

Bill No. 8312-14

No. 08-14-OR

## ORDINANCE

An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending Chapter 650 of the County Code of Ordinances entitled Park Rules and Regulations, to restate the prohibited activities in the Parks involving motor vehicles and to change provide for specific penalties for violation of prohibited activities in the Parks involving motor vehicles.

**WHEREAS**, County Council passed Bill No. 2324-06 on March 21, 2006 providing for the repeal of the Rules and Regulations enacted by the then Board of County Commissioners of Allegheny County to promote and preserve the public health, safety and welfare in the County's system of parks and their replacement with a new set of Parks Rules and Regulations; and

**WHEREAS**, Bill No. 2324-06 was signed into law and became County Ordinance No. 06-06 on March 2, 2006; and

**WHEREAS**, County Council deems it necessary and prudent to amend the Parks Rules and Regulations to more specifically set forth prohibited activities in the Parks involving motor vehicles and to restate the penalties for violation of prohibited activities in the Parks involving motor vehicles.

*The Council of the County of Allegheny hereby enacts as follows:*

**SECTION 1. Amendment of Chapter 650 of the County Code of Ordinances (Parks Rules and Regulations).**

Chapter 650 of the County Code of Ordinances entitled County Parks Rules and Regulations is amended as follows:

1. Section 1 of Article 1 of the County Parks Rules and Regulations, which is codified as Paragraph A in Section 650-1 of the County Code of Ordinances, is amended to read as follows:

**§ 650-1. Prohibited activities**

The below-listed activities are specifically prohibited in any area lying within a County park. Exceptions to these prohibitions will be recognized only upon possession and presentation of a written authorization signed by the Director of the Parks Department, by signs posted by authorized representatives of the Director, or by immediate direction of a County police officer.

**A. Motor Vehicles**

- (1) Driving or parking on grass areas or trails;
- (2) Parking at any place where official signs prohibit parking;
- (3) Washing, greasing, lubricating, or repairing;
- (4) Landing any aircraft for any non-emergency purpose;
- (5) Operating any motorized conveyance including but not limited to snowmobiles, motor boats, all terrain vehicles, motorcycles, or motor scooters except that street licensed vehicles may be used in parking lots, or roads open to traffic.

2. Section 1 of Article III of the County Parks Rules and Regulations, which is codified as Paragraph A in Section 650-3 of the County Code of Ordinances, is amended to read as follows:

**§ 650-3. Violations and Penalties.**

~~A. Any person violating any of the provisions of this chapter shall be guilty of a summary offense and, upon conviction thereof, shall pay a fine of not less than \$100 or more than \$300.~~

A. Penalties.

1. Violation of Prohibited Activities – Motor Vehicles

Any person who violates or fails to comply with Paragraph A(1) or (2) of Section 650-1 concerning prohibited activities in the Parks involving motor vehicles shall receive a Parking Ticket in the amount of fifty dollars (\$50.00) to be paid within seven (7) calendar days of the issuance of the ticket. Failure to pay the ticket within the seven day time period will result in the issuance of a citation in accordance with the Pennsylvania Rules of Criminal Procedure. Upon conviction, the violator shall be guilty of a summary offense, and shall be subject to a fine of not less than one-hundred dollars (\$100.00) nor more than three-hundred dollars (\$300.00) and costs equivalent to the costs established by the governing authority as provided in the Judiciary Code, Pa. Cons. Stat. Ann. Title 42, § 1725.1.

2. Other Violations of Parks Rules and Regulations

Any person who violates or fails to comply with Paragraph A (3), (4) or (5) of Section 650-1 concerning prohibited activities in the Parks involving motor vehicles shall receive a citation in accordance with the Pennsylvania Rules of Criminal Procedure and upon conviction, shall be guilty of a summary offense, and shall be subject to a fine of not less than one hundred (\$100.00) dollars, or more than three hundred (\$300.00) dollars, plus costs equivalent to the costs

for summary offenses established by the governing authority as provided in the Judiciary Code, Pa. Cons. Stat. Ann. tit 42, § 1715.1.

B. Revocation of Permits.

Should any holder of a permit issued by the Director of the Parks Department under the provisions of these Regulations be convicted of violating any provision of this Ordinance, such conviction shall be cause for revocation of any current permits. The Director of the Parks Department may, at his or her discretion, also consider such convictions when evaluating applications for future permits.

C. Separate Offense.

Each violation hereunder shall constitute a separate offense, subject to the penalties provided in Sections 1 and 2 of this Article.

***SECTION 2. Effective Date.***

This Ordinance shall enter into effect on September 8, 2014.

***SECTION 3. Severability. If any provision of this Ordinance shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Ordinance, which shall be in full force and effect.***

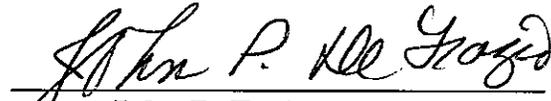
***SECTION 4. Repealer. Any Resolution or Ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed so far as the same affects this Resolution.***

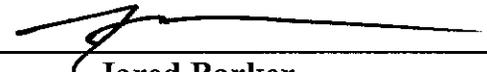
**PRIMARY SPONSOR: COUNCIL VICE PRESIDENT FUTULES**

**CO-SPONSOR(S): COUNCIL MEMBER(S) MARTONI, ELLENBOGEN**

Enacted in Council, this 1<sup>st</sup> day of July, 2014

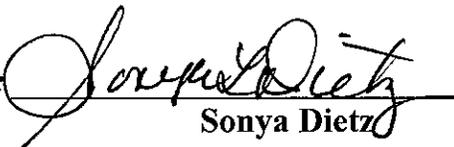
Council Agenda No. 8312-14

  
John DeFazio  
President of Council

Attest:   
Jared Barker  
Chief Clerk of Council

Chief Executive Office July 2, 2014.

Approved:   
Rich Fitzgerald  
County Executive

Attest:   
Sonya Dietz  
Executive's Secretary

RECEIVED  
JUL 02 2014

BY: .....  
jared B  
4:28pm