

## MEMORANDUM

To: JoAnn Quigley, Supervisor  
Wesley Township

CC:

From: James D. Rock

Subject: Park Fees and Charges

Date: August 8, 2018

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### ISSUE

You asked us to advise you as to whether the Township may charge fees for certain uses of its park. Our review, analysis, and recommendations follow.

### DISCUSSION

Wesley Township owns and operates a park commonly known as Rivals Lookout Park. Some of the park amenities include a pavilion, a disc golf course, a playground, and a camping area. Rivals Lookout Park is approximately five (5) acres in size. The Township currently charges fees for certain uses of Rivals Lookout Park, as described in the Township's Park/Pavilion Reservation Application.

Section 1/120-5 of the Township Code authorizes townships to acquire park land "for the free use of the public". Section 1/185-10 of the Township Code authorizes townships to "establish reasonable fees for recreation and instructional programs sponsored by the township." As a result, the Township may charge reasonable fees for recreational and instructional programs it conducts in Rivals Lookout Park.

Generally, entry to Rivals Lookout Park is, and should remain, free to the public. In regard to the types of uses described in the Park/Pavilions Reservation Application, the uses described are for private purposes (private picnic, wedding, shower, graduation...) that result in the park or a portion of the park being reserved for private use. In those

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instances, the portion of the park being used by the applicant is not available for use by the public. When the use is private, rather than public, the Township may use the authority it has under Section 1/85-10 (d) to "make all contracts necessary in the exercise of township powers" and charge fees for the temporary private use of the park.

#### CONCLUSION

General entry to and use of Rivals Lookout Park by the public should be free of charge. The Township may conduct recreational and instructional programs at Rivals Lookout Park and may charge reasonable fees for those programs. The Township may charge fees for temporary private use of the park.