

ARTICLE 955

PARKS AND PLAYGROUND AREAS

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CROSS REFERENCES

Parks, playgrounds, recreation centers — See 3rd Class § 3701 et seq. (53 P.S. § 38701 et seq.)

Department of Parks and Public Property — See ADM. 117.05.

Erie Municipal Park Authority — See ADM. Art. 186.

§ 955.01. Definitions. [Ord. 53-1976 § 1, passed 7-14-1976]

For the purposes of this article, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- (a) CITY — The City of Erie.
- (b) DIRECTOR — The Director of Parks and Public Property.
- (c) PARK — A park, reservation, playground, recreation center or any other area in the City or in the County of Erie, owned or used by the City, and devoted to active or passive recreation.
- (d) PERSON — Any person, firm, partnership, association, corporation, company or organization of any kind.
- (e) VEHICLE — Any wheeled conveyance, whether motor powered, animal-drawn or self-propelled. Exception is made for baby carriages and vehicles in the service of the City Parks.
- (f) PASSIVE PARK — An area developed for quiet leisure with landscaped paths and walks, benches and monuments.

§ 955.02. Designations and locations. [Ord. 53-1976 § 2, passed 7-14-1976 ; Ord. 67-1980 § 1, passed 7-23-1980 ; Ord. 100-1981 § 1, passed 12-16-1981 ; Ord. 60-1982 § 1, passed 8-25-1982 ; Ord. 75-1982 § 1, passed 9-22-1982 ; Ord. 37-1983 § 1, passed 7-13-1983 ; Ord. 38-1983 § 1, passed 7-13-1983 ; Ord. 69-1984 § 1, passed 10-24-1984 ; Ord. 70-1984 § 1, passed 10-24-1984 ; Ord. 34-1985 § 1, passed 6-26-1985 ; Ord. 41-1987 § 1, passed 6-24-1987]

(a) The following tracts of land owned by the City are officially named, designated, established and located as public parks, public parks and playgrounds, and public playgrounds of the City:

(1) First Ward.

Name		City Index No.	Location
Parks			
	Chautauqua Park	1129-102	Lakeside and Chautauqua
	Cranch Park	1114-106	Lakeside and Cranch
	Euclid Park	1125-105	Lakeside and Euclid
	Lake Park	1120-108	Lakeside and Park Way
		1119-205	
	Land Lighthouse Park	1041-400	Foot of Dunn Boulevard
		1045-700	
	Perry Square-East	1001-300	6th and State Street
	Wayne Park	1035-400	E. 6th and East Avenue
	Lake Front Drive Park	1045-226-250	Lake Front Drive and Lighthouse Street
Parks and Playgrounds			
	Franklin Park and Playground	1115-201	East 7th to East 10th on Marne Road
		1115-300	
Playgrounds			
	McCarty Playground	1041-200	E. 2nd and Pennsylvania Avenue
		1041-201	
		1041-300	
	Ted Amendola Memorial Field	1053-101	Front and Wallace
		1053-102	
		1054-101	

(2) Second Ward.

Name		City Index No.	Location
Parks			
	—	—	—
Parks and Playgrounds			
	Roman Blaszczyk Field	2040-104	E. 12th and Wayne
	Pulaski Park and Playground	Part of 2050-100	East 12th and Brandes
	Brutcher Softball Field		Southwestern portion of Pulaski Park
	Joseph Wronek Memorial Field	Part of 2050-100	East 10th and Brandes
Playgrounds			
	Viaduct Playground	2131-114	East 17th and Franklin
		2131-115	

(3) Third Ward.

Name		City Index No.	Location
Parks			
	Griswold Park	3008-100	West 13th and Peach
	Woodland Park	3105-100	Woodland and Grove, Kahkwa to Delaware
		3105-500	
		3109-200	
		3113-200	
Parks and Playgrounds			
	Columbus Park and Playground	3023-103	West 16th and Poplar Street
Playgrounds			
	Attorney Richard D. Agresti Baseball Field at Victory Playground [Ord. 62-2003, passed 10-8-2003]	3107-300	West 13th and Lincoln

Name		City Index No.	Location
	Pontiac Field [Ord. 45-2008, passed 10-1-2008]	4040-100 (west)	Bayview Park - West 2nd and Cherry Street

(4) Fourth Ward.

Name		City Index No.	Location
Parks			
	Frontier Park	4110-100	W. 8th and Seminole
	Gridley Park	4022-300	W. 6th and Liberty
		4025-300	
	Perry Square-West	4001-300	6th and State Street
	Ravine Park	4121-207	Yacht Club Road
		4122-100	
		4125-200	
Parks and Playgrounds			
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Playgrounds			
	Allen-Hetico Memorial Field	4040-100	W. 2nd and Walnut Street
	Barbara Nitkiewicz Field		W. 3rd and Cascade Street

(5) Fifth Ward.

Name		City Index No.	Location
Parks			
	Joseph C. Martin Golf Course	Part of 5324-100	
	Glenwood Park	Part of 5324-100	West 38th and Cherry
		5333-101	
		5333-215	
		5335-400	
		5340-200	
		5340-300	
		5384-108	

Name		City Index No.	Location
	Kuschinski Family Horseshoe Courts		West 38th and Shunpike
	Roma Park	5117-101	East 35th and Zimmerman
	Garden Park	5336-121	Sassafras and Norman Way
	McClelland Park	5138-100, 5168-100, 5169-100, 101, 109, 110, 5170-100, 101, 102, 5171-100, 5172-107, 108, 109	East 26th Street to East 33rd Street
Parks and Playgrounds			
	Burton Park and Playground	5215-200 and 209	East 38th Street between Burton Avenue and Brandes Street
	John G. Carney Park	5128-408-414	Woodlawn Avenue and
		5128-423	East 26th and Cameron Road
	Joseph A. Walczak, Sr. Park	5239-102 and 306	East Grandview Boulevard and Alan Drive
Playgrounds			
	Garden Heights Playground	5256-129	East 40th and Brewer
	Hillside Playground	5359-201	
		5360-305	

(6) Sixth Ward.

Name		City Index No.	Location
Parks			
	Larry Fabrizi Park	6233-200	West 27th and Harvard
	Orush Park	6233-107	West 27th and West 29th near Harvard
		6234-109	
		6235-208	

Name		City Index No.	Location
	Washington Park	6031-100	West 24th and Raspberry
		6235-100	
	C Francis Hagerty Park	6243-300	West 32nd Street and Schaper Avenue if extended northward
		6245-109, 110, 111, 112 6246-109, 115, 116, 117, 118, 119, 120	
	Gregory Stuart Baldwin Park	6211-109, 110, 200	West 25th and Geist
	George "Pat" Brabender Memorial Field		Baur Avenue and West 21st Street
Parks and Playgrounds			
	—	—	—
Playgrounds			
	Lohse Playground	6242-100	West 27th and Gerry
		6242-400	
	Ruby Schaaf Park	6009-103	West 19th and Myrtle
	Pebble Lake Playground	6224-400	Washington and Coldspring

(7) Outside City.

Name		City Index No.	Location
	Avalon Park	Millcreek Twp.	West 6th and Pittsburgh
	Erie Golf Course	Millcreek Twp.	Golf Club Road near Edinboro Road
	Downing Golf Course	Harborcreek Twp.	Throop Road and East Lake Road

(b) In the event of the acquisition, dedication and acceptance of lands for public parks and public playgrounds, Council shall proceed to name, designate and locate such park or playground by amendment to this article.

§ 955.03. Park property. [Ord. 53-1976 § 3, passed 7-14-1976]

(a) Buildings and other property. No person in a park shall:

- (1) Disfiguration and removal. Willfully mark, deface, disfigure, injure, tamper with, or displace or remove, any building, bridges, tables, benches, fireplaces, railings, paving or paving material, water lines or other public utilities, parts or appurtenances thereof, signs, notices or placards whether temporary or permanent, monuments, stakes, posts or other boundary markers, or other structures, equipment, facilities, park property or appurtenances whatsoever, either real or personal.
 - (2) Restrooms and washrooms. Fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition. No person shall use the restrooms and washrooms designated for the opposite sex.
 - (3) Removal of natural resources. Dig or remove any beach sand, whether submerged or not, or any soil, rock, stones, trees, shrubs or plants, down-timber or other wood or materials, or make any excavation by tool, equipment, blasting or other means or agency.
 - (4) Erection of structures. Construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon or across such lands, except on special written permit issued hereunder.
- (b) Trees, shrubbery and lawns. No person in a park shall:
- (1) Injury and removal. Damage, cut, carve, transplant or remove any tree or plant or injure the bark, or pick the flowers or seeds, of any tree or plant. Nor shall any person attach any rope, wire or other contrivance to any tree or plant. No person shall dig in or otherwise disturb grass areas, or in any other way injure or impair the natural beauty or usefulness of any area.
 - (2) Climbing trees, etc. Climb any tree or walk, stand or sit upon monuments, vases, fountains, railing, fences or gun carriages or upon any other property not designated or customarily used for such purposes.
- (c) Wild animals, birds, etc. No person in a park shall:
- (1) Hunting. Hunt, molest, harm, frighten, kill, trap, chase, tease, shoot or throw missiles at any animal, reptile or bird; nor shall be remove or have in his possession the young of any wild animal, or the eggs, nest or young of any reptile or bird; nor shall be collect, remove, have in his possession, give away, sell or offer to sell, buy or offer to buy or accept as a gift, any specimen alive or dead of any of the group of tree snails.
 - (2) Feedings. Give or offer, or attempt to give to any animal or bird any tobacco, alcohol or other known noxious substances.

§ 955.04. Sanitation. [Ord. 53-1976 § 4, passed 7-14-1976]

No person in a park shall:

- (a) Pollution of waters. Throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, bay 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 shall or may result in the pollution of such waters.
- (b) Refuse and trash. Have brought in or dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any park, or left anywhere on the grounds thereof, but shall be

placed in the proper receptacles where these are provided; where receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere.

§ 955.05. Traffic. [Ord. 53-1976 § 5, passed 7-14-1976]

No person in a park shall:

- (a) Enforcement of traffic regulations. Fail to obey all traffic officers and park employees, such persons being hereby authorized and instructed to direct traffic whenever and wherever needed in the parks and on the highways, streets or roads immediately adjacent thereto in accordance with the provisions of these regulations and such supplementary regulations as may be issued subsequently by the Director of Parks and Public Property.
- (b) Obey traffic signs. Fail to observe carefully all traffic signs indicating speed, direction, caution, stopping or parking, and all others posted for proper control and to safeguard life and property.
- (c) Operation confined to roads. Drive any vehicle on any area except the paved park roads, parking areas or such other areas as may on occasion be specifically designated as parking areas by the Director.
- (d) Parking. Park a vehicle in other than an established or designated parking area, and such use shall be in accordance with the posted directions there at and with the instructions of any attendant who may be present.
- (e) Bicycles.
 - (1) Confined to roads. Ride a bicycle on other than a paved vehicular road or path designated for that purpose. A bicyclist shall be permitted to wheel or push a bicycle by hand over any grassy area or wooded trail or any paved area reserved for pedestrian use.
 - (2) Operation. Ride a bicycle other than on the right-hand side of the road paving as close as conditions permit, and bicycles shall be kept in single file when two or more are operating as a group. Bicyclists shall, at all times, operate their machines with reasonable regard to the safety of others, signal all turns, pass to the right of any vehicle they are overtaking, and pass to the right of any vehicles they may be meeting.
 - (3) Rider prohibited. Ride any other person on a bicycle.
 - (4) Designated racks. Leave a bicycle in a place other than a bicycle rack when such is provided and there is a space available.
 - (5) Immobile. Leave a bicycle lying on the ground or paving, or set against trees or in any place or position where other persons may trip over or be injured by such bicycle.

§ 955.06. Recreational activities. [Ord. 53-1976 § 6, passed 7-14-1976]

- (a) Bathing and swimming. No person in a park shall:
 - (1) Designated areas. Swim, bath or wade in any waters or water-ways in or adjacent to any park, except in such waters and at such places as are provided therefor, and in compliance with such regulations as are herein set forth or may be hereafter adopted. Nor shall any person frequent any waters or places customarily designated for the purpose of swimming or bathing, or congregate thereat when such activity is prohibited by the Director of Parks and Public Places

upon a finding that such use of the water would be dangerous or otherwise inadvisable.

- (2) Certain hours. Frequent any waters or places designated for the purpose of swimming or bathing, or congregate thereat, except between such hours of the day as shall be designated by the Director for such purposes for each individual use.
 - (3) Structure on bathing area. Erect, maintain, use or occupy on or in any bathing area any tent, shelter or structure of any kind.
 - (4) Bath houses or any bathing area. Dress or undress on any beach, in any vehicle, toilet or other place, except in such bathing houses or structures as may be provided for that purpose.
- (b) Hunting and firearms. No person in a park shall hunt, trap or pursue wild life at any time. No person shall use, carry or possess firearms of any descriptions, or air-rifles, spring puns, bow and arrows, slings, paint ball weapons or any other forms of weapons potentially inimical to wild life and dangerous to human safety, or any instrument that can be loaded with and fire blank cartridges, or any kind of trapping device. Shooting into park area from beyond park boundaries is forbidden.
- (c) Picnic areas and use. No person in a park shall:
- (1) Regulated. Picnic or lunch in a place other than those designated for that purpose. Attendants shall have the authority to regulate the activities in such area when necessary to prevent congestion and to secure the maximum use for comfort and convenience of all. Visitors shall comply with any directions given to achieve this end.
 - (2) Availability. Violate the regulations that use of the individual fireplaces together with tables and benches follows generally the rule of "first come, first served" on Wednesday, Saturdays, Sundays and holidays.
 - (3) Nonexclusive. Use any portion of the picnic areas or of any of the buildings or structures therein for the purpose of holding picnics to the exclusion of other persons, nor shall any person use such area and facilities for an unreasonable time, if the facilities are crowded.
 - (4) Duty of picnicker. Leave a picnic area before the fire is completely extinguished and before all trash in the nature of boxes, papers, cans, bottles, garbage and other refuse is placed in the disposable receptacles where provided. If no such trash receptacles are available, then refuse and trash shall be carried away from the park area by the picnicker to be properly disposed of elsewhere.
- (d) Games. No person in a park shall take part in or abet the playing of any games involving thrown or otherwise propelled objects such as balls, stones, arrows, javelins or model airplanes except in areas set apart for such forms of recreation. The playing of rough or comparatively dangerous games such as football, baseball and quoits is prohibited except on the fields and courts or areas provided therefor.
- (e) Riding, leading or driving animals. No person in a park shall ride, lead or drive a horse or any other animal except for domestic animals as hereinafter provided.

§ 955.07. Behavior. [Ord. 53-1976 § 7, passed 7-14-1976 ; Ord. 55-1979 § 1, passed 6-13-1979]

- (a) Fireworks and explosives. No person in a park shall bring or have in his possession, or set off or otherwise cause to explode or discharge or burn, any firecrackers, torpedo, rocket, or other fireworks or explosives of inflammable material, or discharge them or throw them into any such area from land or highway adjacent thereto. This prohibition includes any substance, compound, mixture or article

that in conjunction with any other substance or compound would be dangerous from any of the foregoing standpoints.

- (b) Domestic animals. No person in a park shall permit the entry of a dog or other domestic animal into areas other than automobile parking concourses and walks immediately adjacent thereto, and in such other areas as may be clearly marked by signs bearing the words "Domestic Animals Permitted in this Area". Nothing herein shall be construed as permitting the running of dogs at large. All dogs in those areas where such animals are permitted shall be restrained at all times on adequate leashes not greater than five feet in length. Provided, however, and regardless of any ordinance or provisions to the contrary, there shall be no entry of dogs or other domestic animals, even if such dog or domestic animal is restricted on a leash, into that public park known as Perry Square East bearing the City Index No. 1001-300 and Perry Square West bearing the City Index No. 4001-300. This prohibition against all dogs and other domestic animals within Perry Square East and Perry Square West shall, for the purposes of clarity herein, encompass that area of landscaped ground, paved street and sidewalks bounded by North Park Row on the north, South Park Row on the south, French Street on the east, and Peach Street on the west.
- (c) Alms. No person in a park shall solicit alms or contributions for any purpose whether public or private.
- (d) Fires. No person in a park shall build or attempt to build a fire except in such areas and under such regulations as may be designated by the Director of Parks and Public Places. No person shall drop, throw or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper or other inflammable material, within any park area, or on any highway, road or street abutting or contiguous thereof.
- (e) Closed areas. No person in a park shall enter an area posted as "Closed to the Public," nor shall any person use, or abet the use of any area in violation of posted notices.
- (f) Going onto ice. No person in a park shall go onto the ice on any of the waters except such areas as are designated as skating fields, and provided a safety signal is displayed.
- (g) Loitering and boisterousness. No person in a park shall sleep or protractedly lounge on the seats, or benches, or other areas, or engage in loud, boisterous, threatening, abusive, insulting or indecent language or engage in any disorderly conduct or behavior tending to a breach of the public peace.
- (h) Exhibit permits. No person in a park shall fail to produce and exhibit any permit from the Director he claims to have upon request of any authorized person who shall desire to inspect the same for the purpose of enforcing compliance with any ordinance or rule.
- (i) Interference with permittees. No person in a park shall disturb or interfere unreasonably with any other person or party occupying any area, or participating in any activity, under the authority of a permit.

§ 955.08. Merchandising, advertising and signs. [Ord. 53-1976 § 8, passed 7-14-1976]

No person in a park shall:

- (a) Vending and peddling. Expose or offer for sale any article or thing, nor shall be station or place any stand, cart or vehicle for the transportation, sale or display of any such article or thing. Exception is here made as to any regularly licensed concessionaire acting by and under the authority and regulation of the Director of Parks and Public Places.

- (b) Advertising. Announce, advertise or call the public attention in any way to any article or service for sale or hire except as authorized by the Director.
- (c) Signs. Paste, glue, tack or otherwise post any sign, placard, advertisement or inscription whatever except as authorized by the Director.

§ 955.09. Operating policy. [Ord. 53-1976 § 9, passed 7-14-1976 ; Ord. 60-1982 § 1, passed 8-25-1982
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- (a) Hours. Except for the following and except for special events under the supervision of the Director of Parks and Public Places, parks and public playgrounds shall be open to the public only between the hours of 8:00 a.m. and 11:30 p.m.
 - (1) The following parks and public playgrounds, or parks thereof, shall be open 24 hours per day:
 - A. Chautauqua Park, Cranch Park, Euclid Park, Lake Park, Perry Square East and Wayne Park (passive part only).
 - B. Kosciuszko Park and Playground (passive part only).
 - C. Griswold Park.
 - D. Frontier Park, Gridley Park and Perry Square West.
 - E. Washington Park (passive part only).
 - F. Zuck Park (hours to be regulated by the County of Erie, Lessee).
 - G. John C. Carney Park (passive part only).
 - H. Burton Park and Playground (passive part only).
 - (2) The following parks and public playgrounds shall be open from 6:00 a.m. to 9:00 p.m.:
 - A. Joseph C. Martin Golf Course.
 - B. Erie Golf Course.
 - C. Downing Golf Course.
 - (3) The following parks and public playgrounds shall be open from 8:00 a.m. to 9:30 p.m.:
 - A. Gregory Stuart Baldwin Park.
- (b) Closed areas. Any section or part of any park may be declared closed to the public by the Director at any time and for any interval of time, either temporarily or at regular and stated intervals, daily or otherwise, and either entirely or merely to certain uses, as the Director shall find reasonably necessary.
- (c) Permit. A permit shall be obtained from the appropriate director before participating in the following park activity:
Softball field usage and Glenwood Picnic Grove usage.
- (d) Application. A person seeking issuance of a permit hereunder shall file an application with the Director. The application shall state:

- (1) The name and address of the applicant;
 - (2) The name and address of the person, persons, corporation or association sponsoring the activity, if any;
 - (3) The day and hours for which the permit is desired;
 - (4) The park or portion hereof for which such permit is desired;
 - (5) An estimate of the anticipated attendance; and
 - (6) Any other information which the Director shall find reasonably necessary to a fair determination as to whether a permit should issue hereunder.
- (e) Standards for issuance. The Director shall issue a permit hereunder when he finds that:
- (1) The proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park;
 - (2) The proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation;
 - (3) The proposed activity or use is not reasonably anticipated to incite violence, crime or disorderly conduct;
 - (4) The proposed activity will not entail unusual, extraordinary or burdensome expense or police operation by the City; and
 - (5) The facilities desired have not been reserved for other use at the day and hour required in the application.
- (f) Appeal. Within 10 days after receipt of an application the Director shall apprise an applicant in writing of his reasons for refusing a permit, and any aggrieved person shall have the right to appeal in writing within 10 days to Council, which shall consider the application under the standards set forth in Subsection (b) hereof and sustain or overrule the Director's decision within seven days. The decision of Council shall be final.
- (g) Effect of permit. A permittee shall be bound by all park rules and regulations and all applicable ordinances fully as though the same were inserted in such permits.
- (h) Liability of permittee. The person or persons to whom a permit is issued shall be liable for any loss, damage or injury sustained by any person whatever by reason of the negligence of the person or persons to whom such permits shall have been issued.
- (i) Revocation. The Director shall have the authority to revoke a permit upon a finding of violation of any rule or ordinance, or upon good cause shown.

§ 955.10. Enforcement. [Ord. 53-1976 § 10, passed 7-14-1976]

- (a) Officials. The Director of Parks and Public Places and any park attendant or police officer shall, in connection with their duties imposed by law, diligently enforce the provisions of this article.
- (b) Ejectment. The Director and any park attendant or police officer shall have the authority to eject from the park any person acting in violation of this article.

- (c) Seizure of property. The Director and any park attendant or police officer shall have the authority to seize and confiscate any property, thing or device in the park, possessed or used in violation of this article.

§ 955.99. Penalty. [Ord. 53-1976 § 11, passed 7-14-1976]

Whoever violates any provision of this article or any regulation legally promulgated under authority thereof, upon prosecution before any District Justice of the City shall be fined not less than \$10 nor more than \$300, together with the cost of prosecution, or in default of payment of same shall undergo imprisonment not to exceed 90 days.