

**BOARD OF COMMISSIONERS
COUNTY OF YORK
COMMONWEALTH OF PENNSYLVANIA**

ORDINANCE 2008-08

AN ORDINANCE AMENDING THE YORK COUNTY CODE TO ELIMINATE CURRENT PARK RULES AND REGULATIONS IN CHAPTER 75 OF THE CODE OF YORK COUNTY AND REPLACE SAID RULES AND REGULATIONS.

WHEREAS, the York County Department of Parks and Recreation is seeking to replace the current rules and regulations set forth in Chapter 75 of the Code of York County with new rules and regulations;

WHEREAS, the York County Commissioners now wish to repeal Code of York County Chapter 75, Article I through IX and replace them with this Ordinance.

NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED, by the Board of Commissioners of the County of York, Pennsylvania, the attached Ordinance:

Section 1. Repealer.

This Ordinance shall supersede and repeal all ordinances, resolutions and parts thereof inconsistent or conflicting herewith. Code of York County Chapter 75, Article I through VIII are specifically repealed.

Section 2. Effective Date.

This Ordinance shall become effective January 1, 2009.

Ordained and enacted this 24th day of December, 2008.

ATTEST:



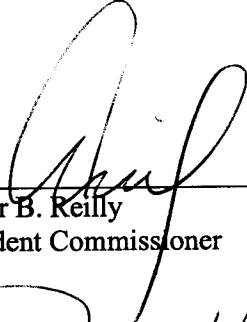
Charles R. Noll
Administrator/Chief Clerk

COUNTY OF YORK



Steve Chronister
President Commissioner

(SEAL)



Christopher B. Reilly
Vice President Commissioner



Doug Hoke
Commissioner

(SEAL)

The above Ordinance was ordained, enacted, and adopted this 24th day of December 2008, at a regular meeting of the Board of Commissioners of the County of York duly advertised and assembled upon motion of Comm. Hoke and seconded by Comm. Reilly and passed with a vote of 3 yes and 0 no.

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York County Department of Parks and Recreation

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ARTICLE I
Policy Statement

[The Policy Statement of the County of York for the York County Department of Parks and Recreation is on file at the Department of Parks and Recreation. Said Policy Statement was adopted by the York County Advisory Board of Parks and Recreation on 6-17-1971 and adopted by the York County Board of Commissioners on 10-20-1971.]

REVISED and ADOPTED by York County Board of Commissioners on December 24, 2008 by Ordinance 2008-08.

ARTICLE II
Rules and Regulations

75-1. Definitions.

As used in this Article, the following terms shall have the meanings indicated, unless a different meaning appears from the context.

PARK OR RECREATIONAL FACILITIES - Unless specifically limited, shall be deemed to include all parks, playgrounds, recreational areas, trails, recreational structures and facilities, and all entrances and approaches thereto, and all other designated land, property or structures under jurisdiction of the County of York or its designated agent (Parks Director, York County Department of Parks and Recreation and in his/her absence his/her authorized agent) now or hereafter owned or acquired by the County of York for park and recreational purposes.

PERSON - Any natural person, corporation, organization of persons, company, association, partnership, or other entity.

RULES AND REGULATIONS - Any rules and regulations hereby or hereinafter promulgated by the Board of Commissioners of York County or its designated department (York County Department of Parks and Recreation) as well as the York County Code. The Parks Director exempts any of these rules and regulations under written permission. Additional management policies and procedures are maintained at the York County Department of Parks and Recreation and available for public review.

STRUCTURE - Any man-made building, such as pavilions, observatories, rest room facilities, recreational facilities, playground equipment and playing fields.

YORK COUNTY ADVISORY BOARD of PARKS and RECREATION - This Advisory Board is appointed by the York County Board of Commissioners and serves at the will and pleasure of the Board. They act as an Advisory Board, whereby, making recommendations through the Parks Director to the York County Board of Commissioners in a public setting and follows the criteria of the PA Sunshine Laws. This Advisory Board operates under a set of bylaws (adopted in December 1996), which is available for review at the York County Department of Parks and Recreation.

75-2. Authority to Act as Agent

The Parks Director of the York County Department of Parks and Recreation is authorized to act as the agent of the County of York with respect to implementing the terms and conditions of leases and

agreements of park property and other designated properties. This authorization does not include executing new or amending existing leases or agreements.

75-3. Use of Facilities by General Public and Groups.

A. The general public may use all areas and facilities within county property, which are not designated as reserved by application granting exclusive use or designated for a specific purpose, which is contrary to the activity in which the person is participating.

B. Any group or gathering may use certain areas, within county property, to the exclusion of other persons by making an application of a Special Use and Activities Agreement that is issued and authorized by the Parks Director.

C. The York County Board of Commissioners will not require payment of a rental fee for the parks pavilions by County-related departments. This policy will not include individual County employees. All other rules to reserve a pavilion will apply. If a question arises, the Board of Commissioners will have the final decision. Departments will be responsible for leaving the pavilions in clean conditions.

D. There are inherent dangers in the use of park and recreational facilities. The general public should exercise caution and care in the use of park and recreational facilities and assumes the risk of injury and harm with the use of parks and recreational facilities.

75-4. Permit to Reserve Space.

A. Application for a Confirmation of Reservation Permit to reserve and use a park-designated space shall be made upon forms furnished by the Department of Parks and Recreation.

B. A rental fee as established and approved by the York County Advisory Board of Parks and Recreation and shall accompany each application. Immediately following departure from reserved park space, and inspection of the shelter and surrounding area will be conducted. Occupants will be held responsible for any debris removal and destruction incurred and, therefore, will be obligated to cover the full cost of damages (including manpower).

C. Application shall be made in advance of the time of the reservation requested, as posted.

D. In the event that more applications for reserved space are received than space is available, such applications shall be considered in the chronological order received.

E. Nothing contained herein shall be construed to exempt the users of reserved space from full compliance with all rules of the Department of Parks and Recreation relating to users of and conduct on county property.

F. It shall be unlawful for any person to use any facility, land or area for which a fee or charge has been established, without payment of such fee or charge, except through a Confirmation of Reservation Permit which provides exclusive use of a defined area. Unless no Confirmation of Reservation Permit is issued, this land or area is available on a first-come, first-serve basis.

G. No unauthorized person may charge any other person(s) for the use of park property or facilities.

H. Failure to comply with the conditions of this permit is subject to immediate termination of permit.

I. Designated areas for public use is limited or restricted in regards to size of group in relationship to size of area.

75-5. Agreement of Special Use and Activities Agreement.

This written agreement is between the Department of Parks and Recreation (Permitter) and a group or individual (Permittee) for approved special events, solicitation activities and other non-designated activities. This agreement shall expire December 31st of each year. Failure of Permittee to comply with the conditions of this permit is subject to immediate termination of permit.

A. No erection, construction or maintenance shall be made above or below ground, across or beneath the property of the county, by any person, firm or corporation without first having obtained written permission from the Parks Director authorizing such installation or construction and through the completion of a Special Use And Activities Agreement specifying in detail the work to be done and the conditions to be fulfilled.

B. Notwithstanding any of the provisions hereof, the Parks Director may, upon written application, grant a specific Special Use And Activities Agreement for special uses when, in his/her opinion, special consideration is warranted.

C. Engaging in commercial activity is prohibited.

75-6. Hours.

A. No person shall remain upon property administered by or under the jurisdiction between dusk and 8:00 a.m., except at designated fishing sites, camp areas and other special use areas; provided, however, that, upon application to the Parks Director, said hours may be extended. It shall be unlawful for any person to enter upon any portion of parklands, structures or waters, which have been designated as closed to public use or entry.

B. Department of Parks and Recreation sponsored or co-sponsored programs and certain trails (Mason-Dixon Trail) are exempted.

75-7. Signs.

A. This applies to all signs (permanent and temporary) posted on the exterior of enclosed buildings, open spaces and the interior and exterior of open buildings, such as pavilions and gazebos. Signs also include but are not limited to postings on bulletin boards, directional signs, roadway signs and points of interest. The moving, removing, damaging or defacing of a park sign, structure, facility or equipment is prohibited.

B. The Parks Director prior to posting or installation, whether owned or rented, shall approve all signs within park property.

C. Approval, by the Parks Director, for the following signs is not required:

1. Temporary maintenance signs, such as but not limited to "wet paint", "area closed" and "caution".

2. Temporary signs posted at picnic areas giving directions to a specific group, such as "Smith picnic."
3. Temporary signs shall be removed when the activity is completed.

75-8. Property Destruction.

No person shall:

- A. Cut, break, mark upon or otherwise injure any building, equipment, vehicle, trailers, boat, materials, bridge, drain, wall, fountain, lamppost, fence, railing, gate, hedge, or other structure.
- B. Willfully destroy, deface, alter, change, or remove any monument, stone marker, signs (permanent or temporary) benchmark, stake, post or blaze.
- C. Remove any bench, seat, table or other appliance or any item of property without the express permission of the Parks Director.
- D. Deface, destroy or remove any placard, notice or sign, whether permanent or temporary, posted or exhibited within or upon park property.
- E. Appropriate, excavate, injure, remove or destroy any historical, archeological artifact, relic, object or pre-historical ruin or any object of antiquity without permission of the Parks Director. Approved activities require a Special Use and Activities Agreement and with all items discovered, thereby, becoming property of the County of York.
- F. Play or other activities on wet ground in a manner injurious to the turf or any surface that would result in damage.
- G. Rope climb, climb, repel or otherwise from any object or structure.

75-9. Trespass

No person shall:

- A. Obtain access to any county building, box, vehicle, fenced-in or enclosed area or facility that is locked or prominently marked as not being open to the public or designed to exclude intruders.
- B. Re-enter onto park property after written notice by certified mail (return receipt) by the Chief Ranger due to violating rules and regulations or due to unwanted or nuisance behavior.
- C. Create a private access from/to Park property.

75-10. Destruction of Plant Life.

No person shall:

- A. Cut, remove or destroy any tree, or shrub, whether alive or dead; or chip, blaze, box, girdle, trim or otherwise deface or injure any tree or shrub; or pick gather, uproot, remove or destroy any flower, plant or grass, unless as an approved activity such as geo-caching, letter-boxing, Frisbee tossing or similar activities that could have the potential to cause damage to plant life or other natural features.

B. Remove, or cause to be removed, any sod, earth, humus, peat, boulders, gravel, soil or sand without written permission of the Parks Director.

75-11. Fires and Lighted Objects.

No Person Shall:

A. Willfully set, or cause to be set, a fire in any building, equipment, vehicle, structure, tree, woodland, brush-land, grassland or meadow within or upon the property of the county.

B. Build any fire upon county property, except within the fireplaces approved and designated by the Parks Director, for such purpose. All fires shall be of a charcoal or wood. Otherwise no wood fires are permitted, except by a Special Use And Activities Agreement.

C. No person shall drop, throw or otherwise scatter lighted matches, burning cigars, cigarettes, tobacco paper or other flammable material within or upon any property of the county, except in appropriate receptacles.

D. Use portable gas grilles (stoves), charcoal and/or gas stove fires except at designated exterior grille sites at adjoining pavilions only.

E. Use tabletop charcoal and/or gas stoves except upon pavilion tables or at grille sites adjoining pavilions.

F. Use tabletop gas stoves except at an individual park provided table. Charcoal stoves are not permitted due to disposal of hot coals.

75-12. Hunting and Trapping.

A. No person shall hunt, trap, catch, wound or kill, treat cruelly or attempt to trap, catch, wound or kill any bird or animal.

B. No person shall molest or rob any nest of any bird or any lair, den or burrow of any animal in or upon any land or waters administered by or under the jurisdiction of the Department of Parks and Recreation.

C. Spotlighting: It is unlawful to:

1. Spotlight wildlife while in the possession of a firearm, except by individuals possessing a license to carry a firearm permit and only with firearms authorized by that permit (most sporting firearms are not authorized), bow and arrow or other devices capable of killing wildlife.

2. Spotlight wildlife during regularly scheduled statewide antlered and antlerless deer seasons, including those days separating the seasons.

3. Cast an artificial light upon any building, person, animal or photoelectric cell.

D. The Parks Director may, from time to time, designate limited areas in which hunting and trapping will be allowed; provided, further, however, that fishing and hunting will be permitted within or upon county property in accordance with the laws of the Commonwealth of Pennsylvania, the rules of the

Pennsylvania Fish and Boat Commission and the Pennsylvania Game Commission in such areas designated for such purposes.

E. A completion of a park Hunting Permit is required and is issued and authorized by the Parks Director and this approved permit is in addition to a current and valid Pennsylvania Hunting License.

75-13. Possession of Illegal Animals.

All game, animals, fowl, birds, fish, and other aquatic life hunted, killed, taken or destroyed, bought, sold, bartered or had in possession, contrary to any of the provisions herein, and the same declared to be contraband, shall be subject to seizure and confiscation and shall be disposed of in accordance with the Pennsylvania Game Commission or Pennsylvania Fish and Boat Commission for disposal. Refer to 75-12 for approved possessions.

75-14. Camping.

It shall be unlawful to camp (either overnight or otherwise), except in such areas as may be provided and designated for such purposes by the Parks Director. No person shall camp, without a Special Use and Activities Agreement issued by and authorized by the Parks Director.

75-15. Parking, Stopping and Standing.

It shall be unlawful:

- A. For the operator of a vehicle to stop, stand, or park such vehicle upon any roadway or in any parking area in such a manner as to form an obstruction to traffic thereon.
- B. To park any vehicle in any area, which is designated as a prohibited parking area.
- C. To park any vehicle in or upon county property, which is used for recreational purposes in other than, designated parking areas, unless otherwise allowed by these rules, with exception to the Americans with Disabilities Act, and which exception for strictly loading and unloading of visitors and/or supplies.
- D. To park any vehicle on park property with an expired inspection certificate and/or registration.
- E. To occupy more than one designated parking space unless approved by a park ranger.

75-16. Operation of Motor Vehicles on Park Property.

It shall be unlawful for any person to:

- A. Operate a motor-driven vehicle of any kind or nature (including unlicensed and unregistered by the Commonwealth of PA) except on roads or designated parking areas.
- B. Operate a motor-driven vehicle on any park road at a speed exceeding twenty-five (25) miles per hour or at any speed greater than that posted.
- C. Operate any motor-driven sled, toboggan or snowmobile on any park property.

- D. Operate motor-driven vehicle with a pull-behind trailer within a posted (restricted) area.
- E. Operate commercial vehicles, unless providing authorized services. Specifically, no tractor-trailer or any commercial vehicle, except a bus or buses that are used to gain access to the park or recreational facility, shall be brought upon the premises.
- F. To drive any vehicle upon county property while under the influence of intoxicating liquor or narcotics, drugs, barbiturates or any derivatives of barbiturates.
- G. To operate a motor vehicle upon county property while his or her license to operate has been suspended or revoked by the Commonwealth of Pennsylvania.
- H. To operate a motor vehicle upon county property without having a valid operator's license and automobile registration certificate in his/her possession.
- I. To operate any vehicle upon county property, including, but not limited to, any area designated for the parking of vehicles, in a careless or negligent manner likely to endanger any person or property.
- J. To operate any fuel-powered or battery-powered remote controlled devices or self-propelled devices, except ADA assisted modes (wheelchairs, scooters, bicycles).
- K. To abandon any vehicle and/or equipment and/or personal property on park property.
- L. Operate any motor-driven vehicle, including but not limited to ATV and motorbikes.
- M. To operate a motor vehicle upon county property in a speed contest or for the purpose of making a speed record, including that commonly known as a "drag race," whether from a standing start or otherwise; provided, further, however, that this section shall not apply to any event for which a permit has been applied for and granted by the board.

75-17. Horses.

- A. It shall be unlawful for any person to ride, lead, cause or suffer a horse to be upon any park property, except on specifically designated trails.
- B. It shall be unlawful for any person to ride a horse in a careless, negligent or reckless manner so as to create a nuisance or to endanger life or property.

75-18. Bicycles.

- A. Bicycles shall be operated as closely to the right-hand curb or right-hand side of the path, trail or roadway as conditions will permit, and not more than two (2) bicycles shall be operated abreast.
- B. It shall be unlawful for the operator of any bicycle, upon any path, trail or roadway, to carry any person upon the handlebar or frame of any bicycle or for any person to so ride upon such bicycle.
- C. Bicycles may be operated upon such paths, trails or roadways as may be posted allowing such use; provided, however, that no such use shall be allowed between dusk and 8:00 am.

D. Bicycles shall yield the right-of-way to all pedestrians/persons with horses where such paths, trails or roadways cross or become one.

E. Bicycles shall not be operated in a careless or reckless manner.

F. Bicycles shall pass on the left and use an audible signal.

G. It shall be unlawful for any person to ride upon any park property except upon specially designated areas.

H. It shall be unlawful to operate a bicycle in a nuisance, unsafe, reckless, speeding in excess of conditions and negligent manner.

75-19. Peddling and Soliciting.

A. It shall be unlawful for any person to peddle or solicit business of any nature whatsoever; to distribute/post/display handbills or other advertising matter; to engage in political activities; to post unauthorized signs on any lands, waters, structures, or property; or to use such lands, waters, structures, or property unless first authorized, in writing, by the Parks Director.

B. No person shall set up any booth or table, stand or dispense from a vehicle the sale of any article or service whatsoever within the limits of the park property, without the prior permission of the Parks Director or to distribute, sell, service or rent any services or commodity or solicit, including political activities for any purpose without the prior permission of the Parks Director.

75-20. Unlawful Obstruction.

No person, firm or corporation shall, by force, threats, intimidations, unlawful fencing, encroachments, enclosing or by any other means, prevent or obstruct any person from entering, leaving or making full use of any park property (at designated or non-designated accesses), except for law enforcement officials (including park rangers) during the performance of their official duties.

75-21. Interference with Park Personnel.

A. No person shall interfere with any park ranger in the discharge of his or her duties.

B. No person shall disobey a lawful order of a police officer or park ranger or disobey or disregard or fail to comply with any rule or regulation, warning, prohibition, instruction or direction given by an authorized person and/or posted or displayed sign, notice, bulletin, card or poster or when notified or informed as to its existence by an authorized person.

C. No person shall interfere with, or in any manner hinder, any employees or agents of the York County Board of Commissioners, while performing their official duties.

75-22. Impersonation of Park Rangers.

No person shall impersonate any member of the park ranger unit for any reason whatsoever.

75-23. Alcoholic Beverages and Drugs.

A. No person shall transport, sell, consume or have in their possession, any intoxicating beverages while in or upon park property.

B. No persons shall sell, use, transport or have in their possession any drug or narcotic of which is prohibited by state or federal law.

C. It is unlawful for any person to be under the influence of narcotics of intoxicants or intoxicating beverages.

D. It is unlawful to grow plants or otherwise, such as marijuana, as defined by state and federal law in or upon park property.

75-24. Recreational Activities.

Any person who desires to engage in any activities, for which no designated area has been made, shall obtain a Special Use and Activities Agreement from the Parks Director and no activity can occur unless authorized by the issuance of a Special Use And Activities Agreement.

75-25. Disorderly Conduct.

It shall be unlawful for any person or activity to engage in the following conduct:

1. Violent, abusive, loud, boisterous, lewd, wanton, obscene or otherwise disorderly conduct; or to disturb or annoy others to unwanted physical contact or unwanted verbal behavior while in or on any property up to and including removal from said property.

2. Causing or creating a noise, which would likely annoy or disturb a reasonable person of normal sensitivities.

3. Disrobe or change clothing, except in buildings or facilities made available for that purpose.

4. Failing to cover one's genitals, pubic area, buttocks and female breast, below the top of the nipple, with clothing that is impossible to see through.

5. Urination or defecation in any area of the park and recreational facilities other than a toilet.

6. Deliberately follow or observe another individual within or upon park property in order to intimidate or to make an individual feel unsafe.

75-26. Gambling.

It shall be unlawful to conduct or to participate in any form of gambling, lottery or game of chance upon park property, except authorized by the issuance of a Special Use And Activities Agreement.

75-27. Loitering.

No person(s) shall remain in an area for no obvious reason(s) or maliciously prowls around.

75-28. Fireworks.

No person shall fire, discharge or have in his or her possession any rocket, firecracker, torpedo, squib, or other fireworks or any substance of an explosive nature within or upon the property unless authorized by the issuance of a Special Use And Activities Agreement.

75-29. Firearms, Projectiles and Weapons

No person shall bring into or upon the park and recreational facilities unless the firearm is properly registered and transported in accordance with Pennsylvania law. No person shall discharge or set off anywhere upon said properties, a revolver, pistol, shotgun, rifle, air gun, paint ball, firearm, bow (re-curve, compound, cross and straight) or other weapons (sling-shot) that discharges projectiles (missiles/rockets – air, water, fuel-powered), either by air, explosive substance or any other force; provided, however, that this section shall not apply to duly-appointed park ranger or law enforcement officer while carrying out the duties and responsibilities of his or her position, nor to any person while on or in those areas which may, from time to time, be designated as hunting areas by the Parks Director.

It shall be unlawful to possess any weapon or object, carried or used by any person in violating any rules or regulation including, but limited to, Destruction of Plant Life (section 75-10) or Possession of Illegal Animals (section 75-13), shall be subject to seizure and disposed of according to law unless approved such as carp fishing with bow & arrow, cross-bow hunting, hunting from a vehicle with handicap hunting permit or related activities and as listed activities on a park Hunting Permit. A York County Parks Hunting Permit is an agreement between Parks and an approved hunter to follow the rules and regulations (including to abide by the Pa Game Laws) of the parks and agree to indemnify and hold the County of York and the Advisory Board harmless from all injuries and damage which may result from, or in connection with the use of this permit on the parklands of the York County Parks.

75-30. Water Activities and Fishing

Subject to all Pennsylvania Fish and Boat Commission Rules and Regulations

It shall be unlawful:

- A. To tow any type of device on any body of water, except for emergency purpose only.
- B. To operate: watercraft driven by air propellers and/or gasoline motors, float tubes and/or air mattresses, windsurfers, water-ski and/or surfboards, seaplanes, toy water craft, sailboats with keels, except sailboats with a six-inch or less keel inflatable devices, except those made with durable materials having 3 separate buoyancy chambers and longer than seven (7) feet in length any watercraft not designated or constructed as a means of water transportation model remote control airplanes/boats (except by Park permit) unseaworthy watercraft.
- C. To swim, scuba dive, snorkel or wade (except in Spring Valley Park during trout season).
- D. To operate a watercraft operation within 100 feet of any dam and areas marked by buoys.
- E. To operate any watercraft which endangers any person or watercraft or property.
- F. To launch at non-designated launching areas.
- G. To fish (including bow fishing): at non-designated areas either from the shore or from a watercraft.

H. To use drinking fountains, springs, lakes or waterways for washing purposes.

75-31. Littering.

It shall be unlawful to:

A. Discard or deposits refuse of any kind or nature in or upon the property of the county, except by placing said refuse in containers provided for such purpose.

B. Throw, cast, lay, drop or discharge into or leave in waters any substance, matter or thing, liquid or solid, which may or shall result in the pollution of said waters.

C. Dispose of any personal item(s) into a designated trash container.

D. Pour or cause to spill or permit to escape in any area and any oil, gas, salt, acid or other deleterious substance whether liquid, solid, gaseous, except pursuant to the provisions of an official permit.

E. Bring any waste paper sweepings, ashes, household waste, glass, refuse or rubbish or any dangerous or detrimental substance into a receptacle or other place. This does not prohibit trash or waste generated in the park from a picnic or similar activity and deposited into a receptacle for that purpose.

F. Deposit any bodily waste in or on any portion in a park area except in a container for that purpose.

G. Place any bottle, can, rag, towels, wood, stone or substance in any plumbing fixtures.

75-32. Animal Control.

A. It shall be unlawful for any person, while on county property, to:

1. Cause any animal or fowl to run at large, except in designated areas (Canine Meadows, Spring Valley).

2. Bring, drive, or lead any animal onto county property, excepting that horses and other beasts of burden and draft animals may be ridden by persons in charge thereof, or driven before a vehicle attached thereto, on such portions of the county property as may be designated for riding by the Parks Director.

3. Bring, drive, lead or carry any dog or other animal or pet which is unleashed, upon county property, except for animals used in waterfowl hunting or dog shows or designated areas, as such may be permitted by the Parks Director.

4. Allow his or her dog or pet to enter any public building, pavilion or gazebo, except a trained and working leader dog, such as a "Seeing Eye" dog. Cause or permit any horse or other animal to stand on any county property, unless securely hitched or under the control of some competent person.

5. Torture, ill-treat or neglect any animal or fowl.

6. Cause or allow his or her pet up to and including dogs and horses to relieve themselves without cleaning up afterwards in designated areas.
7. Feed, wild animals, including but not limited to geese, ducks, deer, birds and squirrels.
8. Store or leave food in a manner that is reasonably likely to attract wildlife.
9. Release or abandon any animal on park property.
10. Stage any animal fights for any reason.

B. An approved Special Use And Activities Agreement is required for petting zoos, pony rides, and demonstrations, with the exception of park programs.

75-33. Emergency Powers.

Nothing in these rules shall:

A. Prohibit or hinder duly authorized agents (park police/park rangers) of the York County Board of Commissioners and/or Parks Director, or any law enforcement officers, from performing their official duties.

B. Prohibit agents of the York County Board of Commissioners and/or Parks Director from establishing emergency rules required to protect the health, welfare, and safety of park visitors and to protect park property, including, but not limited to, the right of the Board of Commissioners to order all persons off county property and to close all or any portion of the county park.

75-34. Additional Rules and Regulations.

The York County Advisory Board of Parks and Recreation, and Parks Director, are authorized to establish additional rules and regulations which, when approved by the Board of Commissioners and prominently posted, shall be obeyed by all persons utilizing the parks or recreational areas. The violation of such additional rules or regulations shall be a violation of this Article and shall be subject to the penalties herein.

75-35. Authority to Close Areas.

Any park employee may close any park or recreation area which becomes hazardous or unsafe for public use due to weather, water, fire, public safety or unforeseeable conditions with immediate notification to the Parks Director and/or Chief Ranger.

75-36. Enforcement.

The county park ranger and any police officers having jurisdiction may enforce the provisions of the rules and regulations herein established, in accordance with the procedure set forth herein.

75-37. Violations and Penalties.

Any person, firm or corporation who or which shall violate any provision of this Ordinance, upon conviction by a Magisterial District Judge having jurisdiction, shall be sentenced to pay a fine of not more than \$600 and/or to imprisonment for a term not to exceed 30 days, or both, and costs of prosecution.

Furthermore, any person, firm or corporation, upon conviction, shall be required to pay restitution to the County of York for any damage caused by the defendant. Restitution shall include reimbursement for hours spent by County of York employees performing repairs and/or replacement and/or materials at the hourly rate of \$12.50 or the lowest hourly rate of a parks department employee performing repair work, which ever is higher, and reimbursement of out-of-pocket expenses up to and including contracted services incurred by the County of York in performing said repairs. Each additional day that a violation persists may constitute a new violation, at the option of the Board of Commissioners.

Any person(s) that witnesses a violation of a rule or regulation can provide that information to a park ranger, thereby, a park ranger can issue a citation of this information received if the witness is willing to testify at a hearing. If the witness is unwilling to testify, the park ranger will contact the violator, if known and inform the violator of that reported violation.

Items and objects are subject to confiscation as allowed under the PA Vehicle Code.

Any person(s) submitting a false statement to any park ranger regarding a rule and regulation is subject to a violation and the highest penalty as allowed by this Ordinance.

Nothing in this section shall be construed as a waiver of the County of York's right to pursue recovery of damages in a civil proceeding.

ARTICLE III Citation Procedures

75-39. Use of citation form (2).

The citation form shall be used to institute proceedings in all summary cases for violations of the park rules and regulations (3). The Defendant's copy of the citation outlines his/her responsibility in responding to the charge of which he/she is accused. With the exception of the defendant's and issuing authority's copies, all other copies will serve as prosecution reports and audit trails in all park rules and regulations cases by the citation process.

75-40. Numbering of citations and record keeping.

Each citation will be pre-numbered by the printer, and it shall be the duty of the Ranger Unit to maintain an accurate number record of all such forms issued to park rangers. Park rangers shall return all such citations either in the form of (prosecution) reports or as voided forms.

75-41. Preparation of non-traffic citations.

A. All entries on the citation shall be printed in ballpoint pen, using capital letters. Sufficient pressure and care must be exercised to ensure that the data printed on this report is clear and legible in order to facilitate the transmittal of funds and retention of this data. Standard abbreviations may be used when practical.

B. When an error is committed in preparing a citation, the officer initiating the report will draw a single line through the error and print the correct information immediately above it.

C. When applicable, the word "void" shall be printed horizontally across the center front of the involved report. On the reverse side, the officer shall place an explanation for such action. The Chief

Ranger shall review all such reports. One (1) copy shall be retained at the park ranger unit and the remaining copies forwarded to the proper Magisterial District Judge.

75-42. Multiple offenses and/or defendants.

In the event that a person is responsible for several summary offenses, a citation will be prepared for each offense. If an investigation reveals more than one (1) defendant is responsible for a summary offense, a separate citation form shall be prepared concerning each defendant.

75-43. Information to be included on reports.

Refer to Citation form for details.

75-44. Processing of non-traffic citations.

After the ranger has issued a citation, a supplemental report shall be completed. Both the (gold) police copy and the supplemental report shall be presented to the Chief Park Ranger for approval. A copy of the original citation will be attached to the supplementary report.

75-45. Distribution of citation forms.

Within five (5) days of the issuance of a citation, the issuing park ranger shall deliver the citation to the appropriate Magisterial District Judge.

**ARTICLE IV
Park Rangers**

75-46. Definitions

As used in this article, the following terms shall have the meanings indicated:

ACT 235 – The Lethal Weapons Training Act of October 10, 1974
(P.L. 705, No. 235, 22 P.S. 41 et seq.)

COUNTY – County of York, Pennsylvania

EQUIPPING – Includes but is not limited to uniforms and lethal and non-lethal weapons.

PARK RANGERS – County park police.

PARKS – County recreation facilities, whether owned or leased.

75-47. Statutory Authority.

Pursuant to the provision of Public Law 323, August 9, 1955, codified at 16 P.S. 2511, the County authorizes the employment or appointment, and equipping of persons as park rangers for the following purposes:

A. Performing all necessary duties relating to the establishing, making, enlarging, extending and maintaining County public parks.

B. Enforcing park rules and regulations ordained or resolved by the York County Board of Commissioners.

75-48. Duties.

It shall be the duty of park rangers appointed to:

A. Issue a citation, or arrest without warrant, any person detected in the violation of any County park rule or regulation adopted by the York County Board of Commissioners by ordinance or resolution.

B. Take the arrested person before the Magisterial District Judge having jurisdiction.

C. Secure all crime scenes, including persons and evidence, where there is probable cause to believe that there is or has been a violation of any provision of the Pennsylvania Crimes Code. County park rangers shall immediately request County Control 911 to dispatch a police officer with jurisdiction to the scene and shall assist the officer as directed or requested.

D. Follow all Directives, Details, Standard Operating Procedures and other notices and communications as determined by the Chief Park Ranger and/or Parks Director.

E. Use discretion in performing duties, enforcement of rules and regulations and procedures and assure the safety of park personnel, park users and co-workers.

75-49. Qualifications - Weapons.

All park rangers who are required as a condition of employment to carry and use lethal weapons shall be certified pursuant to ACT 235 or possess municipal police officer certification.

75-50. County Sheriff Duties.

The County Sheriff shall have the duty and responsibility to:

A. Review County park ranger General Directives and Standard Operating Procedures, including annual training requirements, and recommend changes to the Parks Director and/or Chief Park Ranger.

B. Investigate incidents involving park rangers and make recommendations for disciplinary actions, including termination if warranted, to the Parks Director.

75-51. Training.

Park rangers shall successfully complete annual training requirements as required in the park ranger General Directive and Standard Operating Procedures. Training shall include standard operation procedures to comply with the duties in 75-47.

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