

## Chapter 139

### PARKS AND RECREATION

ARTICLE I			
Township Parks and Recreation Board			
§ 139-1.	Title.	§ 139-7.	Sunshine act; quorum; public participation; donations.
§ 139-2.	Creation of Board; park goals.	§ 139-8.	Responsibilities and oversight of Parks and Recreation Board.
§ 139-3.	Organization of Board.	ARTICLE II	
§ 139-4.	Duties of Chairperson; order of business; duties of Secretary.	Township Park Rules and Regulations	
§ 139-5.	Maintenance of official meeting minutes.	§ 139-9.	Rules and regulations.
§ 139-6.	Assistance from Board of Supervisors.	§ 139-10.	Revocation of privileges.
		§ 139-11.	Posting of rules.
		§ 139-12.	Violations and penalties.

[HISTORY:<sup>1</sup> Adopted by the Board of Supervisors of the Township of Middle Smithfield 9-4-2012 by Ord. No. 190. Amendments noted where applicable.]

#### GENERAL REFERENCES

Outdoor burning — See Ch. 94.

Littering — See Ch. 132.

---

1. Editor's Note: Former Ch. 139, Parks and Recreation, adopted 2-14-2008 by Ord. No. 158, was repealed 12-9-2009 by Ord. No. 170.

ARTICLE I  
**Township Parks and Recreation Board**

**§ 139-1. Title.**

This chapter shall be known and may be cited as the "Middle Smithfield Township Parks and Recreation Board Ordinance" of 2012.

**§ 139-2. Creation of Board; park goals.**

- A. Creation of Township Parks and Recreation Board. There is hereby created a Parks and Recreation Board for the Township of Middle Smithfield (hereinafter referred to as the "Parks and Recreation Board"). The Parks and Recreation Board shall serve the Board of Supervisors as an advisory board only; the Parks and Recreation Board shall provide advice and recommendations for consideration by the Board of Supervisors relating to parks and recreation facilities and organized recreation programs to enhance the quality of life for the residents of Middle Smithfield Township. The Parks and Recreation Board shall have no authority to make any expenditures or incur any expense on behalf of the Township.
- B. Goals of Township parks. The goals of the Township's parks shall be (which are not intended to be listed in any order of importance):
- (1) To retain enough open space for citizen use.
  - (2) To maintain the beauty and character of the areas.
  - (3) To provide safe havens for the Poconos' signature wildlife.
  - (4) To provide safe havens for native flora in natural habitat.
  - (5) To provide clean park environments.
  - (6) To provide well- equipped parks.
  - (7) To maintain full functioning park equipment and facilities.
  - (8) To assist community groups in recreation activities/events.
  - (9) To maintain fiscally sound park operations and management.
  - (10) To provide safe, open-space environments for residents.

**§ 139-3. Organization of Board.**

- A. Members, qualifications and compensation.
- (1) The Parks and Recreation Board shall consist of five members.
  - (2) Each member of the Parks and Recreation Board must be a qualified elector and resident of the Middle Smithfield Township, who shall be appointed by the Board of Supervisors.
  - (3) Members of the Parks and Recreation Board shall receive no compensation for their services, but be reimbursed by the Township for all expenses incurred in performing their duties.
  - (4) Each member of the Board of Supervisors shall serve as an ex-officio and nonvoting member of

the Parks and Recreation Board and any of its committees.

- B. Appointments and term lengths. At the time of creation of the Township Parks and Recreation Board, the Board of Supervisors shall appoint one of the members for a period of one year, a second member for a period of two years, a third member for a period of three years, a fourth member for a period of four years and a fifth member for a period of five years. At the expiration of any initial member or successive member term, the successor member shall be appointed for a period of five years. In no event, shall any term be for more than five years.
- C. Resignation and removal of members. Any member of the Parks and Recreation Board may be removed by the Board of Supervisors for dereliction or neglect of duty. At any time, with written notice to the Board of Supervisors, any Parks and Recreation Board member may voluntarily resign. The Board of Supervisors shall fill all vacancies, which appointment shall be for the remainder of the term of the former member whose office has become vacant.
- D. Meetings and election of officers. At a minimum, the Parks and Recreation Board shall meet on a quarterly basis each year. The officers of the Parks and Recreation Board shall consist of a Chairperson, Vice Chairperson and Secretary, and such other officers as the Parks and Recreation Board shall deem necessary or useful. All officers shall be members of the Parks and Recreation Board. The Township Board of Supervisors shall at its annual reorganization meeting elect the Chairperson of the Parks and Recreation Board, who shall serve until the Supervisors' next annual reorganization meeting, or until his or her successor is elected. All other officers of the Parks and Recreation Board shall be elected by the Parks and Recreation Board at its first meeting each year, which shall serve as the Board's annual reorganization meeting. All such officers shall serve for a period of one year, or until their successor is elected. In the event of a vacancy in any of the Board's offices, the members shall meet and elect member(s) to fill the remaining term of the vacancy, except the Township Supervisors shall elect the Chairperson if there is a vacancy in that office. Meetings shall be conducted in accordance with the policies and procedures as adopted by the Parks and Recreation Board.
- E. Appointment of Board Committees.
  - (1) As necessary or convenient, the Parks and Recreation Board may create and appoint committees, including but not limited to committees to focus on the concerns of an individual Township park. The Chairperson of any committee shall be determined by the Board. Any other committee officers may be determined by the committee members. Committees shall meet on an as-needed basis, or regularly when event planning. Any committee recommendations or activities shall be reviewed and approved by the Board.
  - (2) For special projects, as approved by the Board of Supervisors, Parks and Recreation Board committees may select, by majority vote, community volunteers, outside of the Parks and Recreation Board, to assist, as necessary, with the completion of tasks. However, in no event will any such community volunteer serve as a voting member of the committee.

**§ 139-4. Duties of Chairperson; order of business; duties of Secretary.**

- A. Chairperson responsibilities. The Chairperson or, in the Chairperson's absence, the Vice Chairperson, shall preside at all meetings of the Parks and Recreation Board and decide all points of order and procedure and perform all other duties required by law and this chapter. The Chairperson shall serve as the Parks and Recreation Board's liaison to the Board of Supervisors.
- B. Order of business. The order of business to be implemented and followed by the Chairperson at all

Board meetings shall be as follows, or as the Board shall determine:

- (1) Call to order.
- (2) Approval of minutes.
- (3) Correspondence.
- (4) Courtesy of the floor.
- (5) Old business.
- (6) Committee reports.
- (7) New business.
- (8) Announcements.
- (9) Next meeting.
- (10) Adjournment.

- C. Secretary. The Parks and Recreation Board shall elect a Secretary. The duties of the Secretary shall include keeping and maintaining regular meeting minutes, including but not limited to recording the presence or absence of each member at a Board meeting, recording the vote of each member (including the abstention or failure to vote) upon each question of the Board, carrying out all official correspondence of the Board, and sending out all notices from the Board. The Secretary shall prepare the proposed agenda for each Board meeting, in conjunction with the Chairperson, and deliver a copy to members of the Board in advance of each meeting.

**§ 139-5. Maintenance of official meeting minutes.**

The Parks and Recreation Board shall keep minutes of each its meetings. The minutes of each meeting shall be forwarded to the Board of Supervisors.

**§ 139-6. Assistance from Board of Supervisors.**

- A. Additional assistance from the Board of Supervisors. The Board of Supervisors may provide suitable and convenient meeting space, stationery, postage, printing and supplies as may be necessary for the work of the Parks and Recreation Board, as determined by the Board of Supervisors.
- B. Additional assistance for professional services from Board of Supervisors. The Board of Supervisors shall engage the services of such professionals, consultants and other experts which are necessary for the work of the Parks and Recreation Board, as determined by the Board of Supervisors.
- C. Designation of lands. The Board of Supervisors shall be responsible for any and all master plans to be prepared by a designated surveyor(s), planner(s), engineer(s), and architect(s). The Board of Supervisors may, at its discretion, acquire other parks and recreational areas and facilities. In the event that new recreational areas and facilities are acquired, the Board of Supervisors will file official land plans with the Township Secretary. Each official plan will indicate the lands to be administered by the Parks and Recreation Board.

**§ 139-7. Sunshine act; quorum; public participation; donations.**

- A. Compliance with Sunshine Act. All regular and special meetings of the Parks and Recreation Board shall be scheduled, advertised and held and conducted in accordance with the requirements, of the provisions of the Pennsylvania Sunshine Act, 65 Pa.C.S.A. § 701 ("Sunshine Act"). The schedule of the monthly board meetings shall be advertised annually by the Township Secretary in accordance with the Sunshine Act and, until and unless changed by written notice by the Board to the Township Secretary and in accordance with the public notice requirements of the Sunshine Act, shall be held on the first Monday of each month at the Middle Smithfield Township Municipal Building, 147 Municipal Drive, East Stroudsburg, Pennsylvania 18302, beginning at 6:45 p.m. At the direction of the Chairperson, or the request of two or more members of the Board, special meetings shall be scheduled, advertised, held and conducted in accordance with the foregoing.
- B. Quorum. A majority of the members of the Parks and Recreation Board then in office shall constitute a quorum of the Board. If less than a majority is present at any meeting, no official action may be taken at such meeting. A simple majority vote of those present at a duly convened meeting shall be sufficient for Board action.
- C. Public participation. The public shall have the right to comment on matters which are or may come before the Parks and Recreation Board at public meetings as provided by Section 710.1 of the Sunshine Act.<sup>2</sup> Any request by any person to be placed on the agenda of any meeting of the Parks and Recreation Board for formal consideration and action on any matter shall be submitted in writing to the Township not later than 12:00 noon, seven days prior to the meeting at which such person desires to be heard. The Parks and Recreation Board shall not be required to take action on any matter for which a timely request for agenda consideration and action has not been made. Late requests shall be rescheduled by the Chairperson for the next regular meeting.
- D. Fund-raising. As necessary or convenient, various fund-raising events for one or more of the Township parks may take place with the approval of the Board of Supervisors. Funds raised for a specific park or parks shall be turned over and entrusted to the Township Treasurer for future use and expenditure at the park or parks for which the fund-raising event(s) took place. The Parks and Recreation Board shall provide specific recommendations to the Board of Supervisors for such expenditures of funds. However, the Board of Supervisors will have final oversight of all expenditures.
- E. Donations. Any individual, group, or organization wishing to donate money, tangible or intangible items to a park or parks shall make such donations to the Board of Supervisors accompanied by a letter stating and describing the specific donation or donations and the park or parks for which the items are intended or donated.

#### **§ 139-8. Responsibilities and oversight of Parks and Recreation Board.**

Responsibilities: The Parks and Recreation Board is to be an advisory body to the Board of Supervisors. The Board of Supervisors will have final oversight of, and responsibility over, the management and operation of the Parks and Recreation Board. The responsibilities, more specifically, of the Parks and Recreation Board shall be as follows:

- A. To provide advice and recommendations for consideration by the Board of Supervisors with respect to capital planning, and capital and general fund budgeting, for parks and recreation purposes.
- B. To recommend to the Board of Supervisors proposed hours of operation for parks and recreational

---

2. Editor's Note: See 65 Pa.C.S.A. § 710.1.

facilities and events.

- C. To submit to the Board of Supervisors, by October 1 of each year, an annual inventory and assessment of the parks conditions, equipment and sites, including a recommendation regarding the repair and replacement needs of park and recreation facilities.
- D. To submit an annual report to the Board of Supervisors, including an analysis of the adequacy and effectiveness of community recreation areas, facilities and leadership.
- E. To recommend for adoption rules and regulations for the Township parks and recreational facilities to the Board of Supervisors.

ARTICLE II  
**Township Park Rules and Regulations**

**§ 139-9. Rules and regulations.**

The Middle Smithfield Township Park rules and regulations are as follows, to wit:

- A. The sports fields are maintained by Middle Smithfield Township for recreation and the enjoyment of its residents. Use of these fields must be in accordance with the following rules and regulations. Fees for use of park facilities may be assessed at certain times by resolution of the Board of Supervisors.
- B. General park rules and regulations are as follows:
- (1) Parks and recreation areas shall be open during daylight hours only, unless special arrangements have been established with the Board of Supervisors.
  - (2) Parking is allowed in designated areas only and shall be in compliance with the Middle Smithfield Township Code; no unlicensed vehicles are allowed in or on Township park and recreation lands.
  - (3) Sports fields must be assigned a group leader when they are used by a group; assigned groups have priority on sports fields.
  - (4) Only one game at a time shall be permitted on the sports fields.
  - (5) Sports fields are open to the public when not assigned.
  - (6) No vehicles are allowed on sports fields at any time except for mowing and maintenance.
  - (7) Group leaders are personally responsible for the control and behavior of their respective group(s).
  - (8) All groups and individuals shall collect all litter after use of the field(s).
  - (9) All pets are to be kept on a leash at all times unless attending the designated area in the Judy Putek Memorial Park; pet owners shall be responsible for cleaning up after their pets.
  - (10) No alcoholic beverages are allowed on any Township park or recreation area.
  - (11) No horses are allowed any of the Township park or recreation areas.
  - (12) No snowmobiles, ATVs, three wheelers or motorized recreational vehicles are allowed in any Township park or recreation area.
  - (13) No hunting or target practice is allowed in any Township park or recreation area.
  - (14) No fires, of any kind are allowed in any Township park or recreation area without special permission of the Board of Supervisors; the exception shall be for cooking on charcoal or gas grills located in specifically designated areas.
  - (15) Digging or intentionally searching or scavenging for any artifact, collectible, or other item of value by any means in any Township parks or recreation area is prohibited. Any artifact, collectible or other item of value found in any Township park or recreation area shall not be removed. The Township office shall be notified immediately of any such finding. Any inquiries regarding lost artifacts, collectibles or other items of value shall be made to the Township office

or to the Township Parks and Recreation Board.

**§ 139-10. Revocation of privileges.**

Use of Township parks, and participation in Township recreation programs shall be considered a privilege and not a right. In addition to any of the penalties set forth in § 139-12 herein, any infraction of the above rules and regulations will be cause for the Township Board of Supervisors to automatically suspend privileges of any offending individual, group or group leader for the entire season.

**§ 139-11. Posting of rules.**

Rules and regulations adopted by the Board of Supervisors shall be conspicuously posted on park and recreation property.

**§ 139-12. Violations and penalties.**

Any person, firm or corporation who shall violate any provision of § 139-9 herein, shall, upon conviction thereof in an action brought before the District Justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs. In the event of default of payment of said fine and costs, then said violator shall be sentenced to a term of imprisonment not to exceed 90 days. Each day that a section shall be found to have been violated shall constitute a separate offense.