

WHITPAIN TOWNSHIP

ORDINANCE #353

AN ORDINANCE AMENDING THE TOWNSHIP'S CODE, CHAPTER 108 [PARKS AND PLAYGROUNDS], SECTION 108-3 [PROHIBITED USES AND ACTIVITIES] AND SECTION 108-4 [RULES AND REGULATIONS FOR SPECIFIC ACTIVITIES] TO (1) PRECLUDE THE USE OF METAL DETECTORS AND OTHER EQUIPMENT FOR THE RETRIEVAL OF ARTIFACTS AND OTHER ITEMS IN ANY TOWNSHIP PARKS, OPEN SPACES OR TRAILS; AND (2) PROVIDE A NEW RULE AND REGULATION RELATIVE TO ANY ARTIFACTS FOUND ON TOWNSHIP PARKS, OPEN SPACES AND TRAILS, CONFIRMING THAT SUCH ARTIFACTS FOUND ARE TOWNSHIP PROPERTY AND SHALL BE RETURNED TO THE TOWNSHIP BY WAY OF THE TOWNSHIP DIRECTOR OF PARKS AND RECREATION.

CERTIFICATION

I, ROMAN M. PRONCZAK, BEING DULY SWORN ACCORDING TO LAW, DEPOSE AND SAY THAT I AM THE TOWNSHIP MANAGER OF WHITPAIN TOWNSHIP IN MONTGOMERY COUNTY, PA AND THAT ATTACHED HERETO IS A TRUE AND COMPLETE CORRECT COPY OF ORDINANCE #353



Roman M. Pronczak, P.E., Township Manager
January 3, 2017

ENACTED: 1/3/17

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IT IS HEREBY ENACTED AND ORDAINED by the Whitpain Township Board of Supervisors as follows:

SECTION 1. Amendment to the Township's Code, Chapter 108, Section 108-3 [Parks and Playgrounds/Prohibited Uses and Activities].

The Township's Code, Chapter 108, Section 108-3 [Parks and Playgrounds/Prohibited Uses and Activities] shall be amended to prohibit the use of metal detectors and other equipment for the retrieval of artifacts and other items in any Township parks, open spaces or trails. Section 108-3 [Prohibited Uses and Activities] shall now read as follows:

§ 108-3 [Prohibited Uses and Activities].

The following uses or activities are prohibited in any Township parks, open space or trails:

- A. Use outside the hours of operation from sunrise to sunset, unless specifically authorized;
- B. Possession or use of illegal or controlled substances;
- C. Being manifestly under the influence of alcohol or drugs;
- D. Boisterous, immoral or indecent conduct;
- E. Open fires, portable stoves or similar devices for cooking, heating, or any other purpose;
- F. Possession or use of fireworks;
- G. Brandishing or discharging of firearms;

- H. Possession or use of bows and arrows;
- I. Possession or use of a slingshot, javelin or other similar weaponry or equipment;
- J. Using or operating motorized vehicles of any sort, including minibikes, mopeds, dirt bikes, motorcycles, go-carts, snowmobiles, all-terrain vehicles, 4x4s or other self-propelled vehicles other than such authorized or lawful use within designated parking areas and roads at the site, except for motorized wheelchairs for the disabled;
- K. Ice skating;
- L. Swimming;
- M. Using or operating motorized, transistorized or fuel-propelled model airplanes, aircraft or rockets or vehicles;
- N. Playing or practicing golf anywhere on parks, playgrounds or open space areas;
- O. Discarding of any trash, refuse, garbage or litter, except in containers provided for disposal purposes;
- P. Damaging, defacing, destroying or removing any Township property, including signs, structures, equipment, trees, landscaping materials, topsoil, rocks, sod or plantings;
- Q. Operating, stopping or parking of any vehicle except on designated driveways or parking areas;
- R. Selling or distributing of any items or articles of food, beverage, or clothing, unless authorized by the Township in advance;
- S. Fundraising or soliciting financial contributions of any kind;
- T. Use for conducting a private, fee-based coaching clinic or training;
- U. Use of loudspeakers, boom boxes, high-volume portable speakers, portable hand-held microphones, Freon air horns or equipment to amplify sound, unless prior approval is obtained from the Director of Parks and Recreation;
- V. Vehicle repairs, cleaning, washing or any maintenance of any type;
- W. Operating any vehicle on any public driveways, accessways, trails or parking lot areas in a reckless, careless or negligent manner, in excess of the posted speed limit, in violation of applicable provisions of the Pennsylvania Motor Vehicle Law, Township ordinances or in any manner as to be a nuisance or potential hazard to other park users or Township property;
- X. Charging for use of the park, open space or trail, even if possessing a permit for a special use or program; and
- Y. Use of metal detectors and other equipment for the retrieval of artifacts and other items.

SECTION 2. Amendment to the Township's Code, Chapter 108, Section 108-4 [Parks and Playgrounds/Rules and Regulations for Specific Activities].

The Township's Code, Chapter 108, Section 108-4 [Parks and Playgrounds/Rules and Regulations for Specific Activities] shall be amended to provide a new rule and regulation relative to artifacts found on Township parks, open spaces or trails. Specifically, this new provision shall confirm that such artifacts found are Township property and shall be returned to the Township by way of the Township Director of Parks and Recreation. This Section shall now read as follows:

H. Retrieval of artifacts.

Any artifacts found in any Township park, open space or trail is the property of the Township and should be returned to the Township Director of Parks and Recreation.

SECTION 3. Repeal and Ratification.

All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed. Any other terms and provisions of the Township's Code unaffected by this Ordinance are hereby reaffirmed and ratified.

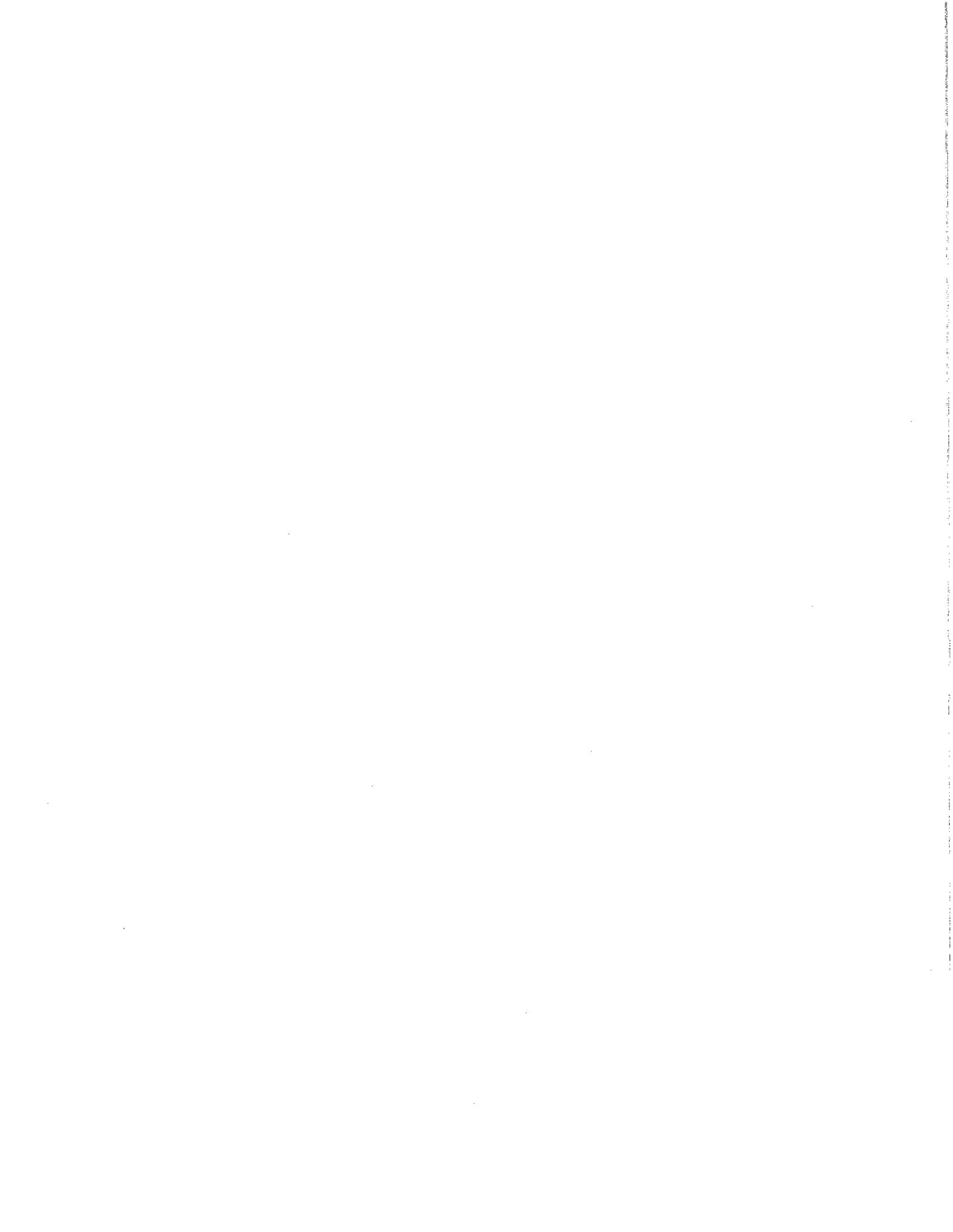
SECTION 4. Severability.

Should any section, paragraph, sentence, clause, or phrase in this Ordinance be declared unconstitutional or invalid for any reason, the remainder of the Ordinance shall not be affected thereby and shall remain in full force and effect, and for this reason the provisions of this Ordinance shall be severable.

SECTION 5. Effective Date.

This Ordinance shall become effective 5 days after enactment.

[Signatures on Next Page]



ORDAINED AND ENACTED this 3rd day of January 2017, by the
Whitpain Township Board of Supervisors.

**WHITPAIN TOWNSHIP
BOARD OF SUPERVISORS**

Melissa Murphy Weber
MELISSA MURPHY WEBER Chairman

[Seal]

Attested by:

A. F. Groo
ANTHONY F. GROO, Secretary