

Chapter 170

PARKS AND RECREATION AREAS

§ 170-1.	Title.	§ 170-7.	Permit system.
§ 170-2.	Statutory authority.	§ 170-8.	Prohibited activities.
§ 170-3.	Interpretation and legislative findings.	§ 170-9.	Park exclusion.
§ 170-4.	Definitions.	§ 170-10.	Discrimination prohibited.
§ 170-5.	Purpose and interpretation.	§ 170-11.	Enforcement; violations and penalties.
§ 170-6.	Manager and director's authority; rule-making; enforcement.		

[HISTORY: Adopted by the Board of Commissioners of the Township of Bethlehem 10-19-1998 by Ord. No. 8-98 (Ch. 16, Part 1, of the 1988 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Animals — See Ch. 85.

§ 170-1. Title.

This chapter shall be known and entitled the "Bethlehem Township Rules and Regulations for Township Parks."

§ 170-2. Statutory authority.

This chapter is enacted pursuant to the authority granted to First Class Townships pursuant to § 1502 (cl. I, II) of the First Class Township Code, 53 P.S. § 56502, as amended, § 1502 (cl. IX) of the First Class Township Code, 53 P.S. § 56509, as amended, § 1502 (cl. X) of the First Class Township Code, 53 P.S. § 56510, as amended, § 1502 (cl. XXVI) of the First Class Township Code, 53 P.S. § 56526, as amended, § 1502 (cl. XLIV) of the First Class Township Code, 53 P.S. § 56544, as amended, § 3001 of the First Class Township Code, 53 P.S. § 58001, as amended, § 3009 of the First Class Township Code, 53 P.S. § 58009, as amended, § 3012 of the First Class Township Code, 53 P.S. § 58012, as amended, and pursuant to such other police powers which may be lawfully exercised by First Class Townships.

§ 170-3. Interpretation and legislative findings.

This chapter is declared to be an exercise of the police power of the Township of Bethlehem and its provisions shall be liberally construed for the preservation and protection of the natural environment, public peace, health, safety and welfare. The Township of Bethlehem finds as follows and declares that this chapter is passed in response to the following facts:

- A. Unlawful and inappropriate behavior in the parks of the Township diminishes these precious assets and deprives citizens of the full use and enjoyment of the natural beauty, recreational opportunities

and peaceful repose that parks are intended to preserve in a suburban setting.

- B. In addition to more serious criminal acts that threaten personal injury and property damage, a wide range of illegal disorderly behavior can transform a park into an unwelcoming, unattractive and ultimately unsafe public space requiring increased expenditures for public safety and maintenance.
- C. The laws intended to preserve and protect the parks for the benefit of all are effective only if those who use the parks obey the law. The current criminal and civil penalties for violating the law are frequently inadequate alone to deter illegal behavior, prevent its recurrence or provide for the removal of the offender from the park.
- D. Compliance with the law, including the rules and regulations set forth herein, will be enhanced by the immediate administrative sanction of excluding from Township parks those who violate the law.

§ 170-4. Definitions.

The following words and terms shall, for the purpose of this chapter, have the meanings set forth herein:

BOARD OF COMMISSIONERS — The Board of Commissioners of the Township.

CAMP — To remain overnight, to erect a tent or other shelter or to use sleeping equipment, a vehicle or a trailer camper for the purpose of or in such a way as will permit remaining overnight.

DEPARTMENT — The Department of Parks and Recreation of the Township as established from time to time by the Board of Commissioners. **[Amended 12-17-2012 by Ord. No. 11-12]**

DIRECTOR — The Director of the Department as determined from time to time by the Board of Commissioners and the authorized agents of the Director, who may include, without limitation, the Chief of Police of the Township and his/her subordinate officers, animal control officers and duly authorized Department or other Township employees in the performance of their official duties. **[Amended 12-17-2012 by Ord. No. 11-12]**

MANAGER — The Manager of the Township.

PARK — All lands, water, buildings and facilities now or hereinafter comprising the parks and recreation system of the Township, including any and all parks and bodies of water contained therein or adjacent thereto, playgrounds, athletic fields, sports courts, pavilions, picnic facilities, trails, bike paths, walkways, drives, parkways, boulevards, boat launch areas, waterfront areas, golf courses, museums, aquaria, zoos, botanical gardens, greenbelts, parking lots, community centers and other park, recreation and open space areas and buildings and facilities.

PARK RULE — Those particular rules or code of conduct adopted by the Board of Commissioners for which a violation may lead to exclusion from a park under § 170-9.

PARKS AND RECREATION COMMITTEE — The Parks and Recreation Committee of the Township.

RECREATION PROGRAM — Any program or activity conducted, sponsored or assisted by the Department, whether or not it occurs in a park.

TOWNSHIP — The Township of Bethlehem.

VIOLATION — An act or omission or combination thereof that is contrary to any park rule or any civil or criminal provision of the statutes, laws, regulations, codes or ordinances, laws of the United States, the Commonwealth of Pennsylvania, and/or the Township proven by a preponderance of the evidence.

§ 170-5. Purpose and interpretation. [Amended 12-17-2012 by Ord. No. 11-12]

- A. Purpose. These regulations are established to govern the conduct of members of the public in the parks and to protect Township property.
- B. Interpretation. Whenever consistent with the context of this chapter, words in the present, past or future tenses shall be construed to be interchangeable with each other, words in the singular number shall be construed to include the plural and words of gender shall apply to all genders.

§ 170-6. Manager and director's authority; rule-making; enforcement.

The Manager and the Director, under the direction and control of the Manager, shall have the power to enforce the provisions of this chapter. The Manager and the Director, under the direction and control of the Manager, and in conjunction with the authority granted by the Board of Commissioners to the Parks and Recreation Committee, may propose additional rules and regulations consistent with this chapter for approval and adoption by resolution of the Board of Commissioners, to manage and control the park and recreation system of the Township, including rules that:

- A. Clarify, interpret or apply this chapter.
- B. Regulate the use of parks.
- C. Regulate conduct in parks.
- D. Designate restricted areas in parks.
- E. Regulate recreation programs.
- F. Establish times for opening and closing of any particular park or park facility to public use and/or for entry or use by vehicles.
- G. Restrict and/or prohibit the use of any bicycle, skateboard, roller-skate, coaster or other similar device in any park or part of a park. This prohibition shall not apply to wheeled equipment by a person with a disability, who uses such wheeled equipment in order to be ambulatory. It is Township policy that restrictions or prohibitions on the use of recreational equipment on a surface that is paved or improved for travel be imposed only to the extent appropriate to preserve the park from damage and/or avoid impairing the use and enjoyment of the park by others. Bicycles are permitted within the areas designated by the Manager as constituting the Bethlehem Township Bike Path, the Bethlehem Township Towpath/Canal Trail and the Greenway. **[Amended 12-17-2012 by Ord. No. 11-12]**
- H. Impose a speed limit on use of any or all park paths, trails and walks, improved or unimproved. Such speed limit may apply to pedestrians and/or those persons using roller-skates, skateboards, coasters, bicycles, carts or any similar device or conveyance.

§ 170-7. Permit system.

- A. Establishment of permit system. The Manager may establish a permit system and require a permit for:
 - (1) Reserving any room or part of a community center, play or athletic field, pavilion, picnic facility or other defined area of a park for a certain time or series of times and granting the exclusive use thereof during the time reserved.
 - (2) Posting any signs, posters or notices, placing or erecting any structure or obstruction of any kind within a park, whether temporary or permanent, engaging in any competitions involving a

vehicle, boat or aircraft, or launching or landing aircraft, rockets or other airborne conveyance or cutting or removing any tree or plant material.

- (3) Making any improvement to or in a park or construction a public work.
 - (4) Conducting a commercial activity, using any outdoor electrical power outlet, laying cables or extending wires in or over a park or using any park or facility during the hours it is closed to the public.
 - (5) Making any use of a park or recreational facility for an event that differs in kind from the use and enjoyment of the park or recreational facilities by the general public of the premises.
- B. Permit exemptions. No permit is required of Township employees acting in the scope and course of their official duties. Exemptions may be made for abutting owners, who maintain park boulevards, with respect to the area maintained, for concessionaires as to the area under concession and as to governmental officials acting under authority of law.
- C. Permit fees and refunds. Issuance of a permit shall be subject to payment of such fees or charges as may be established, from time to time, by ordinance or resolution of the Board of Commissioners. The Manager is authorized to make refunds of fees upon timely cancellation of an event or activity and to return all or any portion of any security deposit when no longer needed or after costs that may be charged against the permit have been paid.
- D. Permitted signs. A permit for an event may authorize the placing of temporary signs, posters or notices reasonably related thereto. All permits shall be wholly of a temporary nature, shall vest no permanent right and may be revoked upon 10 days notice or, if the permit so states, upon shorter notice.
- E. Permit terms and conditions. The Manager may impose such terms and conditions on the issuance of any permit as he or she deems appropriate to protect the health, safety and welfare of the public and/or the park, to avoid or limit unnecessary interference with other uses or users of the park, to minimize disturbance of the surrounding neighborhood and to require the use to leave the area under permit in a condition after the activity or event as it was beforehand. For this purpose, the Manager may require the user to furnish public liability and property insurance, naming the Township as an additional insured, in such amounts as reasonably necessary to provide recompense for personal injury or death or property damage to a member of the public as a result of the event or activity, execute an indemnity and/or hold harmless agreement and/or make a reasonable security deposit or provide a bond. The terms and conditions of a permit (including providing insurance and/or security deposit) shall not infringe upon rights of petition, assembly or free expression protected by the First Amendment of the United States Constitution and/or provisions of the Constitution of the Commonwealth of Pennsylvania. If an applicant asserts that a term or condition proposed by the Manager infringes upon a constitutional right, the Manager shall have the burden of showing that the proposed term or condition is a reasonable restriction on the time, place and manner of exercising the right and is valid.
- F. No person under the age of 18 shall be issued a permit. **[Added 12-17-2012 by Ord. No. 11-12]**
- G. The Manager shall take the following additional considerations into account in considering permit requests to fairly determine as to whether a permit should be issued hereunder and may require the requester to complete a special event application to aid in its determination: **[Added 12-17-2012 by Ord. No. 11-12]**
- (1) The size and purpose for which the park is normally used.

- (2) The location of the park and the area surrounding it.
- (3) The facilities available to accommodate the intended use.

§ 170-8. Prohibited activities.

The following are violations of this chapter and subject the violator to park exclusion pursuant to § 170-9, and to the penalties set forth in § 170-11:

- A. The posting of signs, posters and notices, including the use, placement or erection of any signboard, sign billboard, bulletin board, post, pole or device of any kind for advertising or notification in any park or to attach any notice, bill, poster, sign, wire, rod or cord to any tree, shrub, railing, post or structure within any park, except as may be expressly permitted by the Manager. **[Amended 12-17-2012 by Ord. No. 11-12]**
- B. The distribution of handbills, including the distribution of any handbills, circulars or signs in any park in any manner that interferes with or obstructs the normal passage of people in vehicles. **[Amended 12-17-2012 by Ord. No. 11-12]**
- C. No-trespassing areas; removal or destruction of property; structures or obstruction. Except for duly authorized Department or other Township employees in the performance of their official duties or other persons duly authorized pursuant to law:
 - (1) To enter or go upon any area which has been designated and posted by or under the authority of the Manager as a "no admittance" or "no trespassing" area for the purpose of protecting such area or person or other property from potential harm.
 - (2) To fail or refuse to leave, upon the request of any Township employee, any area no posted as "no admittance" or "no trespassing" but which, because of weather or emergency conditions, cannot be occupied or used without a risk, in the opinion of the Director, of causing potential harm to such area or persons or other property.
 - (3) To remove, mutilate, deface, damage or destroy any public notice, structure, lawn, monument, statue, vase, fountain, wall, fence, railing, vehicle, bench, shrub, tree, geological formation, plant, flower, lighting system, sprinkling system, gate, barricade or lock or other property lawfully in any park or to remove rocks, sand, soil or sod in any park.
 - (4) To place or erect in any park a structure or obstruction of any kind without a permit from the Manager.
- D. Animals shall be prohibited as follows: **[Amended 12-17-2012 by Ord. No. 11-12]**
 - (1) Except as expressly allowed in Subsection D(2), for any person to allow or permit any animal in any park. This prohibition shall not apply to:
 - (a) Any animal used by a person with a disability including, but not limited to, a Seeing Eye or Hearing Ear dog as a disability aid.
 - (b) Animals used by public law enforcement agencies and under control of a law enforcement officer.
 - (c) Wildlife.
 - (2) Horses and domestic pets are permitted within the areas designated by the Manager as

constituting the Bethlehem Township Towpath/Canal Trail under the following conditions:

- (a) Any person who takes a horse or domestic pet into such areas must have physical control of the animal and be responsible and liable for the conduct of the animal.
 - (b) Domestic pets must be controlled by means of an adequate leash.
 - (c) All domestic pets must be licensed and display valid license tags and up-to-date rabies vaccination tags attached in accordance with applicable law.
 - (d) Any person with a domestic pet in his or her possession or under his or her control in such areas shall carry equipment for removing feces and shall remove feces from such areas and dispose of the same in a lawful and sanitary manner.
- (3) The Manager is authorized to prohibit horses and domestic pets within the areas designated in Subsection D(2) on a temporary or permanent basis if in his or her opinion it is determined that such closure is necessary for the preservation and protection of the natural environment, public health or safety. Prior to closing such areas, the Manager shall consult with the Director and the Parks and Recreation Committee.

E. Wildlife and plants. **[Amended 12-17-2012 by Ord. No. 11-12]**

- (1) Wildlife shall not be disturbed except for the duly authorized Department or other Township employees in the performance of their official duties or other person duly authorized pursuant to law to enter or go upon any areas or place in any park designated and posted by the Manager or by appropriate state or federal agencies as a game refuge, sanctuary or reserve (unless designated by the Manager for entry) or to injure, molest or disturb any wildlife thereon, its nests or strike any wildlife with any device or thing or throw or otherwise propel any missile or other object at or in the vicinity of any such wildlife. No person shall pursue, hunt, catch, attempt to catch, strike, molest, wound or kill any bird, animal or reptiles. No person shall use vehicle headlights or spotlights for the purpose of viewing any animal after sunset when the park is not open to the public.
- (2) No person shall:
 - (a) Cut, remove or destroy any tree, sapling, seedling, bush or shrub, or break or remove any branch, foliage, tree or shrub, or pick, gather, uproot, remove or destroy any flower, plant or grass, or chisel, drill or remove any natural stone deposit except with the written permission from the Manager.
 - (b) Remove or cause to be removed or to dig any sod, earth, humus, peat, boulder, rock, gravel or sand except with written permission from the Manager.
 - (c) 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, rock outcropping or structure except in accordance with a special event permit issued by the Manager.

F. Air pistols, air rifles, air guns, bow and arrow or slingshots, including the use, possessing, or discharging of any air pistol, air rifle, air gun, bow and arrow, crossbows, slingshot or other device the purpose of which is to propel an object away from the person using it, except at places and times set aside by the Manager as safe for such activity and posted by signs specifying the permitted activity. **[Amended 12-17-2012 by Ord. No. 11-12]**

- G. Firearms. Except for law enforcement officers in the performance of their official duties, no person shall discharge a firearm in any park. **[Amended 12-17-2012 by Ord. No. 11-12; 3-16-2015 by Ord. No. 08-15]**
- H. Fireworks, including the use, possession or discharging of any fireworks in any park, except at places and times permitted by the Board of Commissioners of the Township. **[Amended 12-17-2012 by Ord. No. 11-12]**
- I. Hitting or driving golf balls, including hitting or driving of golf balls, except at places and times set aside by the Manager as safe for such activity and posted by signs specifying the permitted activity. **[Amended 12-17-2012 by Ord. No. 11-12]**
- J. Urinating or defecating in any park, except in rest room facilities specifically provided for the purpose. **[Amended 12-17-2012 by Ord. No. 11-12]**
- K. Soliciting, including the solicitation of contributions for any purpose, including charitable, education or scientific purpose in any park. **[Amended 12-17-2012 by Ord. No. 11-12]**
- L. Sale of merchandise, including the sale or attempted sale of any merchandise, liquid, edible or any other tangible or intangible things, right, privilege or claim in any park without having an authorized concession contract or use permit from the Manager. **[Amended 12-17-2012 by Ord. No. 11-12]**
- M. Sound-amplifying devices, including the use of any public address system, loudspeaker or other sound-amplifying device in any park, except as permitted by the Manager for specific events and times or except as necessary for the preservation of public peace or safety. **[Amended 12-17-2012 by Ord. No. 11-12]**
- N. Use of drives, parkways, park boulevards, sidewalks, pathways, and trails; speed limits and obstructions, including riding, propelling, driving, or directing any vehicle over or through any park except along and upon the park drives, in excess of 10 miles per hour where no speed limit is posted or allowing or permitting any vehicle to obstruct any park parkways and park boulevards or to do so at a speed in excess of the posted speed limit, in any parkway, park boulevard, sidewalk, pathway or trail. **[Amended 12-17-2012 by Ord. No. 11-12]**
- O. Areas closed to general vehicular access, including the driving or operating a vehicle in any park or in any area therein which is designated and posted as being closed to general vehicular traffic access, except for the duly authorized Department or other Township employees in the performance of their official duties.
- P. Illegal drugs and controlled substances defined as follows: **[Added 12-17-2012 by Ord. No. 11-12¹]**
 - (1) No person shall:
 - (a) Consume or possess any illegal drug, drug paraphernalia or controlled substance while in or upon any property within a park.
 - (b) Enter or remain within the park while under the influence of a controlled substance as defined above, except those taken pursuant to the lawful order of a doctor.
 - (2) All illegal drugs, drug paraphernalia or controlled substances in any person's possession may be confiscated.

1. Editor's Note: This ordinance also redesignated former Subsections P through AA as Subsections S through DD, respectively.

- Q. Personal conduct, defined as follows. No person shall: **[Added 12-17-2012 by Ord. No. 11-12]**
- (1) Engage in any loud, fighting, threatening, violent, tumultuous or abusive behavior or other disorderly conduct tending to create a breach of peace, or to disturb or annoy others, while in or on any property within a park.
 - (2) Use obscene language, or make an obscene gesture.
 - (3) Create a hazardous or physically offensive condition by any act which serves no legitimate purpose of the actor while in or on any property within a park.
 - (4) Engage in any form of sexual activity.
 - (5) Appear in public in a manner that exposes his or her genitalia or buttocks while in or on any property within a park.
- R. Metal detectors or use thereof. **[Added 12-17-2012 by Ord. No. 11-12]**
- S. Testing vehicles, including the operating of a motor vehicle for the purpose of testing it along or upon any park drive, parkway or park boulevard. **[Amended 12-17-2012 by Ord. No. 11-12]**
- T. Certain recreational vehicles, including the operating of any minibike, snowmobile, go-cart or all-terrain vehicle in any park. **[Amended 12-17-2012 by Ord. No. 11-12]**
- U. Restrictions on uses of vehicles in a park when the park is not open to the public, except for duly authorized Department or other Township employees or emergency services personnel in the performance of their official duties, including the following: **[Amended 12-17-2012 by Ord. No. 11-12]**
- (1) To drive or ride in or on any vehicle in any park when the park is not open to the public or when the park, roadway or parking lot is, by order of the Manager, closed to entry or use by vehicles except on a street serving as necessary access through such park to a residential or commercial area.
 - (2) To park or leave a vehicle unattended in any park during hours when the park is not open to the public or when the park, roadway or parking lot is, by order of the Manager, closed to entry or use by vehicles, except pursuant to a permit from the Manager. Vehicles parked or left unattended in violation of this section are hereby declared to be a nuisance and may be impounded in accordance with the provisions of the Pennsylvania Motor Vehicle Code, 75 Pa.C.S.A. § 101 et seq., or similar law or laws providing for impoundment with or without citation and without prior notice to the owner.
 - (3) The prohibitions contained in this subsection shall not apply to a vehicle driven or parked, as the case may be, by a person participating in an activity either conducted by the Department or conducted pursuant to the terms of a permit from the Department.
- V. Permit required for competitions and airborne craft, including engaging in conducting or holding any trials or competitions for speed, endurance, hill climbing or similar competition involving any vehicle, boat or aircraft whether or not such vehicle, boat or aircraft is designed for carrying persons or to operate, launch or land any hang-glider, helicopter, hot-air balloon or other airborne conveyance in any park except pursuant to a permit from the Manager and at specified places and times designated for such activities by the Manager and upon his or her determination that: **[Amended 12-17-2012 by Ord. No. 11-12]**

- (1) Adequate provision has been made to ensure that the health and safety of participants in and spectators of any such activity will not be unduly endangered.
 - (2) Such activities will be conducted in such a manner as to minimize potential damage to public or private property.
 - (3) Such activities will not constitute a public nuisance.
 - (4) Such activities will not unduly interfere with the use of park facilities by the general public.
- W. Park operating hours, including the entering or going upon, or a failing or refusing to leave any park when a park is not open to the public. General park operating hours shall be between sunrise and sunset. The Bethlehem Township Municipal Park at Farmersville Road extend one-half hour before and after operating hours of the Bethlehem Township Community Center, with the exception of Saturdays and Sundays which shall be between sunrise and sunset. In addition to the general park operating hours, the Northside Athletic Complex hours shall extend one-half hour before and after scheduled events. **[Amended 12-17-2012 by Ord. No. 11-12]**
- X. Camping, including the camping in any park except pursuant to a permit from the Manager. **[Amended 12-17-2012 by Ord. No. 11-12]**
- Y. Alcoholic beverages, including the consummation or possession of any alcoholic beverage in any park except pursuant to a permit from the Manager and, as applicable, the Pennsylvania Liquor Control Board. The Manager is authorized to issue permits for the possession and consumption of beer and wine only, for service in nonglass cups or similar containers, to organized groups having a permit for the use of one or more pavilions at the Bethlehem Township Municipal Park on Farmersville Road. **[Amended 12-17-2012 by Ord. No. 11-12]**
- Z. Littering, including the throwing or depositing any refuse or other material in any park, except in receptacles designated for deposit of trash by the public, or to take garbage or refuse to a park for disposal in the park or to deposit garbage or refuse generated outside a park in a receptacle within the park designated for deposit of trash by the public. **[Amended 12-17-2012 by Ord. No. 11-12]**
- AA. Fires, including the igniting, maintaining or using of any fire or to participate in igniting, maintaining or using any fire within any park except in a grill or similar receptacle solely for cooking food or to ignite or to participate in igniting any material or substance in any grill or similar receptacle any material other than fuel for cooking food. **[Amended 12-17-2012 by Ord. No. 11-12]**
- BB. Use of athletic fields and sports courts, except in the following manner: **[Amended 12-17-2012 by Ord. No. 11-12]**
- (1) To use any athletic field or sports court for any purpose not designed or intended for such field or court except pursuant to a permit from the Manager; provided, nevertheless, that athletic fields may be used for any lawful purpose not otherwise prohibited or restricted herein during such times and in such places that such use does not interfere with the use of such field by others:
 - (a) Having a permit from the Manager reserving the use of such fields.
 - (b) Using such fields for their designed or intended use.
 - (2) It is the intention of this subsection to recognize that sports courts have special surfaces that may be damaged by uses not intended for such surfaces and that the open areas of athletic fields

may be used as general park and recreation areas but that such general nonathletic uses shall be subordinate to the designed and intended athletic use of such fields by persons wishing to occupy them for such use.

CC. Areas reserved for others or scheduled for use by the Department, including the failing or refusing to leave any areas which have been: **[Amended 12-17-2012 by Ord. No. 11-12]**

- (1) Reserved by permit from the Manager for the use of others upon the request of any Township employee or any person to whom such permit has been issued.
- (2) Scheduled for use by the Department when, in the opinion of the Director, the exclusive use of such area by the Department is necessary to reduce or prevent conflicting uses or activities of others which may substantially interfere with such Department use, upon the request of any Township employee.

DD. Use without required permit, including the use of a park or conducting of any activity or holding an event in any park for which a permit is required by this chapter or any rules or regulations enacted pursuant hereto, without first obtaining a permit from the Manager. **[Amended 12-17-2012 by Ord. No. 11-12]**

§ 170-9. Park exclusion.

A. The Director may, by causing the delivery of an exclusion notice in person to the offender by any Township employee, exclude for a period not to exceed 72 hours from any park anyone who within a park:

- (1) Violates any provision of this chapter.
- (2) Violates any park rule adopted pursuant to § 170-6 hereof.
- (3) Violates any other provision of the Bethlehem Township Code or the laws of the Commonwealth of Pennsylvania.

B. The offender need not be charged, tried or convicted of any violation in order for an exclusion notice to be issued or effective. The exclusion may be based upon observation by the Director, Department or other Township employees or upon the sort of civilian reports that would ordinarily be relied upon by police officers in the determination of probable cause.

§ 170-10. Discrimination prohibited.

A. It is the policy of the Township, in the exercise of its police powers for the protection of the public health, safety and general welfare and for the maintenance of peace and good government, to assure equal opportunity for full enjoyment and use of park facilities to all persons, free from restrictions because of race, color, sex, marital status, political ideology or affiliation, age, creed, religion, ancestry, national origin or disability as defined by state or federal law.

B. It is a violation of this chapter for any person occupying or using any park or recreation facility for any event, activity or exhibition open to the public, whether or not under a permit and whether or not an admission or entrance fee is charged, to deny to any other person the full use and enjoyment of such park and recreation facility because of race, creed, color, sex, marital status, political ideology or affiliation, age, religion, ancestry, national origin or disability as defined by state or federal law. In addition to other sanctions, any permit issued hereunder to any person who is in violation of this section may be canceled and after notice and hearing, the Manager may order that such person shall

not be eligible for any similar permit for access to, or use of, a park and/or recreation facility for a period up to three years.

- C. Nothing in this section shall prohibit the exercise of constitutional liberties or the use of a bona fide qualification or restriction that does not infringe upon civil rights or civil liberties recognized by federal or state law or Township ordinance.

§ 170-11. Enforcement; violations and penalties. [Amended 12-17-2012 by Ord. No. 11-12]

The rules and regulations contained in this chapter may be enforced by the Manager and authorized agents of the Manager, who may include, without limitation, the Chief of Police of the Township and his or her subordinate officers, animal control officers and duly authorized Department or other Township employees in the performance of their official duties.

- A. Any person who shall violate any provision of this chapter shall, upon conviction therefor in a summary proceeding, be sentenced to pay a fine or penalty to the Township as follows:
- (1) For a first offense, the sum of \$100 plus costs.
 - (2) For a second offense, the sum of \$300 plus costs.
 - (3) For a third offense, the sum of \$600 plus costs.
 - (4) For all subsequent offenses, the sum of \$1,000 plus costs.
- B. In default of payment of said fine or penalty, such person shall be sentenced to a term of imprisonment not to exceed 90 days.