

**Swarthmore Borough
Resolution No 2018-09**

A RESOLUTION OF THE BOROUGH OF SWARTHMORE ESTABLISHING RULES AND GUIDELINES
FOR ALTERATIONS TO PARKS OR PROPERTY

Section 1. Applicability.

The following rules and regulations are applicable to all parks, recreation areas and property owned or operated by the Borough of Swarthmore

Section 2. Repealer.

All resolutions or ordinances, or parts thereof, which are inconsistent herewith are hereby repealed to the extent of the inconsistency.

Section 3. Adoption.

This Resolution shall take effect and be in force from and after its enactment as required by law.

RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF SWARTHMORE THIS 13TH DAY OF NOVEMBER, 2018

Approved:

Tim Kearney
Mayor

David J. Creagan
Council President

Attest:

Jane C. Billings
Borough Manager/Secretary

RULES AND GUIDELINES FOR ALTERATIONS TO BOROUGH PARKS OR OTHER PROPERTY

Section 1. Permit.

Any person or entity wishing to make a permanent physical alteration to a Swarthmore Borough park or property (including without limit the installation, change or removal of any structure, equipment, sign, seating, tree or shrub) shall file an Application for a Permit for such alteration with the Borough Office at least 60 days before the proposed alteration. The Borough may require any terms or conditions deemed appropriate by the Borough for approval of the alteration.

Section 2. Responsible Representative.

The Applicant must designate on the application the name of an individual who will serve in the capacity of the "Responsible Representative" on the application, with authority to bind the Applicant on all aspects of the proposed alteration, and who will serve as the liaison with the Borough on the alteration. If deemed in the best interest of the Borough, the Responsible Representative for the Applicant shall not be a member of Swarthmore Borough government or an employee of the Borough.

Section 3. Written Agreement Required.

The Borough shall require a written agreement concerning the alteration. Such agreement may include any of the following conditions:

- a. Who shall pay for the cost, if any, of the original and any subsequent design, construction, installation, inspection, warranty, performance bond, safety repair, insurance, maintenance or repair of the alteration.
- b. Who shall have the ability to decide and control when and how such cost shall be paid, and how such design, construction, installation, inspection, warranty, performance bond, maintenance or repair of the alteration shall be performed.
- c. Who shall have the right to design the signs, or designate the names or dedications of the alteration and for how long a period.

Section 4. Compliance and Remedies.

Before accepting the alteration as completed, the Borough shall find that the alteration as installed complies with the terms and conditions of the written agreement and Borough requirements. If the alteration does not comply with the agreement and Borough requirements, then the Borough may (a) revoke the permit, (b) remove, repair or bring the alteration into compliance at the cost of the Applicant, so long as the cost is objectively reasonable, (c) dispose of the alteration in any way the Borough sees fit, and without liability to anyone, and (d) enforce all remedies available by agreement or at law.

