

Chapter 275: Parks and Recreation

[HISTORY: Adopted by the City Council of the City of Monessen 2-16-2011 by Ord. No. 2-2011.^[1] Amendments noted where applicable.

GENERAL REFERENCES

- Alcoholic beverages — See Ch. 122.
- Bicycles — See Ch. 141.
- Firearms and weapons — See Ch. 213.
- Fireworks — See Ch. 227.
- Loitering — See Ch. 259.
- Subdivision and land development — See Ch. 345.
- Trees — See Ch. 356.
- Zoning — See Ch. 375.

[1] *Editor's Note: This ordinance also superseded former Ch. 275, Parks and Recreation, comprised of Art. I Shelters, adopted 4-13-1983 by Ord. No. 3-1983, as amended; and Art. II, Rules and Regulations, adopted 5-18-1988 by Ord. No. 4-1988, as amended.*

§ 275-1 Definitions.

Except where the context clearly indicates otherwise, the following terms as used in this chapter shall have the following meanings:

PARK

Any lands or facilities owned or leased by the City of Monessen and designated or used by the City of Monessen.

PEACE OFFICER

Any police officer of the City of Monessen and any employees appointed as a special police officer for the purpose of the enforcement of law and order.

PERMIT

Any written authorization issued by or under the authority of the City of Monessen permitting specified privileges within the parks of the City or upon City-owned real property.

PERSON

Any natural person.

STRUCTURE

Any man-made object having an ascertainable stationary location, whether or not affixed to the land, including, but not limited to, buildings, sheds, shelters, barriers, fences or walls, and signs.

§ 275-2 Construal of provisions.

In the interpretation of the provisions of this chapter, the following rules of construction shall apply:

- A. Any term in the singular shall include the plural.
- B. Any term in the masculine shall include the feminine and neuter.
- C. Any requirement or provision of these rules and regulations relating to any act shall extend to and include the causing, procuring, aiding or abetting, directly or indirectly, of such act, and the permitting or allowing of any minor in the custody of any person to do any act prohibited by any provision herein.
- D. No provision herein shall make unlawful any act necessarily performed by any police officer or employee of the City in the line of duty or work as such, or by any person, his agents or employees, in the proper and necessary execution of the terms of any agreement with the City.
- E. Any act otherwise prohibited by rules and regulations, provided that it is not otherwise prohibited by law or local ordinance, shall be lawful if performed in compliance with the provisions of a duly issued permit.

F. These rules and regulations are in addition to and supplement all state and federal laws. No provision of this chapter is intended to conflict with any state or federal law. In that event, the state or federal law shall control.

§ 275-3 Regulated, restricted and prohibited activities.

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Following recreational activities, within the parks of the City, are regulated as follows:

Hunting, trapping and firearms are prohibited. No person shall hunt, trap, carry, bring into and/or discharge any type of gun, pistol, revolver, air gun, bow and arrow, slingshot or any other weapon in which the propelling force is gunpowder, a spring or air, except in the event that a permit for such activity has been duly issued by the City; nor shall any person shoot into the park from beyond its boundaries. Any weapon or object carried or used by any person in violation of these rules shall be subject to seizure by the appropriate authority or its agents and disposed of according to law.

Fireworks. No person shall fire, discharge, set off, explode, bring into, or possess any rocket, firecracker, torpedo, missile or any other firework or other type of fireworks or any substance of any explosive nature within any park or on any City-owned property unless authorized by a duly issued permit. Further, no fireworks shall be discharged unless done in compliance with the City's Fireworks Ordinance.^[1]

Editor's Note: See Ch. 227, Fireworks.

Knives, hatchets, and axes. Possession of any type of knife, hatchet or ax by any person for any purpose is prohibited other than implements appropriately possessed and used for picnicking.

Horses and horseback riding. No person shall ride or walk a horse in any area except along roadway shoulders or specifically designated areas or trails. Horses shall be thoroughly broken and properly restrained and ridden with care, and shall not be allowed to graze or go unattended, nor shall they be hitched or tied to any rock, tree or plant.

Camping. No person shall camp in any park of the City or on any City-owned property at any time without having first obtained a duly issued permit from the City.

Golf and golfing. No person shall drive, putt, practice or play golf in any manner without written permission from the City.

Power-driven models. No person shall bring into, or operate within any park of the City, any type of power-driven model without written permission from the City. When permitted, such models shall not be operated outside the designated areas.

Balloons, airplanes and parachutes. No person shall make any ascent in any balloon or airplane or any descent in or from any balloon, airplane or parachute into a park unless authorized by the City.

Horseshoes. No person shall play horseshoes in any area other than those courts provided for that purpose. Special permission must be obtained from the City to erect horseshoe facilities in any other area.

Games and gaming equipment. No person shall organize, conduct, promote or participate in any game or activity in any area of a park in the City that will unreasonably interfere with or detract from the public health, welfare, safety and recreational enjoyment of others. No person shall erect any equipment that requires digging or installation nor shall any equipment that requires pipe standards of more than 1/2 inch in diameter be erected in any area.

Roller-skating. No person shall roller-skate in any park of the City:

- 1) In an area which will create a risk of injury, or will unreasonably interfere with the recreational enjoyment of others; or
- 2) Upon any surface which may be defaced, damaged or disturbed by roller-skate wheels, unless specific facilities are provided for such purpose.

Picnicking. City officials and employees shall have the authority to regulate picnicking activities in such area when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. Visitors shall comply with any and all direction given to achieve this end.

Availability of picnic areas. The use of individual fireplaces, fire rings, grills, tables and shelters follows the rule of "first come, first served" unless reserved by special permits as described in this chapter.

Duties of picnickers. No person shall vacate a picnic area before the fire or hot coals are completely extinguished and before all trash in the nature of boxes, papers, cans, bottles, garbage and other refuse is placed in the disposal receptacles, where provided. If no such trash receptacles are available, then all refuse and trash shall be carried out of the park by the picnicker to

be properly disposed of elsewhere. No person shall move any tables from any area without the authorization of the City or its authorized agent. No person shall place on any table any cooking device, whether operated by gas, electric, chemicals or charcoal, for the purpose of cooking or providing heat or light. No person shall staple, nail, screw, or use any metal fasteners to affix any table covering to any table. No person shall attach in any manner to any pier, rafters or any other supports, any type of electrical or any other device for the purpose of audio or visual assistance or for cooking or heating without prior written permission from the City. No person shall use any electrical devices which require a power source in excess of that provided in the park. No person shall use any portion of any picnic areas or any of the buildings or structures therein for the purpose of holding picnics to the exclusion of other persons, except when such areas or facilities are reserved through special permit, nor shall any person use such areas or facilities under general conditions for an unreasonable length of time if the facilities are crowded.

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75-4 Personal conduct; alcoholic beverages and drugs.

Following rules shall apply to all persons using and present in the parks of the City, and upon City-owned real property:

Animals. It shall be unlawful for owners or guardians of domesticated animals to bring or permit the same to be present within any park or upon City-owned real property without being controlled by a leash no more than six feet long. No person shall bring any dangerous animal onto any City-owned property.

Controlled substances, drugs and devices. It shall be unlawful for any person to possess, transport, solicit, offer for sale or use any controlled substance, drug or device in violation of Act 64, the Controlled Substance, Drug, Device and Cosmetic Act,^[1] or any related law. No person shall enter or remain in any park of the City or City-owned real property while under the influence of any controlled substance or drug prohibited by the Controlled Substance, Drug, Device and Cosmetic Act, unless such person is present for appropriately licensed medical, rehabilitative or therapeutic treatment. No person shall possess drug paraphernalia prohibited by the Controlled Substance, Drug, Device and Cosmetic Act in any park of the City or upon City-owned real property other than law enforcement personnel in the course and scope of their official duties.

] *Editor's Note: See 35 P.S. § 780-101 et seq.*

Maintenance and storage areas. No person shall enter into or attempt to enter into any maintenance and storage area without permission of the City and without adequate supervision.

Games of chance. No person shall gamble, participate in or abet any game of chance, unless previously approved in writing by the City after application, and pursuant to a duly issued permit under the law of the commonwealth.

Solicitation. No person shall solicit contributions of money, present goods, or anything of value, for any purpose, whether public or private.

Dress. No person shall dress or undress at any area or in any vehicle, rest room, toilet or other place, except in such bathing houses or structures as may be provided for that purpose.

Fires. No person shall build or attempt to build or start fires except in picnic areas, facilities and at certain winter recreational areas when open and under supervision. No person shall drop, throw or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco, paper or other flammable materials, whether solid, liquid or gaseous, within the park area or on any highway, road or street abutting or contiguous thereto, nor leave any fire, grill or stove unattended when in operation in the park.

Closed area. No person shall enter into, or attempt to enter into, any area which is locked or posted "closed" or "do not enter."

Exhibit permits. No person shall fail to produce and exhibit any permit from the City upon request of any authorized person who shall desire to inspect the same for the purpose of enforcing compliance with any rule, regulation or ordinance.

Interference with permits. No person shall disturb and interfere unreasonably with any person participating in any activity or party occupying any area under the authority of a City-issued permit.

Behavior. No person shall engage in any of the following conduct in parks of the City or upon City-owned real property:

- 1) Assault, hinder, harass, intimidate, threaten or obstruct any person, agent or agencies in the enforcement of this chapter or while conducting official City business.
- 2) Disturb the peace or use profane, indecent or obscene language.
- (3) Engage in conduct which endangers the safety or health of any person.

- (4) Violate any rule of this chapter.
- (5) Prevent any person from using any park or park facilities or interfere with such use if in compliance with this chapter and the rules and regulations applicable to such use.
- 1) Act in an unlawful, disorderly or disruptive manner.
- 2) Commit any unnatural or violent act against any person, properties or facilities.

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3) Throw, discharge or cause to be discharged any missiles or projectiles.

Intoxicating beverages.

1) No person shall enter any park while under the influence of intoxicating liquors or beverages, or become intoxicated while in the park.

2) No intoxicating beverages shall be consumed in, on or within 20 yards of any parking areas, roads, road berms or vehicles.

Containers. No bottled beverages or glass containers are permitted.

Containers. No person under the age of 21 shall possess, transport or consume alcoholic beverages. No person shall provide, furnish or knowingly permit any person under the age of 21 to possess, consume or transport alcoholic beverages.

Smoking.

1) Smoking is prohibited in the parks of the City and upon City-owned real property, except in those areas specifically designated by signage indicating that smoking is permitted.

2) Signs shall be posted at or near the parks' entrances and at various places within the parks to provide reasonable notice that smoking is prohibited.

3) Any person who persists in smoking in violation of this chapter after an oral or written warning to cease smoking may be prosecuted for violating this chapter. The nonpresence of signs, or the failure of an individual to note or heed signs shall not excuse an individual who continues to smoke after a warning.

75-5 Merchandising, advertising and signs.

Person except those authorized by the City shall, in any park of the City, or on any City-owned real property:

Merchandising and peddling. Expose or offer for sale or trade any article, thing, food, beverage or service, nor shall any person station or place any stand, cart or vehicle for the transportation, sale, trade or display of any such article, thing, food, beverage, or service, except pursuant to the issuance of a permit by the City as provided by ordinance.

Advertising. Announce, advertise or call public attention to in any manner any article, thing, food, beverage or service for sale, lease or hire, except pursuant to the issuance of a permit by the City provided for by City ordinance.

Signs. Paste, tie, glue, tack, post, fasten, paint, write, draw, carve or otherwise affix any placard, bill, notice, sign, advertisement or any inscription whatever upon any structure, tree, stone, fence, building, property or thing or enclosure within any park in the city or on highways or roads adjacent to or running through the park, except that the City may place informational signs within such areas.

Subsections B and C of this section shall not preclude the erection of sponsor advertising signs at Columbus Park, Shawnee Park, City Park, and the Zajack Soccer Field when:

- 1) Such signs have been erected by a youth athletic league duly recognized by the City;
- 2) The signs are erected no earlier than one week before the league season and are removed no later than one week after the season's conclusion;
- 3) Each sign meets the design requirements set forth in the Table of Miscellaneous Signs Not Requiring Permits in the City's Zoning Ordinance.^[1]

[1] Editor's Note: Said table is located at the end of Ch. 375, Zoning.

- (4) Council approves the league's request, which shall detail the league's name, its officers with contact information, approximate number of signs and proposed locations, dates and the league's season, and a prototype of the signs to be displayed.

75-6 Park hours.

Parks of the City shall be open to the public from the hours of dawn to 9:00 p.m. unless different hours are designated or special provision has been granted by the City.

75-7 Reservation permit required; fee; security deposit.

Applications. A person seeking issuance of a permit to reserve a shelter or an area of a park of the City for a specific use, and for specific time or times, shall file an application with the office of the City Treasurer, Monessen Municipal Complex, Eastgate 8, fourth Floor, Monessen, Pennsylvania.

A person who applies for a permit to reserve shelter facilities shall designate upon the permit application whether alcoholic, malt or brewed beverages will be served, provided or consumed at the event for which the permit is sought.

The following fees shall apply to obtain a permit reserving a picnic shelter within a park of the City:

- 1) A person who is a Monessen resident shall pay a fee of \$100;
- 2) A person who is not a Monessen resident shall pay a fee of \$125;
- 3) A person who applies for a reservation permit for shelter facilities shall pay, in addition to the rental fee, a fee of \$50 if alcoholic, malt or brewed beverages are to be served, provided or consumed at the event for which the shelter is reserved. The purpose of the fifty-dollar beverage fee is to offset the additional cost to the City in cleaning and maintaining the shelter after events at which alcoholic, malt or brewed beverages have been served or consumed.

Council shall hereafter be authorized to modify any permit fees under this chapter by resolution.

Standard for issuance.

- 1) The City Treasurer shall issue permits hereunder when it is found that:
 - (a) The proposed activity or uses of the shelter and surrounding area will not unreasonably interfere with or detract from the ability of the general public to use and enjoy the park.
 - (b) The proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation.
 - (c) The proposed activity or use is not reasonably anticipated to involve or incite violence, criminal conduct or disorderly conduct.
 - (d) The proposed activity will not cause the City to incur unusual, unreasonable or burdensome expense or require unreasonable or excessive police patrol, monitoring or presence.
 - (e) The facilities desired have not been reserved for other use at the day and hour required in the application.
- 2) Any applicant aggrieved by the decision of the City Clerk shall have the right to appeal in writing to the City Council, whose decision shall be final.
- 3) The City Treasurer, in his discretion, may forward requests for park use to the Mayor and Council for consideration and action when the request involves a nonroutine activity, an area of the park not routinely subject to reservation, or the use of an area at a nonroutine time of day or for an extended time period.

Exhibit permits. No person shall fail to produce and exhibit any permit from the City he claims to have, upon request of any authorized person who requests to inspect the same for the purpose of enforcing compliance with any rule in this chapter.

Effect of permit. A permittee shall be bound by all park rules and regulations and applicable ordinances of the City as though the same were inserted in the permit.

- H. Liability of permittee. Where appropriate and legally warranted, the City shall hold responsible and liable the person or persons to whom a permit is issued or other responsible person, for any loss, damage or injuries sustained by the City or by any person or persons by reason of the negligent, reckless or intentional conduct of the person or persons to whom such permit shall have been issued, or whose negligent, reckless or intentional conduct has been the cause of such loss, damage or injury. Further, the City may, where appropriate and legally warranted, seek reimbursement or contribution from the permittee or other responsible person for any costs and expense, including court fees, costs and attorney's fees, incurred by the City arising from the conduct of the permittee or other responsible person.
Amended 1-15-2014 by Ord. No. 1-2014]

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evocation. The City Treasurer, Council or the Chief of Police shall have the authority to revoke a permit upon finding a violation of any rule or upon good cause shown.

permits in use. No refunds of a shelter reservation fee will be issued because of failure to use the permit issued or because of revocation of a permit.

reserved facilities. Use reserved facilities in any manner which may deviate from the following rules governing such facilities:

- 1) No grant or permission to use the park or facilities shall carry with it the right to exclude City officials or their representatives from the property or facilities of the park when they are on official business. Any member of these agencies or any of their representatives shall have full and free access at all times to any part of any property or facility when on official business or when such access does not infringe upon the privileges of those people already using said facilities. The City will not divest itself of the right to exclusive control over the property or facilities at any time.
- 2) Permission to use specified property, facilities or structure does not carry with it any right to use supplies, apparatus, tools, etc., not definitely covered in the permit.
- 3) Unless special permission has been granted, all activities shall terminate no later than 9.00 p.m.
- 4) Games of chance or solicitation shall not be permitted unless written permission has been granted by the City.
- 5) The party or parties reserving any property or facilities shall relinquish their rights to the use of the property or facilities when deemed necessary by the City.
- 5) The use of park property or facilities for City purposes shall have priority over any other application.
- 7) A permittee shall be bound by all park rules and regulations and all applicable ordinances fully as though the same were inserted in any application.

75-8 Enforcement.

City of Monessen and its duly designated agents and employees, primarily the police, shall administer the provisions of this chapter. In the event that Council or the Chief of Police shall determine that acts or conduct of individuals or groups are in violation of this chapter or rules and regulations promulgated by the authority of this chapter or other ordinances of the City or the statutes of the Commonwealth, or when such acts or conduct endangers other people, private or public property or when such acts are likely to be disruptive to the surrounding neighborhood, the police shall have the authority to cause such acts to be terminated or to remove the perpetrators of such acts from the area, to arrest and detain such individual or individuals or to file a complaint or issue a citation for the violation of this chapter with a Magisterial District Judge.

75-9 Violations and penalties.

Any person violating any of the provisions of this chapter shall, upon conviction thereof in a summary proceeding before any Magisterial District Judge having jurisdiction of such offense, be sentenced to pay a fine of not more than \$1,000 or to undergo imprisonment not exceeding 90 days, or both. Where such violator has removed, destroyed, damaged, defaced or befouled City-owned property, whether real or personal, or the contents thereof, the cost of maintenance, repair or replacement shall be charged to such person or group as restitution, in addition to any fine. The City may deny further use of City property and park facilities to persons in violation of this chapter in addition to the imposition of fines, imprisonment or costs.

75-10 Preservation of property, natural resources and wildlife.

No person, corporation, organization of persons, company, association, partnership or entity, except those authorized by the City, shall on any City-owned real property:

A. Disfigurement, defacement and removal. No person shall mark, deface, disfigure, injure, disturb, displace or remove, defoul, destroy or cause to be destroyed any building, bridges, tables, benches, fireplaces, railing, paving or paving materials, waterlines, other public utilities or parts or appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts, surveying lines, surveying monuments or other boundary makers or other structures or equipment, facilities or City-owned property or appurtenances whatsoever, either real or personal.

remove natural resources. No person shall dig or remove any soil, rock, stones, trees, shrubs or plantings, downed timber or other wood or materials or make any excavations by tool, equipment, blasting or other means or agency unless written permission has been granted by the City.

erect structures. No person shall construct or erect any structure whether temporary or permanent in character, run or string any public service utility or private energy supply into, upon or across such lands or waters, except on special written permission issued hereunder.

disturb trees, shrubbery and landscape. No person shall damage, cut, carve, transplant or remove any tree or plant or injure the bark or pick the flowers, leaves or seeds of any trees or plants. Nor shall any person attach any rope, wire or other device or connector to any tree or plant. No person shall dig in or otherwise disturb grass areas or in any other way injure or impair the natural beauty or usefulness of any area unless authorized by City Council, the Director of Parks and Public Property, or the City Administrator.

pollute waters. No person shall throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond, rainage ditch or any tributary, stream, storm sewer or drain any substance, matter or thing, liquid, solid or gas, which will or may result in the pollution of said waters.

deposit refuse and trash. No person shall have brought in or shall dump, deposit, discard or leave any broken glass, ashes, paper, boxes, cans, cups, glasses, dirt, rubbish, waste, garbage or refuse or other trash. No such refuse or trash shall be placed in any rainage ditch or contiguous to any park or City-owned real property or left anywhere on the grounds thereof, but shall be placed in the proper receptacles. If receptacles are not provided, all such rubbish or waste shall be carried away from the property by the person responsible for its presence and properly disposed of elsewhere.

spill deleterious substance. No person shall pour or cause to spill or permit to escape or otherwise discharge any oil, gasoline, salt, acid or other deleterious substance, whether liquid, solid or gaseous.

human excretion. No person shall emit, eject, discharge or cause to be deposited any excreta except in the proper receptacles designated for such purposes.

disturb wildlife and other animals. No person shall kill, injure, trap, hunt, pursue, torture or in any manner deliberately disturb or cause to be disturbed any wild or domesticated bird or animal within any park.

graze animals. No person shall permit the grazing of any animals on any City-owned real property.

75-11 Traffic and vehicles.

The Pennsylvania Vehicle Code, 75 Pa.C.S.A. § 101 et seq., and all administrative regulations promulgated thereunder are hereby declared to be in effect in all parks in the City, on all City roads and driveways therein, and on all City-owned real property.

The traffic rules and regulations set forth in this chapter are in addition to and shall supplement the Vehicle Code. No person, except those expressly authorized by the City, on any City-owned real property shall fail to obey the lawful orders or City employees, posted speed limits and other vehicle traffic control signs, by persons authorized and instructed to direct traffic whenever and wherever needed in the parks and on the highways, streets, roads and other City-owned real property and regulations promulgated by Council.

failure to use due care in vehicle operation. No person shall operate a vehicle in a negligent, careless or reckless manner that may cause an accident or injury to those in the area or to those operating or riding as passengers in or on such vehicles, or cause damage to City-owned real or personal property, or the private, personal property of those lawfully on City real property. No vehicle may be driven on any area except the paved roads or parking areas or such other areas as may on occasion be specifically designated as temporary roads or parking areas by the City.

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D. Continuous cruising. No person shall continuously cruise or ride in or on any motor vehicle in, through or around the park or City-owned real property.

E. Restricted parking. No person shall park any vehicle in other than an established or designated parking area, and such use shall be in accordance with any posted directions there or in accordance with any instructions of any attendant who may be present. Parking in places contrary to posted regulations or to an attendant's direction is prohibited, and such vehicles may be removed by the City or agencies authorized by the City at the owner's expense. No person shall park a vehicle on any road shoulders or berms that have less than a width of eight feet or those shoulders or berms which do not permit a vehicle to pull completely off the traveled roadways. All wheels of any vehicle must be off the main traveled roadway.

Restricted commercial traffic. No person shall operate a commercial vehicle other than those necessary to service the park, except when special written permission has been granted by the City.

Recreational vehicles and trailers. No person shall operate or ride a snowmobile, trail bike, minibike or any other recreational vehicle in other than an established or designated trail, road or area for that purpose. No person shall park a recreational vehicle, trailer or any wagon or buggy in any area other than are established or designated for that purpose. No person shall operate any snowmobile or any recreational vehicle in a negligent, careless, or reckless manner that may cause an accident or injury to those operating or riding as passengers in or on such vehicles or to any other persons in the area, or which may damage real or personal property of the City.

Amended 1-15-2014 by Ord. No. 1-2014]

Unicycles, bicycles and tricycles. No person shall operate or ride a unicycle, bicycle or tricycle on other than a trail or designated area for that purpose, except that such vehicles shall be permitted on motorized roads and parking lots. A person shall be permitted to wheel or push a unicycle, bicycle or tricycle by hand over any turf area, trail or on a paved area reserved for pedestrian use. No person shall leave a unicycle, bicycle or tricycle lying on the ground or paving or set against trees or shrubs or in any place or position where other persons may trip over, walk into or be injured by them. No person shall leave a unicycle, bicycle or tricycle at a place other than a rack for parking when such is provided and there is space available. No person shall carry another person upon the frame or handlebars of any bicycle or tricycle.

75-12 Amendment to rules and regulations.

It is hereby authorized from time to time to expand and augment the rules and regulations by resolution.

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