



BOROUGH OF MIDDLETOWN

SHELTER RESERVATION FORM

HOFFER PARK

(Available 10am - Dusk)

FACILITY REQUESTED:

Main Pavilion
Seating Limit 75

Shelter 2
Seating Limit 24

Shelter 1
Seating Limit 48

Shelter 3
Seating Limit 48

The Applicant completing this form becomes the Authorized Representative of the requested event.

Date Requested: _____ **Time Duration:** _____ **To** _____

Applicant Name: _____

Applicant Home Address: _____

City: _____ **State:** _____ **Zip Code:** _____

Applicant Govt Photo ID: Type: _____ Number: _____

Issue Date: _____ Expiration Date: _____

Applicant Phone: _____ **Email:** _____

Organization (If Applicable): _____

Total Attending: _____ **Intended Event Use:** *(Attach Itinerary If Needed):*

PLEASE READ AND CHECK EACH BOX AGREEING WITH THE FOLLOWING:

NOTE: In accepting this permit, the Applicant will be in attendance and ensure compliance by the group. Failure to follow rules or directions from Borough personnel could result in the forfeiture of the permit and possible denial of future permits.

- No dogs or animals are allowed on the park premises.
- I fully understand that Park Regulations prohibit the use of alcoholic beverages. As the authorized representative of my organization in making this reservation, I certify that no one coming into the park under this reservation will either bring an alcoholic beverage into the park or consume an alcoholic beverage while in the park.
- The park area shall be maintained in a clean manner and promptly returned to a condition that is free of all trash and debris following the conclusion of the event.
- The authorized representative to operate the requested event shall control the crowd and noise, including but not limited to, the conduct of patrons, or any other disturbances prohibited by Chapter 185, Noise, Article I, Noise Disturbances, of the Code of the Borough of Middletown.
- I have read the attached Rules and Regulations of the Borough of Middletown for recreational facilities and fully understand and agree that my organization will comply with these Rules and Regulations. Additionally, I understand a key deposit may be required when using the Main Pavilion. Failure to return keys within 24 hours of use of the pavilion will result in that deposit being forfeited.

Waiver of Claims and Indemnification Agreement

As consideration for the permission granted me to utilize the Borough owned facilities identified above, I fully and forever release and forever discharge the Borough, any Borough-related group or entity, and their respective elected officials, members, officers, and employees, insurers, attorneys, and all persons acting by, through, under or in concert with them or any of them (hereinafter individually and collectively referred to as “Released Parties”), from any and all liability or claims of any nature whatsoever, known or unknown, suspected, fixed or contingent, including, without limitation, liability from the negligence of the Released Parties, that I may have in the future, in connection with, or resulting from, my use of such facilities or on any property owned, leased, controlled or operated by any of the Released Parties.

Furthermore, I agree to defend and indemnify the Released Entities from and against all claims, losses, costs, and damages whatsoever, including but not limited to attorneys' fees and costs, arising out of or attributed to, in whole or in part, the use of the facilities/property identified above. I agree to indemnify the Borough against such claims, whether based upon contract, tort, or any other legal theory, or any applicable state or federal statute. This indemnification agreement is binding upon me to the fullest extent permitted by law, regardless of whether any of the Released Entities indemnified hereunder are responsible in whole or in part for the claims, damages, losses, or expenses for which the Agency is obligated to provide indemnification and defense.

Signature	Print Name	Date
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SUBMIT TO:
Borough of Middletown
60 W. Emaus Street
Middletown, PA 17057

OFFICIAL USE ONLY

RESERVATION:

Confirmed **Denied** _____ **Date:** _____
Signature

Resident Fee: _____ Non-Resident Fee: _____

KEY DEPOSIT AMOUNT: _____ DATE PAID: _____

- Satisfactory conditions received by Public Works for deposit refund.
- Unsatisfactory conditions received by Public Works. Deposit refund denied.

DATE KEY RETURNED: _____ DATE DEPOSIT REFUNDED: _____

NOTES: _____

Chapter 195

PARKS AND RECREATION AREAS

§ 195-1. Purpose.

§ 195-2. Preservation of property,
natural resources and wildlife.

§ 195-3. Operating policy.

§ 195-4. Prohibited activities.

§ 195-5. Enforcement authority.

§ 195-6. Violations and penalties.

[HISTORY: Adopted by the Borough Council of the Borough of Middletown 5-12-1975 by Ord. No. 669.¹ Amendments noted where applicable.]

GENERAL REFERENCES

Open containers of alcoholic beverages — See Ch. 98,
Art. II.

Curfew — See Ch. 132.

Loitering — See Ch. 179.

Peace and good order — See Ch. 198.

Public places — See Ch. 212.

Littering — See Ch. 235, Art. III.

§ 195-1. Purpose.

It is the intent, purpose and scope of this chapter to ensure the preservation of public parklands, recreation facilities and conservation areas within the Borough of Middletown for the perpetual enjoyment of the residents of the Borough, to regulate activities within these areas consistent with the enjoyment of unspoiled natural settings and park facilities and to prevent any nuisances to the residents of the Borough in the use of such public parklands, recreation facilities and conservation areas or in the enjoyment of private property adjacent to them.

§ 195-2. Preservation of property, natural resources and wildlife.

No person, except those authorized by the Borough and conducting Borough business, shall, in recreation, park or conservation areas:

- A. Injure, deface, disturb, befoul or in any manner destroy or cause to be destroyed any part of any recreation, park or conservancy site owned by the Borough, nor any building, sign structure, equipment, utility or other property found within.
- B. Remove, injure or destroy any tree, flower, shrub, plant or growing thing or any rock or other mineral.
- C. Kill, trap, hunt, pursue or in any manner deliberately disturb or cause to be disturbed any wild bird or animal within the recreation, park or conservancy sites owned by the Borough, except as permitted in § 195-4B.

1. Editor's Note: This ordinance became effective, without the signature of the Mayor, on 6-9-1975.

- D. Throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond, lake or other body of water in or adjacent to any park or any tributary, stream, storm sewer or drain flowing into such waters any substance, matter or thing, liquid or solid, which may result in the pollution of said waters; nor to dump, deposit or leave any bottles, broken glass, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse or trash anywhere within the park or conservancy sites owned by the Borough; but rather to make use of proper receptacles where these are provided, and where receptacles are not so provided, all such materials shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere.

§ 195-3. Operating policy. [Amended 8-8-1983 by Ord. No. 861, approved 8-8-1983; 10-3-2017 by Ord. No. 1344, approved 10-3-2017]

A. Hours of operation.

- (1) Recreation, park and conservation areas shall generally be open daily to the public between dawn and dusk, with certain limited exceptions.
 - (a) This shall not preclude free access to and egress from the Swatara Creek at the Pennsylvania Fish Commission boat launching ramp near the end of South Union Street in connection with night fishing.
 - (b) Use of any lighted recreational areas, including the basketball courts, tennis courts, and sand volleyball court at Hoffer Park and the baseball field at Oak Hill Park, may continue past regular operating hours for as long as the lights are lit. Arrangements for use of the lights must be made in advance by special permit from the office of the Borough Manager.
- (2) It shall be unlawful for any person or persons, other than Borough personnel conducting Borough business therein, to occupy or be present in said park during any hours in which the park is not open to the public, except by special permit from the office of the Borough Manager.
- (3) Any section or part of the recreation, park or conservation areas may be declared closed to the public at any time and for any interval of time, either temporarily or at regular or stated intervals. During such periods of time, it shall be unlawful to enter upon or to occupy such areas or portions thereof contrary to posted regulations.

B. Group activity. Whenever any Middletown group, association or organization desires to use recreation or park facilities for a particular purpose, a representative of said group, association or organization shall first obtain a special permit for such use in specially designated areas from the office of the Borough Manager.

- (1) The Borough Manager may delegate his responsibilities under this section to another appropriate Borough employee or the Recreation Director of the Olmsted Regional Recreation Board (or any successor organization).
- (2) The Borough Council may adopt a building or park or conservation area utilization form to be used by the Borough Manager or designee.

- C. The Borough Manager or designee shall grant the permit if it appears that the group, association or organization will not interfere with the general use of the park by members of the public, if the intended use is consistent with the purposes of the building, park or conservation area and implicit in their character, and if the group, association or organization meets all other conditions contained in the application.
- (1) In the event that application is made by a group, association or organization for a use that is not consistent with the intended purposes of the park, such as theatrical or entertainment performances, then the Borough Manager or designee shall seek the approval of Borough Council for such special permit.
 - (2) In the case of any special permit or request for use, the Borough may require an indemnity bond or other security to protect the Borough from any liability of any kind or character and to protect Borough property from damage.
- D. Use of facilities. Facilities and areas in Borough recreation, park or conservancy sites shall be used only for the purposes designated or implicit in their character. Special activities, including but not limited to flying model airplanes, tournaments, and the operation of motor scooters, motorcycles, minibikes, go-carts, snowmobiles and similar vehicles, shall be permitted only at locations or trails specifically designated for such use and at times established. No golf shall be played on any Borough property, in any Borough parkland or conservation area, irrespective of the type of balls used.
- E. Motor vehicles. Licensed motor vehicles shall be permitted only on designated roadways. The speed limit for such vehicles on such roadways shall be 10 miles per hour. Motor scooters, motorcycles, minibikes, go-carts and snowmobiles shall not be permitted on roadways designated for licensed vehicular traffic unless licensed for travel on the public roads of the Commonwealth of Pennsylvania. All vehicles shall be parked in areas or places so provided and designated. Parking in places contrary to posted regulations and times is prohibited, and such vehicles may be removed by the Borough at the owner's expense. All vehicles must exit the park area at the regular closing time or within 15 minutes after the lights have been turned off if the driver is attending an event at Hoffer or Oak Hill Parks as set forth in Subsection A(1)(b), whichever is later. It shall be unlawful to clean, wash, repair or do any work whatsoever on private vehicles within recreation, park and conservation areas, except for emergency repairs.
- F. Fees. The Borough Manager or designee shall have the authority to issue a fee schedule for special permits and/or requests for use, set the amount of deposits and prescribe conditions under which deposits are collected or forfeited. Such revenue shall be used for recreation, park and conservation purposes within the general fund.

§ 195-4. Prohibited activities.

- A. Fires and fireworks. Fires may not be built or allowed anywhere in recreation, park or conservation areas except in stoves, fireplaces or designated areas provided for that purpose. Permits must be secured for any fireworks at any time and for fires to be maintained after closing time.

- B. **Animals.** It shall be unlawful for owners of animals to permit the same within recreation, park or conservation areas. Permits may be obtained for the training and/or exhibition of animals in designated areas. It shall be unlawful to bring any dangerous animal into any recreation, park or conservation area.
- C. **Gambling.** Gambling is prohibited in recreation, park or conservation lands.
- D. **Merchandising, advertising and signs.** Municipal recreation facilities are public areas where the benefit of use includes the right to enjoy the environment without the intrusion of commercial enterprise. Therefore, to preserve and protect the aesthetics of recreation spaces, the Borough Council herein prohibits most types of commercial enterprise, solicitation, fund-raising activity, and advertisement. The only exception to such prohibition is a narrow exception, which would allow certain recreation facilities owned by the Borough of Middletown to recover part of the maintenance expense of operating such facilities through the assignment of the opportunity to seek sponsorships.
[Amended 4-5-1993 by Ord. No. 1038, approved 4-5-1993; 5-7-2007 by Ord. No. 1222, approved 5-7-2007]

- (1) In recreation, park or conservation areas, no person shall:
- (a) Offer for sale any article or thing, nor station or place any stand, cart or vehicle for the transportation, sale or display of any such article or thing, except for special community events, such as the Colonial Arts and Crafts Festival, Civil War Reenactment Festival, or like events, as designated under the authority of the Middletown Borough Council and adopted by resolution. The Main Pavilion in Hoffer Park may not be used for commercial activities otherwise.
 - (b) Announce, advertise or call the public attention in any way to any article or service for sale or hire.
 - (c) Post, paste, fasten, paint, write, draw, carve, tack or affix any placard, bill, notice, sign, advertisement or any inscription whatever upon any structure, tree, stone, fence, thing or enclosure within any recreation, park or conservation area or on any public lands or highways or roads adjacent to any recreation, park or conservation area, including but not limited to all parks and fields, the Middletown Centre Square, and Middletown's James and Edith Booser Reservoir, except that the Borough Highway/Property Department may have informational signs placed within such areas.
- (2) **Sponsorship.** The Borough Council herein authorizes a local nonprofit recreation agency to underwrite the cost of maintenance of two specific facilities located in the Borough, through the sale of sponsorship opportunities to support an event, activity, person, or organization financially or through the provision of products or services. The two specific facilities and the requirements are:
- (a) **Oak Hills ball field.** The Middletown Amateur Baseball Association (MABA), or its successor, may, for the purpose of underwriting the cost of its community operation, affix temporary canvas or plywood sponsorship signs upon the chain link outfield fence and across the chain link backstop.

The sponsorship signs may state the names, logos, and contact information of those persons, entities, corporations or firms which have provided financial support for MABA. These temporary postings must be removed at the end of each youth baseball season and must be in a style and aesthetic that does not interfere with the enjoyment of the baseball facility. The Middletown Borough Council herein authorizes the MABA to use its reasonable judgment in soliciting commercial support. The MABA must transmit to the Borough Manager, by correspondence prior to the opening day of each baseball season, the name of each entity that will appear upon the temporary signage.

- (b) Community swimming pool. The Olmsted Regional Recreation Board (Rec. Board), or its successor, may, for the purpose of underwriting the cost of its community operation, affix temporary canvas or plywood sponsorship signs upon the chain link eastern fence only. The sponsorship signs may state the names, logos, and contact information of those persons, entities, corporations or firms which have provided financial support for the public pool or the Rec. Board. These temporary postings must be removed at the end of each pool season and must be in a style and aesthetic that does not interfere with the enjoyment of the pool facility. The Middletown Borough Council herein authorizes the Rec. Board to use its reasonable judgment in soliciting commercial support. The Rec. Board must transmit to the Borough Manager, by correspondence prior to the opening of the pool each season, the name of each entity that will appear upon the temporary signage.
 - (3) The Borough Manager, or his designee, is herein authorized to remove any sponsorship sign not identified by the MABA or the Rec. Board as a sponsor or any sign that is in violation with the requirements established herein.
- E. Aircraft. It shall be unlawful to land a private or commercial airplane or helicopter on recreation, park or conservation lands.
- F. Personal conduct. It shall be unlawful for any person in any recreation, park or conservation area to:
- (1) Disturb the peace or use profane or obscene language.
 - (2) Endanger the safety of any person by any conduct or act.
 - (3) Commit any assault or battery or engage in fighting.
 - (4) Carry, possess or drink any alcoholic beverage, including beer.
 - (5) Violate any rule for the use of the park made or approved by the Borough.
 - (6) Prevent the use by any person or interfere with the use by any person of any park, recreation or conservation lands, building or facilities so long as such use is in compliance with this chapter and the rules applicable to such use.
 - (7) Act in an unlawful, disorderly or disruptive manner or against the best interests of the areas or other people.

- (8) Ride a bicycle on the infield of a ball diamond.

§ 195-5. Enforcement authority.

The Borough Manager or other agents designated by the Borough Council, including the Recreation Director, shall administer the provisions of this chapter, including the establishment and collection of fees, the preparation of application forms, the issuance and revocation of permits, the promulgation of rules and regulations to implement the provisions of this chapter and all other decisions relative thereto. When acts or conduct of individuals or groups is determined to be in violation of this chapter or rules and regulations promulgated by the authority of this chapter or not to be in the best interest of the recreation, park and conservancy area or when such acts or conduct endangers other people or private or public property or when such acts are deemed to be disruptive to the surrounding neighborhood, the Borough police, the Recreation Director or their agents assigned to such areas or programs shall have the authority to cause such acts to be terminated or to expel the perpetrators of such acts from the area or to call the Borough police to arrest and detain such individual or individuals or to file a complaint for the violation of this chapter with a District Justice.

§ 195-6. Violations and penalties. [Amended 7-11-1988 by Ord. No. 972, approved 7-11-1988]

Any person violating any of the provisions of this chapter shall, upon conviction thereof before the District Justice, be sentenced to pay a fine not to exceed \$1,000 and not less than \$25, plus costs, and, upon refusal to pay the same, to be imprisoned in the Dauphin County Jail for a period not to exceed three days. For each succeeding offense, the minimum fine shall be increased an additional \$25, making such minimum fine \$50 for the second offense, \$75 for the third offense and so on, but in no event to exceed \$1,000, the statutory maximum. Where such violator has removed, destroyed, damaged, defaced or befouled the recreation, park or conservation area or the contents thereof, the cost of maintenance, repair or replacement shall be charged to such person or group in addition to any fines levied. Further use of recreation and park facilities may be denied to violators of this chapter in addition to the imposition of fines and/or costs.