

## Chapter 146

### PARKS AND RECREATION

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**[HISTORY: Adopted by the Borough Council of the Borough of McSherrystown as indicated in article histories. Amendments noted where applicable.]**

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#### ARTICLE I Regulations Applicable to All Recreational Grounds [Adopted 1-27-1993 by Ord. No. 1993-2 as Part 9, Ch. 2, Art. A, of the 1993 Code]

##### § 146-1. Definitions.

When used in this article, the following terms shall have the meanings ascribed to them in this section:

**ORGANIZED ACTIVITIES** — Team-sponsored ball games, summer youth recreation program, and any other defined recreation activity authorized by Borough Council.  
[Amended 6-25-2003 by Ord. No. 2003-4]

**PARTICIPANT** — One who takes part in an organized activity with the consent of the other participants. Should there be a question whether a person is a participant, it shall be resolved by the Borough representative, or coach, or organizer, or other person responsible for and attending the organized activity.

**PLAYING FIELD** — All that area used or reasonably necessary for the conduct of the organized activity, including the space above the ground.

RECREATIONAL GROUNDS — All playgrounds, parks, and other recreational areas operated by the Borough, whether owned or leased by the Borough.

VAPING — The act of inhaling vapor from e-liquid through a personal vaporizer. **[Added 6-14-2017 by Ord. No. 2017-1]**

**§ 146-2. Interference with organized activities prohibited.**

It shall be unlawful for any person to interfere with, or occupy the playing field of an organized activity being conducted on recreational grounds of the Borough unless the person is a participant in the activity.

**§ 146-3. Restrictions on use of certain vehicles. [Amended 6-25-2003 by Ord. No. 2003-4]**

It shall be unlawful for any person, without specific authorization from Council, to take any motor vehicle, motorcycle, motor-driven cycle or motorized pedalcycle into any recreation ground owned by, leased to, or otherwise operated by the Borough, or to drive any of the above-mentioned vehicles in or across any such recreation ground.

**§ 146-4. General use restrictions. [Added 6-25-2003 by Ord. No. 2003-4]**

- A. No person shall remove any bench, seat or table from the park or change the location thereof without permission from the Borough.
- B. No person shall injure, deface, remove, cut or damage any of the trees, plants, shrubs, turf, buildings, structures or fixtures therein or any other property of the Borough located within the park.
- C. No person shall conduct himself within the park so as to annoy any other person using the park for recreational purposes.
- D. No person shall hold any meeting or gathering assembled through advertisement or public notice or any gathering otherwise assembled and composed of 10 or more persons, within the limits of the park, without having first made application to the Borough thereof for a permit therefor. Such permit shall indicate the park locations in the park where such gathering or meeting shall be held, and such gathering shall not be held at any other location within the park. Said park locations shall be established by resolution. The application for such permit shall be in the name of a person who shall be responsible for seeing that all refuse left by the group shall be placed in proper containers before leaving the park. Each permit will require a deposit and rental fee for any shelter or facility used by the group. Said rental fee shall be established from time to time by resolution.
- E. No person shall set up any booth, table or stand for the sale of any article whatsoever within the limits of the park without the written consent of the Borough, which shall have authority to refuse such consent in any instance.

- F. No person shall dispose of any litter, waste or garbage in the park. All persons using the park shall dispose of all waste and garbage left by them in such proper receptacles.
- G. No person shall injure, deface or destroy any notice, rule or regulation posted at any place within the park by authority of the Borough, nor shall any person post, at any place within the park, any notice or placard other than by authority of the Borough.
- H. No person shall set or maintain any fire in the park except in stoves and fireplaces maintained for that purpose and located by authority of the Borough. As hereinafter set forth, only charcoal and/or wood fires are permitted. In the event that a wood fire is instituted, any wood so utilized shall be brought from outside the park.
- I. No person shall bring any beer, liquor, wine, or any type of alcoholic beverages into a park or recreational area, with the exception of the Senior Community Center, where such beverages shall be permitted for special events upon application to the Borough Council and approval of the event. **[Amended 6-14-2017 by Ord. No. 2017-1]**
- J. No person, other than an officer of the law, shall carry any firearm within the limits of the park. Likewise, no person shall engage in archery sports nor engage in any other functions involving force-propelled devices unless first approved by the Borough.
- K. No person shall operate or cause to have in his possession any unlicensed motor vehicle and/or cycle.
- L. No person shall bring any dog and or other pet into the park, except for Seeing-Eye dogs or those to assist with the disabled. **[Amended 6-22-2005 by Ord. No. 2005-4]**
- M. There shall be no swimming, ice skating and/or boating in the park lake unless the same is authorized pursuant to Borough permit.
- N. There shall be no parking and/or driving in areas other than those designated parking areas or on paved roadways.
- O. No person shall climb any tree or sit, stand or walk on any park sign, park structure or park building not customarily utilized for such purposes.
- P. No person shall erect tents, shacks, shelters, trailers or any other structure for overnight camping or otherwise without express Borough approval.
- Q. No person shall post, draw, tack or otherwise cause any sign to be in existence without Borough approval.
- R. No open fires are permitted in the park; fires are only permitted after due consideration for the health, safety and welfare of the persons and property within the park; in any event, however, only charcoal and/or wood fires are permitted.
- S. No remote control and/or hobby devices are permitted to be operated within the confines of the park unless approval is obtained from the Borough.
- T. No smoking of pipes, cigars, cigarettes or electronic cigarettes and no vaping shall be permitted in any park or recreational grounds. **[Added 6-14-2017 by Ord. No. 2017-1]**

**§ 146-5. Violations and penalties. [Amended 6-25-2003 by Ord. No. 2003-4]**

Any person who shall violate any section of this article shall, upon conviction, be sentenced to pay a fine of not less than \$50 nor more than \$1,000, and, in default thereof, to imprisonment for a term not to exceed 30 days.

## ARTICLE II

**Regulations Applicable to Playgrounds Only**

**[Adopted 1-27-1993 by Ord. No. 1993-2 as Part 9, Ch. 2, Art. B, of the 1993 Code]**

**§ 146-6. Presence on certain playground during certain hours restricted.**

It shall be unlawful for any person to be in or on any playground owned or leased by the Borough, hereinafter identified, between dusk and the dawn of the following day, unless that person shall have obtained prior written consent from the Mayor or the Chief of Police. The following playgrounds are included within this article:

- A. Fairview Playground: that property leased by the Borough from Annunciation Blessed Virgin Mary Church, lying at Stambach Street along Fairview Avenue to the Annunciation Cemetery.
- B. Third Street Playground: bordered on the north by Maple Street; on the east by lands now or formerly of Edna C. Little; on the south by Main Street; and on the west by Third Street.
- C. North Street Playground: bordered on the north by North Street; on the east by Oxford Avenue; on the south by lands now or formerly of Hanover Borough Municipal Water Authority and by North Alley; and on the west by a public alley.
- D. Moose Playground: that property leased by the Borough from Loyal Order of Moose 720, bordered on the north by Delone Avenue; on the east by proposed Sixth Street extension; on the south by the Conewago Township boundary line; and on the west by lands now or formerly of John W. Smith, of George M. Klunk, of Martin J. Weaver, of Alfred E. Smith, or Normal L. Harman, of Harold J. Strine, and of George Livelsberger.
- E. McSherrystown Community Park: bordered on the north by lands now or formerly of Donald L. Swope, of Truman B. Lake, of Cyril F. Klink, of Catherine M. Gouker, of Keith Stall, and by South Street; on the east by lands now or formerly of Robert L. Bolin, Jr., of Adams County Realty Co., and of Irving Pearstein; on the south by the McSherrystown-Conewago Township boundary line; and on the west by lands now or formerly of Edward J. Attland, of Frederick L. Walter, of Donald C. Price, or Lloyd Kindig, of Terry F. Krichten, of Francis A. Groft, and by Third Street.

**§ 146-7. Signs indicating closing of playground authorized.**

The erection of signs, indicating the closing of playgrounds as contained in § 146-6, at appropriate locations, is hereby authorized.

**§ 146-8. Violations and penalties. [Amended 6-25-2003 by Ord. No. 2003-4]**

Any person who shall violate any section of this article shall, upon conviction, be sentenced to pay a fine of not less than \$50 nor more than \$1,000, and, in default thereof, to imprisonment for a term not to exceed 30 days.

## ARTICLE III

**Regulations Applicable to Rented Grounds****[Adopted 6-12-2002 by Ord. No. 2002-4]****§ 146-9. Rental agreements for certain recreation grounds and facilities.**

The Borough of McSherrystown permits the rental, by persons, the Pavilion area, the McSherrystown Community/Senior Center, and certain athletic fields. The rental of these areas is subject to the terms and conditions provided in the rental agreements promulgated by the Borough and on file in the Borough office. Persons desiring the rental of these areas are required to enter into agreement with the Borough of McSherrystown by completing and executing the rental agreements, provide the required user fees so established by resolution by the Borough and must abide by the terms and conditions of the agreements.

**§ 146-10. Interference with activities.**

The Borough of McSherrystown provides exclusive use to persons, executors of the rental agreement, those areas named in the rental agreement, during the period of the rental. It shall be unlawful for any other person or persons to interfere with, occupy or refuse to leave any grounds or facility covered under the rental agreement during the specified period of rental. Communication of the violation shall be made by the persons, executors of the rental agreement, or by the officers of the McSherrystown Borough Police Department.

**§ 146-11. Violations and penalties. [Amended 6-25-2003 by Ord. No. 2003-4]**

Any person who interferes with or fails to vacate any rented ground or facility when so advised to or, in any other way violates any provision of this article shall, upon conviction, be sentenced to pay a fine of not less than \$50 nor more than \$1,000, and, in default thereof, to imprisonment for a term not to exceed 30 days.

