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“Parcel ID#”:

## **ORDINANCE NO. 227**

### **ORDINANCE OF THE TOWNSHIP OF EPHRATA PROVIDING FOR RULES AND REGULATIONS GOVERNING THE USE OF THE EPHRATA TOWNSHIP COMMUNITY PARK AND PROVIDING PENALTIES FOR VIOLATION OF THE SAME.**

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED** by the Board of Supervisors of Ephrata Township, County of Lancaster, Pennsylvania, as follows:

#### **SECTION 1. PURPOSE**

These regulations are established to govern the conduct of the members of the public in the Ephrata Township Community Park owned and operated by the Township of Ephrata and to protect the public property.

#### **SECTION 2. DEFINITIONS**

Exceptions where the context clearly indicates otherwise, the following terms used in this Ordinance shall have the following meanings:

- A. The “Board” shall mean the Ephrata Township Board of Supervisors.
- B. The “Park” shall mean the Ephrata Township Community Park, 436 East Fulton Street, Ephrata, PA 17522.
- C. The “Township” shall mean Ephrata Township, 265 Akron Road, Ephrata, PA.

#### **SECTION 3. HOURS**

- A. The Ephrata Township Community Park is open to all members of the public irrespective of race, sex, national origin, color, and creed.
- B. All areas of the Park shall be open to the public between the hours from sunrise and sunset of each day unless different hours are established by general or specific

notification made by the Township. The areas within the park with public lighting shall be open to the public until 11:00 P.M. each day. Areas without public lighting are closed to the public between sunset and sunrise each day.

- C. Any section or part of any park or recreational facility may be declared closed to the public by the Township at any time and for any interval of time, either temporarily or at regular and stated intervals and either entirely or for certain uses, as the Township shall find necessary. Any aggrieved party may appeal to the Board, with ten (10) days, raising questions of civil liberties.
- D. The Township Manager shall notify the Board of Supervisors of every action taken under Section 3.C.

#### **SECTION 4. PERMITS**

Permits are required for the following purposes:

- A. Use of recreational buildings.
- B. Exclusive use of the ball field, soccer fields and athletic courts and other areas designated by the Township.
- C. Special events of a cultural or recreational nature and pageants held on park property.

#### **SECTION 5. APPLICATION FOR PERMITS**

- A. Any person or association or persons desiring to reserve a portion of the park for any lawful activity shall apply at the Township Office either in person or by formal written request.
- B. When a fee is required, permits will not be issued until payment or authorized purchase order is received. The Township Manager may make periodic or monthly payment arrangements with groups requiring additional department services, with ball field leagues, and with other groups, where a single payment is not practical for proper accounting procedures established by the Department.
- C. Permits are issued on a first come, first serve basis. Requests for permits can be made for any dates during the current year or the following year.
- D. No person under the age of eighteen (18) shall be issued a permit to use the park unless accompanied by a person eighteen (18) years of age or older. Written permission from the parent or legal guardian is required and parent or legal guardian shall indicate therein his or her responsibility for the conduct of the permit user.

## **SECTION 6. GUIDELINES FOR ISSUANCE OF PERMITS**

The Township shall issue a permit hereunder when it is satisfied that:

- A. The proposed activity or use of the park will not unreasonably interfere with or detract from the general public use and enjoyment of the park.
- B. The proposed activity and use will not interfere with or detract from the promotion of public health, morals, welfare, safety and recreation.
- C. The proposed activity or use is not reasonably anticipated to incite violence, crime, or disorderly conduct.
- D. The proposed activity will not entail unusual, extraordinary or burdensome expense for the Township.
- E. The facilities desired have not been already reserved.

The Township shall take the following additional considerations into account in reviewing applications for exclusive use of a facility to fairly determine as to whether a permit should be issued hereunder.

- F. The size and purpose of the organization requesting the use.
- G. The impacts to other park users.
- H. The facilities available to accommodate the intended use.

## **SECTION 7. OPERATION AND PARKING OF MOTORIZED VEHICLES**

This Section shall not apply to the use of motorized vehicles used by handicapped persons.

No person shall:

- A. Park a vehicle at the park between the hours of 11 PM and sunrise without written permission from the Township.
- B. Operate a vehicle and stop, stand or park said vehicle in any place not marked as a parking space, other than for expeditious loading or unloading of passengers, or for the unloading and delivery or pick up of materials.
- C. Operate and stop, stand or park such vehicles upon any roadway or in any parking area in such a manner as to form an obstruction to traffic thereon.
- D. Drive upon or park upon any lawn or landscaped park unless specifically authorized to do so by the Township.

- E. Operate and stop, stand or park a vehicle in any area other than the designated parking lot and main access drive. This Section shall not apply to motorized vehicles used by handicapped persons.
- F. Operate a vehicle and/or park in any place where no parking signs or no vehicles beyond this point signs have been erected.
- G. Operate or park vehicle in such a manner as to block the exit or removal of another vehicle.
- H. Operate and park a vehicle in such a manner as to take up more than one designated parking spot.
- I. Park in an area designated for Handicapped Parking without the driver or passenger possessing and displaying a valid handicapped parking placard.
- J. Operate a motor vehicle in any area other than the parking lot and public access drive that is open to the general public except vehicles authorized by the Township for the purpose of park maintenance, improvement, or patrol, or to areas set aside as special use areas.
- K. Operate any vehicle upon any park property or roadway carelessly disregarding the rights and safety of others or in a manner so as to endanger any property.
- L. Operate any type of mini bike, trail bike, all terrain vehicle, snowmobile or other vehicle that is not or cannot be registered for operation on the public highways in any area of the park property.
- M. Wash or make mechanical repairs on vehicles except in designated areas or in cases of emergency.
- N. In conjunction with this section, the Motor Vehicle Code of Pennsylvania shall apply to the access drive and parking lot.

The Ephrata Police Department is hereby authorized to issue parking tickets and issue fines or penalties for violations of any provisions of this Ordinance. The Board of Supervisors will establish, from time to time, by resolution, certain fines or penalties for violation of any provisions of this Ordinance.

## SECTION 8. HORSES

No person shall ride or lead a horse or pony upon any area of the Park. Horses used for transportation shall be permitted in designated areas specifically identified for parking of horse and buggies.

## SECTION 9. OPERATION OF BICYCLES

Bicycle riding is prohibited on all grass or landscaped areas and is only permitted upon trails designated for that purpose.

## SECTION 10. PROHIBITED ACTIVITIES IN PARKS

No person shall:

- A. Swim in any water body within the park.
- B. Climb upon or in any way injure any ledge, fence, balustrade, railing, pavilion or other structure or play on wet grounds in a manner injurious to turf.
- C. Tamper with drinking fountains, hydrants, or other water system facilities.
- D. Fly model powered planes, rockets.
- E. Operate any remote controlled vehicle or boat.
- F. Gamble in any form.
- G. Tamper with, mar, remove or destroy any official or public sign.
- H. Pour or cause to spill or permit to escape in any area covered by this part any oil, gas, salt, acid or other deleterious substance whether liquid, solid or gaseous, except pursuant to the provisions of an official permit. No person shall damage or injure any public park buildings, structures or equipment.
- I. Bring any waste paper, sweepings, ashes, household waste, glass, metal, refuse or rubbish or any dangerous or detrimental substance into a park and deposit the same, either in a receptacle or any other place. This does not prohibit trash or waste generated in the park from a picnic or similar activity to be put into receptacles supplied for that purpose.
- J. Deposit any bodily waste in or on any portion of any comfort station or other public structure in a park area except directing into such particular fixtures as may be provided for that purpose and place any bottle, can, rag or metal, wood, or stone substance in any of the plumbing fixtures in such station or structure.
- K. Cut, deface, mar, destroy or break, or write on or scratch any walls, floor, ceiling, partition, fixture, or furniture, or use towels in any improper manner or waste soap, toilet paper, or any of the facilities provided in any comfort station or other public structure in a park area.

**SECTION 11. DESTRUCTION OF PLANT LIFE AND NATURAL SURROUNDINGS**

No person shall:

Cut, remove or destroy any live tree, sapling, seedling, bush or shrub, or chip, blaze, box, girdle, trim or otherwise deface or injure any tree or shrub, or break or remove any branch, foliage, tree or shrub, or pick, gather, uproot, remove or destroy any flower, plant or grass except with permit issued by the Township. No person shall uproot any vegetation or dig up any soil to gather worms or other forms of bait for fishing or any other purpose.

**SECTION 12. ATTACHMENTS**

No person shall:

Hitch, tie, fasten, nail, anchor, screw, or otherwise attach any wire, cable, chain, rope, card, sign, poster advertisement, notice, announcement, handbill, board, or other articles or device to any post, tree, shrub, or building, without first obtaining permission in writing from the Township.

**SECTION 13. ALCOHOLIC BEVERAGES**

No person shall:

- A. Be under the influence of any alcoholic beverage while in or upon property administered by or under the jurisdiction of the Township.
- B. Consume or possess alcoholic beverage while in or upon property administered by or under the jurisdiction of the Township.

**SECTION 14. PERSONAL CONDUCT**

No person shall:

- A. Engage in any violent, abusive, loud, boisterous, vulgar, lewd, wanton, obscene or otherwise disorderly conduct tending to create a breach of peace, or to disturb or annoy others, while in or on any property administered by or under the jurisdiction of the Township.
- B. Commit any indecent or immoral act tending to debauch the morals or manners of the public while in or on any property administered by or under the jurisdiction of the Township within the Park.

## SECTION 15. PEDDLING AND SOLICITING

No person shall:

Peddle or solicit business of any nature whatever or collect any fund for any service or charity, or distribute handbills or other advertising matter on property administered by or under the control of the Township unless first obtaining permission in writing from the Township.

## SECTION 16. USE OF AUDIO EQUIPMENT

No person shall:

- A. Use a loudspeaker, public address system or amplifier within or upon the park property without a permit issued by the Township.
- B. Play or cause to play any radio, phonograph, tape recorders, television, stereo tape, etc., in a loud or boisterous manner which tends to disturb or annoy any visitor.

## SECTION 17. FIRES

No person shall:

- A. Build any fire on any portion of the park property.
- B. Set or cause to set on fire any tree, woodland, brush, grassland, meadow.
- C. Drop, dump, throw or otherwise scatter lighted matches, ashes, burning cigars, cigarettes, tobacco paper or other flammable material.

This section shall not apply to permanent charcoal grills installed by the Township.

## SECTION 18. FIREWOOD

The cutting of standing trees and shrubs is prohibited. Collecting and removing dead wood from the park is prohibited unless written approval is obtained from the Township.

## SECTION 19. ANIMALS, BIRDS AND REPTILES

- A. No person shall pursue, catch, attempt to catch, strike, molest, wound, or kill any bird, animal or reptile, or any nest, lair, den, burrow or the like of any animal.
- B. Hunting and trapping is prohibited in the park unless written authorization for such activity is obtained from the Township.
- C. No person shall drive or pursue any wild bird or animal from the confines of the Park.

## SECTION 20. DOGS, PETS AND ANIMALS

Dogs must be under voice control of the owner at all times or controlled by a leash.

No person shall:

- A. Permit dogs or cats within 100 feet of any picnic shelter, play equipment or other areas so posted unless the dog or cat is controlled by a leash. This section does not apply to service dogs used by handicapped persons.
- B. Bring a dog into the Park System unless said dog or pet holds a current year's license.
- C. No owner shall permit any dog or other animal to defecate on park property unless the owner or keeper of the animal immediately cleans up and removes the defecation and disposes of the same either by removing it from the property or depositing it into trash receptacles located throughout the park.

## SECTION 21. LITTERING

All trash and litter shall be deposited into trash receptacles located throughout the park. In addition to the penalties contained in Section 30 of this Ordinance, violators will be, at the sole discretion of the Township, prohibited from using the park for a period of ninety (90) days to one (1) year depending on the severity of the violation.

## Section 22. FISHING

Fishing is permitted in all areas under the jurisdiction of the Township. In all cases, the Pennsylvania fishing laws shall be applicable. Fishing is prohibited only in areas specifically posted. All trash must be removed from the property or deposited in trash receptacles located throughout the park.

## SECTION 23. BOATING

Boating or the use of any inflatable device designed for transportation on water is not permitted on any water body in the park.

## SECTION 24. TRESPASS

No person shall:

- A. Enter upon any grounds that have been posted by the Township with No Trespassing or Special Wildlife signs or any sign that would indicate that the area is not open to the general public without first obtaining a permit issued by the Township.
- B. Enter any building that is not open to and regularly used by the public.



C. Enter upon or disturb any construction or equipment on the park property.

#### **SECTION 25. UNLAWFUL OBSTRUCTION**

No person shall:

Force, threat, intimidate, fence, enclose, or by any other means, prevent or obstruct any person from entering, leaving or making full use of the Park unless under jurisdiction of the Township consistent with the terms of this ordinance and other applicable statutes, rules and regulations, and then only by persons authorized to do so by the Township within the Park.

#### **SECTION 26. HINDERING EMPLOYEES**

No person shall:

Interfere with, refuse to obey any lawful command, use profanity towards, or in any manner hinder any employees or agents of the Township who are performing their official duties within the Park.

#### **SECTION 27. FIREARMS**

No person shall:

Bring into or upon the Park, nor have in his/her possession, nor discharge, or set off anywhere upon said property, a revolver, pistol, shotgun, rifle, air rifle, air gun, paint ball gun or any gun, rifle, firearm, or bow or other weapon that discharges projectiles either by air, explosive substance or by any other force. Except that this section shall not apply to any deputy sheriff, police officer, peace officer, or other duly appointed law enforcement officer while carrying out the duties and responsibilities of his/her position nor to any person who has been granted written authorization from the Township.

#### **SECTION 28. FEES AND CHARGES**

It shall be unlawful to use any facility, land or area for which a fee or charge has been established by the Township without first paying the fee or charge, subject to Section 4 of this Ordinance and the Township's current fee schedule.

#### **SECTION 29. STATE STATUTES, OTHER APPLICABLE REGULATIONS**

Any person violating any law, rule or regulation of the Commonwealth of Pennsylvania or any Commonwealth agencies which are in force and effect and applicable to any conduct covered by this ordinance shall be prosecuted under such statute, rule or regulation, and be punished in accordance with the penalty provisions thereunto appertaining.

**SECTION 30. PENALTIES**

Any person who violates any provisions of this ordinance shall, for every such offense, upon conviction thereof in a summary proceeding before a magistrate or district justice or other appropriate judicial official, be sentenced to pay a fine not more than one thousand dollars (\$1,000.00), plus all court costs, including reasonable attorney fees incurred by the Township. In addition, such person shall be liable to the full extent for any damage that he or she causes. Furthermore, any violation of this ordinance may, at the sole discretion of the Township, result in an expulsion from all Township Park properties, of ninety (90) days to one (1) year depending on the severity of the violation.

**SECTION 31. SEVERABILITY**

The provisions of this ordinance are severable. If any sentence, clause or section of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not invalidate the remainder of this ordinance, and it is hereby declared to be the intention of the Board of Supervisors of Ephrata Township that this ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause or section not have been included herein.

**SECTION 32. REPEALER**

All ordinances and resolutions or parts thereof which are inconsistent herewith and hereby repealed insofar as they are inconsistent.

**SECTION 33. EFFECTIVE DATE**

This Ordinance will become effective five (5) days after enactment.

ORDAINED AND ENACTED this 2nd day of Dec., 2008.

**EPHRATA TOWNSHIP**

BY:

  
Chairman/Vice-Chairman

ATTEST:

  
Secretary

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**ORDINANCE NO. 241**

**AN ORDINANCE AMENDING THE RULES AND REGULATIONS GOVERNING THE USE OF THE EPHRATA TOWNSHIP COMMUNITY PARK BY REDEFINING THE HOURS OF OPERATION; PROHIBITING PARKING IN THE PARK AFTER HOURS; PROHIBITING SMOKING WITHIN ANY STRUCTURE AND WITHIN 50 FEET OF THE PLAYGROUNDS; REQUIRING DOGS TO BE LEASHED AT ALL TIMES; PROHIBITING DOGS OTHER THAN SERVICE DOGS WITHIN THE PARK STRUCTURES, SAND VOLLEYBALL COURT, AND PLAYGROUND; AND PROHIBITING THE USE AND DISCHARGE OF PROJECTILE FIRING WEAPONS OR SPORTING EQUIPMENT OF ANY KIND WITHIN THE PARK WITHOUT WRITTEN AUTHORIZATION FROM THE TOWNSHIP.**

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED** by the Board of Supervisors of Ephrata Township, County of Lancaster, Pennsylvania, as follows:

**Amendment 1**

**SECTION 3. HOURS**

Subsection C is revoked as written and amended to read: All areas of the Park shall be open to the public between the hours from sunrise and sunset of each day unless different hours are established by general or specific notification made by the Township.

**Amendment 2**

**SECTION 7. OPERATION AND PARKING OF MOTORIZED VEHICLES**

Subsection A is revoked as written and amended to read: No person shall park a vehicle at the park between the hours of sunset and sunrise without written permission from the Township.

**Amendment 3**

**SECTION 10. PROHIBITED ACTIVITIES IN PARKS**

Subsection L is hereby added: No person shall smoke in the restrooms, pavilion structures or within fifty (50) feet of the playground.

Subsection M is hereby added: No person shall use a metal detector without written anywhere in the park without permission from the Township.

**Amendment 4**

**SECTION 20. DOGS, PETS AND ANIMALS**

The first sentence is revoked as written and amended to read as follows: Dogs must be controlled and maintained on a leash at all times.

Subsection A is revoked as written and amended to read: No person shall permit dogs or cats within the restroom, pavilions, sand volleyball court or playground. This section does not apply to service dogs used by handicapped persons.

**Amendment 5**

**SECTION 27. FIREARMS** is revoked as written and amended to read as follow:

No person shall:

Discharge or set off anywhere upon said property, a revolver, pistol, rifle, air gun, air soft gun, paintball gun, rifle, firearm bow or other device that discharges projectiles by air, explosive substance, or by any other force or hurl or throw any lethal weapons including but not limited knives, spears, tomahawks etc. This section shall not apply to any duly appointed law enforcement officer while carrying out the duties and responsibilities of his/her position nor to any person who has been granted written authorization from the Township.

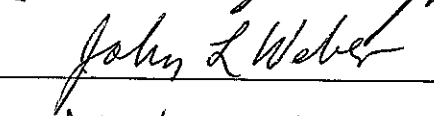
All ordinances, resolution or parts thereof which are inconsistent herewith are hereby repealed insofar as they are inconsistent,

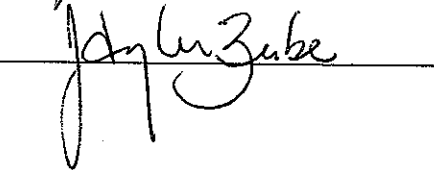
This Ordinance will become effective five (5) days after enactment.

ORDAINED AND ENACTED this 3<sup>rd</sup> day of July, 2012.

**EPHRATA TOWNSHIP**

BY: 

BY: 

BY: 

CERTIFICATE

I, the undersigned, Secretary of the Township of Ephrata, Lancaster County, Pennsylvania (the "Township"), certify that the foregoing is a true and correct copy of an Ordinance of the Board of Supervisors of the Township (the "Board"), which duly was enacted by affirmative vote of a majority of all members of the Board at a meeting of the Board duly convened and held according to law on July 3, 2012.

Date: 7/3/2012

John L. Weber  
Secretary

(SEAL)