

ORDINANCE NO. 594

**BOROUGH OF BENTLEYVILLE,
WASHINGTON COUNTY, PENNSYLVANIA**

**AN ORDINANCE OF THE BOROUGH OF BENTLEYVILLE, COUNTY
OF WASHINGTON, PENNSYLVANIA, PROVIDING FOR THE
CREATION OF A PARK & RECREATION BOARD; PROVIDING FOR
THE APPOINTMENT OF MEMBERS; AND PROVIDING AUTHORITY
TO OPERATE RECREATIONAL FACILITIES.**

WHEREAS, the Council of Bentleyville Borough deems it necessary to create a Park and Recreation Board to comply with the goals of Bentleyville Borough, and;

WHEREAS, the Recreation Enabling Legislation, enacted by the General Assembly of the Commonwealth of Pennsylvania, provides that:

- a. Every municipality of the Commonwealth shall have a general plan of its parks and playgrounds;
- b. Every municipality may acquire lands, property, and buildings for the purpose of establishing and maintaining public parks, parkways, playgrounds, playfields, gymnasiums, public baths, swimming pools, or indoor recreation centers;
- c. Every municipality may provide for supervising, programming, equipping, and maintaining public recreation areas and facilities through any existing body or through a recreation and park board;
- d. All municipalities may levy and collect such special taxes, (not to exceed Section 2700 et. al. of the Borough Code) as they may deem necessary to finance the operation and maintenance of their park and recreation system, and they may make direct appropriations for same;
- e. Any City, Borough, Township, County, or School District may perform the above public service jointly with any combination of civil subdivisions; and;

WHEREAS, it is the considered judgment of the Council of Bentleyville Borough that adequate public recreation programs and facilities for the Borough can best be advanced by placing the recreation system under the supervision and direction of a legally constituted Park and Recreation Board authorized by the Recreation Enabling Legislation of Pennsylvania.

NOW THEREFORE, pursuant to the Borough Code, as amended, and other relevant laws of the Commonwealth of Pennsylvania, the Bentleyville Borough Council hereby ENACT and ORDAIN the following:

SECTION 1. TITLE.

This Ordinance shall be known as the "2019 Park and Recreation Board Ordinance."

SECTION 2. PURPOSE.

That there is hereby created a Park and Recreation Board known as the Bentleyville Borough Park and Recreation Board.

SECTION 3. PARK AND RECREATION BOARD.

That the Park and Recreation Board shall be composed of five (5) members, to be appointed by the Council, with the power to provide and conduct recreation and cultural activities and maintain public recreation areas, facilities, and centers subject to all the responsibilities of the Recreation Enabling Legislation. The board members of the Park and Recreation Board shall serve four (4) terms of five (5) years and until their successors are appointed, except that the members first appointed shall be so appointed that the term of at least one (1) member shall expire annually thereafter. Vacancies shall be filled in the same manner as original appointments and for the un-expired term. Members shall serve without pay.

SECTION 4. MEMBERSHIP REQUIREMENTS.

All of the members of the Park and Recreation Board shall be residents of Bentleyville Borough, Washington County, Pennsylvania, at the time of appointment and for the term of the appointment.

SECTION 5. REMOVAL.

Any member of the Park and Recreation Board, once qualified and appointed, may be removed from office for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Council aforesaid taken after the member has received fifteen (15) days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing. Any appointment to fill a vacancy created by removal shall be only for the un-expired term.

SECTION 6. CONDUCT OF BUSINESS.

The Park and Recreation Board shall elect its own Chairman and Vice Chairman and create and fill such other offices as it may determine. Officers shall serve annual terms and may succeed themselves. The Park and Recreation Board may make and alter bylaws and rules and regulations to govern its procedures consistent with the ordinances of Bentleyville Borough and the laws of the Commonwealth of Pennsylvania.

SECTION 7. POWERS AND DUTIES.

The Park and Recreation Board shall advise the Borough Council on how to maintain, equip and operate parks and other recreational facilities; develop a program of recreation activities and services designed to meet the various leisure time interests of all residents; evaluate programs, facilities, services and relationships periodically to assure that the Borough's goals and objectives are being achieved; review and advise the Borough Council of proposed recreation plans and facilities in connection with land development activities and plans; and advise and assist in the development and acquisition of adequate financial support for park and recreation facilities and programs.

SECTION 8. APPROPRIATION AND EXPENDITURE OF BOROUGH FUNDS, ETC.

The Council may appropriate funds on an annual basis to support activities of the Board. Expenditures recommended by the Park and Recreation Board shall be on forms provided by the Borough, and shall conform to the Borough budget, as well as appropriate Borough ordinances and resolutions and state and federal laws governing purchasing and expenditures.

The Park and Recreation Board shall have no authority to enter into any contract or incur any obligation binding upon Bentleyville Borough, other than current obligations or contracts to be fully executed within the then current fiscal year, and all within the budget appropriations made by the Borough Council.

SECTION 9. FUNDS.

That funds appropriated by the Council of Bentleyville Borough and budgeted to the Park and Recreation Board, shall be disbursed by the Secretary / Treasurer of Bentleyville Borough upon vouchers issued by the Park and Recreation Board and within the budget appropriations made. Funds received by the Park and Recreation Board from sources other than budget appropriations shall be deposited by the Park and Recreation Board in a Bentleyville Borough bank account to the credit and for the use of the said board, and disbursed as the above budget funds are disbursed, except that funds received by gift, bequest, or otherwise shall be disbursed in accordance with time terms of the acceptance thereof.

SECTION 10. ANNUAL REPORT.

The Board shall keep a full record of its business and shall annually make a written report by April 1 of each year of its activities to said Council. Interim reports may be made as often as may be necessary or as requested by the Council. The fiscal year of said Park and Recreation Board shall conform to that of Bentleyville Borough.

SECTION 11. POWERS.

That such powers that are now or may hereafter be provided by statute of the Commonwealth of Pennsylvania, or by ordinances of Bentleyville Borough relating to the development and operation of recreation systems, public parks, and playgrounds, are hereby vested in the Park and Recreation Board, to be exercised by it subject to any and all restrictions contained in such powers and ordinances.

SECTION 12. SEVERABILITY

In the event that any provision, section, sentence or portion of this Ordinance shall be held invalid, such invalidity shall not effect or impair any of the remaining provisions of this Ordinance, as the provision are severable and would have been enacted had not such invalid provisions been included herein.

SECTION 13. REPEALER

All Ordinances or parts of Ordinances that are inconsistent herewith are hereby repealed.

SECTION 14. EFFECTIVE DATE

This Ordinance shall take effect and be enforced from and after its approval as provided by law.

ENACTED AND ORDAINED by the Council of the Bentleyville Borough,
Washington County, Pennsylvania this 15th day of October, 2019.

ATTEST:

BENTLEYVILLE BOROUGH

Tammy Stamm
Tammy Stamm, Secretary

By: Stanley Glowaski
Stanley Glowaski, President

EXAMINED AND APPROVED by me this 15th day of October, 2019.

By: Thomas Brown
Thomas Brown, Mayor