

Part 1
USE OF PARK FACILITIES

§ 16-101. Application for Use. [Ord. No. 2018-07, 7/5/2018]

1. Application. Written application for the use of facilities or grounds must be completed on forms provided for that purpose and submitted to Upper Macungie Township ("Township") at the Township Office, 8330 Schantz Road, Breinigsville, Monday through Friday, 8:00 a.m. to 4:00 p.m., at least 30 days prior to the date of the requested use. Requests received less than 30 days prior to the event will be considered on a first-come basis and availability. Applicants requesting regular permits throughout the year need file only one application after January 1 of each calendar year. If the facilities are to be used by a group or organization, the application shall be made in the name of the organization and signed by an officer or authorized representative thereof. Any group, team or individual wanting to hold practice(s), games, tournaments, and/or camps must submit an application and receive approval for the use of the requested facility.
2. Availability. All applications for facilities are dependent upon the availability of the facilities. Applicants will be assigned space according to the order of receipt of application. Upper Macungie Township Municipal Departments shall have prior right to schedule and use all facilities. Should more than one applicant simultaneously make application for the same facility for the same date, the applicants shall be considered on the basis of the following priority:
 - A. Class A: Upper Macungie Township Municipal Departments.
 - B. Class B: Parkland School District.
 - C. Class C: Nonprofit community groups located within the geographic boundaries of Upper Macungie Township whose purpose is to provide a particular service to residents.
 - D. Class D: Nonprofit community groups located outside the geographic boundaries of Upper Macungie Township whose purpose is to provide educational or recreational service to their members.
 - E. Class E: All other groups, commercial organizations, businesses.

3. Insurance. All applicants shall assume all responsibility for damages, claims or liability of any kind arising out of, or by reason of, its use of park facilities, and further agree to save and hold the Township, the Upper Macungie Township Supervisors, its employees, agents, subcontractors and consultants harmless from any claims, liability, expense, or cost in connection with the use of park facilities. In addition, all applicants shall maintain general liability insurance for bodily injuries and property damage having coverage in the amount acceptable to the Township naming the Township, its officers, employees, agents and consultants as additional insureds. Proof of said insurance must be submitted to the Township.
4. Subletting. An applicant may not assign, sublet or transfer its right or privileges to any other individual, group or organization.
5. Fund-Raising. Events for the purpose of raising funds must be covered by a separate application and contract. Said application must be submitted 60 days in advance and the contract executed 30 days prior to the event.
6. Responsibility. Applicants shall designate one individual to be responsible for the use of the facility during occupancy. The designated individual shall be present during the time the facility is being used. If it is necessary to replace the designated individual, the applicant shall notify the Township immediately.
7. Expiration. The applicant's right to use a park facility shall expire automatically on the time and date stated on the application. If the application is for a use throughout the calendar year, it shall expire automatically at the end of calendar year.
8. Revocation. The Township may revoke permission if, in its judgment, proper use is not being made, or the facility is not being used, or misinformation has been received from the applicant for use of the park facility.
9. Payment. The fees are to be paid in full at the time the reservation form is submitted to the Township. A statement for additional service charges rendered shall be forwarded to the applicant within one week after the event. Payment shall be due upon receipt of the statement. Checks shall be made payable to Upper Macungie Township.
10. Cancellations. All cancellations by the applicant are required five working days in advance to receive full credit. Refunds will not be issued due to inclement weather or emergency closings.

§ 16-102. Limitations. [Ord. No. 2018-07, 7/5/2018]

1. Right To Deny. The Township maintains the right to deny the use of park facilities should the Township determine one of the following:
 - A. The applicant fails to conduct orderly meetings, programs and/or events.
 - B. The applicant's gatherings are of a nature to incite others to disorder.
 - C. The applicant conducts meetings, programs and/or events that are abusive of other groups by reason of race, creed, color, or religion.
 - D. The applicant fails to be in compliance with either the adopted youth standards for their sport or, when they are not available, the NYSCA Standards for Youth Sports.
2. Approved and Unapproved Uses.
 - A. Most park facilities may be approved for the educational, civic, social, recreational, and similar activities by nonprofit groups, citizens, and/or organizations.
 - B. Pavilions, facilities or grounds shall not be used for a purpose which is in violation of the laws of the Commonwealth of Pennsylvania and/or the ordinances of the Township.
 - C. Park facilities shall not be used for the financial gain of any individual(s), organization, or a private commercial enterprise.
 - D. Smoking or the use of tobacco is prohibited in all park buildings.
 - E. The use of illegal substances is prohibited.
 - F. No signs, banners, pennants, etc. shall be affixed either permanently or temporarily in or on park pavilions and/or Township property by any group except those associated with activities sponsored by the Township or as approved by the Township.
 - G. It is prohibited to use nails, screws, push pins, or staples to hang any decoration, sign, banner, pennant, etc. in any pavilion and/or structure. All decorations, signs, banners,

pennants, etc., are to be removed by the applicant immediately following the activity.

- H. No open flame decorations, firework properties or pyrotechnics equipment shall be permitted unless sponsored or specifically authorized by the Township.
- I. No camping or overnight parking is permitted on park property or Township-owned land.
- J. Any recreation equipment brought into any pavilion or facility to be used by the applicant must be approved by the Township.
- K. All park grounds shall be posted and are governed by these rules and regulations (unless noted otherwise herein).
- L. Organizations, camps, teams, businesses, or individual(s) can rent pavilions or fields for five or more consecutive days only at one-week intervals. The renting of pavilions or fields for five or more consecutive days for consecutive weeks is prohibited, unless the applicant is a designated Township recognized provider organization.
- M. Possession or use of alcoholic beverages in the parks is prohibited. Persons under the influence of intoxicating beverages shall not be permitted in the parks.
- N. With the exception of Township-approved educational programs, no animals shall be brought into the parks except domestic animals on a leash. Any person bringing a domestic animal into a park shall clean up all animal waste deposited by such animal.
- O. No person shall engage in any kind of gambling game at which money or other valuable property may or shall be played for, staked, or abetted upon, unless written permission is granted by the Township.
- P. No one is permitted to build an open fire, except permitted areas (charcoal grills). No person shall drop, throw or otherwise scatter lighted matches, burning cigarettes or cigars within any park area.
- Q. No one is permitted to carry any form of waste material, trash, paper or rubbish into any park for disposal. All waste material, trash, paper or rubbish generated within any park

must be deposited into designated waste receptacles or removed from park by said party, except where noted.

- R. No person shall injure, deface, remove, cut or damage any of the trees, plants, shrubs, turf, buildings, structures or fixtures, or any other Township-owned property located within a park.
 - S. No person shall gather or remove any wood, turf, soil, rock, sand, gravel or other materials stored at a park without the written permission of the Township.
 - T. No one is permitted discharge firearms, bow and arrow, air or spring rifles, slings, or other weapons in the parks. Hunting is not permitted within Township parks or Township-owned lands. The discharge of firearms within Township parks may occur at Township-approved memorial or veteran observations or ceremonies.
 - U. No person shall use profane language within a park, or conduct themselves in any lewd, immoral or commonly objectionable manner within a park, or conduct himself so as to annoy any other person using a park for recreational purposes.
 - V. No person shall set up any booth, table or stand, mobile or otherwise, for the sale of any article whatsoever, within the limits of a park, without the written permission of the Township.
 - W. The use of drones is prohibited.
 - X. No person is permitted to drive or chip golf balls within any park area unless the use is specifically permitted by the Township.
 - Y. All pavilion facilities have set assigned capacities, as determined by the Pennsylvania Department of Labor and Industry Standards. These capacities cannot be exceeded.
 - Z. Children under the age of 14 must be supervised by an adult when using park facilities.
3. Park Hours.
- A. Hours. All parks shall be open to the public during the hours of 7:00 a.m. to 9:00 p.m., unless otherwise posted by the Township.

- B. Athletic Fields. Athletic fields may be reserved for use from 7:00 a.m. to 9:00 p.m., April 1 to November 1.
- C. Emergency Closings. When facilities are closed for severe weather storms, other acts of God, or physical breakdowns in the facility, the scheduled use shall automatically be canceled.
- D. Fishing Exception. Apple Park shall be open to individuals lawfully engaged in fishing activities, 24 hours per day.

4. Motor Vehicles.

- A. All vehicles shall be operated only on roads, streets and driveways or other specifically designated areas and shall maintain a maximum speed limit of 15 miles per hour.
- B. Only licensed vehicles with licensed operators are permitted. No ATVs, minibikes, off-road vehicles, motorcycles, or snowmobiles are permitted.
- C. It is prohibited to wash vehicles within any Township-owned park.
- D. It is prohibited to make repairs to vehicles within any Township-owned park unless the repairs are made in an emergency situation.
- E. Vehicles may only be parked in specifically designated spaces or areas. All parks have specific spaces provided for the handicapped. Official Pennsylvania (or other states) handicapped license plates or placards are required to utilize these spaces.

5. Township-Owned Equipment.

- A. Arrangements for the use of Township and/or park equipment shall be made with the Township 30 days in advance of the event.
- B. All Township equipment shall be operated solely by Township employees.

§ 16-103. Damage and Theft. [Ord. No. 2018-07, 7/5/2018]

The applicant is responsible for any and all damage and/or destruction to or theft of park property and, should such damage or theft occur, the applicant shall immediately report the incident to the Township. The applicant will reimburse the Township for such damage, destruction, or theft at the replacement cost of the item(s).

§ 16-104. Splash Park Rules. [Ord. No. 2018-07, 7/5/2018]

1. Hours of Operation; Capacity and Access.
 - A. Seasonal hours of operation are: 10:00 a.m. to 7:00 p.m., weather permitting.
 - B. The splash park may be closed at any time for maintenance.
 - C. The maximum capacity of the splash pad is 75 people.
 - D. The use of a Township-issued pass card is required to access the splash park.
2. Prohibited Activities in the Splash Park Area.
 - A. No covering or inhibiting the flow of water fixtures or drains.
 - B. No carrying of dirt, mud, mulch, rocks, grass and/or sand onto the splash pad.
 - C. No climbing on splash park fixtures.
 - D. No running or rough play.
 - E. No animals, except for service animals.
 - F. No glass or food containers on the splash pad.
 - G. No bicycles, heelys (or other similar wheeled shoes), rollerblades, scooters, skates, and/or skateboards.
 - H. No electrical appliances are permitted.

§ 16-105. Crowd Control and Protection. [Ord. No. 2018-07, 7/5/2018]

1. The applicant shall be responsible for the conduct of participants and spectators attending any scheduled event and shall be solely responsible for making adequate provisions in order to ensure crowds are properly controlled.
2. Should the Township, at its discretion, determine that police protection is necessary to provide crowd control, it shall be the applicant's sole responsibility to secure and pay for said police protection.

§ 16-106. Right to Alter or Amend Rules and Regulations. [Ord. No. 2018-07, 7/5/2018]

1. The Township, at its discretion, reserves the right to alter or amend these rules and regulations governing the use of park buildings, facilities and grounds.
2. All activities are subject to the review of the Township of Upper Macungie Park and Recreation Board. A permit can be obtained at the Township Manager's office. Request for exceptions to foregoing rules and regulations will be directed to the Township Manager.