

ORDINANCE NO. 2022-1

AN ORDINANCE OF THE BOROUGH OF NEW BERLIN, UNION COUNTY PENNSYLVANIA ESTABLISHING PARK HOURS FOR THE BOROUGH OF NEW BERLIN PARK AND THE PRESCRIBING PENALTIES FOR VIOLATION.

BE IT ORDAINED by the Council of the Borough of New Berlin that:

The purpose of this ordinance is to:

1. Promote the general welfare of the community and protect the general public through the reduction of violence and crime within the Borough;
2. Promote the safety and well being of the Borough's residents;
3. Foster and strengthen community responsibility.

(A) Definitions.

As used within this section, the following words and phrases shall have the meanings ascribed to them below:

“Park hours” refers to the time that any Borough Park or facility is open to the public which shall be 5:00 a.m. to 10:00 p.m. of each day.

“Emergency” refers to unforeseen circumstances, or the status or condition resulting therefrom, requiring immediate action to safeguard life, limb or property. The term includes, but is not limited to, fires, natural disasters, automobile accidents or other similar circumstances.

“Past Established Park Hours” refers to the time of 5:00 a.m. to 10:00 p.m. of each day.

“Officer” refers to a police or other law enforcement officer charged with the duty of enforcing the laws of the Commonwealth of Pennsylvania and/or Ordinances of the Borough.

“Person” refers to an individual, both adult and minor, not to any association, corporation or any other legal entity.

“Borough Property” refers to any park, building, or area owned by and under the control of the Borough of New Berlin.

“Remain” refers to lingering or staying at or upon a place and/or to fail to leave a place when requested to do so by an officer.

“Vehicle” refers to any motor vehicle, bicycle or other mode of transportation.

(B) It shall be unlawful for any person to remain in or upon any Borough Property past the established park hours unless:

1. The person has been given written permission by the Borough Council or an appointed representative to remain on the Borough Property past the established park hours on a specific date for a specific purpose and/or for Borough activities.
2. The person is a participant in or a viewer to a scheduled sporting event, fundraiser or other community event which has been organized and/or preapproved by the Borough of New Berlin.

(C) It shall be unlawful for any person to give a false name, address, or telephone number to any officer investigating a possible violation of this section.

(D) It shall be unlawful for any person who is the owner or operator of any vehicle to knowingly park their vehicle on Borough Property past the established park hours, except in the event of vehicle breakdown or emergency and then only until the vehicle can be towed or moved or until the emergency has ended.

(E) Enforcement

If a violation of the ordinance is suspected, the officer shall make an immediate investigation for the purposes of ascertaining whether or not the presence of the person on Borough Property whether individually or in a vehicle is in violation of the Ordinance.

If such investigation reveals that the presence of the person is in violation of any section of this ordinance, then:

1. The officer may issue a warning to the person and request that the person leave the Borough Property;
2. The officer may charge the person with a violation of the ordinance and issue a citation to such person.
3. Each violation with a citation issued shall be subject to a fine as determined by the Borough Council.

(F) If any provisions, section, sentence, clause or part of this ordinance shall be held to be invalid, such invalidity shall not affect nor impair any remaining provision, section, sentence, clause or part of this ordinance, it being the express intent that such remainder shall remain in full force and effect. All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

(G) Each day that the violation continues shall be considered a separate offense.

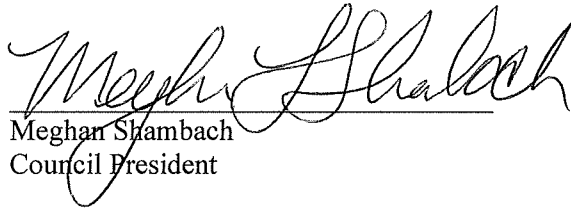
ENACTED AND ORDAINED into law by the Borough of New Berlin, Union
County, Pennsylvania this 13th Day of July 2022.

ATTEST:

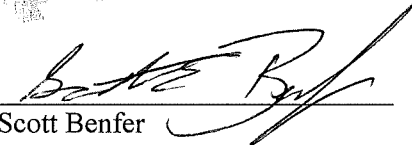


Rebecca A. Witmer
Secretary/Treasurer

NEW BERLIN BOROUGH COUNCIL



Meghan Shambach
Council President



Scott Benfer
Mayor

NOTICE

The New Berlin Borough, at its next regularly scheduled council meeting on July 13, 2022 at 7:00 pm, at the New Berlin Community Center, 318 Vine Street, New Berlin, PA, intends passage of an Ordinance establishing park hours for the Borough of New Berlin and prescribing penalties and remedies for violations thereof. The ordinance may be viewed or copies of said ordinance may be obtained by calling the Borough Secretary at 570-966-4705

DI: June 15, 2022

Personally appeared before me, the subscriber,
Fred Scheller, Publisher
of THE DAILY ITEM, a newspaper of general circulation in Union, Northumberland, Snyder and Montour Counties, the paper in which publication has been directed, who being duly sworn according to law, doth depose and say that said newspaper was established April 15, 1970, and has its place of business at Second & Market Sts., in the city of Sunbury, County of Northumberland, and Commonwealth of Pennsylvania, and that, the Notice, of which the attached is a copy, was published in THE DAILY ITEM in the City of Sunbury, County of Northumberland and State of Pennsylvania on the

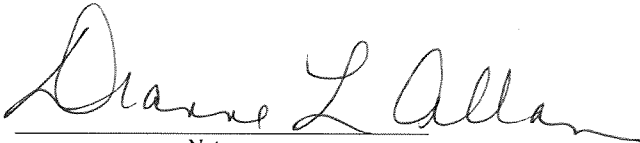
15th day of June, A.D. 2022

that affiant is not interested in the subject matter of the foregoing notice of advertising, and avers that all of the allegations of the statement as to the time, place and character of the publication are true.



Affiant

Sworn to and subscribed before me
This 15th day of June, A.D. 2022



Notary

Commonwealth of Pennsylvania - Notary Seal
DIANNE L. ALLAN - Notary Public
Northumberland County
My Commission Expires Dec 10, 2022
Commission Number 1341876