

ORDINANCE NO. _____

AN ORDINANCE OF THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS AMENDING THE CODE OF THE TOWNSHIP OF TOBYHANNA, CHAPTER 99, PARKS, SECTION 99-4.A(12) PROHIBITING THE TAKE-OFFS, LANDINGS AND OPERATION OF DRONES IN TOWNSHIP PARKS.

WHEREAS, the Township of Tobyhanna (“Township”) is empowered to ensure the public health, safety and welfare pursuant to the Second Class Township Code, 53 P.S. §65101 et seq.; and,

WHEREAS, the Township is permitted to establish rules and regulations for the use of Township parks and recreational land pursuant to Section 2203 of the Second Class Township Code.; and

WHEREAS, on July 14, 2014 the Board of Supervisors adopted Ordinance No. 516 .establishing rules and regulations for Township parks; and

WHEREAS, after some consideration and discussion the Board of Supervisors now wishes to revise certain rules based on the desires of Township residents.

NOW, THEREFORE, the Tobyhanna Township Board of Supervisors hereby *ENACTS* and *ORDAINS* the following Ordinance amending the Code of the Township of Tobyhanna by amending Chapter 99, Parks, as set forth herein.

ARTICLE I.

Chapter 99, Parks, Subsection 99-4.A. (12) of the Code of the Township of Tobyhanna Ordinances is hereby amended to read as follows:

SECTION 99-4. PROHIBITED CONDUCT.

A. It shall be unlawful for any person, firm or corporation using such parks, recreation or playground areas to either perform or permit to be performed any of the following acts.

(12) Land, take-off or operate drones, fly model airplanes or operate motor scooters, motorcycles, minibikes, go-carts, snowmobiles, four wheelers, three wheelers and motor vehicles (except licensed motor vehicles on designated roadways or parking lots).

ARTICLE II. AUTOMATIC REPEALER.

All ordinances or parts of ordinances that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

ARTICLE III. SEVERABILITY.

If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of Tobyhanna Township, that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

ARTICLE IV. EFFECTIVE DATE.

This Ordinance shall be effective five days after enactment.

SO ENACTED AND ORDAINED this _____ day of _____, A.D., 2018.

TOBYHANNA TOWNSHIP
BOARD OF SUPERVISORS

ATTEST:

Anne M. Lamberton

Julia Heilakka,
Township Secretary

John J. Holahan III

Heidi A. Pickard

Brendon J.E. Carroll

David Carbone