



New Garden Township

299 Starr Road • Landenberg, PA 19350

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NEW GARDEN PARK PAVILION RENTAL FORM

PARK ADDRESS: 8934 GAP NEWPORT PIKE, LANDENBERG, PA 19350

Applicant Name (Print): _____ Date Submitted: _____

Name of Organization/Group (if applicable): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

Pavilion Requested: (CHECK ONE)

ALL RESERVATIONS REQUIRE A \$100 REFUNDABLE SECURITY DEPOSIT

AM- 8 A.M. - 2 P.M.

PM- 2 P.M. - 8 P.M.

PAVILION #1 (OCTAGON)-

PAVILION #2 (RECTANGLE)-

PAVILION #3 (RECTANGLE)-

- \$75- New Garden Resident
- \$100- Non-Resident

- \$75- New Garden Resident
- \$100- Non-Resident

- \$50- New Garden Resident
- \$75- Non-Resident

Date(s): and Time(s): _____ Number of people attending: _____

Activity Description: _____

The undersigned does hereby affirm that he/ she has read and understands the Rules and Regulations of Park/Facility rentals which can be found at <http://ecode360.com/6209400> for park facilities or building use. **CANCELLATIONS:** A \$10 processing fee will be assessed on all cancellations up to two (2) weeks prior to your reservation date. There is no refund for inclement weather or reservations cancelled after the 2-week deadline. **No alcohol or loud music is permitted.** Premises must remain free of debris and left orderly to receive full deposit return. This application is only accounting for the pavilion and picnic tables. Any use outside of the pavilion requires completion of a special event permit within 40 days prior to event, which can be found here: https://www.newgarden.org/sites/g/files/vyhlif3531/f/uploads/2022_ngt_special_events_permit.pdf

Signature: _____

Date: _____

FOR TOWNSHIP USE ONLY

FEE PAID: _____ DEPOSIT PAID: _____ TOWNSHIP APPROVAL: _____

DATE: _____ DATE RETURNED: _____

Chapter 127: Parks and Recreation Areas

[HISTORY: Adopted by the Board of Supervisors of the Township of New Garden 10-22-1998 by Ord. No. 129. Amendments noted where applicable.]

GENERAL REFERENCES

Alcoholic beverages See Ch.

49, Open burning See Ch. 68.

Nuisances — See Ch. 121.

Peddling and soliciting See Ch. 130.

127-1 Title.

This chapter shall be known as the "New Garden Township Park Ordinance."

§ 127-2 Applicability and purpose.

This chapter shall apply uniformly to all real estate owned by the Township of New Garden now established or hereafter designated as park and recreation areas and shall further apply uniformly to all persons making use of the areas so designated within the Township.

5 127-3 Definitions.

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

COMMISSION

A Parks and Recreation Commission, which may, in the discretion of the Township, be appointed for advisory purposes.

PARK EMPLOYEE

Any employee of New Garden Township performing work or services in connection with the park property.

PARK PROPERTY

Any lands or facilities owned or leased by the Township of New Garden designated or used by the Township for purposes of park and recreation.

PERSON

Includes any individual, organization, club or entity.

PUBLIC

Only residents and/or taxpayers of the Township and such other clubs, organizations, entities or persons who have obtained, in the sole discretion of the Township, a written permit from the Township for use of the park property.

TOWNSHIP

New Garden Township.

§ 127-4 Designation of park system.

- A. All real estate owned or leased by the Township, now established or hereafter designated as park and/or recreation area, shall be controlled by and subject to the provisions, rules and regulations of this chapter.
- B. The Township Secretary shall maintain a list of all areas designated as park or recreation areas, which list shall be open to public inspection during regular business hours and shall particularly show the real estate so designated as park or recreation areas.

- C. All real estate owned or hereafter acquired by the Township and designated as park or recreation areas by the Township shall, upon conveyance thereof, by fee simple, lease, or otherwise, to the Township, and without the necessity of further action by the Board of Supervisors, be governed by the provisions of this chapter and the rules and regulations established herein. As of the effective date of this chapter, the park shall be deemed to include that certain 23 acres of property with improvements thereon situate on the south side of Gap Newport Pike (Route #41) near the intersection of Newark Road and Route #41 in the Township.

§ 127-5 Rules and regulations.

The following rules and regulations are hereby promulgated for the management and protection of the park and recreation areas located within the Township and for the purpose of ensuring the public health, safety, and welfare of the residents of the Township using such park system. The Township may appoint an advisory commission for purposes of advising and consulting with the Township in connection with the management and operation of the park property.

- A. Hours. The park shall be open to the public daily between the hours of 6:00 a.m. and 9:00 p.m., prevailing time, during the months of May through September, and between the hours of 6:00 a.m. and 6:00 p.m. during the months of October through April. Anything contained herein to the contrary notwithstanding, no person shall be permitted within the park system between dusk of any day and dawn of the following day except upon the issuance of a written permit by the Township.
- B. Access. No other person, organization, entity or club shall be permitted access to the park except upon special written permit issued by the Township.
- C. Protection of property. No person, organization, entity or club shall, on park property:
- (1) Destroy, deface, alter, change or remove any monument, stone marker, benchmark, stake, post, or trail marking, or designation of any boundary line or survey line;
 - (2) Cut, break, mark upon or otherwise damage, deface or destroy any building, structure, equipment, bridge, drain, wall, foundation, lamp post, fence, gate, hedge or other structure or installation;
 - (3) Deface, destroy or remove any placard, notice, or sign, whether permanent or temporary, posted or exhibited upon park property;
 - (4) Cut, remove, injure, deface, damage or destroy any tree, plant, shrub, turf, or other land upon the park property, or break or remove any branch, foliage, tree, or shrub, or pick, gather, uproot, remove, damage or destroy any flower, fruit, or plant;
 - (5) Remove, cause to be removed, dig or alter any natural or man-made materials (including, but not limited to, gravel, sand, turf or earth), artifacts, or other items or to dig any sod, earth, humus, peat, boulder, rock, gravel or sand.
- D. Fires. No person shall on the park property:
- (1) Set or cause to be set on fire any tree, woodland, brushland, grassland, meadow or any property, real or personal;
 - (2) Build any fire except within the fire places, grills, receptacles, or open spaces approved and designated by the commission or the Township,¹
- [¹]Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).
- (3) Drop, dump, throw or otherwise scatter lighted matches, ashes, burning cigars, cigarettes, cigarette butts, tobacco paper or other flammable material.

- E. Wildlife protection. No person shall on park property pursue, catch, attempt to catch, strike, molest, wound or kill any bird, animal or reptile or disturb any nest, den, burrow, or the like of any animal.
- F. Parking. No person shall:
- (1) Drive or park any vehicle, bicycle, motorcycle or cart beyond the park entrance;
 - (2) Park any such vehicle, bicycle, motorcycle or cart outside of designated parking areas;
 - (3) Operate any vehicle and stop, stand or park such vehicle upon a roadway or in a parking area in such manner as to form an obstruction to traffic thereon;
 - (4) Drive upon or park upon any lawn unless specifically authorized to do so by the Township or commission;
 - (5) Operate a vehicle and park in any place where "no parking" signs have been erected;
 - (6) Operate and park a vehicle in such manner as to block the exit or removal of another vehicle;
 - (7) Operate and park a vehicle in such a manner as to take up more than one designated parking spot;
 - (8) Operate a motor vehicle in excess of 15 miles per hour in any park unless a higher rate of speed has been posted;
 - (9) Operate any vehicle upon any such part of the park and/or ingress and egress to the park carelessly disregarding the rights and safety of others or in a manner so as to endanger any person or property;
 - (10) Operate any type of mini-bike, trail bike, all-terrain vehicles, snowmobile or other vehicle that is not or cannot be registered for operation on the public highways except in areas designated and designed for their purpose and only with the written approval of the Township and with an appropriate permit;
 - (11) Wash or make mechanical repairs on vehicles except in an emergency.
- G. Equestrian use. No person shall ride or lead a horse or pony upon any park property unless upon the issuance of an appropriate special written permit issued by the Township.
- H. Trespass prohibited. No person shall:
- (1) Enter upon any grounds that have been posted by the Township with "no trespassing" or "special wildlife" signs, or any sign that would indicate that the area is not open to the general public without first obtaining a special written permit issued by the Township;
 - (2) Enter any building or structure that is not open to and regularly used by the public;
 - (3) Enter upon or disturb any construction or equipment on the park property.
- I. Peddling and soliciting. No person shall peddle or solicit business of any nature whatsoever or collect any funds for any service or charity or distribute handbills or other advertising matter or post unauthorized signs on any lands, structures or property administered by or under the control of the Township.
- J. Drugs and controlled substances. No person shall possess or be under the influence of any illegal drug or controlled substances while in or upon any of the park property. Any illegal drugs or narcotics in the possession of anyone shall be confiscated by the park employee or a law enforcement officer.
- K. Alcoholic beverages. No person shall possess, or be under the influence of, any alcoholic beverage while on any part of the park property. Any alcoholic beverage in any person's possession shall be confiscated by a park employee or a law enforcement officer.
- L. Personal conduct on park property. No person shall on park property:

- (1) Engage in any violent, abusive, loud, boisterous, vulgar, lewd, obscene, or otherwise disorderly behavior or conduct which causes or tends to cause a breach of the peace or the disturbance or annoyance of others;
- (2) Commit any indecent or immoral act or engage in any sexual activity tending to debauch the morals or manners of the public;
- (3) Drive, chip or putt golf balls.

M. Use of loudspeakers, radio, CD player, tape recorder or television. No person shall on park property:

- (1) Use a loudspeaker, public address system, amplified musical instruments, or amplifier without a permit issued by the Township;
- (2) Play or cause to be played any musical instrument, radio, CD player, tape recorder, television, etc., in a loud or boisterous manner which tends to disturb the peace or annoy any visitor.

N. Fireworks. No person shall on park property fire, discharge or have in his or her possession any rocket, firecracker or other fireworks or any substance of any explosive nature.

O. Firearms, hatchets, knives, etc.

(1) No person shall on park property:

- (a) Bring into or upon park property or have in his or her possession, nor discharge or set off anywhere on said property, a revolver, pistol, shotgun, rifle, air rifle, air gun, water gun, or any gun, rifle, firearm or bow or other weapon that discharges projectiles either by air, explosive substance or by any other force; except that this section shall not apply to any law enforcement officer or park employee while carrying out the duties and responsibilities of his/her position;
- (b) Possess any type of knife, hatchet or axe.

(2) The park employee or law enforcement officer shall confiscate any article or weapon in the possession of any person which is in violation of this section.

P. Littering, dumping and pollution. No person shall on park property:

- (1) Discard, deposit, dump, litter or allow to blow away any refuse of any kind or nature except by placing said refuse in containers provided for such purposes;
- (2) Bring or dispose of any type of trash, refuse or debris in any park, whether disposing of it in receptacles or not, if such refuse did not result from park usage within the park property;
- (3) In areas where recycling receptacles are provided, fail to place refuse as indicated on container;
- (4) Bring any glass bottles or glass containers onto park property.

Q. Skating and skateboarding. No person shall use roller skates, in-line skates, or skateboards on the park property.

R. Dogs and pets. No dogs, pets or animals of any kind will be permitted on park property.

S. Groups. No person or organization shall hold any meeting, gathering or other function, composed of 25 or more persons, on park property without first having obtained a written permit from the Township. The application for permit shall identify the party or organization conducting the meeting, gathering or function and shall indicate the approximate number of persons attending the planned event, the hours for which the planned event is scheduled, equipment to be used, and such other pertinent information as may be required by the Township. The application for such a permit shall be made at least 72 hours prior to the time of the planned event for which permission is being requested.

127-6 Enforcement.

In addition to law enforcement agencies (e.g., Township police or state police), it shall be the responsibility of a park employee, if so, appointed by the Township, and/or any other designated Township official or employee to enforce this chapter and the rules and regulations herein set forth.

127-7 Fees.

Any fees established by the Township for permits to be issued under this chapter as well as any amendments to the rules and regulations may be adopted by appropriate resolution of the Township without the necessity of amendment of this chapter. § 127-8 Violations and penalties.

Pursuant to Section 1601(c.1)(2) of the Second Class Township any person who violates this chapter, and/or any rule or regulation established herein, shall, by action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, be liable, upon judgment of conviction thereof, to a fine not exceeding \$1,000 per violation, together with costs of prosecution and reasonable attorney's fees of the Township; and further subject to imprisonment to the extent allowed by law for the punishment of summary offenses.

PLEASE READ THIS BINDING LEGAL DOCUMENT CAREFULLY. AS A PROSPECTIVE USER OF A FACILITY OF NEW GARDEN TOWNSHIP, IT IS NECESSARY THAT YOU SIGN THIS RELEASE OF LIABILITY AND INDEMNIFICATION AGREEMENT BEFORE YOU OR ANY MEMBER OF YOUR ORGANIZATION WILL BE PERMITTED TO USE A TOWNSHIP FACILITY. BY SIGNING THIS DOCUMENT, YOU, YOUR ORGANIZATION AND THE MEMBERS AND GUESTS OF YOUR ORGANIZATION ARE RELIEVING NEW GARDEN TOWNSHIP OF ANY RESPONSIBILITY FOR ANY UNTOWARD OCCURRENCE, INCLUDING PERSONAL INJURIES, DEATH AND PROPERTY DAMAGE, ARISING OUT OF THE USE OF SUCH FACILITY; AND, YOU AND YOUR ORGANIZATION ARE AGREEING TO HOLD NEW GARDEN TOWNSHIP AND ITS ELECTED AND APPOINTED OFFICIALS, AGENTS, SERVANTS AND EMPLOYEES HARMLESS FROM ANY DAMAGES RELATED THERETO, AND ARE AGREEING TO INDEMNIFY NEW GARDEN TOWNSHIP FROM AND AGAINST ALL DAMAGES, CLAIMS, LOSSES, DEMANDS, JUDGMENTS AND COSTS ON ACCOUNT OF ANY INJURY OR DAMAGES TO ANYONE USING THE NEW GARDEN TOWNSHIP FACILITY UNDER YOUR AUSPICES, WHETHER OR NOT SUCH USER IS SUBJECT TO YOUR DIRECTION OR CONTROL. YOU HAVE THE RIGHT TO SEEK THE ADVICE OF YOUR ATTORNEY BEFORE SIGNING THIS DOCUMENT.

