

ORDINANCE 2008-02

AN ORDINANCE OF LYNN TOWNSHIP,  
LEHIGH COUNTY, PA GOVERNING THE  
USE OF ONTELAUNEE PARK.

WHEREAS, the Board of Supervisors of Lynn Township ("Township") has invested substantial amounts of effort and money, along important and invaluable contributions of numerous public officials, members of the community, and corporate donors, to purchase and improve the recreational facility known as Ontelaunee Park;

WHEREAS, the Township has determined that such park should be preserved and protected for the use of all residents and the general health, safety and welfare of the general public.

NOW THEREFORE BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of Lynn, in lawful session assembled, as follows:

**Section 1 - Hours of use.** The Ontelaunee Park shall be open and available to the general public daily from dawn until dusk, unless posted otherwise.

**Section 2 - Rules and Regulations.** Any visitor to the Ontelaunee Park who fails to comply with the following rules and regulations shall suffer the penalties set forth in this ordinance or such other penalties as may be allowed by law:

- a. The cutting, mutilating, removing, defacing or damaging of any Township property, including but not limited to any structure, equipment, trees, grass, vegetated areas, and/or the grading thereof, is prohibited.
- b. Dumping and/or the abandonment of any matter on Ontelaunee Park grounds ("park grounds"), including but not limited to refuse, trash or litter, is prohibited, unless placed in receptacles provided by the Township for that purpose.
- c. Fishing is permitted in accordance with current Commonwealth fish laws and regulations promulgated thereunder, unless otherwise posted. However, the digging of bait on park grounds is prohibited.
- d. Pavilion(s) and picnic tables must be returned to the original condition/position immediately following any use thereof.
- e. Parents, guardians and persons in loco parentis are responsible for the actions of any child under his/her supervision on park grounds, including any damage inflicted upon park property, and making restitution therefor, regardless of

whether the parents, guardians or persons in loco parentis accompany their children to or at the park.

f. The presence, distribution, use or consumption of alcohol and/or controlled substances (as defined by Title 35 of the Pennsylvania Consolidated Statutes and/or federal law) on park grounds is prohibited.

g. Engaging in conduct which is abusive, insulting, obscene, indecent, or which tends to disrupt good order and to provoke a disturbance, or otherwise constitutes a breach of the peace, is prohibited.

h. No domesticated animals are permitted unless they are under control by the use of a leash. The owner of the animal shall clean up any defecation rendered by the animal.

i. Unless otherwise posted, visitors may only build fires in grills provided or brought to the park for that purpose, provided the grill is of a kind manufactured for the purpose of properly and safely containing outdoor fires for cooking.

j. Camping is prohibited, except upon the specific authorization of the Board of Supervisors of Lynn Township. When camping is authorized, all camp lighting and fires shall be extinguished at 10:00 PM unless extended by the Board.

k. All golf is prohibited, except "frisbee golf".

l. Motor vehicles may be parked or operated only in areas designated for parking or operation, but never on any grassy or finished surface, unless posted by a designated representative of the Lynn Township Board of Supervisors. All motor vehicle operators shall be required to comply with all laws and regulations.

m. Dirt bikes, all-terrain vehicles, snowmobiles, and/or other motor vehicles not meant for road use are prohibited throughout the park grounds as well as Skateboards, Roller-skates and Roller-blades.

n. Motor vehicles must not exceed a speed of ten miles per hour (10 mph) on Township properties.

o. No vehicles can be repaired mechanically, except for emergency breakdown, washed, painted or have any other work performed on them while on Township property, unless authorized specifically by the Board of Supervisors

p. Firearms, tasers, air pistols, air rifles, spring guns, bows and arrows, slingshots, laser pointers and paint ball guns are prohibited.

q. Merchandise and services shall not be offered or advertised for sale on park grounds, except by consent of the Board of Supervisors.

r. Failure to comply with the terms and conditions of any permit issued under this ordinance.

**Section 3 - Permits.**

(a) Reservation of the Upper/New Pavilion, the Lower/Old Pavilion, and or the Band Shell, by one or more individuals, at least one of whom shall be 21 years or older, to the exclusion of any other person shall occur solely by permit issued by the Township Administrator or his/her designee after proper application and payment of the appropriate fee(s) on such form(s) as the Township Administrator shall direct. Application and payment shall be made at the Township Municipal Building during regular hours at least 5 days in advance of such reservation. Completed applications (which shall include payment of all applicable fee(s)) shall be considered by the Township Administrator or his/her designee in the order received. A copy of the approved permit(s) shall be given to the applicant who shall retain it in his/her possession, and have it available for inspection upon demand at the date, time, and location indicated on the permit.

(b) To be eligible for a refund of the permit application fee, a written request must be received from the applicant at least 15 days prior to the reserved date to receive full credit. Refunds will not be issued due to inclement weather.

(c) If an applicant is unable to reserve the desired facility at the date and time set forth in the application for permit due to a prior reservation, then the Township Administrator or his/her designee shall neither accept the application fee nor issue the permit nor, unless both the applicant and the party with the prior reservation consent to simultaneous use of the facilities by both of them.

(d) Unless and until changed by resolution of the Board of Supervisors, the permit fee to be paid at the time of application for a permit shall be as follows:

1. Upper/New Pavilion	<del>\$100.00</del> \$ 125.00
2. Lower/Old Pavilion	\$100.00
3. Band Shell	\$100.00
4. Butterfly Garden	Donations accepted
5. Covered Bridge	Donations accepted

(e) Checks should be made payable to "Lynn Township/Ontelaunee Park".

(f) As a condition of such permit, the applicant for such permit shall be liable for the actions and inactions of all persons utilizing the reserved facility or facilities identified in the

permit, including compliance with all park rules and regulations, and shall exonerate, indemnify and hold harmless the Township from and against all claims, lawsuits, and damages (including those for attorney or consultants' fees or court costs) based upon, arising out of, or occurring during the use of such facility or facilities reserved by the permit.

(g) Generally, the Township Administrator or his/her designee shall approve such permit applications as a matter of course, unless the proposed reservation or use will violate this ordinance or some other ordinance, law, regulation, or other legal requirement, or produce unreasonable level(s) of noise, air pollution, water pollution, fire hazard or other safety hazards, or a material risk to the safety, health or welfare of the public. Appeals from the refusal of the Township Administrator or his/her designee to issue a permit may be taken to the Board of Supervisors.

**Section 4 - Enforcement.** A violation of this ordinance, which ordinance shall be deemed to regulate property maintenance, health, fire, public safety, parking, curfew, water, air and noise pollution (as authorized by 53 P.S. Section 66601(c.1)(2)), or a violation of the terms or conditions of any permit issued thereunder, shall be deemed to be a summary offense and shall be enforced in an action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The Township Solicitor may assume charge of the prosecution and shall be authorized to seek criminal fines not to exceed One Thousand and 00/100 (\$1,000.00) Dollars per violation and may obtain imprisonment of each violator to the extent allowed by law for the punishment of summary offenses. Each twenty-four hour period that the condition persists shall be deemed to be a separate offense.

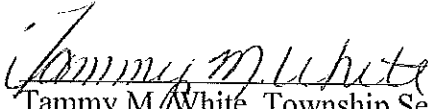
**Section 5 - Repealer.** All ordinances and Resolutions, or parts of any ordinances or Resolutions, which conflict with this Ordinance are hereby repealed.

**Section 6 - Severability.** The provisions of this Ordinance are severable and if any provisions hereof are declared illegal or invalid on constitutional or statutory grounds by any court of competent jurisdiction, then those provisions not specifically declared illegal or invalid remain in full force and effect.

**Section 7 - Effective Date.** This ordinance shall become effective in 5 days.


DULY ENACTED AND ORDAINED this 12th day of June 2008, by the Board of Supervisors, in lawful session duly assembled.

ATTEST:

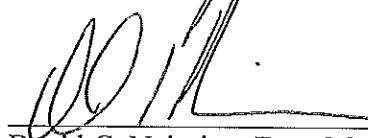
  
Tammy M. White, Township Secretary

(Seal)

TOWNSHIP OF LYNN

  
Kermit E. DeLong Jr., Chairman

  
Thomas C. Creighton III, Vice Chairman

  
David C. Najarian, Esq., Member