

Chapter 16

Parks and Recreation

Part 1

Park Rules and Regulations

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Part 1**Park Rules and Regulations****§16-101. Scope and Location.**

The Part, and the rules and forms hereby and subsequently from time to time adopted, enacted, and established under this Part shall apply to all ball fields, parks, playgrounds, and buildings, hereinafter sometimes collectively referred to as “Recreational Facilities,” which are now or hereafter owned, leased, held, or operated by the Township of Lower Macungie, specifically including, but not limited to:

- A. Cross Timbers.
- B. Ancient Oak South.
- C. Ancient Oak West.
- D. Lower Macungie Township Park.
- E. Church Lane Park.
- F. Prater Memorial Park.
- G. Lower Macungie Township (annex).
- H. Brookside Municipal Complex.
- I. East Texas Playground (County owned, Township leased).
- J. Rodale Park.
- K. Wescosville Park.
- L. Shepherd Hills Rec.

(Ord. 1992-5, 5/7/1992, §1)

§16-102. Rules and Forms Established and Adopted.

1. The rules and forms contained in the separate documents listed below are hereby adopted, established, and enacted to govern the conduct of all persons using, present in or upon, or applying to use, the Township’s Recreation facilities, as defined above:

- A. “General Rules for Township Recreation Facilities.”
- B. “Rules for Recreation Buildings.”
- C. “Agreement for Security Deposit and to Comply With Rules for Lower Macungie Township Recreation Facility.”

2. True, correct, and complete copies of each of these documents accompany and are attached to this Part, and are made a part hereof the same as if fully included herein.

(Ord. 1992-5, 5/7/1992, §2)

§16-103. Special Rules for Ball Fields.

1. *Purpose.* Special rules for ball fields shall apply to restrict the use or activity on specific ball fields, when determined to be necessary by the Board of Commissioners

in order to protect and promote the public safety and welfare, and pursuit of happiness. [Ord. 2011-12]

B. *Locations.* The special rules for ball fields may apply to any ball field which is now or subsequently owned, held, leased, or operated by the Township of Lower Macungie, which includes, but is not limited to, the following ball fields:

- (1) Cross Timbers.
- (2) Ancient Oak South.
- (3) Ancient Oak West.
- (4) Lower Macungie Township Park.
- (5) Church Lane Park.
- (6) Lower Macungie Township (annex).
- (7) East Texas Playground.
- (8) Rodale Park.
- (9) Wescosville Park.

C. *Type.* The Board of Commissioners may restrict the use of ball fields to specific purposes (e.g., for softball only) and/or to children within specific age categories (e.g., 12 years of age and under). Such restrictions shall be determined and established by the Board of Commissioners, in their sole discretion, on a case-by-case basis. [Ord. 2011-12]

D. *Procedure.* The special rules for ball fields shall be established by a resolution of the Board of Commissioners, duly adopted in public session. The special rules for ball fields shall be posted on an official Township sign in a conspicuous location at the ball field(s) subject to those special rules, before the special rules may be enforced. [Ord. 2011-12]

E. *Parents Responsible for Juveniles.* No responsible adult, defined as that person in whom parental authority over a juvenile is vested, shall allow, permit, ignore, or tolerate such juvenile to violate any special rules for ball fields which are posted on an official Township sign in a conspicuous location at the ball field which is subject to those special rules.

F. *Delegation.* The Township's Board of Commissioners may, in their discretion, delegate authority and responsibility for the special rules for ball fields, and monitoring compliance with those special rules, to the Township Recreation Director, or to the various playground associations. [Ord. 2011-12]

G. *Violations and Enforcement.* It shall be unlawful for any person to violate the special rules for ball fields which are posted for such ball fields. Violators shall be subject to the penalty provisions specified elsewhere in this Part.

(Ord. 1992-5, 5/7/1992, §3; as amended by Ord. 2011-12, 10/6/2011)

§16-104. Future Changes by Resolution.

The rules and forms adopted, established, and enacted under this Part may be added, amended, changed, and deleted from time to time by a duly adopted resolution of the Board of Commissioners of the Township of Lower Macungie: provided, that no such added amended, or changed rule shall be enforceable unless that rule is posted on an official Township sign at conspicuous places in the Township recreational facilities

subject to that rule.

(*Ord. 1992-5, 5/7/1992, §4; as amended by Ord. 2011-12, 10/6/2011*)

§16-105. Permits.

Permits, when required, shall be obtained only from duly authorized officials at the offices of the Township of Lower Macungie in the municipal building at 3400 Brookside Road, Macungie, PA 18062.

(*Ord. 1992-5, 5/7/1992, §5*)

§16-106. Exceptions.

All activities in or on the Township's recreation facilities are subject to review by the Board of Commissioners of Lower Macungie Township. Requests for exceptions to any of the rules or forms adopted, established, and enacted from time to time under this Part shall be placed in writing, and shall be directed to the Board of Commissioners of Lower Macungie Township.

(*Ord. 1992-5, 5/7/1992, §6; as amended by Ord. 2011-12, 10/6/2011*)

§16-107. Penalty for Violation.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to pay a fine of not more than \$1,000 plus costs. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 1992-5, 5/7/1992, §7; as amended by Ord. 2011-12, 10/6/2011*)

Lower Macungie Township

General Rules for Township Recreation Facilities

Purpose of Rules:

The following rules are established, adopted, and enacted by the Township of Lower Macungie for the health, welfare, benefit, and safety of Lower Macungie Township residents, and other visitors to and users of the Township's recreational facilities. Any violation of these rules is a violation of Township Ordinances, and may be enforced by imposing civil penalties for the violations.

General Rules:

1. *Scope.* These "general rules" shall apply and be effective within all parks and recreation facilities, including playgrounds, ball fields, and all other recreation areas, which are owned, held, leased, or operated by the Township of Lower Macungie, unless other rules apply, including, but not limited to, the following:

- A. Cross Timbers.
- B. Ancient Oak South.
- C. Ancient Oak West.
- D. Lower Macungie Township Park.
- E. Church Lane Park.
- F. Prater Memorial Park.
- G. Lower Macungie Towns (annex).
- H. Brookside Municipal Complex.
- I. East Texas Playground (County owned, Township leased).
- J. Rodale Park.
- K. Wescosville Park.
- L. Shepherd Hills Rec.

2. *Hours.* All parks and recreational areas are open to the public in accordance with the schedule below:

A. *Regular Hours.*

Season	General Dates/Months	Normal Park Hours	
		Opening	Closing
Summer	June, July, August, Sept.	8 a.m.	9:30 p.m.
Fall	October, November	8 a.m.	8 p.m.
Winter	Dec., January, February	8 a.m.	6 p.m.
Spring	March, April, May	8 a.m.	9:30 p.m.

B. *Exceptions to Regular Hours.*

(1) *Fishing.* Parks and recreational areas with natural bodies of water shall be open to fisherman, actively engaged in fishing activities, 24 hours per

day, in accordance with Pennsylvania Fish and Game Commission laws and regulations, unless otherwise posted. Digging of bait is prohibited.

(2) *Ice Skating*. During the winter season, the parks shall remain open to individuals actively engaged in ice skating activities until 10 p.m.

(3) *Buildings*. See separate “hours” rules applicable to buildings used for recreation facilities.

3. *Parking*. Motor vehicles shall not be parked within the parks or recreational areas except in designated parking areas.

4. *Prohibited Activities*. Camping, hunting, golfing (striking or hitting of golf balls), shooting (except in authorized ceremonies), trapping, the use of firearms, air rifles, spring guns, bows and arrows, or slings are prohibited.

5. *Animal Control*.

A. No animals shall enter upon or in any park or recreational area unless controlled by a leash.

B. The individual in charge of an animal entering any park or recreational area shall be in possession of proper implements for the gathering and disposing of animal feces. All such animal feces shall be collected immediately, removed from the park or recreational area, disposed in accordance with accepted sanitary standards by the individual in charge of such animal.

6. *Fires*. Fires shall be established only in fireplaces provided by the Township or in grills brought to the park or recreational area for this purpose. All fires shall be extinguished immediately following their use and before the person who established the fire leaves the park or recreational area. The charcoal, wood, or other material used as the fuel for the fire shall be wetted or cooled until the fuel may be held in hand and no glowing embers are visible, and then disposed in the receptacles located in the park or recreational area for that purpose.

7. *Respect of Park Property*. The cutting, mutilating, removing or taking away of trees, shrubs or flowers, or the removal, defacing or damaging of any park recreational area property is prohibited.

8. *Alcoholic Beverages*. The consumption, drinking, or possession of alcoholic beverages is prohibited, unless a special written permit is previously obtained from Lower Macungie Township.

9. *Prohibited Conduct*. Intoxication, indecent language and disorderly conduct are prohibited.

10. *Prohibition of Working on Vehicles*. No vehicle shall be repaired mechanically, washed, painted or have any other work performed on it, within the confines of any park or recreation area.

11. *Use of Snowmobiles, Motorcycles, Trail Bikes, Mini Bikes, All-Terrain Vehicles, “Three Wheelers” and Similar Vehicles*. The operation of any snowmobiles, motorcycles, trail bikes, mini bikes, all-terrain vehicles, “three wheelers” and similar vehicles on or within any park or recreational area property in the Township, except as transportation to or from the park or recreational area, shall be prohibited.

12. *Activities Requiring Permits*. Reservations and permits shall be required for group picnics or other group activities on or within all of the Township’s parks and recreational areas.

13. *Littering*.

A. *Definitions.* For the purpose of these rules, the following terms shall have the meanings respectively ascribed to them in this rule, unless from the particular context some other meaning is clearly intended:

Litter—any waste paper, ashes, glass, grass, clippings, trimmings, advertising circulars, samples, fruit peelings, cans, dirt, rubbish, waste, garbage, refuse or any other trash or municipal solid waste.

Person—an individual, partnership, firm or corporation.

Township—the Township of Lower Macungie.

B. *Throwing, Dumping, Placing or Leaving of Litter Prohibited.* No person or business shall throw, dump, place or leave, or cause to be thrown, dumped, placed or left, any litter on any streets, roadways, alleys, sidewalks, vacant lots in or on the grounds of any public park, swimming pools, playgrounds, recreation areas, public buildings, streams, body of water, or the banks of such streams or body of water, located within the Township.

C. *Accumulation of Litter.* No person shall permit the accumulation of litter on property which that person owns or occupies, to such an extent that the litter is blown, carried or swept onto any adjacent Township park or recreation area.

14. *Permits.* Permits, when required, shall be obtained at the Lower Macungie Township Municipal Building at 3400 Brookside Road, Macungie, PA 18062, Telephone: 966-4343.

15. *Exceptions.* Exceptions to these rules may be granted only by the Board of Commissioners of Lower Macungie Township. Requests for any such exception shall be in writing and directed to the Board of Commissioners.

16. *Penalties.* Violators of these rules are subject to civil penalties of up to \$1,000 per violation, plus costs of prosecution, including reasonable attorney's fees.

Rules for Rental of

Lower Macungie Township Recreation Facilities

1. *Scope.* The following rules shall apply to all persons visiting, using, operating, enjoying, or present in or on any recreation hall owned, leased, operated, or held by the Township of Lower Macungie, including the surrounding grounds.

2. *Location.* The recreation halls which are subject to these rules include, but are not limited to, the following:

A. Wescosville Recreation Hall.

B. East Texas Recreation Hall.

3. *Other Applicable Rules.* All other laws, ordinances, rules and regulations, included, but not limited to, the “General Rules for Township Recreation Facilities” established by Lower Macungie Township, shall apply as well, unless specifically modified by these rules.

4. *Hours.* The recreation hall shall be vacated and all activities therein ended by midnight (12 a.m.) prevailing local time.

5. *Loud Music.* No amplified or loud music shall be played in or around any Township recreation hall after 10 p.m. on weeknights, Sunday through Thursday nights inclusive, nor after 11 p.m. on Friday and Saturday nights. For the purpose of this rule, amplified or loud music or sounds shall mean any music or sound which is audible to the unaided human ear at any lot line of the real property upon which that recreation hall is situated.

6. *Illegal Activities.* No illegal consumption or activity, i.e., the possession, sale, or use of drugs, gambling, etc., shall be permitted in, on, at, or near the recreation hall.

7. *Alcohol.* No alcohol or alcoholic beverages shall be possessed or consumed in, on, at, or near the recreation hall.

8. *Use of Hall.* The recreation hall shall be used only for private parties, meetings, family picnics or reunions, etc., at which one or more residents or citizens of Lower Macungie Township may reasonably be expected to attend. No admission charge, sale, or other business transaction shall occur in, on, at, near, or in conjunction with the rental of the recreation hall.

9. *Application Requirements.* All persons who apply for the reservation or rental of a recreation hall shall be adult residents of the Township of Lower Macungie. The applicant may be required to state the names, addresses, and telephone numbers of the residents or citizens of Lower Macungie Township who are reasonably expected to attend the activity at the recreation hall during the rental. To establish and maintain accountability, the person who applies for the reservation or rental of the recreation hall shall attend or be present at the recreation hall for all activities during the rental.

10. *Thermostats and Controls.* Only the applicant or its authorized representative shall be permitted access to the temperature controls and light switches for the recreation hall.

11. *Deposit Required.* A security deposit in the amount of \$100, together with the current rental fee, shall be paid to Lower Macungie Township when any recreation hall is rented or reserved for rental.

12. *Payment Method.* The security deposit and rental fee shall be paid either by cash, certified check, or money order. All other checks or forms of payment must be paid

to the Township at least ten days before the rental of the recreation hall commences. If the security deposit and rental fee is not paid for any reason, including, but not limited to, failure of a bank to honor a check for insufficient funds or otherwise, the rental of the recreation hall shall be cancelled.

13. *Damage.* The individual, organization, or group applicant, including the individual who applies to the Township for any rental or reservation, of a recreation hall shall be responsible for any physical damage which occurs to the recreation hall and its contents during the rental period, and for any liability which the Township may incur as a result of that rental. The individual, organization, or group applicant shall compensate the Township for any such damage or liability.

14. *Cleanliness.* The renter of any recreation hall shall be responsible for cleaning the hall immediately after its use, so that the hall is returned to the same state of cleanliness as existed prior to use by that renter. The hall, including all outside areas, will be cleaned as required prior to the renter's departure, and will not remain in a state of uncleanness until the next day. The standard of cleanliness shall be "broom-clean" or "mop-clean," both spills, empty containers, cigarettes, litter, etc., cleaned up and placed in proper receptacles. The provisions regarding littering of the Township's General Rules for Township Recreation Facilities shall also apply to all areas of recreation halls.

15. *Inspection.* The recreation hall may be inspected by an employee or official of the Township after the renter has completed use of the hall.

16. *Forfeiture of Security Deposit.* THE SECURITY DEPOSIT MAY BE FORFEITED IN THE EVENT THAT THE TOWNSHIP MUST EITHER REPAIR OR PAY FOR DAMAGES, OR CLEAN THE RECREATION HALL IN ANY WAY.

17. *Debarment.* Violation of any applicable Township rules for recreation facilities or the recreation hall shall justify refusal by the Township to make any Township facility available to the renter, his or her relatives, and/or any affiliated groups or organizations in the future.

18. *Refund.* If no physical damage has occurred to the recreation hall, the Township has no notice or belief that it may be subject to possible liability, and if the Township is satisfied with the cleanliness of the recreation hall, then the security deposit will be refunded to the renter within ten days after the end of the rental period.

19. *Other Remedies.* The Township shall not be precluded or prevented from seeking further compensation from the renter in the event that any damage, liability, and/or cleaning expenses exceed the amount of the security deposit. The Township may require the renter to expressly authorize the Township to claim and collect any additional sums required for any such damage, liability, or cleaning expenses, and upon failure of the renter to promptly pay any such sums to the Township, to either collect such sums from the renter in any court of competent jurisdiction in the Commonwealth of Pennsylvania, or to file a municipal lien against the renter's property, and to collect such sums as a municipal claim as provided by law.

**AGREEMENT FOR SECURITY DEPOSIT AND TO COMPLY
WITH RULES
LOWER MACUNGIE TOWNSHIP RECREATIONAL FACILITY**

EFFECTIVE DATE DECEMBER 5, 1991

TO BE COMPLETED BY INDIVIDUAL/GROUP MAKING APPLICATION.

NAME: _____

ADDRESS: _____

PHONE NO: _____ SSN _____

DRIVERS LICENSE NO. _____

DATE OF INTENDED USE: _____

INTENT OF USE: Civic Organization _____ Other _____ Private _____

NAME: _____

ADDRESS: _____

OFFICER: _____

Rates: Building only – \$50.00 Pavilion only – \$35.00
Returnable deposit – \$100.00

Pavilion & Bldg – \$75.00 Returnable deposit – \$150.00

Charitable, Civic organizations, etc., are subject to the above fees for parties, fundraisers, etc.

Any use of the building other than for Civic Organizations will require deposits as stipulated above.

KEYS ARE TO BE RETURNED DURING NORMAL BUSINESS HOURS DURING THE FIRST BUSINESS DAY FOLLOWING THE RENTAL. LATE RETURN OF KEYS WILL RESULT IN A SURCHARGE AGAINST THE SECURITY DEPOSIT, \$5.00 PER DIEM AND RENTER WILL BE HELD LIABLE FOR DAMAGES DONE TO THE TOWNSHIP FACILITIES DURING THE LATE RETURN. LOST KEY IS SUBJECT TO A \$25.00 SURCHARGE.

THE USE OF THIS FACILITY FOR COMMERCIAL ENTERPRISE IS PROHIBITED.

Any incorrect or false information on this application will result in refusal to use the facility and deposit will be immediately refunded.

This will certify that I have read the attached rules and regulations governing the use of the facility and agree to abide by all these rules and regulations.

Name

Date

Rules and Regulations Governing the Use of Facilities in Lower Macungie Township

1. The responsible person for renting the facility is a resident of Lower Macungie Township and the responsible person will be present at the function for which the hall is being rented. If a civic group, must have Township resident actively involved.
2. There will be no alcoholic beverages, drugs or any other illegal activities in the facilities.
3. Any amplification used must cease at 10 p.m. Sunday through Thursday and 11 p.m. Friday and Saturday evenings and all activity in the building will end at midnight.
4. Deposit checks and rental checks (payable to Lower Macungie Township) will be received 10 days prior to date of function and will be deposited in the bank. If rental is arranged within the 10-day period, a cash only deposit will be required. Refund checks for deposits will be sent within 10 days providing the hall is deemed clean and damage free. If damages occur or cleaning expenses are necessary, the deposit will be held at the discretion of the Township. Nothing contained herein shall preclude the Township from seeking further compensation, in the event that damage and/or cleaning expenses shall exceed the amount of the security deposit.

