

## **CHAPTER 16**

### **PARKS AND RECREATION**

(See also, Infrastructure Committee, Chapter 1, Part 3E)

#### **PART 1**

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## PARKS AND RECREATION

### PART 1

#### PARK LAND AND RECREATION LAND

##### **§101. Definitions.**

The following words as used in this Part shall have the following meanings hereby ascribed thereto:

**PARK SYSTEM** — all land and facilities thereon, including park facilities, under the jurisdiction of the Infrastructure Committee of the Borough of Wyomissing.

**PERSON** — any natural person, partnership, association, firm or corporation. The singular shall include the plural and the plural shall include the singular. The masculine shall include the feminine and neuter.

**RECREATION AREA** — all land and facilities thereon, including recreation facilities, under the supervision and jurisdiction of the Recreation Board of the Borough of Wyomissing.

(Ord. 1246, 7/13/2004, §1; amended by Ord. 1401, 5/14/2019, §1; as amended by Ord. 1436-2023, 7/11/2023, § 4)

##### **§102. Prohibited Uses, Conduct, Activities.**

No person shall:

- A. Swim, bathe, wade, enter in any way any waters or waterway except in the Borough swimming pool, and then only when such pool is open to the public for such use.
- B. Boat in or on any waters or waterway or erect, install or use a rope or other device attached to a tree or other object to propel or cause the person or thing to move into or over any such body of water.
- C. Drive, operate or ride in or upon any automobile, truck, tractor, motorbike, motorized scooter, motorcycle, mini-bike, snowmobile or motorized vehicle, device or contraption of any sort, nor shall the owner of any such vehicle, device or contraption permit or allow another person to drive, operate or ride in or upon the same, except where a roadway has been so marked and designated for such purpose, and provided the foregoing shall not apply to authorized personnel or vehicles of Wyomissing Borough or personnel or vehicles of its authorized agents.
- D. Park any vehicle except in the parking lots at the Borough swimming pool and along Parkside Drive South at the footbridge or other area so marked or designated for such purpose. Any such parking shall be solely in conjunction

with concurrent use of the Borough park system or of a Borough recreation area. Parking of any trailer is prohibited at all times in any parking lot or other area.

- E. Engage in any act of vehicle maintenance including, but not limited to, washing, waxing cleaning, repairing, lubricating such vehicles:
  - (1) On or along Old Wyomissing Road;
  - (2) In, on or upon the Borough park system or any recreation area.
- F. Camp out or sleep overnight except as may be specifically authorized by the Parks and Recreation Director.
- G. Ignite or maintain any open or other type of fire; provided, however, picnicking and cooking fires may be permitted in picnic areas at designated locations with the written permission of the Parks and Recreation Director.
- H. Ride or walk a horse, pony or similar animal except upon marked or designated paths for such purpose.
- I. Build, create or cause to be erected any structure, building lean-to, campsite, treehouse, cave, shelter or any similar type building or structure.
- J. Wildlife.
  - (1) Place, set or maintain any trap or trapping device in or about any waters in the park system or any recreation area; place, set or maintain any trap or trapping device in, on, under or upon any portion of the park system or any recreation area.
  - (2) Hunt with any weapon whatsoever or discharge any firearm or other weapon in the park system or in any recreation area.
  - (3) The Borough reserves the right to control the population level of all species of wildlife within the park system or any recreation area commensurate with sound principles of fish and game management and the regulations of the Fish and Game Commissions.
- K. Use any profanity or profane language or expressions.
- L. Enter into or remain within the park system or any recreation area one hour after sunset until one hour before sunrise except when specifically authorized by the Parks and Recreation Director.
- M. Post, place or otherwise display, attach or erect any poster, signs, leaflets or similar type material except for those signs permitted pursuant to Chapter

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27, "Zoning", Part 6, "General Regulations", Section 606, "Signs", Subsection F "Requirements for Non-Permanent Signage in the C-2 District".

- N. Deface, injure, transplant, introduce, destroy or remove:
  - (1) Any natural object including, but not limited to, wild flowers, shrubs, bushes, trees or other plant growth.
  - (2) Any physical object, part or portion thereof including, but not limited to, any structure, building, facility or other property of the Borough.
- O. Permit any dog or other animal or pet to be in, on or upon Old Wyomissing Road, the park system or any recreation area unless such dog or other animal or pet is on a leash. Persons shall immediately clean-up any fecal matter upon Old Wyomissing Road, the park system or any recreation land and dispose of same in a sanitary manner.
- P. Alcoholic Beverages; Controlled Substances.
  - (1) Bring into, consume upon, have in his/her possession or control or be under the influence of any alcoholic or intoxicating beverage in or on any Borough owned facility or property, including, but not limited to, any Borough owned pool.
  - (2) Bring into, use or possess or be under the influence of any controlled substance pursuant to all applicable provisions of the applicable State law in or on any Borough owned facility or property, including, but not limited to, any Borough owned pool.
- Q. Litter, abandon, place, deposit or leave any trash, garbage, refuse or similar type material or property other than in a container or receptacle provided for such purpose.
- R. Bring into, possess or utilize any drink or foodstuff in any glass container or other glass product or object exclusive of personal optical products; nor shall any person in any manner break any glass product or object.
- S. Engage in jogging, biking, ice skating, swimming, tennis or any other activity or conduct in the park system, in any recreation area or on Old Wyomissing Road, other than in a manner which demonstrates due courtesy and due regard for the safety and well-being of other persons. Any such activity shall be subject to any other personal conduct requirements as may be adopted and posted by the Infrastructure Committee or Recreation Board for their respective areas of jurisdiction.
- T. Fail to promptly heed and obey a request or instruction of the Parks and Recreation Director or other authorized Borough employee to cease and desist from any form or mode of conduct or activity contrary to or detrimental to the

health, safety and general welfare of others or in violation of any rule or regulation. Noncompliance will result in loss of enjoyment of privileges as defined elsewhere by these regulations.

- U. Interfere with or in any way disrupt any ongoing recreational activity in any recreation area, the park system or on Old Wyomissing Road.
- V. Use of recreation areas and the park system shall be as determined by the policies of the Recreation Board or Infrastructure Committee for their respective areas.
- W. Smoking Prohibited.

Smoking is prohibited at all Borough owned Parks and Recreational properties and facilities, including but not limited to:

- (1) Stone House area including tennis courts and pond,
- (2) Swimming Pool,
- (3) Happy Hollow,
- (4) Berkshire Heights Park,
- (5) Wyomissing Hills Playground,
- (6) Quarry Field and Facilities, and
- (7) Mausoleum Field and Playground.

- X. Violators of this Section 102 or the rules and regulations established by the Recreation Board or Infrastructure Committee as authorized herein may lose privileges. Any violator who suffers a loss of privilege(s) shall receive no refund. Depending upon the seriousness, frequency and extent of the violation(s), one or more of the following loss of privileges may be imposed by the Parks and Recreation Director:
  - (1) Leave area remainder of day.
  - (2) Excluded from area next three (3) days.
  - (3) Excluded from area next seven (7) days.
  - (4) Written notice of exclusion from area for length of time in addition to the above.
  - (5) Written notice of exclusion from area remainder of season.

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- (6) Written notice of removal of rental privileges of any Borough Facility for one year.

A written determination of the Parks and Recreation Director resulting in loss of parks or recreation facilities use privileges may be appealed to the Recreation Board or Infrastructure Committee based on applicable jurisdiction with ten (10) days for review at the next regularly scheduled meeting or within thirty (30) days if no meeting is scheduled.

(Ord. 1246, 7/13/2004, §1; as amended by Ord. 1255, 4/12/05, §1; as amended by Ord. 1332, 4/10/2012, §§1-7; as amended by Ord. 1401-2019, 5/14/2019, §1; as amended by Ord. 1406-2019, 10/8/2019, §3; as amended by Ord. 1436-2023, 7/11/2023, § 4)

### **§103. Pool Rules and Regulations.**

#### A. Pool Rules:

- (1) Only one (1) person permitted on diving board at a time.
- (2) All dives from front of board only.
- (3) No diving to the side.
- (4) No swimmers allowed in diving area.
- (5) Divers must swim directly to an exit point before next dive is permitted.
- (6) Divers exiting the diving well may not swim underneath the other diving board.
- (7) No flotation devices or throwable objects are permitted in the diving well.
- (8) No running on the decks around the pool.
- (9) No pushing or pulling of people into the water.
- (10) No diving into the shallow end of the pool.
- (11) No food or drink permitted in pool or on pool deck area.
- (12) No sitting or hanging on lifelines around the pool.
- (13) No rough play games, including dunking or shoulder “chicken” games.
- (14) No pets permitted on pool grounds.

- (15) No glass of any type permitted on pool grounds.
- (16) No littering. Trash to be placed in containers provided.
- (17) Standing front dives are only dives permitted from the pool edge in designated areas with a water depth greater than five feet (5').
- (18) No swimmers over eight (8) years of age permitted in baby pool.
- (19) Toys designed for water play or soft textured balls are the only throwable objects permitted in the pools.
- (20) Patrons shall not distract lifeguards while on duty.
- (21) Ladders shall not be used as diving platforms.
- (22) No diving or jumping on another swimmer.
- (23) Obey instructions of the lifeguard and/or pool personnel at all times.
- (24) All children under the age of ten (10) entering the pool facility must be accompanied by an individual responsible for their safety and well-being.
- (25) Wear appropriate swim attire at all times.
- (26) Swim diapers or rubber pants over diapers must be worn by all children that are not toilet trained.
- (27) Ramp to be utilized for entering and exiting the pool only.
- (28) Children unable to swim are not permitted in the diving well.
- (29) Children using swimming aids or personal flotation devices in the main pool must be accompanied by an adult at all times.
- (30) Children in the wading pool must be under adult supervision at all times.
- (31) Smoking is prohibited.
- (32) Possession, supplying, being under the influence of or consumption of alcohol or controlled substance is prohibited.
- (33) Ensure guests comply with the above and Pools Rules and Regulations. Members are responsible for behavior of their guests and compliance with the rules as stated above and the Pool Rules and Regulations.

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B. Violators of this Part or the rules and regulations established by the Recreation Board as authorized herein may lose privileges. Any violator who suffers a loss of privilege(s) shall receive no refund. Depending upon the seriousness, frequency and extent of the violation(s), one or more of the following loss of privileges may be imposed by the Parks and Recreation Director or his or her designee:

- (1) Leave area remainder of day.
- (2) Excluded from area next three (3) days.
- (3) Excluded from area next seven (7) days.
- (4) Written notice of exclusion from area for length of time in addition to the above.
- (5) Written notice of exclusion from area remainder of season.
- (6) Written notice of revocation of pool membership for one year for violation of Section 16-103 or Pool Rules and Regulations by member or guest of member.

A written determination of the Parks and Recreation Director resulting in loss of recreation facilities use privileges may be appealed to the Recreation Board at least ten (10) days before the Board's next regularly scheduled public meeting or within thirty (30) days if no meeting is scheduled.

(Ord. 1246, 7/13/2004, §1; amended by Ord. 1401, 5/14/2019, §1)

### **§104. Authorized Work or Maintenance.**

Nothing stated herein or in any rules or regulations promulgated shall in any way be taken to preclude or prohibit any authorized work or maintenance to or in the park system or recreation areas by Borough employees, Infrastructure Committee or Recreation Board employees or authorized agents thereof.

(Ord. 1246, 7/13/2004, §1; as amended by Ord. 1401, 5/14/2019, §1; as amended by Ord. 1436-2023, 7/11/2023, § 4)

### **§105. Fees.**

The Infrastructure Committee and Recreation Board shall be responsible for the recommendation of appropriate fees to Borough Council for adoption by resolution in their respective areas of jurisdiction and as the case may be for the use of recreational areas and facilities or of the park system and its facilities or for any related activities under the

supervision, sponsorship or auspices of the Recreation Board or Infrastructure Committee.

(Ord. 1332, 4/10/2012, §8; as amended by Ord. 1401, 5/14/2019, §1; as amended by Ord. 1436-2023, 7/11/2023, § 4)

### **§106. Rules and Regulations.**

The Recreation Board or Infrastructure Committee shall have the authority to create Rules and Regulations, in addition to the rules under this Part, to govern activities and behavior at Borough owned facilities and property provided they are consistent with the intent of this Ordinance, subject to review and approval of Borough Council.

(Ord. 1246, 7/13/2004, §1; as amended by Ord. 1332, 4/10/2012, §9; as amended by Ord. 1401, 5/14/2019, §1; as amended by Ord. 1436-2023, 7/11/2023, § 4)

### **§107. Posting.**

There may be posted at conspicuous places in the park system or in any recreation area an appropriate sign or notice whereupon there shall be set forth in abbreviated or other form, in whole or in part, the nature and content of this Part and/or Infrastructure Committee and Recreation Board rules and regulations.

(Ord. 1332, 4/10/2012, §10; as amended by Ord. 1401, 5/14/2019, §1; as amended by Ord. 1436-2023, 7/11/2023, § 4)

### **§108. Violations.**

Except as provided in Section 102.X and Section 103, any violation or failure to comply with any provision of this Part or the Rules and Regulations established by the Recreation Board or Infrastructure Committee as authorized herein shall constitute a summary offense.

(Ord. 1246, 7/13/2004, §1; as amended by Ord. 1332, 4/10/2012, §§11-12; as amended by Ord. 1401, 5/14/2019, §1; as amended by Ord. 1436-2023, 7/11/2023, § 4)

### **§109. Penalties.**

Except for those violations listed under Section 102.X and Section 103, any person who shall violate any summary offense provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not exceeding \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(Ord. 1332, 4/10/2012, §13; as amended by Ord. 1401, 5/14/2019, §1)

**§110. Non Exclusive Remedies.**

The penalty under section 109 and loss of privileges under Section 102.X and Section 103.B of this Part shall be independent, nonmutually exclusive separate remedies, each of which separately, or all of which together, shall be available to the Borough of Wyomissing as the Borough or its designated enforcement personnel may deem appropriate for carrying out the purposes of this Part under the circumstances of the particular situation. Provided, however, that violation of Section 102.P, shall be exclusively enforced as a summary offense with a penalty of a monetary fine under Section 109 of this Part. Also, the remedies and procedures provided in this Part for violation hereof are not intended to supplant or replace to any degree the remedies and procedures available to the Borough in the case of a violation of any other Borough of Wyomissing Code or Codified Ordinances, whether or not such other code or ordinance is referenced in this Part and whether or not an ongoing violation of such other code or ordinance is cited as the underlying ground for a finding of a violation of this Part.

(Ord. 1401, 5/14/2019, §1)