

ORDINANCE NO. 10-01

AN ORDINANCE OF CONESTOGA TOWNSHIP ENACTING RULES AND REGULATIONS GOVERNING REAL PROPERTY OWNED AND OPERATED BY CONESTOGA TOWNSHIP AS A RECREATIONAL AREA AND PROVIDING PENALTIES FOR VIOLATIONS.

WHEREAS Conestoga Township owns and maintains a park located at 49 Kendig Road, Conestoga, PA 17516;

WHEREAS Conestoga Township has recently acquired from Norfolk Southern Railroad Corporation real property located in Conestoga Township, which property was formerly known as the Enola Rail Line;

WHEREAS the real property identified above is open to the public and will be used for recreational purposes; and

WHEREAS the Supervisors believe that it is important to establish rules and regulations for the use of these recreational lands and any land subsequently acquired by Conestoga Township for recreational purposes.

NOW, THEREFORE BE IT ORDAINED by the Board of Supervisors of Conestoga Township, Lancaster County, Pennsylvania, as follows:

SECTION 1. This Ordinance shall be known as the “Conestoga Township Recreational Property Rules and Regulations Ordinance”.

SECTION 2. This Ordinance shall regulate the activities of persons in or on any property owned or operated by Conestoga Township for recreational purposes (hereinafter “the Property”).

SECTION 3. The Property shall be open to the public from sunrise to sunset.

SECTION 4. Any person using the Property shall protect, to the extent reasonably possible, wildlife and natural habitat at the Property. No person shall:

- (a) Injure, deface, mutilate, pull-up, remove or destroy any vegetation on the Property; or,
- (b) Litter or discard debris of any kind on the Property, except into containers provided for trash collection.
- (c) Commit any public nuisance.
- (d) Make or kindle a fire, except in picnic stoves or similar facilities.

- (e) Camp or remain overnight.
- (f) Post signs, notices, advertisements or allow personal property to remain overnight.

SECTION 5. No person shall discharge any type of firearm, bow and arrow, BB gun, air gun, slingshot or other weapon on the Property.

SECTION 6. No person shall possess or discharge fireworks of any kind on the Property.

SECTION 7. No person shall possess or use any alcoholic beverages or illegal drugs on the Property, and no person shall be intoxicated or otherwise under the influence of alcohol or illegal drugs while on the Property.

SECTION 8. No person shall use threatening, abusive, insulting or indecent language while on the Property.

SECTION 9. No person shall plant any vegetation or deface, mutilate, abuse, destroy, mark, write or paint upon any natural or manmade object on the Property.

SECTION 10. No person shall use a motor operated vehicle on the Property, except in designated parking areas or access drives leading from the public street to the parking area on the Property. All-terrain vehicles, snowmobiles, dirt bikes, three wheeled motorized vehicles and all similar types of vehicles, whether recreational or otherwise are prohibited anywhere on the Property.

PERMITS: The **B**oard of Supervisors may grant permits to individuals or groups for special events, or to allow activities that are otherwise prohibited by this ordinance.

- (a) All permits issued by the Board of Supervisors shall be subject to park rules and regulations as fully as though the same were inserted in said permits.
- (b) Any person or persons to whom such permits may be granted, shall be liable for any loss, damage or injury sustained by the person for the reason of negligence of the person or persons to whom said permits may be granted, their agents or employees.
- (c) It shall be unlawful for permittee to make any alteration to a permit.
- (d) Specific portions of the rules and regulations of this ordinance may be waived only upon written approval of the Board of Supervisors.
- (e) The Board may impose conditions on any permit which shall be binding on the person(s) to whom the permit is granted.
- (f) The Board may from time to time, by separate resolution, establish reasonable fees and deposits for the use of parks and facilities therein.

SECTION 11. Notwithstanding anything herein to the contrary, the restrictions set forth in this ordinance shall not apply to employees of Conestoga Township or their agents engaging in activities authorized by the Board of Supervisors, including but not limited to maintenance, construction and repair of the Property. The restrictions also shall not apply to any police officers or other officials on the Property who are patrolling the property or enforcing rules, regulations, statutes, ordinances and laws of Conestoga Township, the County of Lancaster, the Commonwealth of Pennsylvania or the United States of America.

SECTION 12. Any person who violates any of the provisions of this ordinance shall, upon conviction thereof before a District Justice, be guilty of a summary offense and shall be sentenced to pay a fine of not more than \$1000.00 or less than \$200.00. Each day that a violation occurs or continues shall constitute a separate offense. The Board of Supervisors hereby authorizes the Board of Supervisors or the Township Secretary-Treasurer to enforce the provisions of this ordinance.

SECTION 13. The provisions of this ordinance are severable. If any provision of this ordinance or its application to any person or circumstance is held invalid by a court of competent jurisdiction, such invalidity shall not affect any other provision or application of this ordinance.

SECTION 14. This ordinance shall become effective five (5) days after enactment.

This ordinance has been enacted this 1st day of March, 2010.

CONESTOGA TOWNSHIP BOARD OF SUPERVISORS

Craig C. Eshleman, Chairman

Robert A. Funk, Vice Chairman

Steven R. Charles, Sr., Supervisor