

## BOROUGH OF PORT VUE

### ORDINANCE NO. 2021-647

**AN ORDINANCE OF THE BOROUGH OF PORT VUE AMENDING THE CURRENT PROVISIONS OF CHAPTER 210 OF THE BOROUGH CODE OF ORDINANCES RELATING TO PARKS AND RECREATION AREAS AND ESTABLISHING UPDATED RULES AND REGULATIONS AND ENFORCEMENT AND PENALTY MEASURES FOR BOROUGH PARKS AND RECREATION AREAS. THIS ORDINANCE SHALL BE KNOWN AS THE PARKS AND RECREATION ORDINANCE, AS AMENDED.**

WHEREAS, the Council of the Borough of Port Vue deems it in the best interest of the safety, health, and welfare of the Borough and its residents to establish new rules and regulations for the parks and recreation areas of the Borough;

WHEREAS, the Council of the Borough of Port Vue deems it in the best interest of the safety, health, and welfare of the Borough and its residents to remove the current text of Chapter 210 (Parks and Recreation Areas) of the Borough Code of Ordinances and replace it with the following.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Council of the Borough of Port Vue, County of Allegheny, and Commonwealth of Pennsylvania, and it is hereby ORDAINED and ENACTED by authority of the same as follows:

#### **Section 1. General Rules and Regulations for All Borough Parks & Recreation Areas.**

The below activities are specifically prohibited on, about, and/or within the Borough's recreation areas, including the Port Vue Community Center Complex, Romine Avenue Recreation and Play Area, Mon-Vue Park, and any other park and/or recreation area owned and operated by the Borough ("the Premises"):

- A. **Loitering.** There shall be no loitering on the Premises.
- B. **Littering.** There shall be no littering on the Premises. All garbage should be properly disposed of in designated Borough trash and recycling receptacles throughout the Premises.
- C. **Vandalism.** There shall be no damaging, defacing, or misusing of buildings, structures, or park or recreation areas, including but not limited the restrooms/comfort stations, Pavilions, the Community Center, Tot Lot, Splash Park and sport courts. There shall also be no picking, cutting, breaking, defacing, or injuring in any way of shrubs, flowers, trees, grass, turf, soil, or rock formations on the Premises.
- D. **Alcohol.** There shall be no alcoholic beverages allowed on the Premises unless a permit has otherwise been issued by the Borough for open containers and consumption of alcohol on the Premises.
- E. **Tobacco.** There shall be no smoking or tobacco use of any kind allowed on the Premises, including but not limited to, electronic cigarettes or vaporizing devices.

- F. **Profanity & Behavior.** No profanity or disruptive or intimidating behavior are permitted at any time on the Premises.
- G. **Weapons & Explosives.** The discharge of any firearm or weapon, including but not limited to, handguns, rifles, shotguns, crossbow, bow and arrow, air rifle or pistol, and/or any device firing a projectile by compressed gas or spring, such as paintball devices, is specifically prohibited on the Premises. Brandishing of a firearm or weapon, including but not limited to handguns, rifles, shotguns, crossbow, bow and arrow, air rifle or pistol, and/or any device firing a projectile by compressed gas or spring, such as paintball devices, is also prohibited. Nothing contained herein shall prohibit any person licensed under the Pennsylvania Uniform Firearms Act, 18 P.S. § 6109 from possession of a firearm as defined in the Pennsylvania Uniform Firearms Act, 18 P.S. § 6102.
- H. **Bottled Beverages.** All glass bottles and containers are prohibited on the Premises.
- I. **Animals.** Trapping, hunting, capturing, or killing any bird or mammal is prohibited on the Premises. Additionally, abandoning any animal, whether domestic or otherwise, on the Premises is prohibited. Domestic animals and/or pets are not permitted on Premises.
- J. **Noise.** All prohibited acts listed under § 197-2 of the Borough Code of Ordinances (under Chapter 197 of the Code regarding Noise) are also prohibited on the Premises.
- K. **Parking.** All motor vehicles must park in approved locations designated by the Borough. Parking on any grassy area is strictly prohibited and damages will be assessed to the vehicle owner if damage occurs from parking on grass.
- L. **Children.** Children, under twelve (12) years of age shall not be on the Premises alone and must be accompanied by an adult. The adult shall be responsible for the child's behavior while on the Premises.
- M. **Merchandising.** Offering, distributing, supplying, renting or selling any literature, commodity, article, material, equipment, service or supply without a permit issued by the Borough is prohibited.

## **Section 2. Romine Avenue Recreation and Play Area– Rules and Regulations.**

In addition to the General Rules and Regulations for All Borough Parks & Recreation Areas included in Section § 210-1, the following Rules and Regulations shall apply to Romine Avenue Recreation and Play Area (“Romine Park”):

- A. **Open Hours.** Romine Park and all of its facilities shall be closed one hour after sunset, or earlier if conditions warrant. No person or persons shall be permitted, for any reason, on the basketball court, hockey court, tennis courts, playground, pavilion or ball field when said facilities are closed as set forth herein.
- B. **Proper Foot Attire.** Proper foot attire is required at all times within Romine Park and its facilities. "Proper foot attire" is defined as a spikeless, soft-soled gym-type shoe or regular tennis shoe. Participants using the ball field area and hockey court shall be permitted to wear foot attire designed for the particular activity being engaged in or on said field or court.
- C. **Activities.** The ball field, tennis courts, basketball court, hockey court and playground are intended to be used solely for the activities for which said areas were designated, constructed, prepared and authorized. No unauthorized activities of any type shall be permitted on the ball field, tennis courts, basketball court, hockey court and playground at any time. No spectators are permitted within the fenced-in areas of either the tennis courts,

basketball court or hockey court at any time. Play on the ball field, tennis courts, basketball court and hockey court is limited to a maximum of one hour, unless no others desire the use of said courts. Those persons 18 years of age and over have priority after 6:00 p.m.

### **Section 3. Port Vue Community Center Complex – Rules & Regulations.**

In addition to the General Rules and Regulations for All Borough Parks & Recreation Areas included in Section § 210-1, the following Rules and Regulations shall apply to Port Vue Community Center Complex (the “Community Center”):

- A. Borough Resident Use.** The Community Center is reserved exclusively for Borough residents, their family members, and guests.
- B. Rental.** Before utilizing the Community Center, any Borough resident must apply for a Rental Agreement, which shall include an indemnification provision that includes a hold harmless for the Borough. Any resident seeking to apply for the use of the Community Center must obtain an application from the Borough Manager, and this application must include (1) the applicant’s intended use of the facility, and (2) the applicant’s desired dates and times of use of the Community Center, and (3) the number of people the applicant anticipates will be in attendance at the Community Center for those requested dates and times. If the requested dates and times are available and the proposed use and number of persons is acceptable to the Borough, the Borough will require the applicant to enter into a Community Center Rental Agreement with the Borough. The Community Center Rental Agreement will be provided to the applicant after the Borough approves the applicant’s proposed dates, times, use, and number of attendees. All applicants for rental use shall be required to provide a Certificate of Insurance, which shall include the Borough of Port Vue as an Additional Insured.
- C. Proper Foot Attire.** Proper foot attire is required at all times within the Community Center. "Proper foot attire" is defined as a spikeless, soft-soled gym-type shoe or regular tennis shoe.
- D. Security Deposit Required.** A security deposit will be required for use and return of the key fob or PIN that is provided for entry to those who rent the Community Center. The amount of the deposit shall be established by the Borough’s municipal fee schedule. The Borough reserves the right to waive the security deposit in appropriate situations as determined by the Borough Manager.

### **Section 4. Enforcement and Penalties.**

- A. First Offense.** A person who violates any provision of this Chapter shall be immediately ejected from the area/Premises and shall suffer the immediate cancellation and revocation of any permits issued in their name. In addition, any person who shall violate any provision of this Chapter shall receive a citation, and upon conviction thereof, shall be guilty of a summary offense and be sentenced to pay a fine of not less than one hundred dollars (\$100.00) but not more than six hundred dollars (\$600.00), as well as the cost of any damage to any recreation facility and costs of prosecution. In default of payment of said fines and costs, to undergo imprisonment for not more than thirty (30) days.
- B. Second Offense.** Upon the second offense of violating any provision of this Chapter, a person shall receive a citation, and upon conviction thereof, shall be guilty of a summary

offense and be sentenced to pay a fine of not less than three hundred dollars (\$300.00) but not more than eight hundred dollars (\$800.00), as well as the cost of any damage to any recreation facility and costs of prosecution. In default of payment of said fines and costs, to undergo imprisonment for not more than thirty (30) days. For each additional offense after the second offense, the amount of the base fine shall increase by two hundred dollars for each offense. Additionally, they shall be banned from all Borough parks and recreation areas for life unless a shorter period of time is specified by Council.

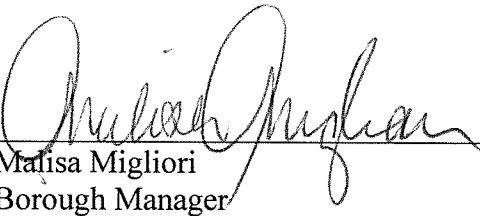
**C. Other Ordinance Violations at Borough Parks and/or Recreation Areas.** Any person who shall violate any other Borough ordinance while on or within the any Borough park or recreation area shall, upon conviction thereof, be sentenced to pay fines and costs of prosecution or, in default of payment of such fine and costs, to undergo imprisonment as prescribed in said ordinances.

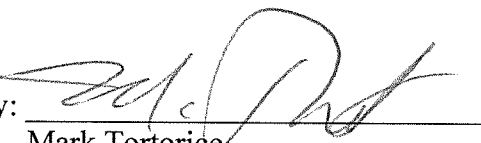
**D. Separate Offense.** Each violation hereunder shall constitute a separate offense, subject to the penalties provided in Subsections A, B, and C of this section.

ORDAINED AND ENACTED this 1<sup>st</sup> day of December, 2021.

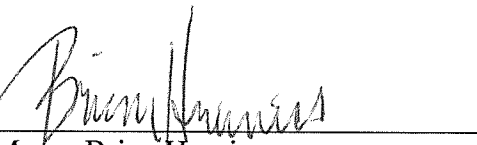
ATTEST:

BOROUGH OF PORT VUE

By:   
Malisa Migliori  
Borough Manager

By:   
Mark Tortorice  
Council President

EXAMINED AND APPROVED by me this 1<sup>st</sup> day of December, 2021.

By:   
Mayor Brien Hranics