

TOWNSHIP OF WASHINGTON
BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO. 2024-2

AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON, BERKS COUNTY, PENNSYLVANIA, AMENDING THE CODE OF THE TOWNSHIP OF WASHINGTON, PART II TITLED "GENERAL LEGISLATION," TO REPEAL AND REPLACE CHAPTER 76 TITLED "PARKS, RECREATION AREAS AND OPEN SPACES," TO ADD DEFINITIONS, PURPOSE, APPLICABILITY AND REGULATIONS REGARDING USE AND VARIANCE PERMITS, HOURS OF OPERATION, DESIGNATION OF ROADWAYS AND PARKING AREAS FOR MOTORIZED VEHICLES, FIRE RESTRICTIONS, PROHIBITED ACTIVITIES, PARENTAL RESPONSIBILITY FOR MINORS, GROUP EVENTS, PAYMENT TO COMPENSATE TOWNSHIP FOR EXPENSES FOR EVENTS, PROMULGATION OF RULES AND REGULATIONS, VIOLATIONS AND PENALTIES, AND PROVIDING SEVERABILITY AND REPEAL OF INCONSISTENT ORDINANCES.

BE IT ENACTED AND ORDAINED, by the Board of Supervisors of the Township of Washington, Berks County, Pennsylvania and it is hereby ENACTED AND ORDAINED by the authority of the same as follows:

SECTION 1. The Code of the Township of Washington ("Code"), Part II, titled "General Legislation," Chapter 76, titled "Parks, Recreation Areas and Open Spaces," is hereby amended to repeal the current Chapter 76 and replace it with the following:

CHAPTER 76

PARKS, RECREATION AREAS AND OPEN SPACES

§ 76-1. Definitions.

Unless the context specifically and clearly indicates otherwise, the meaning of words and/or terms used in this Ordinance shall be as follows:

- (A) "Township" shall mean the Township of Washington, Berks County, Pennsylvania.
- (B) "Township Board" shall mean the Board of Supervisors of the Township.
- (C) "Park Board" shall mean the Parks and Recreation Board of the Township.
- (D) "Township Park System" shall mean such recreational land and / or facilities and / or such open spaces areas and / or facilities designated as such by the Township in appropriate Resolutions of the Township Board and as further defined in Section 76-2.

- (E) "Use Permit" shall mean a document provided for the use of certain lands and / or facilities of the Park System as permitted by the Township Board, or as permitted by such a person as the Township Board may designate to act on its behalf.
- (F) "Variance Permit" shall mean a document modifying and / or changing any one (1) or more of the following Sections of this Ordinance.

§ 76-2. Township's Designation of Park System.

The following lands and / or facilities located within the boundaries of the Township shall be designated as part of the Township's Park System as the result of the adoption by the Township Board of an appropriate Resolution designating said lands and / or facilities as such:

- (A) Any lands and / or facilities owned by the Township and used, or to be used, for recreational purposes and / or open space.
- (B) Lands and / or facilities for which the Township has obtained a right to use easements for recreational purposes and / or open space.
- (C) Such lands and / or facilities used, or to be used, for recreational purposes and / or open space and owned by an entity, or entities, other than the Township, provided, however, that such other entity or entities shall request the inclusion of its said lands and / or facilities as part of the Park System of the Township. The use of these lands and / or facilities may fall under additional rules and regulations and the adherence to the more stringent set of rules and regulations may apply.

§ 76-3. Purpose.

The following provisions of this Part are enacted for the protection of the health, safety, welfare, and morals of the residents of the Township, by promoting the safe and enjoyable use of the Township Park System, including public parks, nature preserves, open spaces, and recreation areas in the Township by members of the community.

§ 76-4. Applicability.

The rules and regulations hereinafter set forth shall apply to the Township Park System including all public parks, nature preserves, open spaces, and recreation areas, wherever situated, owned, or leased by the Township or conveyed by easement to the Township.

§ 76-5. Permits.

- (A) An application for a Use Permit shall be made upon forms provided by the Township Board and shall be accompanied by the required fee, if any.

- (B) An application for a Variance Permit shall be made upon forms provided by the Township Board and shall be accompanied by the required fee, if any. Such application for a Variance Permit shall be made to and granted or denied by the Township Board, or any other person designated by resolution of the Township Board.
- (C) All applications for Variance and/or Use Permits shall be made at the office of the Township Board located at 120 Barto Road, Barto, Pennsylvania, and filed with the Township Board within a minimum of two (2) weeks prior to use of a facility or area in the Park System.
- (D) In the event more applications for reservations are received than space is available, such applications shall be considered in the order received by the Township Board.
- (E) No person under the age of eighteen (18) years shall be issued a permit to use the Park System, during the hours more fully set forth in Section 76-6 of this Ordinance, unless accompanied by a person eighteen (18) years of age or older. Not Variance Permit allowing serving of alcoholic beverages to participants shall be issued to any person under the age of 21.
- (F) Permits may be issued to persons under the age of eighteen (18) years for the use of facilities in the Park System, during the hours more fully set forth in Section 76-6 of this Ordinance if written permission from the parent or legal guardian is provided and the parent or legal guardian shall indicate therein his or her responsibility and conduct of the other persons in their party.
- (G) The holder of a Use or Variance Permit issued by the Board shall be held responsible for the actions and conduct of the other persons in their party.
- (H) All visitors to the Township Park System must comply with all rules and regulations under this Chapter.

§ 76-6. Hours.

Unless prior written approval has been granted by the Township Board for a specified activity, the hours for the Township Park System are dawn to dusk; where lights are provided, until 10:00 p.m.

§ 76-7. Designated roadways and parking areas for motorized vehicles.

Motorized vehicles, whether electric or combustible-engine, shall be permitted only on designated roadways and within designated parking areas within the Township Park System; provided, however, designated parking areas shall be used and occupied solely by users of such Park System, and only during the hours that such Park System is open as set forth in § 76-6 of this Chapter. In no event shall motorized vehicles, whether electric

or combustible-engine, of any type or size be driven or parked on any grassy area unless authorized by the Township.

§ 76-8. Fire regulations.

No fire shall be permitted at any Township Park System except in an area and in an approved receptacle specifically designated for such purpose or as otherwise approved in advance by the Township Fire Marshal.

§ 76-9. Prohibited activities.

The following activities are prohibited in the Township Park System:

- (A) Littering.
- (B) The bringing of personal and / or household trash and / or refuse onto any Township Park System and / or the discarding of the same, whether within or outside of a trash receptacle, except for trash generated while utilizing such Township Park System facilities.
- (C) It shall be unlawful within all Township Park System for any person to discharge a firearm or to use a weapon other than as follows:
 - (1) Constables, sheriffs, prison or jail wardens, or their deputies, policemen of this Commonwealth or its political subdivisions, or other law enforcement officers while engaged in their official duties, including but not limited to training sessions; and
 - (2) Officers or employees of the United States duly authorized to carry and discharge a firearm while engaged in their official duties.
 - (3) Any individual who discharges a firearm when legally necessary: to protect human life; to injure, defend against or kill a dangerous animal, or as otherwise provided by law. Nothing in this section shall exempt any person or persons from being subject to all the rules and regulations promulgated and set forth by Pennsylvania Title 34 known as the "Pennsylvania Game Law," as amended.
- (D) Posting of signs, soliciting, or peddling. (See also Chapter 85, Peddling and Soliciting.)
- (E) Intentionally, recklessly, or negligently causing destruction to or removal of any Park System equipment, facility, signage, or property.
- (F) No person shall injure, deface, climb, mutilate, pull-up, remove or destroy any vegetation in the Township Park System.

- (G) Immoral, indecent, or disorderly conduct, public drunkenness, use of profane language or engaging in any lewd, immoral or commonly objectionable conduct that may annoy any other person using a Township park, recreation area or open space for recreational purposes.
- (H) Overnight parking.
- (I) Except in the case of an emergency, and then only to the extent necessary to remove such motorized vehicle from such Township Park System, no person shall repair a motorized vehicle within any Township park, recreation area or open space.
- (J) Riding of bicycles, class I eBike cycles or other pedalcycles within the Township Park System, except on designated trails, roadways and parking areas.
- (K) Possessing, controlling, distributing or use or consumption of any alcoholic or malt beverage without prior Township approval or any illegal controlled substance.
- (L) No person shall engage in any kind of gambling game at which money or other valuable things may be played for, staked or betted upon without the prior written consent of the Township Board.
- (M) Striking or hitting golf balls.
- (N) With the exception of a guide dog accompanying a legally blind person or a dog used to assist any other physically handicapped person, domesticated animals, including but not limited to dogs and cats, are only permitted in the Township Park System on designated park trails, parking lots and spectator areas adjacent to sport fields. Domesticated animals, including but not limited to dogs and cats, are not permitted in the Township Park System near / at playgrounds and pavilions. All domesticated animals must be always under the control of their owner and be on a leash with a length no greater than six (6) feet. All owners are required to pick up after their domesticated animals and remove all waste from the Township Park System. Horses are not permitted in any areas of the Township Park System.
- (O) No person shall smoke any tobacco product including, but not limited to, vaping devices, cigarettes, cigars, pipes, or the like in the Township Park System.
- (P) No person shall operate, or permit the operation of, any motorized vehicle in any Township park, recreation area, or open space, except for properly

registered automobiles or trucks in designated areas when operated by a licensed driver.

- (Q) No person shall participate in, or permit the activity of, hunting, target practice, or animal trapping in the Township Park System.
- (R) Launching, landing or operation of aerial drones within the Township Park System.
- (S) Use of any type of fireworks or other explosive device within the Township Park System.
- (T) No person shall participate in, or permit the activity of, creating new trails within the Township Park System.
- (U) Playing of loud music of any kind, which would be annoying and disruptive to neighbors and other persons using the Township Park System.
- (V) Unsanitary or other improper use of restroom facilities located in the Township Park System.
- (W) Entering or leaving the Township Park System except by entrances or exits provided for such purpose. Private property adjacent to the Township Park System shall not be entered upon by users of the Township Park System.
- (X) No person shall pursue, catch, attempt to catch, strike, molest, wound, or kill any bird, wild animal or any nest, lair, den, burrow, or the like, of any animal and / or bird.
- (Y) Use of roller skates, skateboards or any other vehicle on wheels on court surfaces except at such times and upon such places as may be designated or maintained for that purpose.

§ 76-10. Parental Responsibility for Minors.

Parents or legal guardians of persons under 18 years of age shall be held liable for penalties incurred by, and for damages to park or recreation area properties of the Township, caused or committed by their children.

§ 76-11. Group events.

No group event shall be held or conducted at the Township Park System without obtaining a Use Permit from the Township Board, the Township Manager, on behalf of the Township Board, or any other person designated by resolution of the Township Board.

§ 76-12. Payment required.

Upon request of the Township, any person or entity who desires to use the Township Park System, or portion thereof, for an event, shall post cash funds with the Township to compensate the Township for all added police protection, other security, traffic control and other expenses which the Township, in its sole discretion, deems necessary for such event. An additional fee shall be due and payable to the Township for any event that is attended by more than 150 persons. The fees due and payable to the Township pursuant to this Chapter shall be established from time to time by resolution of the Township Board.

§ 76-13. Promulgation of rules and regulations.

The Township Board, with the recommendation of the Park Board, shall have the power to make reasonable rules and regulations from time to time necessary to effectuate the provisions of this Chapter.

§ 76-14. Violations and penalties.

Any person or entity who or which shall violate or fail to comply with any of the provisions of this Chapter shall be subject to a civil fine not to exceed the sum of \$600, plus all costs, including but not limited to reasonable attorneys' fees, incurred by the Township as a result of such violation or failure. The Township Manager, or any other Township representative authorized by the Township Board of Supervisors, shall determine in each instance whether a violation of or failure to comply with this Chapter has occurred and, if so, the amount of the civil fine to be imposed upon the violator. Notice of the civil fine shall be served upon the violator by certified mail, return receipt requested, postage prepaid, or by personal service by a Township representative. Upon the failure of any person or entity to pay any such civil fine within 20 days from the date of service thereof, the Township Manager, or other duly designated Township representative, shall file a civil enforcement proceeding with the District Justice having jurisdiction to recover such civil fine and costs, including but not limited to attorneys' fees. No judgment shall be imposed upon such violator until the date of the determination of a violation by the District Justice. If the violator neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to applicable Rules of Civil Procedure. Each day that a violation continues shall constitute a separate offense.

SECTION 2. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION 3. If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, legality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Township that this ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

SECTION 4. The Code of the Township shall be and remain unchanged and in full force and effect except as amended, supplemented or modified by this Ordinance. This Ordinance shall become a part of the Ordinances of the Township of Washington, Berks County, Pennsylvania, upon adoption.

SECTION 5. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

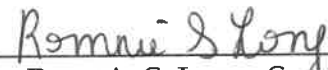
SECTION 6. This Ordinance shall become effective on the earliest date permitted by law.

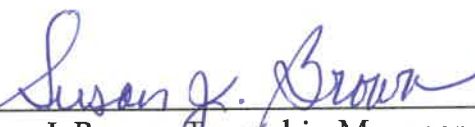
DULY ENACTED AND ORDAINED this 24th day of October, 2024.

**TOWNSHIP OF WASHINGTON
BERKS COUNTY, PENNSYLVANIA**

By: 
David Moyer, Chairman

By: 
Thomas Powanda, Vice Chairman

By: 
Ronnie S. Long, Supervisor

Attest: 
Susan J. Brown, Township Manager

