

## TITLE NINE - Recreation

Article 941. Parks.

Article 951. Pedestrian Malls.

### ARTICLE 941

#### Parks

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### CROSS REFERENCES

Public bathing places - See 35 P.S. §672 et seq

Disorderly conduct in parks - See GEN. OFF. Art. 705

Fighting; intoxication in parks - See GEN. OFF. Art. 705

Recreation fees and charges - See GEN. OFF. Art. 729

#### 941.01 DEFINITIONS.

For the purposes of this article, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

"Alcoholic beverages" means any beverage with an alcoholic content of more than two percent (2%).

"Bathing", "Bathe", "Swimming" or "Swim" mean the sport or activity of entering and/or moving through water by moving your arms and legs for recreational, religious or other purposes, including, but not be limited to, exercise, therapy, or refreshment.

"City" means the City of Bethlehem.

"Community Gardens" means a parcel of City-owned land designated specifically to grow fruits, vegetables, ornamentals, and native plants that are planted and maintained by the community.

"Director" means the Director of the Department of Parks and Public Property.

"Dog Park" means an area designated by the City for allowing City residents to exercise their dog off leash.

"Fishing" means the activity of catching fish, either for food or as a sport as regulated and licensed by the Pennsylvania Fish & Boat Commission.

"Generator" A gasoline or diesel powered device that converts mechanical energy into electrical energy.

"Greenway" means South Bethlehem Greenway.

"Loiter" or "Loitering" means protractedly lingering, staying, remaining or waiting at one location or repetitively wandering around in the same vicinity, either alone or in consort with others.

"Malicious" or "maliciously" means a vexatious, threatening, intimidating or injurious manner toward people or property; or with intent to engage in any disorderly conduct or behavior tending to a breach of the public peace; or acting with the effect of causing interference with or precluding peaceful use and enjoyment of the park by others.

"Metal Detectors" means a hand-held unit used in searching an area for coins or other metal objects.

"Motorized Vehicles" means any device propelled by an engine, including but not limited to automobiles, mopeds, motorcycles, go carts, scooters, All Terrain Vehicles (ATV), and segways. The term specifically excludes any electric personal assistive mobility device, any self-propelled wheel chair, any electrical mobility device operated by and designed for the exclusive use of a person with a mobility related disability, and any FDA approved devices for use by the disabled on pedestrian facilities. (Ord. 4424. Passed 4/17/07.)

"Mounted Police" means police who do patrols on horseback.  
(Ord. 2009-23. Passed 9/1/09.)

"Park" means any land or facility owned or leased by the City of Bethlehem and designated or used for park, recreation, gardening, or open space purposes.

“Pavilion” means any open park structure used for picnics, parties, and social occasions.

"Person" means any person, firm, partnership, association, corporation, company or organization of any kind.

“Special facility” means (i) the Illick’s Mill building; (ii) the Earl E. Schaffer Ice Rink; or (iii) the Charles Brown Ice House.

“Tents” or “Temporary Shelters” mean any portable shelter usually of fabric or canvas stretched over a frame or supporting pole structure.

“Vehicle” means any wheeled device, whether motor-powered, animal-drawn or self-propelled. The term shall include any trailer in tow of any size, kind or description. An exception is made for baby carriages and vehicles in the service of the City parks.

(Ord. 4424. Passed 4/17/07; Ord. 2016-011. Passed 4/19/2016)

#### 941.02 PARK PROPERTY.

##### (a) Buildings and Other Property.

- (1) Disfiguration and removal. No person shall willfully mark, deface, disfigure, damage, tamper with or displace or remove, any building, bridges, tables, benches, fireplaces, railings, paving or paving material, water lines or other public utilities or parts or appurtenances thereof, signs, notices or placards whether temporary or permanent, monuments, stakes, posts or other boundary markers, or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal.
- (2) Restrooms and washrooms. No person who accesses or uses public restrooms and washrooms on City property shall fail to cooperate in maintaining restrooms and washrooms in a park in a neat and sanitary condition. Every user shall clean up and properly dispose of trash and waste they create.
- (3) Removal of natural resources. No person shall dig or remove any beach sand, whether submerged or not, or any soil, rock, stones, trees, shrubs or plants, down-timber or other wood or materials, or make any excavation by tool, equipment, blasting or other means or agency within a park, unless expressly designated as a community garden or issued a permit by the Director.

- (4) Erection of structures. No person shall construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon or across park lands, except on special written permit issued as set forth in Section 941.08(c).

(b) Trees, Shrubbery and Lawns.

- (1) Injury and removal. No person shall damage, cut, carve, transplant or remove any tree or plant or injure the bark, or pick the flowers or seeds, of any tree or plant within a park, nor shall any person attach any rope, wire or other contrivance to any tree or plant. A person shall not dig in or otherwise disturb grass areas, or in any other way injure or impair the natural beauty or usefulness of any area, unless authorized by the Director for specific purposes.
- (2) Climbing Trees, Structures and Fixtures. No person shall climb any tree, or walk, stand or sit upon monuments, vases, fountains, railing, fences, walls or upon any other park property not designated or customarily and safely usable for such purposes.
- (3) Hitching of animals. No person shall tie or hitch an animal to any tree or plant in a park.

(c) Wild Animals, Birds, Protective Species, Etc.

- (1) Hunting. No person in a park shall hunt, molest, harm, frighten, kill, trap, chase, tease, shoot or throw projectiles at any animal, reptile or bird; nor shall any person remove or have in his possession the young of any wild animal, or the eggs, nest, or young of any reptile or bird. Exception: Authorized USDA animal control representatives or City of Bethlehem employees.
- (2) Feeding. No person shall give or offer, or attempt to feed any animal or bird in a park. (Ord. 2211 §3. Passed 9/22/70.)

941.03 SANITATION.

(a) Pollution of Waters. No person in a park shall throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream or other body of water in or adjacent to any park or any tributary, stream, storm sewer or drain flowing into such water, any substance, matter or thing, liquid or solid, which will or may result in the pollution or altering the flow of such waters.

(b) Refuse, Trash, and Recycling. No person in a park shall have brought in or dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish

or other trash. No aforementioned items shall be placed in any waters in or contiguous to any park, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided; where receptacles are not so provided, all rubbish or waste shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere. (Ord. 2211 §4. Passed 9/22/70.)

#### 941.04 TRAFFIC.

(a) State Motor Vehicle Laws Apply. No person in a park shall fail to comply with all applicable provisions of the State motor vehicle traffic laws in regard to equipment and operation of motorized vehicles together with such regulations as are contained in this article and other ordinances. (Ord. 4424. Passed 4/17/07.)

(b) Enforcement of Traffic Regulations. No person shall fail to obey all traffic officers and park employees, such persons being hereby authorized and instructed to direct traffic whenever and wherever needed in the parks and on the highways, streets or roads immediately adjacent thereto in accordance with the provisions of these regulations and such supplementary regulations as may be issued subsequently by the Director.

(c) Obey Traffic Signs. No person shall fail to observe carefully all traffic and parking signs in parks.

(d) Speed of Vehicles. No person in a park shall ride or drive a vehicle at a rate of speed exceeding fifteen miles an hour, except upon such roads as the Director may designate, by posted signs.

(e) Operation Confined to Roads. No person shall drive any motorized vehicle on any area except the paved park roads or parking areas, or such other areas as may on occasion be specifically designated as temporary parking areas by the Director. (Ord. 4424. Passed 4/17/07.)

#### (f) Parking.

(1) Designated areas. No person shall park a vehicle in other than an established or designated parking area in a park, and such use shall be in accordance with the posted directions and/or with the instructions of any attendant who may be present.

(2) Night Parking. Except in an emergency, no person shall leave a vehicle in a park standing or parked at night on any driveway or road area except legally established parking areas, or by special permit issued by the Director. If a vehicle is disabled and left in an unauthorized area after a park is closed, the owner or operator shall follow the Vehicle Breakdown Notification Procedure.

- (3) Vehicle Breakdown Notification Procedure. No person in a park shall fail to immediately notify, within one hour, an attendant or the police of an emergency in the nature of a vehicle breakdown requiring the assistance of a tow truck, mechanic or other person.
- (4) Double parking. No person shall double park any vehicle on any road or parkway unless directed by a park official.

(Ord. 2016-011. Passed 4/19/2016)

(g) Bicycles, skateboards, non-motorized scooters.

- (1) Confined to roads. No person in a park shall ride a bicycle, skateboard, or non-motorized scooter anywhere other than a paved vehicular road or path designated for that purpose or multiuse trail – mountain bike trail. A bicyclist shall be permitted to push a bicycle by hand over any grassy area or wooded trail or on any paved area reserved for pedestrian use.
- (2) Racks. No person in a park shall leave a bicycle in a place other than a bicycle rack when such is provided and there is a space available.
- (3) Immobile. No person in a park shall leave a bicycle lying on the ground or paving, or set against trees, or in any place or position so as to present any obstruction to pedestrian or vehicular traffic. (Ord. 2211 §5. Passed 9/22/70.)

(h) Motorized Vehicles. Motorized vehicles are prohibited on the multipurpose pathways in the parks and along the rivers, creeks, canals, (except along and upon designated areas). These paths are to be used for walking, running, biking, and other non-motorized means of transportation. The prohibition against motorized vehicles shall not include segways, vehicles engaged in maintenance or emergency activities or vehicles approved by the Director. (Ord 4424. Passed 4/17/07.)

941.05 RECREATIONAL ACTIVITIES.

(a) Bathing and Swimming.

- (1) Designated areas. No person shall bathe or swim in any natural waters and/or streams in or adjacent to any park, except where designated by the Director for the conduct of such activity.
- (2) Certain hours. No person shall frequent or enter any park waters or places designated for the purpose of swimming or bathing, or congregate there, except between such hours of the day as shall be designated by the Director for such purposes for each individual area.

- (3) Bathhouses. No person shall dress or undress in any vehicle, toilet or other place in a park, except in such bathing houses or structures as may be provided for that purpose.

(b) Boating and Motorized Watercraft.

- (1) Designated areas. No person shall bring into a park or operate any motorized boat, raft, or other motorized watercraft, whether motor-powered or not, upon any waters, except at places designated for boating by the Director. Such activity shall be in accordance with applicable regulations by the Fish & Boat Commission as are now or may hereafter be adopted.
- (2) Operation of boats. No person in a park shall navigate, direct or handle any boat in such a manner as to annoy or frighten or endanger the occupants of any other boat or wildlife.
- (3) Prohibition during closing hours. No person shall launch, dock or operate any boat of any kind on any waters between the closing hour of the park at night and opening hour the following morning, nor shall any person be on, or remain on or in, any boat during the closed hours of the park.

(c) Hunting Devices. No person shall discharge, shoot, aim or threaten the use of air rifles, spring guns, bow and arrows or slings that propel projectiles potentially harmful to wildlife and dangerous to human safety, or any kind of animal trapping device including all such activity conducted within a park or directed into park areas from beyond park boundaries. Exception: Authorized USDA animal control representatives or City of Bethlehem. [See Article 725 regarding Discharging Firearms Prohibited; Exceptions] (Ord. 2015-12. Passed 3/17/15)

(d) Picnic Areas and Use.

- (1) Pavilions. Permits must be obtained from the Director for the use of pavilions in designated areas at South Mountain, Monocacy and Saucon Parks.
- (2) Open Fires. Open fires, portable fire pits, and ground fires are prohibited.
- (3) Cooking Fires. Cooking fires are allowed only in permanent mounted grills located at Saucon Park, South Mountain Park, and Monocacy Park pavilions. Charcoal shall be the only allowed fuel source for such grills. Cooking fires shall be completely extinguished at the conclusion of use. Spent charcoal and charcoal ash shall not be disposed of in dumpsters, placed on the ground, or thrown into any natural waters.

- (4) Duty of Picnickers and Permittees. No person who has started, re-started or used a cooking fire shall leave the picnic area abandoned before the cooking fire is completely extinguished. Such persons and a Permittee using a picnic area are required to, and are responsible for, extinguishing cooking fires started in a grill. Picnic area users and a Permittee using the area are required to clean up and dispose of garbage, trash, and recyclables in the disposal receptacles provided. If no trash receptacles are available, then refuse and trash shall be carried away from the park area by such persons who shall lawfully dispose of the trash elsewhere.

(e) Camping. No person shall camp in any park without written permission from the Director.

(f) Safety. No person in a park shall participate in any activity that involves throwing or otherwise propelling objects such as stones, arrows, javelins, or golf balls, except in areas set apart for such forms of recreation.

(g) Horseback Riding. No person shall ride a horse in any City park. This subsection shall not apply to City of Bethlehem Mounted Police.

(h) Fishing. Fishing in parks is only permitted as regulated and licensed by the Pennsylvania Fish & Boat Commission.

(Ord. 2211 §6. Passed 9/22/70; Ord. 2009-23. Passed 9/1/09; Ord. 2016-011. Passed 4/19/2016)

#### 941.06 BEHAVIOR.

(a) Alcoholic Beverages. No alcoholic beverages shall be brought into or consumed in any City park except designated pavilions at Monocacy Park, Saucon Park and South Mountain Park.

- (1) Restrictions. Where alcoholic beverages are permitted the following restrictions shall apply:
- (A) Consumption of alcoholic beverages shall be restricted to those persons affiliated with pavilion permittee.
  - (B) Alcoholic beverage use is limited to malt or brewed beverages (beer, ale, malt liquor) and wine. Distilled spirits such as whiskey, scotch, gin or any alcoholic beverage with an alcoholic content of more than twelve percent (12%) are prohibited.
  - (C) Permitted containers are metallic, with maximum content of sixteen ounces, and wine boxes. Bottles are prohibited.

- (D) No alcoholic beverages shall be consumed in any parking lot, parking area, sidewalk, pedestrian path or roadway in any park.

(Ord. 2573 §2. Passed 9/6/77; Ord. 2016-011. Passed 4/19/2016)

- (2) Drunkenness. No person in a park shall be under the influence of intoxicating liquor in violation of Pennsylvania Crimes Code Section 5505, as amended, regarding public drunkenness.
- (3) Private Events Exception. The restrictions in (a)(1)(A) and (B) shall not apply to private events conducted inside the Illick's Mill building, the Earl E. Schaffer Ice Rink and the Charles Brown Ice House (said buildings hereafter "the park facility") when all of the following are satisfied:
- (A) The event is authorized by (i) a permit agreement between the City and either a third party or a tenant of the park facility sponsoring the private event or (ii) a license agreement between the tenant of the park facility and a third party sponsoring the private event. All private events are subject to approval of the Director under paragraph (C) below.
- (B) A private event under this Article means that (i) attendance is by either by private invitation or direct ticket sales; (ii) the event shall not be open to the general public; (iii) attendance at the event shall not exceed any applicable building occupancy limits set by City ordinance and Code regulations and directives by the Fire Commissioner and Bethlehem Fire Inspection Department; (iv) revenues from the event, if any are received by a tenant, permittee or licensee, shall benefit only non-profit and registered charitable organizations; (v) for events at the Illick's Mill building, the Earl E. Schaffer Ice Rink and the Charles Brown Ice House alcohol shall be served and consumed exclusively inside the building.
- (C) An application for a permit or license agreement for an event subject to this Article shall be submitted to and is subject to review and approval by the Director. The application shall be submitted no less than sixty (60) days prior to the event. A permit or license agreement approved by the Director must be executed by the permittee or licensee, as the case may be, and executed copies delivered to the Director and the City's Legal Bureau no later than the date determined by the Director and set forth in the approved agreement. A permit or license agreement approved by the Director may be amended by written agreement executed by all parties. Execution of a

permit or license agreement or amendment on behalf of the City shall be by the Mayor and Controller with signed approval and certification by the Director.

- (D) Alcohol shall be served free of charge at the private event. Attendees may bring their own alcohol for personal consumption (“BYOB”) to private events. The provision of alcohol shall not be conditioned upon (i) the purchase of a ticket for admission to the event; (ii) in exchange for a donation or other fee; (iii) a required purchase or payment that would constitute a sale of alcohol under the Pennsylvania Liquor Code. An allowable BYOB private event under this Article 941 is restricted to a private event inside the Illick’s Mill building, the Earl E. Schaffer Ice Rink and the Charles Brown Ice House which is permitted or licensed for a limited period of time, but in no event to exceed six (6) hours in length, nor to exceed one (1) rental in a twenty-four (24) hour period, nor to occur between the hours of 12:00 p.m. midnight and 11:00 a.m. (See City of Bethlehem ordinances, Article 736).
- (E) A permittee of the City, a tenant of the park facility or a licensee hosting a private event when alcohol will be served exceeding the restrictions in (a)(1)(A) and (B):
- (i) shall obtain either a liquor liability insurance policy, or a special event liability insurance policy including host liquor liability coverage, or a general liability insurance policy including host liquor liability insurance coverage, satisfying coverage limits specified by the Director, naming the “City of Bethlehem, its officials and employees” as additional insureds, and scheduled in force for the duration of the event;
- (ii) shall provide a certificate of insurance from a licensed insurance agent or the insurer, evidencing issuance of the required coverage, to the Director and the City’s Law Bureau no later than the date determined by the Director and set forth in the approved City permit or license;
- (F) The lease of a tenant hosting or licensing a private event shall not be in default status as determined in the sole judgment of the Director of Parks and Public Property.

(4) Special Occasion Exception. A qualified entity under the Pennsylvania Liquor Code and applicable Pennsylvania Liquor Control Board (“PA LCB”) regulations may host and conduct an event in a City of Bethlehem park or park facility approved by the Director if the event

qualifies for a Special Occasion Permit (“SOP”) under Pennsylvania Liquor Code and if all additional conditions stated hereafter are satisfied:

- (A) The entity must apply for and receive approval by the Director of a permit for the event in compliance with (a)(3)(C) preceding.
  - (B) The entity must secure an SOP from the PA LCB. A copy of the required SOP issued by the PA LCB shall be provided to the Director and the City’s Law Bureau no later than the date determined by the Director and set forth in the approved City permit.
  - (C) The entity must comply with insurance requirements under (a)(3)(E) preceding.
  - (D) The permit for an event for which the applicant must obtain an SOP also must be approved by resolution of City Council which, in its discretion, may refuse approval of a permit if the event is deemed unsuitable to the facility, potentially harmful to the facility, if it conflicts with other events, if it conflicts with the City’s use of or access to the park, or if it causes unreasonable burden on City resources needed to support the event.
  - (E) Events authorized and conducted pursuant to an SOP and City Council approved permit may be open to the general public but the limitations of (a)(3)(B)(iii), (iv) and (v) preceding shall apply to the event.
- (5) Bethlehem Golf Club Exception.
- (A) A permittee, tenant or licensee operating the restaurant at the Bethlehem Golf Club on Illick’s Mill Road shall not be subject to restrictions on the provision, sale and service of alcohol under Article 941 but shall:
    - (i) operate in compliance with the Pennsylvania Liquor Code and PA LCB regulations regarding provision, sale and service of alcohol, also including the terms and conditions of issuance and use of the required golf course liquor license;
    - (ii) operate in compliance with the applicable lease, permit or license granted by the City;
    - (iii) comply with the greater of the insurance requirements under (a)(3)(E) preceding or in the lease, if applicable;

(iv) not pledge or encumber as collateral, sell, assign or transfer the liquor license without express written consent from the City signed by the Mayor and the Controller; a violation of the preceding entitling the City to terminate a permit, lease or license.

(B) The sale of beer on the golf course by the restaurant operator, and its consumption, if lawful under the applicable golf course liquor license, is permitted.

(6) Denial of Applications and Revocation of Permits. The Director may deny a permit application and City Council may refuse to approve a permit if the event is deemed, in their discretion, unsuitable to the facility, potentially harmful to the facility, if it conflicts with other events, if it conflicts with the City's use of or access to the park, or if it causes unreasonable burden on City resources needed to support the event. The Director may deny, suspend or revoke the permission granted an event host under a permit, lease or license who fails to comply with the requirements of this ordinance or other applicable laws, the PA Liquor Code, PA LCB regulations and City ordinances.

(b) Fireworks and Explosives. No person in a park shall bring, or have in his possession, or set off or otherwise cause to explode or discharge or burn, any firecrackers, torpedo, rockets, fireworks, explosives or flammable or incendiary material, or discharge them or throw them into any such area from land or highway adjacent thereto. This prohibition includes any substance, compound, mixture or article that in conjunction with any other substance or compound would be dangerous from any of the foregoing standpoints. Exceptions – Permit authorization by the Director and the Bethlehem Fire Department; matches and lighter fluid used solely to ignite a cooking fire in a grill. Also, City employees for animal control.

(c) Domestic Animals. Domestic animals are allowed but must be leashed and under owner's control. The leash shall not be longer than 6 feet, and owner must pick up all animal waste and either dispose of it in receptacles provided or remove it from the park. Nothing herein shall be construed as permitting the unleashed running of domestic animals except in the City Dog Park. Dogs must be licensed and up to date on all vaccinations.

(d) Closed Areas. No person shall enter a park area posted as "Closed to the Public," nor shall any person use, or abet the use of any area in violation of posted notices.

(e) Gambling. No person shall gamble or participate in or initiate any game of chance in a park.

(f) Going Onto Ice. No person shall go onto the ice on any park waters except such areas as are designated as skating rinks, i.e. Earl E. Schaffer Municipal Rink.

(g) Malicious Loitering Prohibited. No person shall maliciously loiter in a City of Bethlehem park.

(1) Enforcement and Conviction.

- (A) No person shall be convicted of malicious loitering in a City of Bethlehem park unless a police officer, at the time and upon observation of the alleged malicious loitering, determines that such person was causing the conditions of malicious loitering;
- (B) Unless flight by a suspected offender or other circumstances make it impracticable, a police officer shall, prior to making an arrest or issuing a citation for an offense under this Article, afford the person an opportunity to dispel suspicion, which otherwise would be reasonably warranted, by requesting the person's identity, and proof thereof, and an explanation of his or her presence and conduct; and
- (C) No person shall be convicted of malicious loitering in violation of this Article if the police officer did not comply with Subsection (B) preceding or if it appears to the fact finder at trial that the explanation given by the person was true and, if believed by the police officer at the time, should have dispelled the officer's determination that the person engaged in malicious loitering.

(Ord. 2016-011. Passed 4/19/2016)

(h) Exhibit Permits. No person in a park shall fail to produce and exhibit any permit from the Director he claims to have upon request of any authorized person who desires to inspect the permit for the purpose of enforcing compliance with any ordinance or rule. Users must have a permit to exclusively occupy designated pavilions.

(i) Noise. Amplification Sound Systems, PA systems, amplified music are prohibited except with Director's approval. Revving the engine of a parked vehicle and playing music from a vehicle sound system to project into park areas is prohibited.

(j) Generators. Generators powered by gasoline or diesel are not permitted in any park unless authorized under 941.08 (c). (Ord. 2016-011. Passed 4/19/2016)

941.07 MERCHANDISING, ADVERTISING AND SIGNS.

(a) Vending and Peddling. No person shall, in a park, expose or offer for sale any article or thing, nor station or place any stand, cart or vehicle for the transportation, sale

or display of any such article or thing. Exception is here made as to any regularly licensed concessionaire acting by and under the authority and regulation of the Director. (Ord. 2211 §8. Passed 9/22/76.)

(b) Advertising. No person in a park shall announce, advertise or call the public attention in any way to any article or service for sale or hire, except as provided for in subsection (d) hereof.

(c) Signs. No person shall paste, glue, tack or otherwise post any sign, placard, advertisement or inscription whatever within a park, nor shall any person erect or cause to be erected any sign whatever on any public lands or highways or roads adjacent to a park, except as provided for in subsection (d) hereof.

(d) Exceptions. An organization may, upon application and written approval by the Director and in accordance with the following provisions and restrictions, erect, or cause to be erected, signs promoting the interests, services, or events of their sponsors:

- (1) Should any athletic or playing field be used by more than one organization, either concurrently or consecutively, then the Director shall be authorized to equally apportion areas for signs or may require an organization to remove all signs at the completion of the normal playing season.
- (2) Remuneration such as rental fees, if any, shall be a matter of private concern between the sponsor and the organization with no involvement whatsoever by the City or any of its officials thereof.
- (3) Council may, in any event, at any time, without regard to, and without incurring any liability whatsoever, direct that all signs erected be removed. The responsibility for removing signs shall be upon the organization erecting them. (Ord. 2462. Passed 3/18/75.)

#### 941.08 OPERATING POLICY

(a) Hours. Except for unusual and unforeseen emergencies, parks shall be open to the public every day of the year from dawn to dusk. Exception - The following will close at 11:00 P.M.: lighted baseball fields at Monocacy, lighted tennis and basketball courts at Sand Island, lighted athletic fields at Saucon, Golf Course Driving-Range. This does not pertain to the South Bethlehem Greenway. The Director is authorized to extend the hours for special events upon the request of any group or organization, provided such request is made at least forty-eight hours prior to the date of the special event. No individual shall enter any park area before dawn or after dusk, unless such individual has written permission of the Director. (Ord. 3010-Passed 9/3/85; Ord. 3426-Passed 8/6/91.)

(b) Closed Areas. Any section or part of any park may be declared closed to the public by the Director at any time and for any interval of time, either temporarily or at regular and stated intervals (daily or otherwise) and either entirely or merely to certain uses, as the Director shall find reasonably necessary.

(c) Permit. An Event Permit shall be obtained from the Director before establishing an organized park activity/event.

(1) Standards for issuance. The Director shall issue a permit hereunder when he finds that:

- (A) The proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park;
- (B) The proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation;
- (C) The proposed activity or use is not reasonably anticipated to incite violence, crime or disorderly conduct;
- (D) The proposed activity will not entail unusual, extraordinary or burdensome expense or police operation by the City;
- (E) The facilities desired have not been reserved for other use at the day and hour required in the application.

(2) Appeal. Within ten days after receipt of an application the Director shall apprise an applicant in writing of his reasons for refusing a permit, and any aggrieved person shall have the right to appeal in writing within ten days to Council, which shall consider the application under the standards set forth in subsection (c) (1) hereof and sustain or overrule the Director's decision within twenty-one days. The decision of Council shall be final.

(3) Effect of permit. A permittee shall be bound by all park rules and regulations and all applicable ordinances fully as though the same were inserted in permits.

(4) Liability of permittee. The person or persons to whom a permit is issued shall be liable for any loss, damage or injury sustained by any person or the City whatever by reason of the negligence of the person or persons to whom such permit has been issued.

- (5) Revocation. The Director shall have the authority to revoke a permit upon a finding of violation of any rule or ordinance, or upon cause shown. (Ord. 2211 §9. Passed 9/22/70.)

#### 941.09 ENFORCEMENT.

(a) Officials. The Director, the Police, and City park employees shall, in connection with their duties imposed by law, diligently enforce the provisions of this article.

(b) Ejectment. The Director, the Police and any City park employee shall have the authority to eject from the park any person acting in violation of this article.

#### 941.99 PENALTY.

Any person who violates any provision of this Article commits a Summary Offense and upon conviction shall be sentenced to pay a fine or to imprisonment, or both, at the discretion of the court, according to the following schedule:

- (a) First violation - A fine of \$200.00, or thirty days imprisonment, or both;
- (b) Second violation - A fine of \$500.00, or sixty days imprisonment, or both;
- (c) Third and each subsequent violation - A fine of \$1,000.00, or ninety days imprisonment, or both. (Ord. 3038. Passed 10/22/85; Ord. 3242. Passed 2/7/89.)

(Ord. 2014-33. Passed 11/18/14.)