwithstanding, the New Cumberland Borough Council may approve by

resolution alternate hours for any park, in which case the alternate hours shall be prominently posted at the park.

SECTION 13 - The provisions of this Ordinance, so far as they are the same as those of Ordinances in force immediately prior to the enactment of this Ordinance, are intended as a continuation of such Ordinances and not new enactments. Provisions of this Ordinance shall not affect any act done or liability incurred, nor shall they affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of any Ordinance repealed by this Ordinance.


SECTION 14 - This Ordinance shall become effective immediately in accordance with law.

SECTION 15 - In the event that any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Ordinance or other Ordinances affected by this Ordinance, it being the intent of the Borough of New Cumberland that such remainder shall be and shall remain in full force and effect.

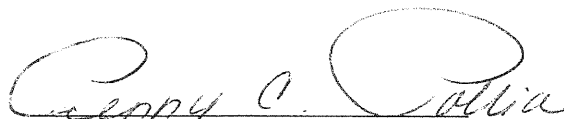
SECTION 16 - All other Ordinances, parts of Ordinances or parts of Resolutions inconsistent herewith shall be and the same are expressly repealed. Ordinance Nos. 625 and 692 are repealed.

ENACTED AND ORDAINED this 10th day of November 2021, by the Borough Council for the Borough of New Cumberland, Cumberland County, Pennsylvania.


NEW CUMBERLAND BOROUGH COUNCIL

By:   
Robert P. Kline, Council President

ATTEST:

  
Penny Pollick, Secretary

APPROVED this 10th day of November 2021.

By:   
Douglas L. Morrow, Mayor