

**BOROUGH OF WIND GAP
COUNTY OF NORTHAMPTON
COMMONWEALTH OF PENNSYLVANIA**

ORDINANCE NO. 450

AN ORDINANCE OF THE BOROUGH OF WIND GAP, COUNTY OF NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA, AMENDING THE FEE SCHEDULE IN EXISTING BOROUGH ORDINANCES 410 AND 424 AND ALSO ALLOWING THAT FEES FOR USE OF THE BOROUGH PARK FACILITIES MAY BE ESTABLISHED BY RESOLUTION IN THE FUTURE

WHEREAS, the Borough of Wind Gap is an incorporated Borough and municipality existing as a political subdivision of the County of Northampton, Commonwealth of Pennsylvania maintaining a municipal office with an address at 29 Mechanic Street, Wind Gap, Northampton County, PA 18091; and,

WHEREAS and pursuant to the Borough Code (53 P.S. Section 47701) and other applicable law, the Borough may provide, improve, maintain and regulate inter alia public parks; and,

WHEREAS and by Wind Gap Borough Ordinance Nos. 410 and 424, the Borough of Wind Gap adopted rules and regulations for the use of the Wind Gap Borough Park and related facilities along with establishing penalties for violations of said rules; and,

WHEREAS the aforesaid Borough Ordinances established inter alia a fee schedule for the use of park facilities including a rental fee for the large pavilion, a rental fee for the small pavilion and a rental fee and security deposit for use of the kitchen; and,

WHEREAS and since the cost of repairing and maintaining the aforesaid park facilities continues to increase, the Borough wishes to amend the existing ordinances (in part) for fees in calendar year 2007 and also that it may establish fees for use of park facilities by way of resolution (as opposed to ordinance) as may be required and necessary from time to time.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, AND IT IS HEREBY ORDAINED AND ENACTED, by the Council of the Borough of Wind Gap, County of Northampton and Commonwealth of Pennsylvania, as follows:

SECTION 1. All of the above recitals are herein incorporated by reference.

SECTION 2. The following fee schedule shall apply for use of the park facilities for events beginning the 2007 calendar year: (a) \$80.00 rental fee for the large pavilion; and, (b) \$45.00 rental fee for the small pavilion; and, (c) \$50.00 rental fee for the use of the kitchen along with a \$75.00 security deposit. In the meantime, the existing fee schedule as outlined in Ordinance No. 424 applies unless amended by future resolution.

SECTION 3. The fee schedules as outlined in this ordinance may be amended in the future by resolution (as opposed to ordinance) since any change in the fee schedule is merely administrative (and not legislative) in nature.

SECTION 4. The terms, conditions and provisions of this Ordinance are severable. If any such term, condition or provision 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 terms, conditions or provisions of this Ordinance; and it is hereby declared to be the intent of the Borough that this Ordinance would have been adopted and enacted had such unconstitutional, illegal or invalid term, condition or provision not been included herein.

SECTION 5. The terms, conditions and provisions of Borough Ordinance Nos. 410 and 424 (and any other Borough ordinances) that are inconsistent herewith shall be deemed vacated and/or repealed; but, any other terms, conditions and provisions of those or any other Borough ordinances which are not inconsistent herewith shall remain in full force and effect.

SECTION 6. This Ordinance shall become effective five (5) days after its adoption.

ORDAINED AND ENACTED into an Ordinance this 1st day of May, 2006.

ATTEST:

BOROUGH OF WIND GAP

Louise Firestone
Louise Firestone, Secretary and
Borough Administrator

By: Kerry Gassler
Kerry Gassler, President

APPROVED this 1st day of May, 2006.

ATTEST:

Louise Firestone
Louise Firestone, Secretary and
Borough Administrator

By: Mitchell D. Mogilski Sr.
Mitchell D. Mogilski, Sr., Mayor