

**BEFORE THE BOARD OF COMMISSIONERS
OF SALISBURY TOWNSHIP**

ORDINANCE NO. 10-2023-663

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF SALISBURY TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA AMENDING CHAPTER 16, PARTS 1 AND 3, ENTITLED "USE OF PUBLIC PARKS AND PLAYGROUNDS" and "TYPES OF HUNTING PERMITTED IN CERTAIN TOWNSHIP PARKS" RESPECTIVELY OF THE SALISBURY TOWNSHIP CODE OF ORDINANCES TO ESTABLISH REGULATIONS WITH RESPECT TO CERTAIN ACTIVITIES AT PUBLIC PARKS

WHEREAS, the Township of Salisbury is a First-Class Township organized and operating under the laws of the Commonwealth of Pennsylvania and the Township of Salisbury Code of Ordinances (the "Township"); and

WHEREAS, pursuant to the PA First Class Township Code, 53 P.S. § 56401 et seq., the Township is authorized to establish regulations with regards to activities that are prohibited within public parks; and

WHEREAS, the Township Board of Commissioners believe it would benefit the health, safety, and general welfare of the citizens of the Township to amend certain provisions of Chapter 16, Parts 1 and 3.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Board of Commissioners of the Township of Salisbury, Lehigh County, Pennsylvania that the Township of Salisbury Code of Ordinances, Chapter 16, Parts 1 and 3 shall be amended as follows:

ARTICLE I. Chapter 16, Part 1 is hereby amended to read as follows:

Part 1
USE OF PUBLIC PARKS AND PLAYGROUNDS

§ 16-101. Purpose.

It is the intent, purpose and scope of this Part 1 to ensure the preservation of outdoor public parklands, outdoor recreation facilities and outdoor playground areas within the Township of Salisbury for the perpetual enjoyment of the residents of the Township of Salisbury, to regulate activities within these areas consistent with the enjoyment of natural settings and park facilities and to prevent any nuisances to the residents of the Township of Salisbury in the use of such public parklands, recreation facilities and playground areas or in the enjoyment of private property adjacent to such areas.

§ 16-102. Definition of "Township."

As herein used, "Township" shall mean the Township of Salisbury, Lehigh County, Pennsylvania.

§ 16-103. Definitions of "Public Park" and "Public Playground."

As herein used, "public park" and "public playground" shall mean any park or playground owned or leased by the Township of Salisbury and made available to the public for park or recreational purposes, unless otherwise stated.

§ 16-104. Park and Playground Hours.

All public parks and playgrounds shall be open to the public only during the period from 1/2 hour after sunrise to 1/2 hour after sunset, and no person shall go into or upon any public park or playground after 1/2 hour after sunset except for special occasions recognized and authorized by a duly authorized Township official or as noted in the additional park regulations in § 16-112 below. Fields and pavilions may be reserved from May 1st through November 30th. Pavilions may not be reserved when the reservation time would interfere with the Township annual summer playground program or any other Township-sponsored event. Any person or persons found within said recreation places when same are closed as provided in this Part 1 shall be guilty of violating this Part 1.

§ 16-105. Vehicle Regulations.

No person shall drive or park any automobile, motorcycle, or other type of motor vehicle of any kind in, on, or upon any public park or playground except upon streets, roadways, or parking areas constructed or designated for such driving or parking and not posted with signs providing otherwise. No person shall drive or park any automobile, motorcycle, or other type of motor vehicle of any kind in any part of any public park or playground, including any parking lot or area provided for parking in connection with such public park or playground, at any time when such public park or playground is not open as provided in § 16-104 of this Part 1.

§ 16-106. Property Destruction.

No person shall, within any public park or playground, pick any flowers or shrubbery; cut, injure or destroy any trees, shrubbery or plants; or willfully mark, deface, disfigure, injure, tamper with, displace, or remove any building, bridges, tables, benches, fireplaces, fountains, railings, paving or paving material, waterlines, sewer lines, signs, notices or placards (whether temporary or permanent), monuments, stakes, posts, or other boundary markers, or any other equipment, structures, utilities or facilities, or appurtenances thereto, whether real or personal, in or on any public park or playground.

§ 16-107. Littering Prohibited.

No person shall bring or leave, dump or deposit any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, paper, waste, garbage, or refuse, or other trash in or on any public park or playground except to place the same in proper receptacles where such are provided. Where receptacles are not so provided or have no remaining unused capacity, all such rubbish or waste shall be carried away from the park or playground by the person responsible for its presence and properly disposed of elsewhere.

§ 16-108. Rest Room and Washroom Regulations.

No person shall do anything in or to any rest room or washroom or part thereof at any public park or playground for which the same was not intended and/or which results in an unsanitary condition.

§ 16-109. Age Restriction on Use of Rest Room Facilities.

No person over the age of six years shall use or go into any rest room or washroom at any public park or playground designated for use by the opposite sex.

§ 16-110. Fires.

No person shall build a fire in or on any public playground, and no person shall build a fire in or on any public park except in fireplaces provided for that purpose or in grills brought to the park for that purpose as approved for use by the Township, and such approval shall be noted on the permit.

§ 16-111. Animals.

1. *No person shall bring any animal upon any public park or playground, with the following exceptions:*
 - A. *Dogs necessary for assistance to vision-impaired or otherwise physically disabled individuals who require the aid or assistance of a trained dog.*

- B. *Animals used in connection with, or participating in, activities or programs sponsored or authorized by the Township as part of its recreation program.*
- C. *Properly licensed dogs are permitted in specifically designated parks marked with signage when the dogs are controlled by a leash. Owners/handlers of such dogs shall be required to immediately remove any feces caused by the animal and to place it in a nonleaking container for deposit in a trash or litter receptacle.*

§ 16-112. Rules and Regulations Governing Township Parks and Recreation Areas.

- 1. *The Salisbury Township recreation places are for the benefit and pleasure of the residents of the Township of Salisbury, Lehigh County, Pennsylvania, and all persons who use the said facilities shall be subject to the rules and regulations as set forth below:*
 - A. *Any of the listed acts are prohibited within any Salisbury Township park or recreation place unless noted otherwise:*
 - (1) *Committing any disorderly act. A person is guilty of committing a disorderly act if, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, he/she engages in fighting or threatening, or in violent or tumultuous behavior, makes unreasonable noise, or uses obscene language or makes an obscene condition by any act which serves no legitimate purpose of the actor.*
 - (2) *Consuming any alcoholic beverages.*
 - (3) *Being visibly intoxicated.*
 - (4) *Carrying setting off, or discharging any slingshot or fireworks, including sparklers.*
 - (5) *Throwing or propelling stones, rockets or missiles of any kind.*
 - (6) *Playing horseshoes or lawn darts.*
 - (7) *Permitting animals of any kind to be within such recreation places, whether or not under control or leash, unless otherwise designated and/or posted.*
 - (8) *Littering, throwing, depositing or draining any offensive or unwholesome substances or liquids of any kind. All garbage shall be disposed of as per §16-107 of this Part 1.*
 - (9) *Writing, painting, carving, or otherwise defacing or disfiguring any tree, bench, structure or notice posted within the recreation places.*
 - (10) *Operating a licensed motorized vehicle on other than the paved roadways or parking areas of said recreation places. On-street parking prohibitions shall be strictly adhered to.*
 - (11) *Operating a licensed motorized vehicle on the paved roadways or parking areas of said recreation places at a speed in excess of 10 miles per hour.*
 - (12) *Operating unlicensed motorized vehicles, remote-control planes and/or cars, and drones.*
 - (13) *Operating wheeled devices including, but not limited to, bicycles, skateboards, hoverboards, roller skates, rollerblades, children's motorized or unmotorized toy vehicles, segways or scooters, in playground areas or on pickleball, tennis or basketball courts, ballfields and grass areas, with the exception of bicycles on Lindberg Park's perimeter trail as provided in §16-112(1)(B)(4)(b) below. Baby strollers and carriages are permitted in any park area except on courts.*
 - (14) *No activity other than the specified use shall be permitted on any Township pickleball court, tennis court, basketball court, playground, ballfield or walking trail.*

- (15) *Obstructing, in any way, either totally or partially, any of the paths or roadways in said recreation places.*
- (16) *Picking or carrying any flowers, shrubs or trees that are growing or located in the recreation places.*
- (17) *Soliciting or posting solicitations of any kind.*
- (18) *Possessing any axe, saw, picks, shovels, hoes or spades.*
- (19) *Building, starting or lighting any fires, except within the grills provided.*
- (20) *Feeding of any geese or waterfowl or injuring or destroying any wildlife, where applicable.*
- (21) *Hitting or driving golf balls.*
- (22) *Playing baseball, tennis, football, or any other game or sport at a place not designated for that purpose.*
- (23) *Using any sound-amplification devices, unless specifically authorized in the permit application for the use of fields.*
- (24) *Erecting any amusement structure, devices or rides.*
- (25) *Washing or repairing of motor vehicles.*
- (26) *Hunting, unless otherwise specified.*

B. The following additional rules are applicable to the specific parks as noted below:

(1) River Road Park.

- (a) The pavilion shall be reserved to parties not to exceed 15 persons.*

(2) Laubach Park.

- (a) The pavilion shall be reserved to parties not to exceed 60 persons.*

(3) Franko Park Recreation Area.

- (a) Pavilion No. 1 shall be reserved to parties not to exceed 40 persons.*
- (b) Pavilion No. 2 shall be reserved to parties not to exceed 64 persons.*
- (c) Dogs on a leash are permitted.*

(4) Lindberg Park.

- (a) The pavilion shall be reserved to parties not to exceed 90 persons.*
- (b) Bicycles are permitted on the perimeter trail only. Children 14 years of age and younger must be accompanied by an adult.*
- (c) Dogs on a lease are permitted on the perimeter trail only.*

(5) Devonshire Park.

- (a) The pavilion shall be reserved to parties not to exceed 50 persons.*

(6) Green Acres Park.

- (a) The pavilion shall be reserved to parties not to exceed 40 persons.*

(7) Walking Purchase Park.

The following uses apply at Walking Purchase Park:

(a) Allowed Uses/Activities.

- 1) Hiking.*
- 2) Bike riding.*
- 3) Leashed dogs.*
- 4) Canoeing (in accordance with state regulations).*
- 5) Fishing (in accordance with state regulations).*

(b) Prohibited Uses/Activities.

- 1) Alcohol.*
- 2) ATVs and off-road vehicles.*
- 3) Motorized bikes.*
- 4) Dumping and littering.*
- 5) Fires, unless camping.*
- 6) Fire alarms/target shooting.*
- 7) Overnight, unless permitted.*
- 8) Paint ball.*
- 9) Removal of any artifacts.*
- 10) Overnight parking.*

(c) Permits and/or official approvals are required for the following activities and/or events:

- 1) Camping.*
- 2) Clean-ups.*
- 3) Overnight stays.*
- 4) Bow hunting (in accordance with state regulations).*
- 5) Junior hunting with shotgun (in accordance with state regulations).*
- 6) Conservation projects.*
- 7) Trail maintenance.*
- 8) Trail construction projects (in accordance with WPP Master Plan).*

(d) The following rules shall apply with respect to the use of the approved single-track trail system currently at Walking Purchase Park, as shown in the attached Exhibit "A," hereinafter referred as the "trail." The approved single-track trail system is available for allowed uses year-round.

- 1) *Bicycle (including mountain bikes). All bicycle riders shall obey traffic signs, laws, and control devices regulating the operation, stopping, or parking of vehicles. Bicycle riding will be governed further by safe riding practices and consideration for use of park areas by others. Where special parking provisions have been made for bicycles, parking will be limited to that area. Bicycle riding shall be prohibited: on playgrounds, on maintained park areas, including grass (except as authorized and permitted by the Township), in areas of environmental sensitivity, in special display areas, in pavilion or other monument type structures, in any area where other activities are in progress, or in any area where specifically restricted. Bicycle riding shall only be allowed on the trail system.*
- 2) *Trail Use and Hours of Operations.*
 - a) *The Walking Purchase Park Multi-Use Trail is designated for the enjoyment of all residents and will be open for appropriate use as posted by the Township. Bicycle use is exclusively limited to designated single-track trails from dawn until dusk (or 9/10 p.m. in the fall and winter months). Bicyclists are required to use an appropriate frontal light throughout their entire visit in the park after dusk.*
 - b) *Do not cut switchbacks or create new trails. Stunt building or any other trail manipulation is prohibited. Possession of handsaws, chainsaws, loppers, shovels, rakes, or any other trail clearing or building tool or material is prohibited, except for permitted/approved uses.*
 - c) *Visitors assume all risks and must be reasonably prepared and equipped, take reasonable precautions against endangering themselves or others, and must wear appropriate footwear and clothing.*
 - d) *No person may deface, paint, damage, mutilate, or vandalize any natural or cultural object, or any sign or structure within the Walking Purchase Park conservation area. Possession of paint or marking materials, or tampering with, altering, or removing any sign, marker, or structure, is prohibited. Driving nails or permanently installing any object is prohibited.*
 - e) *Visitors are responsible for carrying out all of their refuse (including all wrappers, packaging, bottles, cans, cigarette butts, pet waste, etc.) and are encouraged to reduce, reuse, and recycle these items when possible.*
 - f) *All wildlife, plant life, artifacts and any other natural or man-made features are protected and may not be disturbed or removed (unless regulated with permit). Harassment of wildlife is illegal in Pennsylvania; do not approach, follow or feed wildlife. Releasing or introducing any animal is prohibited. Please leave rocks, wildflowers, and other plants or natural objects as you find them. Do not disturb wetlands or vernal pools. Metal detectors are not allowed.*
 - g) *Registration of Bicycles. In order to compile a list of potential bicycle users of the multi-use trail, the Township shall institute a registration program that will allow emergency personnel to assemble pertinent information on the users of the trail. The Township shall not charge a fee for this registration. The Township shall work towards the implementation of an emergency evacuation plan to aid emergency personnel in cases of emergency rescues. The owner(s) of the bicycle(s) shall also be required to sign a waiver of liability releasing the Township and other co-owners of the park from any liability associated with the use of its trails at Walking Purchase Park for any personal injury, loss, death or property damage, including attorney's fee.*

- 3) *Rules of the Trail. The Township adopts the following rules of the trail, formulated by IMBA, the International Mountain Bicycling Association. These rules are recognized around the world as the standard code of conduct for mountain bikers. IBMA's mission is to promote mountain bicycling that is environmentally sound and socially responsible:*
- a) *Ride on Open Trails Only. Respect trail and road closures. Ask if uncertain; avoid trespassing on private land; obtain permits or other authorization as may be required. The way you ride will influence trail management decisions and policies.*
 - b) *Leave No Trace. Be sensitive to the dirt beneath you. Recognize different types of soils and trail construction; practice low-impact cycling. Wet and muddy trails are more vulnerable to damage. When the trail bed is soft, consider other riding options. This also means staying on existing trails and not creating new ones. Don't cut switchbacks. Be sure to pack out at least as much as you pack in.*
 - c) *Control Your Bicycle! Inattention for even a second can cause problems. Obey all bicycle speed regulations and recommendations.*
 - d) *Always Yield Trail. Let your fellow trail users know you're coming. A friendly greeting or bell is considerate and works well; don't startle others. Show your respect when passing by slowing to a walking pace or even stopping. Anticipate other trail users around corners or in blind spots. Yielding means slow down, establish communication, be prepared to stop if necessary and pass safely.*
 - e) *Never Scare Animals. All animals are startled by an unannounced approach, a sudden movement, or a loud noise. This can be dangerous for you, others, and the animals. Give animals extra room and time to adjust to you. When passing horses use special care and follow directions from the horseback riders; ask if uncertain. Running cattle and disturbing wildlife is a serious offense. Leave gates as you found them, or as marked.*
 - f) *Plan Ahead. Know your equipment, your ability, and the area in which you are riding and prepare accordingly. Be self-sufficient at all times, keep your equipment in good repair, and carry necessary supplies for changes in weather or other conditions. A well-executed trip is a satisfaction to you and not a burden to others. Always wear a helmet and appropriate safety gear.*
 - g) *Gear Up. Always wear a helmet and any other appropriate safety equipment for the riding conditions (cell phones, compass, etc.).*
 - h) *Never Ride Beyond Your Abilities. There is no shame in walking sections of the trail you don't feel confident enough to ride, and don't let anybody tell you otherwise.*
 - i) *Use Appropriate Equipment for the Terrain. Some bikes are better for different situations. Just because you can see tire tracks, doesn't mean you can ride it with your bike.*
 - j) *Keep Your Speed in Check. Always keep your speed at a level that will allow you to adjust to any unforeseen obstacles or changes in trail conditions.*
 - k) *Know the Trail. Never push the limits on a trail you are not familiar with. You need to get to know the trail you are riding at slower speeds before you can ride it like the trails you're used to.*
 - l) *Slow down for Blind Corners. You never know what or who is around a corner*

when you can't see past it.

- m) Stop and Look. Stop and look at sections of the trail that look like they may pose a challenge before you ride them.*
- n) Plan on the Crash. Always look at the consequences of crashing in a particular section or on a particular stunt before trying to ride through it. Sometimes a section can look easy to ride but can have deadly consequences to a crash.*
- o) Start Small, Go Big. Work your way up to obstacles and stunts. Find ways to practice moves in less difficult and dangerous situations or at lower speeds before committing yourself to something more dangerous.*
- p) Play it Smart. If you think what you are doing is not the smartest, you are probably right. Think about what you are doing and trust your instincts.*

§ 16-113. Penalties.

Any person or persons who violate any provision or prohibition of this Part 1 shall be guilty of a summary offense and, upon conviction thereof, shall be sentenced to pay a fine of not more than \$1,000, together with costs of prosecution, and in default of payment thereof to undergo imprisonment for not more than 90 days.

ARTICLE II. Chapter 16, Part 3 is hereby amended to read as follows:

Part 3 TYPES OF HUNTING PERMITTED IN CERTAIN TOWNSHIP PARKS

§ 16-301. Hunting Permitted.

- 1. Hunting shall be permitted in Walking Purchase Park aka Lehigh Mountain Park during the approved hunting seasons as established by the Pennsylvania Game Commission and under the following conditions:
 - A. Only archery (use of bow and arrows) hunting shall be permitted unless hunters are participating in the Junior Hunting Program.*
 - B. Hunters shall have and display the appropriate Commonwealth of Pennsylvania hunting license.*
 - C. Hunters shall abide by all of the Pennsylvania game laws and Township ordinances.*
 - D. Hunters shall register with the Salisbury Township Police Department, provide all required information, comply with all rules set forth in the established guidelines, and obtain and display the appropriate permit.**

§ 16-302. Junior Hunting Program Established.

- 1. The Township of Salisbury, by Resolution 06-2003-1123, established the Junior Hunting Program. The aforementioned resolution was passed June 12, 2003, at a regular public meeting. The Township, in order to implement said resolution, is now specifying the types of hunting permitted for the Junior Hunting Program.
 - A. From and after the effective date of the aforementioned resolution and the effective date of this Part 3, a Junior Hunting Program is hereby established and a junior hunting area is designated in the Walking Purchase Park aka Lehigh Mountain Park that has been so posted by the Township of Salisbury. This Junior Hunting Program shall be in conformance with the Junior Hunting Program as established by the Pennsylvania Code and the Pennsylvania Game Commission, more specifically at 58 Pa. Code § 141.8a. A junior hunter license shall be governed by 34 Pa.C.S.A. § 2705, which sets forth the**

requirements for an individual obtaining a junior hunting license.

B. With regard to the junior hunting area established within Salisbury Township, hunting shall only be permitted in this designated area during the approved hunting seasons as established by the Pennsylvania Game Commission and under the following conditions:

- (1) Only the use of shotguns shall be permitted.
- (2) Hunters shall have and display the appropriate Commonwealth of Pennsylvania hunting license.
- (3) Hunters shall abide by all of the Pennsylvania Game Commission laws and Township ordinances regulating the use of this property. Junior hunters shall be qualified in accordance with the Pennsylvania Game Commission laws.
- (4) Junior hunters and their eligible adult sponsor shall register with the Salisbury Township Police Department, provide all information required and comply with all rules set forth in the established guidelines as well as obtain and display the appropriate permits.
- (5) A junior hunter shall qualify in accordance with the Pennsylvania Code and Pennsylvania statutes, specifically 34 Pa.C.S.A. § 2705, as amended from time to time.

§ 16-303. Penalty.

The Township is establishing this regulation by basis of its status as property owner and a property owner's right to regulate its property.


ARTICLE III. If any provision, sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions of this Ordinance. It is hereby declared as the intent of the Township that this Ordinance would have been adopted had such stricken provisions not been included herein.

ARTICLE IV. All other Ordinances or parts thereof which are contradictory with the provisions hereof, are repealed to the extent of such inconsistencies.

ARTICLE V. This Ordinance shall become effective immediately after its enactment.

DULY ADOPTED this 12th day of October, 2023, by the Board of Commissioners of the Township of Salisbury, Lehigh County, Pennsylvania, in lawful session duly assembled.

BOARD OF COMMISSIONERS OF
THE TOWNSHIP OF SALISBURY

BY: 
Debra J. Brinton, President

ATTEST:


Township Secretary