

DAMASCUS TOWNSHIP
WAYNE COUNTY, PENNSYLVANIA
ORDINANCE NO. 2021-01

AN ORDINANCE PROVIDING FOR THE REGULATION AND PROTECTION OF DAMASCUS FOREST, A TOWNSHIP-OWNED PARK, FOR USE BY THE PUBLIC, AND FOR PRESCRIBING PENALTIES FOR VIOLATIONS.

BE IT ENACTED AND ORDAINED by the Township of Damascus, Wayne County, Pennsylvania, under the authority granted by the Pennsylvania Second Class Township Code, Act of May 1, 1933 (P.L. 103, No. 69), Reenacted and amended July 10, 1947 (P.L. 148 1, No 567), as amended; and it is hereby enacted and ordained by the authority of the same as follows:

SECTION 1 -- SHORT TITLE

This Ordinance shall be known and may be cited as THE DAMASCUS FOREST PARK REGULATION ORDINANCE OF DAMASCUS TOWNSHIP.

SECTION 2 -- PURPOSE

The purpose of this Ordinance is to regulate and enforce the use of Damascus Forest Park, located at 161 MacCubbins Road, in accordance with the policies and guidelines established at the time of acquisition of the land, and otherwise protect the general health, safety and welfare of the citizens of Damascus Township and any user of the Park.

SECTION 3 – INHERENT RISKS

The Damascus Forest Park was established for the use and enjoyment of the citizens of Damascus Township, and such visitors desirous of using the same. The Park consists of natural features as well as man made improvements, all of which have inherent risks which require all users to act with reasonable caution and awareness. Inclement weather conditions affect both the natural features as well as man made improvements, and additional caution and awareness may be warranted. All persons entering the Park and accessing its natural features and man made improvements must accept all risks posed, and use reasonable common sense as to whether the risk posed require an adjustment in activity, or under such circumstances, to refrain from engaging in some or any activities so as not to risk serious injury to the user and/or others.

SECTION 4 -- RESPONSIBILITY - NUISANCES DECLARED

It shall be the responsibility of any and all users of Damascus Forest Parks to abide by the provisions set forth in this ordinance, and all other Local, State and Federal laws. Violation of the following provisions are hereby declared to be public nuisances and the herein regulations shall be obeyed as herein provided:

SECTION 5 – SPECIFIC REGULATIONS

- A. RISK OF INJURY – Any and all visitors to Damascus Forest Park are using the property at their own risk. Damascus Township shall not be held responsible for any injury while using the Park property.
- B. HOURS OF OPERATION – Park is open from sunup to sundown.

- C. MOTOR VEHICLES – Motor vehicles shall be allowed in the designated parking area only, and specifically not allowed on any trails.
- D. PARKING – Park all vehicles in appropriate marked spaces if provided. No parking is authorized on or along the public road.
- E. RECREATIONAL VEHICLES – Dirt bikes, mopeds, bicycles, tricycles, all-terrain vehicles including but not limited to three-wheelers, four-wheelers, side-by-sides, etc., or any other wheeled conveyances or equipment, shall not be operated or used in the park outside the parking lot, with the exception of wheelchairs and handicapped vehicles with official placards.
- F. CONTROLLED SUBSTANCES – The sale, distribution, possession or consumption of intoxication, alcoholic or controlled substances are not permitted on Damascus Forest Park property (such as are now or may later be defined by Federal, State or Township Law, Act or Ordinance)
- G. LITTERING – Visitors shall remove any and all of their trash or litter which shall be transported offsite and properly disposed of in accordance with the laws of the Commonwealth of Pennsylvania, and any Township ordinances governing disposal.
- H. DISORDERLY PERSON – Persons shall behave in an orderly fashion and respect the rights of others. Abusive language or behavior is not allowed. Damage to any park property, including but not limited to, any facilities, parking areas, fences, vegetation, etc. shall be considered disorderly conduct.
- I. PARK ENTRANCES – Persons are expected to enter and leave the park through the access provided. No person or persons shall be authorized to trespass upon neighboring properties.
- J. PARK PROPERTY – Visitors are required to protect the equipment, buildings, plants, natural environment and fields for the enjoyment of all.
- K. OPEN BURNING – Open burning is prohibited.
- L. ANIMALS – All dogs, horses, cats and other animals are to be kept under control and not permitted to run loose. Additionally, all owners are responsible for the prompt and complete removal of their animal excretions.
- M. SKATEBOARDS – The use of skateboards on park property is not allowed
- N. SAFETY EQUIPMENT – Individuals participating in any sporting activity are advised to wear the proper safety protection and follow the recommended directions for proper use.
- O. NO CUTTING OF TREES AND SHRUBS
- P. NO HUNTING OR TRAPPING ALLOWED ON THIS PROPERTY – No hunting of any kind or animal trapping of any kind shall be allowed on the Damascus Forest Park Property; further, any person or persons actively hunting or trapping on the Damascus Forest Park property shall also be declared as defiant trespassers as said term is defined and enforced under the Pennsylvania Crimes Code.

SECTION 6 -- ENFORCEMENT

- A. The Board of Supervisors shall appoint an individual, agency or firm to serve as the Enforcement Officer, who shall be responsible for enforcing the terms of this Ordinance. The Enforcement Officer may also be the Township Zoning Officer. Further, any Law Enforcement Officer shall be authorized to enforce the provisions of the Ordinance.
- B. Violations may be cited as such and such violations shall be deemed as summary offences, for which appropriate Private Criminal Complaints or Police Criminal Complaints shall be filed with the Magisterial District Court.

SECTION 7 – VIOLATIONS

Any person or persons causing damage to or removing any building, fence, sign, tree, shrub, bush, or any other natural vegetation on the Park Property shall be subject to the penalties set forth in Section 8. Any person or persons violating any of the regulations set forth in Section 5 shall be subject to the penalties set forth in Section 8. Written notice of said violation shall set forth the date and nature of the violation or violations which shall be either served upon the person or persons or at their mailing address, via certified mail, return receipt requested.

SECTION 8 -- PENALTIES FOR VIOLATIONS

- A. Fine - Imprisonment - Any person, firm, partnership or corporation who or which shall violate any provision of this Ordinance shall, upon conviction thereof in summary proceedings before the District Justice, be sentenced to pay a fine of not less than One Hundred (\$100.00) dollars for the first offense; and not less than Two Hundred (\$200.00) Dollars for the second offense; and not less than Five Hundred (\$500.00) for each subsequent offense; and costs of prosecution, plus reasonable attorney's fees of not less than five hundred dollars (\$500.00). In default of the payment of such fine and costs, it shall be the duty of the District Justice to commit such person to the County Jail until such time as the fine and costs shall be paid, not exceeding, however, a period of thirty (30) days.
- B. Costs - In accord with Section 7 of this Ordinance, the Board of Supervisors may cause the order to repair or replace any damaged or removed items, or remove any trash, rubbish or junk items. The repair or replacement of any damaged items or removal of trash, rubbish or junk items shall be accomplished within twenty (20) days of the order. Should the violator not accomplish the repair, replacement or removal within the specified twenty (20) days, the Board of Supervisors shall cause the repair, replacement or removal, the cost and expense thereof, including, but not limited to, materials, labor, and legal fees, together with a penalty of twenty (20) percent, shall be collected from the violator in any manner provided by law. The recovery of such costs of abatement, together with the penalty, may be in addition to the penalty prescribed in Section 7,A.
- C. Other Remedies - In addition to any penalty therein provided, any person, persons, firm, partnership or corporation who or which shall violate any provision of this Ordinance shall be subject to any law or laws, of the Commonwealth of Pennsylvania, which affords a remedy for such violation in any court of the Commonwealth.

SECTION 9 -- SEVERABILITY

Should any section, subsection, clause, provision or other portion of this Ordinance be declared invalid by any court of competent Jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance the Board of Supervisors having adopted this Ordinance as if such invalid portions had not been included therein.

SECTION 10 – REPEALER

Any and/or all previous Damascus Forest Ordinances are hereby repealed.

SECTION 11 -- CONFLICTS

Should any provision of this Ordinance be in conflict with any other section, provision, regulation or standard of any other Township Ordinance, the more restrictive shall apply.

SECTION 12 -- EFFECTIVE DATE

This Ordinance shall become effective five (5) days after the adoption thereof.

ENACTED AND ORDAINED into law by the Board of Supervisors of Damascus Township,

Wayne County, Pennsylvania, this 19 day of April, 2021.

ATTEST: Melissa Haviland
Melissa Haviland, Secretary

Joseph K. Canfield
Joseph K. Canfield, Chairman

Daniel Rutledge
Daniel Rutledge, Vice-Chairman

Steven R. Adams
Steven R. Adams, Supervisor