

ORDINANCE NO. 1663

**AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE CODE OF
ORDINANCES BY AMENDING AND RESTATING CHAPTER FIFTEEN,**

The Council of Plymouth Township, Montgomery County, Pennsylvania, does hereby enact and ordain that Chapter 15 of the Code of Ordinances of the Township of Plymouth, Pennsylvania, is hereby amended as stated below:

Sec. 15-1. Purpose.

The following rules and regulations are hereby established for the protection of park lands of Plymouth Township and for the citizens of the Township while utilizing such lands.

Sec. 15-1.1. Definitions.

As used in this chapter, the following terms are hereinafter defined:

COMMUNITY CENTER: The Greater Plymouth Community Center, its buildings, playing fields and park areas.

PLAYGROUND: Township park, park areas or park lands where any piece of playground equipment is located and any surrounding areas up to and including 50 feet around such structures, and Township park and recreational areas that are enclosed by any type of fencing.

PLAYING FIELD: Township park, park areas or park lands that are the actual required dimensions for active recreation programs, i.e., baseball, basketball, tennis, football, volleyball, softball, soccer, designated jogging or walking areas or other recreational programs under the jurisdiction of the Township, and any area within 50 feet of those areas.

TOWNSHIP PARK, PARK AREAS or PARK LANDS: Any lot, tract or piece of ground, playground or playing field owned by the Township, including, but not limited to, the following:

- 1) The location of any piece of playground equipment and the safety surfacing and its immediate border area.
- 2) Recreational areas that are enclosed by any type of fencing.
- 3) Areas utilized for active recreation programs, i.e., baseball, basketball, tennis, football, volleyball, softball, soccer or other recreational programs under the jurisdiction of the Township.

GAME OF CHANCE: As defined by 61 Pa. Code § 901.1.

Sec. 15-2. Opening, closing hours.

- a) The Township parks are open throughout the year between 7:00 a.m. and dusk.
Specially lighted areas within the parks will be considered to be open while the lights

are on and the activity is authorized by the Township Parks and Recreation Department. Only authorized persons may be in a park between dusk and 7:00 a.m.; or with respect to specially lighted areas, between the time the lights are extinguished and 7:00 a.m. Specially lighted areas include athletic fields, walking trails, playgrounds, pavilions and the amphitheater. Parking lot lighting and security lighting are not considered specially lighted areas.

- b) Walking trails are not maintained in winter weather and are closed when covered with snow or ice.
- c) The Community Center is open throughout the year based upon hours of operation from time to time as posted by the Township Parks and Recreation Department.

Sec. 15-3. Injuring, defacing property.

- a) No persons shall destroy, damage, injure, deface, remove, cut or change any of the trees, plants, shrubs, turf, building, structures or fixtures therein, animals, or any property of the Township located within such parks.
- b) No persons shall erect any structures or install plant material on park land or assume park land for personal use.

Sec. 15-4. Removal of property.

No person shall remove any Township property from Township parks.

Sec. 15-5. Annoying conduct.

No conduct shall be permitted within any park, park area or park land which causes annoyance to any reasonable person of normal sensitiveness, nor shall indecent conduct be permitted.

Sec. 15-6. Film shoots; meetings; permit required; responsible person.

- a) No person or organized group of persons shall hold any meeting or gathering assembled through advertisement or public notice, or any gathering otherwise assembled and composed of more than twenty-five (25) persons, within the limits of any of the park lands-without first having made an application to the Township Park and Recreation Department for a permit therefor.
- b) Such permit shall indicate the location where such gathering or meeting shall be held, and such gathering shall not be held in any other location within any of the park areas of the Township. The application for such permit shall be in the name of the person or organized group of persons who shall be responsible for seeing that all refuse left by the group shall be placed in proper containers before leaving the park lands.
- c) No person shall conduct a commercial, educational, documentary or other film shoot within any Township park area without the prior written consent of the Township Park and Recreation Department upon application filed not less than thirty (30) days prior to the date of the film shoot and the compliance with other reasonable regulations of the Township Park and Recreation Department, including the payment of any applicable fees.

Sec. 15-6.1. Insurance and indemnification.

- a) Any person or group to whom a permit is issued must provide proof of insurance coverage for liability for personal injuries and property damages in the kinds and amounts established from time to time by resolution of Township Council.
- b) Any person or group to whom a permit is issued shall be liable for any losses, property damage or personal injuries sustained to any person or property by reason of the conduct, acts or failure to act of the person or group obtaining the permit, its members, agents, employees or invitees.
- c) Any person or group to whom a permit is issued shall indemnify and hold harmless the Township, its officers, agents and employees from and against all claims, damages, losses and expenses, including court costs and attorney's fees, arising out of or resulting from the activities being conducted upon Township park, park areas or park lands including all losses resulting from any injury to property or persons occasioned by neglect, an accident or any other reason whatsoever during such activities.

Sec. 15-7. Commercial sales and commercial services regulated.

- a) Peddling, hawking or setting up any booth, table or stand for the sale of any article within Township parks, park areas or park lands is not permitted.
- b) It shall be unlawful for any person to engage in commercial or business solicitation in the form of leafletting in Township parks, park areas or park lands without first having registered with and obtained a permit from the Township Parks and Recreation Department.
 - 1) Any person seeking such a permit shall submit a written application to the Township Parks and Recreation Department, on the form provided.
 - 2) The applicant shall, together with the application, and a nonrefundable fee made payable to Plymouth Township in accordance with the fee schedule adopted by resolution, submit his or her photograph and a written description of himself or herself and proof of insurance as outlined in the application.
 - 3) Grounds for denial of permit. A permit will not be issued to any person who:
 - i. Has previously been found guilty of violating this Section.
 - ii. Has been convicted, within the seven years preceding the date of application for a permit, of any theft or theft-related crime, fraud-related crime, or any similar offense tending to show dishonesty of character.
 - iii. Fails to complete the application truthfully.
 - 4) Grounds for revocation of permit. A permit shall be revoked for any of the following reasons.
 - i. A permit holder violates this Section.
 - ii. A permit holder's conduct consists of a summary offense or criminal act.
 - 5) Issuance of permit and duration. A permit shall be issued for a defined period not to exceed thirty (30) days. Once issued, the permit holder must retain a copy of the accepted permit on their person while conducting permitted activities on Township parks, park areas and park lands. Upon expiration of a permit, the holder may submit a new application, along with the required fee and documentation to renew the permit, should the applicant be in good

- standing with the requirements of this Section. If a permit is revoked for any reason provided in this Section, a new permit will not be issued for twenty-four (24) months from the revocation.
- 6) Exemptions. The following are exempt from the requirement to secure a permit when conducting activities consistent with this Section.
 - i. Officers or employees of the Township, county, state or federal government, or any subdivision thereof, when on official business.
 - ii. Charitable, religious or nonprofit organizations or corporations which have received tax-exempt status under 26 U.S.C 501(c)(3), or other similar civic, charitable or nonprofit organizations.
 - iii. Representative of political organizations and political candidates.
 - iv. Plymouth Township activities.
 - 7) Rules of conduct for permit holders. Any person to whom a permit has been issued shall comply with the following rules of conduct:
 - i. He or she shall carry his or her permit documentation at all times.
 - ii. He or she shall not allow any other person to have possession of said permit documentation and shall immediately report its loss to the Township Parks and Recreation Department.
 - iii. He or she shall not allow the permit to be altered or defaced.
 - iv. He or she shall immediately surrender the permit upon revocation of the permit as hereinafter provided.
 - v. He or she shall carry at all times a valid government-issued photo identification.
 - vi. He or she shall not advertise any product or type of product not mentioned in his or her application and permit.
 - 8) Time limitation. Such permitted activities may occur Monday through Saturday between 9:00 a.m. and dusk and not on federal holidays.
 - 9) False representation. It shall be unlawful for the holder of any permit to make false pretense or false representation, and it shall be unlawful for such holder to represent the permit to be an endorsement by the Township of himself, his goods or services, or of the goods or services of his employer.
 - 10) Notice of revocation. The Township Parks and Recreation Department shall provide written notice of revocation by personal service or registered mail to the address designated in the application for the permit.
 - 11) Hearing after revocation. Any person whose permit has been revoked shall be entitled to appear, with counsel, if he or she so desires, before the Council of Plymouth Township at a regular or special meeting and be heard in behalf of a request for reinstatement of said permit. The written request must be filed with the Township at least seven days before the next regularly scheduled Council meeting. The Council may affirm, modify or reverse the Township Park and Recreation Department's revocation of the permit. The decision of the Council shall be final.
 - 12) Violations and penalties. Any person, firm or corporation who violates or permits a violation of this chapter shall be guilty of a summary violation and, upon conviction, shall be sentenced to pay a fine pursuant to Section 2-29, plus all court costs, including reasonable attorney's fees, incurred by the

Township in the enforcement of this chapter. Each day a violation exists shall constitute a separate offense. In default of the payment of any fine, the defendant shall be sentenced to imprisonment to the extent allowed by law for the punishment of summary offenses. Further, the appropriate officers or agents of the Township are hereby authorized to file a citation for such summary violation and seek any other available relief at law or equity, including injunction, to enforce compliance with this chapter.

- c) No person shall provide commercial personal services within the limits of any park area, including but not limited to, teaching, training, coaching, swim lessons, tennis lessons, yoga, tai chi, aerobics and other fitness activities, or education of any type whatsoever within the limits of any park area, without the prior written consent of the Township Park and Recreation Department upon application filed not less than thirty (30) days prior to the date of the commercial personal service and the compliance with other reasonable regulations of the Township Park and Recreation Department, including the payment of any applicable fees.

Sec. 15-8. Waste disposal.

No person shall dispose of any waste or garbage in the park, park areas or park lands except in a receptacle designated for the respective purposes and all persons using such park areas shall dispose of all waste and garbage in the proper receptacle. No person shall dispose of any waste or garbage within a Township park when such waste or garbage is generated outside of park areas.

Sec. 15-9. Unlawful tampering with notices, etc.

No person shall injure, deface or destroy any notice, rule or regulation posted any place within the park, park area or park lands, nor shall any person post any place within such park lands any notice or placard other than official signs and notices posted by and under the authority of the Township Park and Recreation Department or the Plymouth Township Council.

Sec. 15-10. Alcoholic beverages, drugs prohibited.

No person shall bring any alcoholic beverage or any drug into any of the park areas.

Sec. 15-11. Motorized vehicles.

- a) Lawful operation. No person shall operate any motorized vehicle of any sort, including but not limited to minibikes, motorized bicycles, mopeds, dirt bikes, motorcycles, go-carts, snowmobiles, all-terrain vehicles, 4x4s or other self-propelled vehicles other than such authorized or lawful use within designated parking areas and roads at the site, except for motorized wheelchairs or other handicap equipment.
- b) No person shall stand or park a motor vehicle upon roadways or parking lots within a Township park, park area or park land for the principal purpose of washing or repairing such motor vehicle except for repairs necessitated by an emergency. No person shall park their motor vehicle in a park as a means of avoiding parking in another lot or during a snow event unless necessitated by a reported emergency.

- c) Patron parking only. No person shall park a motor vehicle within any Township park, park areas or park lands unless such person is a patron who is actually using such areas for proper purposes during the time such motor vehicle is parked therein or thereon. All unauthorized vehicles will be towed at owner's expense.
- d) Hours for parking regulated. No person shall park a motor vehicle in or upon any Township park, park areas or park lands at any time other than during hours of operation of the Township park, park areas or parklands.
- e) Parking in designated areas only. No person shall park a motor vehicle in or upon any Township park, park areas or park lands except in designated parking areas.
- f) This section does not apply to Township owned and operated vehicles.

Sec. 15-12. Fire prohibited; exception.

No fire shall be made within any park, park area or park land. This section does not apply to any fire pit constructed and operated by the Township.

Sec. 15-13. Gambling prohibited.

Gambling of any kind is not permitted within any park, park area or park land. This section will not apply to any Township organized game of chance.

Sec. 15-14. Bicycles.

- a) Bicycles are not permitted on athletic fields, courts or playgrounds.
- b) Bicycles are only permitted where posted. Permitted bicycles do not include motorized bicycles.
- c) Bicycling at unsafe speeds, in any manner which causes damage to Township property or as to be considered a nuisance or potential hazard to other park users is prohibited.

Sec. 15-15. Metal detectors prohibited.

Use of metal detectors and other equipment for the retrieval of artifacts and other items is prohibited.

Sec. 15-16. Motorized or transistorized devices prohibited.

Using or operating motorized, transistorized or fuel-propelled devices, such as model airplanes, model rockets, aircrafts or drones, is prohibited.

Sec. 15-17. Domesticated animals.

- a) Domesticated animals are not permitted in Township park, park areas and park lands, the Community Center, unless expressly permitted by this section.
- b) Dogs are permitted in Township parks, park areas and park lands subject to the following conditions and exceptions:
 - 1. All dogs must be registered with the owner's county of residence and proof of registration must be on the dog.
 - 2. No dogs are permitted on playground equipment, the safety surfacing or its immediate border area.

3. All dogs must be on a leash and under the owner's control; the leash must not exceed six (6) feet in length.
 4. Dogs are not permitted to annoy patrons within the parks, park areas and park lands.
 5. Dogs shall not be left unattended, tied to trees, benches, poles or any type of equipment.
 6. Owners must clean up after their dog and dispose of the waste in a responsible manner.
- c) Owners to comply with other ordinances. The owner of a dog or the person having custody or control of such dog shall be in compliance with all other ordinances pertaining to the conduct of such animals. Dogs shall not be allowed to be a nuisance or potential hazard to other park users or to cause damage to Township parks, park areas or park lands, as defined in Section 4-37 through 4-44 of this Code.
 - d) Consent/permission of Director for noncompliance. The Director of Park and Recreation shall have the authority to issue consent or permission for animals within park areas for educational purposes or recreational programs where the activities of such animals may not be in compliance with the provisions of this chapter or other pertinent provisions of the Township Code dealing with animals.
 - e) This section does not apply to guide or service animals. Such animals are permitted in Township parks, park areas and park lands as required by the Americans with Disabilities Act

Sec. 15-18. Certain knives prohibited.

No person shall be permitted to carry, whether concealed or unconcealed, a knife with a blade in excess of three (3) inches in length, nor may any such implement be allowed within or to be used within any Township park, park areas, or park lands except as such implement may be required in connection with the preparation or consumption of food.

Sec. 15-19. Restricted activities.

- a) Golf or Golfing. No person shall be permitted to play or practice golf within or upon any Township park, park areas or park lands unless the area is specifically designated for that purpose.
- b) Fireworks. No person shall sell or use consumer fireworks or display fireworks within the limits of any Township park, park area or park land (including the Community Center).
- c) Fishing. No person shall engage in fishing from within the limits of any Township park, park area or park land (including the Community Center), except as authorized by the Township Park and Recreation Department in East Plymouth Valley Park and Bicentennial Park.
- d) Hunting. No person shall engage in hunting from within the limits of any Township park, park area or park land (including the Community Center.)
- e) Target Practice and Archery. No person shall engage in target practice with a firearm within the limits of any Township park, park area or park land (including the Community Center.) This shall include archery.

Sec. 15-20. Photography in locker rooms and restrooms prohibited.

As provided in Section 14-8 of the this Code, it shall be unlawful to use cameras, electronic devices, video recording devices, and/or any type of equipment with standard, digital or any other image or picture recording capabilities in the locker rooms and restrooms of any Township building, park, park areas, park lands or facility within the Township.

Sec. 15-21. Smoking prohibited.

- a) Smoking defined. The smoking, carrying or use of a lighted pipe, cigar, cigarette, or tobacco in any form (including chewing tobacco). This definition includes the smoking, carrying or use of an electronic cigarette or vaping device.
- b) Smoking is prohibited in all Township parks, park areas and park lands including all Township facilities, except for clearly identified designated areas.


Sec. 15-22. Violations and penalties.

Any person violating any of the provisions of this chapter shall be liable on conviction thereof to a penalty as provided in Section 1-9 of this Code for each and every offense, and whenever such person shall have been notified by a Township official by service of a summons in a prosecution or other written notice that such person is committing such violation of this chapter, each day that such person shall continue such violation after such notification shall constitute a separate offense.

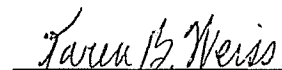
ORDAINED AND ENACTED by the Council of Plymouth Township, Montgomery County, Pennsylvania, this 10th day of August, 2020.

COUNCIL OF PLYMOUTH TOWNSHIP

BY:


Christopher Manero, Chair

ATTEST:


Karen B. Weiss, Manager/Secretary