

TOWNSHIP OF SPRING
BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO. 421

AN ORDINANCE OF THE TOWNSHIP OF SPRING, BERKS COUNTY, PENNSYLVANIA, AMENDING THE TOWNSHIP OF SPRING CODE OF ORDINANCES, CHAPTER XX ENTITLED "PARKS AND RECREATIONAL AREAS" TO: (1) ADD A DEFINITION OF "DIRECTOR", (2) PROHIBIT PERSONS UNDER THE AGE OF EIGHTEEN (18) YEARS FROM OBTAINING PERMITS; (3) ADD INSURANCE REQUIREMENTS FOR USE PERMITS; (4) LIMIT ACCESS TO PARK SYSTEM AFTER SUNSET WITHOUT APPROVAL OF THE BOARD OF SUPERVISORS OR THEIR DESIGNEE; (5) PROHIBIT POSSESSION OF ALCOHOL IN THE PARK SYSTEM WITHOUT PERMIT; (6) RENUMBER CERTAIN SECTIONS; (7) PROHIBIT GOLFING IN THE PARK SYSTEM, EXCEPT AS DESIGNATED BY BOARD OF SUPERVISORS; (8) ADD CERTAIN FACILITIES AND PARKS TO THE PARK SYSTEM AND (9) REMOVE CERTAIN FACILITIES AND PARKS FROM THE PARK SYSTEM.

BE IT ENACTED AND ORDAINED, by the Board of Supervisors of the Township of Spring, Berks County, Pennsylvania (the "Township"), and it is hereby **ENACTED AND ORDAINED** by the authority of the same as follows:

SECTION 1. Section 101 entitled "Definitions", of Part 1 entitled "Rules and Regulations", of Chapter XX entitled "Parks and Recreational Areas", of the Township of Spring Code of Ordinances is hereby amended to add a definition of Director, as follows:

A. "Director" shall mean the Director of Parks, Recreation & Public Facilities.

SECTION 2. Section 103 entitled "Permits", of Part 1 entitled "Rules and Regulations", of Chapter XX entitled "Parks and Recreational Areas", of the Township of Spring Code of Ordinances, is hereby amended in its entirety as follows:

"Section 103. Permits.

A. An application for Use Permit shall be made upon forms provided by the Township and shall be accompanied by the required fee, if any.

B. An application for a Variance Permit shall be made upon forms provided by the Board and shall be accompanied by the required fee, if any. Such application for a Variance Permit shall be made to, granted or denied by the Director, or his or her designee.

C. All applications for Variance Permits and/or Use Permits shall be made at the office of the Township located at 2850 Windmill Road, Township of Spring, Berks County, Pennsylvania, and other designated locations and filed with the Township within a minimum of seventy-two (72) hours prior to use of a facility or area in the Park System.

D. In the event more applications for reservations are received than space is available, such applications determined to be properly completed and accompanied by the required fees shall be considered in the order received by the Director, or his or her designee.

E. An application for Use Permit that is not complete or not accompanied by the required fee will be deemed rejected.

F. The holder of a Variance Permit issued by the Director, or his or her designee, shall be held responsible for the actions and conduct of the other persons in their party.

G. The holder of a Use Permit issued by the Director, or his or her designee, shall be held responsible for the actions of the other persons in their party.

H. Insurance may be required as a condition for issuing a Use Permit. All Use Permits will be assessed based on risk to determine if insurance is required. General liability insurance is always required as a minimum for all commercial operators in the Park System. Applications will be assessed to determine whether additional types of insurance will also be required. The following requirements apply to all insurance policies:

1. Insurers must be licensed to do business in Pennsylvania.
2. The Township must be added as an additional insured under the policy with respect to the permittee's operations.
3. Insurance coverage should be on a "per occurrence" basis.

I. All visitors to the Park System must comply with the Township Ordinances and all rules and regulations of the Township regarding the Park System."

SECTION 3. The Section 104 entitled "Hours", of Part 1 entitled "Rules and Regulations" of Chapter XX entitled "Parks and Recreational Areas", of the Township of Spring Code of Ordinances is hereby amended and restated, as follows:

"Section 104. Hours.

(a) Except as provided in Section 104(b) below, No person shall be permitted within the Park System between 7:00 p.m. and sunrise of each day between November 1st and February 28th and 9:00 p.m. and sunrise of each day between March 1st and October 31st, unless otherwise approved by the Board or their designee.

(b) No person shall be permitted within the Cacoosing Meadows Park or Red Caboose Park between 7:00 p.m. and sunrise of each day between November 1st and February 28th and 11:00 p.m. and sunrise of each day between March 1st and October 31st, unless otherwise approved by the Board, or their designee."

SECTION 4. Section 121 entitled "Alcoholic Beverages", of Part 1 entitled "Rules and Regulations", of Chapter XX entitled "Parks and Recreational Areas", of the Township of Spring Code of Ordinances is hereby amended and restated in its entirety, as follows:

"Section 121. Alcoholic Beverages. No person shall be in the possession of any alcoholic beverage while in or upon any part of the Park System, without a Variance Permit.

No person shall be permitted on any part of the Park System while visually intoxicated or disruptive while utilizing the Park System. Anyone determined to be under the influence of alcohol or found to be disruptive may be removed from the Park System and banned from future use of the Park System. Under the influence of alcohol does not mean over the legal limit as it relates to driving a vehicle."

SECTION 5. Part 1 entitled "Rules and Regulations", of Chapter XX entitled "Parks and Recreational Areas", of the Township of Spring Code of Ordinances is hereby amended by adding a new Section 129, entitled "Golfing", as follows:

"Section 129. Golf. No person shall play or practice the game of golf within the Park System, except at such times and upon such places as may be designated by the Board and maintained for such purpose."

SECTION 6. Part 1 entitled "Rules and Regulations", of Chapter XX entitled "Parks and Recreational Areas", of the Township of Spring Code of Ordinances is hereby amended by renumbering the current Section 129 entitled "Emergency Powers", Section 130 entitled

“Penalties and Arrests”, Section 131 entitled “Severability”, and Section 132 entitled “Singular, Plural and Gender”, as follows:

Section 130. Emergency Powers.

Section 131. Penalties and Arrests.

Section 132. Severability.

Section 133. Singular, Plural and Gender.

SECTION 7. Section 201 entitled “Recreational and / or Open Space Areas Belonging to Township of Spring”, of Part 2 entitled “Designated Recreational and / or Open Space Areas”, of the Township of Spring Code of Ordinances is hereby amended and restated in its entirety, as follows:

“Section 201. Recreational and/or Open Space Areas Belonging to Township of Spring. The areas more fully set forth in this Section shall be governed and subject to the rules and regulations set forth in Part 1 of this Chapter.

A. Breneman Park Playground – located at 2914 Reedy Road, Sinking Spring, PA 19608. Situate in the Village of Whitfield, bounded on the east by properties abutting Dalin Drive, on the south by the Village of Wilshire Meadows, on the west by Reedy Road and on the north by properties abutting Dogwood Drive.

B. Cacoosing Meadows Park – located at 1049 Reedy Road / 3284 State Hill Road, Sinking Spring, PA 19608. Situate in the Township of Spring and Township of Lower Heidelberg, located on the north by State Hill Road, on the east by lands now or late of Laura Reedy Estate, on the south by lands now or late of Lester Kreider, et ux, and Michael Kreider, et ux, and on the west by lands now or late of the Louis Thun Children Real Estate Trust and of Arthur T. McGonigle, Jr., et al.

C. Colony Park – located at 2519 along Cromwell Drive, Wyomissing, PA 19610. Situate in the Village of Colony Park on the south side of Paper Mill Road, located on the west side of residential properties abutting Cromwell Drive, on the north side of residential properties abutting Cromwell Drive, and bounded on the west side by lands of now or late of Tulpehocken Ltd. A ten (10) feet wide service lane, located between 2513 and 2509 Cromwell Drive provides ingress and egress to this playground.

D. Cornwall Terrace Park – located at 100 A Shakespeare Drive, Sinking Spring, PA 19608. Situate in the Village of Cornwall Terrace, bounded on four (4)

sides by residential properties fronting on Shakespeare Drive, Tennyson Avenue, Bradley Avenue and Avon Avenue. Twenty (20) feet wide service lanes between 2705 and 2707 Avon Avenue, between 212 Bradley Avenue and 2715 Tennyson Avenue and between 100 and 102 Shakespeare Drive provide ingress and egress to this playground.

E. Drexelwood Park - located at 2111 A Wellington Boulevard, Wyomissing, PA 19610. Situate in the Village of Drexelwood, bounded on the east by residential properties abutting Apple Drive, on the south by residential properties abutting Wellington Boulevard, on the west by residential properties abutting Evergreen Drive and Rosewood Court and on the north by residential properties abutting Buckman Avenue.

F. General Frank's Field - located at 100 Harrison Avenue and situate in the Village of West Wyomissing, bounded on the east by property identified as Springwood Garden Apartments at 2300 Reading Avenue, on the south by an alley identified as Commerce Street, on the west by property identified as 2507 Cleveland Avenue and on the north by the railroad owned by PA Lines LLC.

G. Kerry Irwin Park - located at 121 Cecil Avenue in the former Borough of West Lawn, bounded on the east by properties identified as 118 to 128 Intervilla Avenue, on the south by property identified as 115 Cecil Avenue, on the west by Cecil Avenue and on the north by property identified as 2506 Belmont Avenue.

H. Kline's Creek Park - located at 120 A Matthew Drive, Sinking Spring, PA 19608. Situate in the Village of Spring Knoll and Grings Hill Estates as shown on the recorded final plans of Spring Knoll and Grings Hill Estates, Section 4.

I. LenOak Park - located at 3504 Erie Drive, situated between the Lenape Valley and Oakview Estates II Subdivisions and crossing the municipal boundary line into the Borough of Sinking Spring, the park is bounded on the east by properties identified as 3603 to 3613 Wyoming Drive South, on the south by property identified as 3503 Regency Drive, on the west by properties identified as 3505 to 3523 Regency Drive and on the north by properties identified as 42 to 58 Michigan Drive.

J. Midvale Manor Park - located at 2715 Hillvale Avenue, Sinking Spring, PA 19608. Situate in the Village of Midvale Manor bounded on the north by residential properties abutting Montieth Avenue, on the south by Hillvale Avenue extended and on the east by residential properties abutting Charlotte Avenue.

K. Oaks Trail - located at 901 Old Fritztown Road bounded on the east by property identified as 825 Old Fritztown Road, on the south by properties identified as 407 to 507 Arrowhead Trail, on the west by property identified as 907 Old Fritztown Road and on the north by Old Fritztown Road.

L. Owls Field - located in the Village of West Wyomissing along the west side of Harrison Avenue, bounded on the south by residential properties and undeveloped lands abutting Lincoln Avenue, and bounded on the north by undeveloped lands in the 2400 block of Girard Avenue.

M. Red Caboose Park - located at 2430 Girard Avenue, West Lawn, PA 19609. Situate in the Village of West Wyomissing, Springton Village and Presidential Arms, bounded on the north by residential properties abutting Reading Boulevard, on the east by Owls Field, on the south by the Village of Springton and on the west by the Village of Presidential Arms.

N. Shiloh Hills Park - located at 303 Sage Drive and bounded on the east by Shiloh Hills Elementary School and properties identified as 137 and 141 Sage Drive, on the south by Shiloh Hills Elementary School and Sage Drive, on the west by property identified as 137 Goose Lane and on the north by properties owned by Berks Landfill and Robert Weller abutting Wheatfield Road and properties identified as 304 to 410 Herington Drive.

O. West Lawn Park - located at 2338 Noble Street in the former Borough of West Lawn, bounded on the east by property owned by West Lawn United Methodist Church, on the south by properties identified as 2311 to 2333 Penn Avenue, on the west by Riegel Avenue and on the north by Noble Street.

P. Werner Farm Trail - located at 716 Old Fritztown Road in the Werner Farm Subdivision, bounded on the north and east by PA Route 222 and its corresponding rights-of-way, on the south by Old Fritztown Road and on the west by properties identified as 2400 to 2409 Andrew Court, 2301 to 2413 Overland Drive, 2401 to 2419 John Henry Drive and 2501 to 2513 Joshua Drive."

SECTION 8. Section 202 entitled "Recreational and / or Open Space Areas Belonging to Private Parties", of Part 2 entitled "Designated Recreational and / or Open Space Areas", of the Township of Spring Code of Ordinances is hereby amended and restated in its entirety, as follows:

"Section 202. Recreational and/or Open Space Areas Belonging to Private Parties. The areas more fully set forth in this Section shall be governed by the rules and regulations set forth in Part 1 of this Chapter hereof.

A. Wilson High School and Whitfield Elementary School, of the Wilson School District. Situate west of the Borough of West Lawn and Village of Whitfield, bounded on the west by Dwight Street, on the north by Van Reed Road, on the east by Berks Place and residential properties abutting Berks Place and on the south by Grandview Boulevard and residential properties abutting Grandview Boulevard.

B. Cornwall Terrace Elementary School and Southern Middle School, of the Wilson School District. Situate in the Village of Cornwall Terrace along the south side of Windmill Road, bounded on the east by Spohn Road, on the south by Wilson Townhouses Development and on the west by Iroquois Avenue.

C. Shiloh Hills Elementary of the Wilson School District - Located at 301 Sage Drive, bounded on the east by residential properties abutting Sage Drive, on the north and west by the Township of Spring's Shiloh Hills Park and on the south by Sage Drive.

D. Spring Ridge Elementary of the Wilson School District - Located at 1211 Broadcasting Road, bounded on the east by residential properties abutting Westwood Road, on the north by residential homes abutting West Thistle Drive, on the west by Broadcasting Road and on the south by commercial properties abutting Keiser Boulevard."

SECTION 9. The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision hereof shall be held to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Township that such Ordinance would have been enacted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION 10. The Code of Ordinances, as amended, of the Township of Spring, Berks County, Pennsylvania, shall be and remain unchanged and in full force and effect except as amended, supplemented or modified by this Ordinance. This Ordinance shall become a part of the Code of Ordinances, as amended, of the Township of Spring, Berks County, Pennsylvania, upon adoption.

SECTION 11. All ordinances or parts of ordinances of this Township which are inconsistent herewith are hereby repealed.

SECTION 12. This Ordinance shall become effective at the earliest date permitted by law following the date of its enactment.

DULY ENACTED AND ORDAINED this 13th day of June, 2016.

TOWNSHIP OF SPRING
Berks County, Pennsylvania

Barry W. Ulrich
Barry W. Ulrich, Chairperson

Patti J. Smith, Vice Chairperson

Alan S. Kreider
Alan Kreider

James R. Oswald

Robert M. Myer
Robert M. Myer

Attest: Steph Rowan
(Assistant) Secretary

MUNICIPAL CERTIFICATION

I, Sheryl Rowan, Secretary of the Township of Spring, Berks County, Pennsylvania, do hereby certify that the foregoing Ordinance # 421 was advertised in the *Reading Eagle*, a daily newspaper of general circulation in the Township of Spring, on June 2, 2016, and was duly enacted and approved as set forth at a regular meeting of the Board of Supervisors held on

June 13, 2016.

(SEAL)



Sheryl Rowan, Secretary

Date: June 13, 2016