

**LOWER NAZARETH TOWNSHIP  
NORTHAMPTON COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 241-10-22**

**AN ORDINANCE OF THE TOWNSHIP OF LOWER NAZARETH, NORTHAMPTON COUNTY, PENNSYLVANIA, ESTABLISHING RULES AND REGULATIONS FOR THE USE OF PUBLIC PARKS, RECREATION BUILDINGS AND FACILITIES; ESTABLISHING THAT THE BOARD OF SUPERVISORS MAY ADOPT A FEE SCHEDULE FOR USE OF LOWER NAZARETH TOWNSHIP PARKS, RECREATION BUILDINGS AND FACILITIES BY RESOLUTION; PROVIDING FOR PENALTIES FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR A GENERAL REPEALER; PROVIDING FOR THE SEVERABILITY OF PARTS OF THIS ORDINANCE DEEMED TO BE INVALID AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Lower Nazareth Township is a Second Class Township situated in Northampton County, Commonwealth of Pennsylvania; and

**WHEREAS**, pursuant to Section 2203 of the Second Class Township Code, 53 P.S. §67203, the Board of Supervisors may regulated by ordinance the use and enjoyment by the public of any park or recreation ground/facilities owned and operated by the Township for the use of the public; and

**WHEREAS**, the Board of Supervisors wishes to promote the respect of not only Township properties, but those properties that neighbor Township parks and recreational facilities, so as not to create an undue disturbance on neighboring property owners; and

**WHEREAS**, Lower Nazareth Township owns a recreational facility located at 306 Butztown Road, Bethlehem, PA 18020, and bears Northampton County tax parcel identification L7NW3-3-5; and

**WHEREAS**, Lower Nazareth Township owns a recreational facility located at Georgetown Road, commonly referred to as Georgetown Park, and bears Northampton County tax parcel identification L6-9-2; and

**WHEREAS**, Lower Nazareth Township owns a recreational facility located at Hanoverville Road, commonly referred to as Hahn's Meadow Park, and bears Northampton County tax parcel identification L7-8-3B; and

**WHEREAS**, Lower Nazareth Township owns a recreational facility located at Georgetown Road, commonly referred to as Surrey Glen, and bears Northampton County tax parcel identification L7SW1-1-31; and

**WHEREAS**, Lower Nazareth Township owns a recreational facility located at 4600 Newburg Road, commonly referred to as Newburg Community Park, and bears Northampton County tax parcel identification K7-19-25; and

**WHEREAS**, in the future, Lower Nazareth Township may construct and operate additional parks, recreation building and/or facilities which shall be governed by the terms of this Ordinance; and

**WHEREAS**, the recreational properties owned or operated/controlled by the Township contains certain parks, buildings, pavilions, playground equipment, baseball fields, soccer fields, basketball courts, tennis courts, walking trails, and meeting rooms that are used periodically by individuals and groups, which shall for the purposes of this Ordinance, be collectively referred to as the “Recreation Facilities”; and

**WHEREAS**, the Board of Supervisors of Lower Nazareth Township wishes to establish rules and regulations for the health, safety and welfare of the public that uses Township Recreation Facilities in order to maintain an enjoyable environment for public recreation for the citizens of Lower Nazareth Township; and

**WHEREAS**, Lower Nazareth Township, as the owner of the Recreational Facilities, incurs significant annual expenses, including, but not limited to, insurance, maintenance, electric and heating; and

**WHEREAS**, the Board of Supervisors has the authority to establish a user fee to offset the expenses incurred as a result of the use.

**THEREFORE, BE IT ORDAINED AND ENACTED** by the Board of Supervisors of Lower Nazareth Township, County of Northampton, Commonwealth of Pennsylvania, as follows:

#### **SECTION 1. Short Title**

This Ordinance shall be known as the “Building and Facility Use Ordinance.”

#### **SECTION 2. Enactment**

This Ordinance is enacted pursuant to the authority conferred by the Second Class Township Code, Act of May 1, 1933, P.L. 103, No. 69, as amended by the Act of November 9, 1995, P.L. 350, No. 60, Section 1 (53 P.S. § 65101, *et seq*).

### **SECTION 3. Township Parks and Recreation Facilities**

Generally, the Lower Nazareth Township Recreation Facilities are open and available to the public for general use from dawn to dusk. Any individual or group that is present at Township Recreation Facilities outside of these times shall be deemed to be trespassing unless they have express authorization from the Township for their presence on the property. Some Recreational Facilities may be utilized by reservation only, consistent with the terms of this Ordinance.

### **SECTION 4. Prohibited Activities on Lower Nazareth Township Properties**

The following activities are expressly prohibited by members of the public during their use of Lower Nazareth Township Recreation Facilities:

1. Consumption of alcoholic beverages
2. Use of illegal drugs
3. Golfing
4. Igniting fireworks
5. Loud music or other loud noises
6. Skateboarding
7. Motorized recreational vehicles on trails and fields
8. Horseback riding
9. Discharge of firearms, including target shooting
10. Littering or dumping

### **SECTION 5. Dogs**

Dogs shall be permitted on Township trails and fields; however, dogs shall be restrained on a leash at all times. Owners shall be responsible for the removal and proper disposal of any fecal matter deposited on Township trails or fields from their dog. Dogs that are considered vicious and have a history of biting or attacking others with or without provocation shall be prohibited from Township trails and fields at all times. Owners shall assume full liability for the behavior of their dogs at all times.

## **SECTION 6. Fees**

From time to time, the Board of Supervisors receives requests from individuals or groups to utilize the Recreation Facilities owned by the Township for the purposes of holding a private event. The Board of Supervisors of Lower Nazareth Township is authorized to establish a user-fee schedule for individuals and groups to utilize the Recreation Facilities of the Township for private purposes. This fee shall be for the sole purpose of off-setting the expenses incurred by the Township for the expenses, including, but not limited to, insurance, maintenance, and utilities. The fees shall be adopted by Resolution and may be amended from time to time as the Board deems necessary.

## **SECTION 7. Waiver of Fees**

The Board of Supervisors, or their designee, has the right to waive the user fees charged for the use of a Township Recreation Facility at its discretion, upon request by an individual or group. If a fee waiver is granted, the Board of Supervisors or their designee may still attach reasonable conditions to the use of the Township Recreation Facilities.

## **SECTION 8. Recreation Facility Rental**

The Board of Supervisors establishes the following regulations for the use of Township Recreation Facilities:

- (1) Any individual or group wishing to utilize Township Recreational Facilities shall make application to the Lower Nazareth Township office utilizing the appropriate form.
- (2) In order to reserve the desired location, an individual or group must present the appropriate application as well as payment of the user fee in full, including any necessary cleaning deposit, of the user fee established for the particular Recreation Facility or part thereof. If the Recreation Facility is available on the date and time requested, the individual or group shall be granted use on the date and time requested.
- (3) A cleaning deposit as established in the user fee schedule adopted by Resolution shall be made at the time of submission of the applicant seeking to make a reservation. The deposit shall be held until the Recreational Facility, or part thereof occupied, is inspected after the date of use, found to be in the condition required by this Ordinance and any key that was distributed to the lessee is returned to the Township office. The Township shall be authorized to utilize the deposit (or a portion thereof) for any costs or expenses incurred by the Township should the Recreation Facility not be returned in a condition required by this Ordinance or if the key(s) is not returned and the lock must be re-keyed.
- (4) All lessees shall be responsible to clean up and appropriately dispose of any refuse accumulated as a result of their event. All decorations and equipment shall

be removed by the lessee. The tables, chairs, and floors of the Township's Recreation Facility shall be free of damage, food and beverages and shall be cleaned to pre-event standards by the lessee. The building structure and fixtures shall be free and clear of damage following completion of the rental.

- (5) All applicants for Recreation Facility use shall sign a use agreement, which shall also contain a hold harmless clause, where the applicant and invitees of the applicant shall hold Lower Nazareth Township harmless for any and all liabilities associated with the use.
- (6) Where required in the sole and absolute discretion of the Township, the individual or group shall provide proof of insurance for each use, including a designation of Lower Nazareth Township as an additional insured, and evidence of such insurance shall be provided to the Township before the date of the event or any keys are delivered to the applicant.
- (7) All lessees and their guests shall adhere to the established rules and regulations established by this Ordinance for use of Lower Nazareth Township Recreation Facilities.
- (8) The Board of Supervisors reserves the right to refuse rental to any individual or group based upon previous violations of this Ordinance or for any reason that is deemed to be in the best interest of the Township, in the sole and absolute discretion of the Board of Supervisors.
- (9) If an applicant rents a pavilion, the Township office shall place a reserved sign with the date and applicant's name at the pavilion to notify others of the reservation but will have no responsibility to ensure that the "reserved" sign remains affixed to the pavilion. If bathroom facilities are not located at the Township Recreation Facility, it will be the applicant's responsibility to provide a portable toilet for their guests' use. (The foregoing sentence is not intended to obligate the Township to provide for bathrooms above and beyond those which may exist at any Township Recreation Facility from time to time.) Rental of the pavilion does not grant access to any buildings located at the same property.
- (10) If an applicant rents a space in one of the Township Recreational buildings, the key may be picked up from the Township office the last business day before the event. If the key is not returned, the Township office shall contact the applicant and remind him/her of their obligation. If the key is still not returned after a period of three (3) days, the Township office shall make arrangements to re-key the building at the applicant's expense.
- (11) The Township reserves the right to cancel an established reservation if the needs of the Township require use of the space that has been reserved, or if it deems cancellation to be in the best interests of the Township. Upon cancellation, the

applicant's fee and, if applicable, cleaning deposit shall be returned promptly to the applicant.

- (12) Any individual or group utilizing a Recreation Facility for the purpose of a public display of a movie shall provide the Township with a properly obtained use license.
- (13) The parking lots of any Recreational Facility shall not be rentable and are for the purposes of parking for scheduled events only.
- (14) The walking trails and paths of the Township are not rentable Recreation Facilities.

### **SECTION 9. Authorization to Recover Damages**

The Board of Supervisors of Lower Nazareth Township hereby authorizes the Township Manager or the Township Solicitor to institute the necessary litigation to obtain judgment and recover monies against an individual or group for damages to Township Recreation Facilities as a result of a violation of this Ordinance or as a result of an individual or group engaging in abusive, negligent, or inappropriate behavior that results in the destruction of Township property. The foregoing authorization shall not be interpreted to limit the Township from pursuing any and all other available remedies, at law or in equity, for any violation of this Ordinance.

### **SECTION 10. Violation(s) and Penalties**

- (1) Any person who shall violate any provision of this Ordinance commits a summary offense and shall upon conviction thereof before a Magisterial District Judge, be sentenced to pay a fine of not greater than one thousand (\$1,000.00) dollars plus costs of prosecution, including reasonable attorneys' fees and court costs, for each separate offense. In default of payment of said fine and costs, the defendant shall be sentenced to a term of imprisonment not to exceed thirty (30) days. The Township Solicitor may assume charge of the prosecution without the consent of the District Attorney as required under the applicable Pennsylvania Rules of Criminal Procedure relating to trial in summary cases. All fines and penalties collected for any violation of this Ordinance shall be paid to the Township and delivered to the Township treasurer for deposit.
- (2) Each day that a violation of this Ordinance continues shall be deemed a separate offense.
- (3) The Township, by means of other appropriate legal proceeding, including a complaint in equity, may compel any person to comply with the above rules and regulations, or seek any such other relief as any court of competent jurisdiction is empowered to afford.

**SECTION 11. Repeal**

Any Ordinance, Resolution and/or other regulation of the Township, or any parts of Ordinances, Resolutions and/or other regulations of the Township, in conflict herewith are hereby repealed. All other provisions of the ordinances, resolutions, and/or regulations of Lower Nazareth Township, Northampton County, Pennsylvania shall remain in full force and effect.

**SECTION 12. Severability**

The provisions of this Ordinance are declared to be severable. If any article, section, subsection, paragraph, clause, phrase, or provision of this Ordinance as a whole or any part or provisions hereof, other than the part determined to be invalid or held unconstitutional.

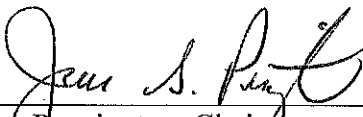
**SECTION 13. Effective Date**

This ordinance shall become effective five (5) days following the date of adoption by the Board of Supervisors.

**DULY ENACTED AND ORDAINED**, this 26 day of October, 2022, by the Board of Supervisors of the Township of Lower Nazareth, Northampton County, Pennsylvania at a duly advertised meeting of the Board of Supervisors at which a quorum was present.

**LOWER NAZARETH TOWNSHIP  
BOARD OF SUPERVISORS**

ATTEST

  
James Pennington, Chairman

  
Tammi Dravec, Secretary/Treasurer