

**LOWER SAUCON TOWNSHIP
NORTHAMPTON COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2011-04

AMENDMENTS TO THE CODE OF THE TOWNSHIP OF LOWER SAUCON

AN ORDINANCE OF THE TOWNSHIP OF LOWER SAUCON, NORTHAMPTON COUNTY, PENNSYLVANIA, AMENDING AND REVISING THE CODE OF THE TOWNSHIP OF LOWER SAUCON BY REVISING CHAPTER 118 TO INSERT SECTION 118 – 3.1 (SAUCON RAIL TRAIL PROHIBITED ACTS); CLARIFYING THE RULES AND REGULATIONS FOR USE OF THE LOWER SAUCON TOWNSHIP PORTION OF THE SAUCON RAIL TRAIL; AND REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT WITH THE PROVISIONS CONTAINED HEREIN

WHEREAS, Lower Saucon Township is a Township of the Second Class, Optional Plan, located in Northampton County, Commonwealth of Pennsylvania; and

WHEREAS, the Township of Lower Saucon adopted Ordinance #98-17 on May 20, 1998, enacting the Code of the Township of Lower Saucon (hereinafter referred to as the “Code”); and

WHEREAS, the Council of Lower Saucon Township desires to amend the Code of the Township of Lower Saucon to insert Section 118 – 3.1 (Saucon Rail Trail Prohibited Acts) to clarify the rules and regulations for use of the Lower Saucon Township portion of the Saucon Rail Trail.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Council of the Township of Lower Saucon, Northampton County, Commonwealth of Pennsylvania, that the provisions of the Code of the Township of Lower Saucon are hereby amended as follows:

SECTION 1. AMENDMENT TO CHAPTER 118 (PARKS AND RECREATION), SECTION 118 - 3.1 (SAUCON RAIL TRAIL PROHIBITED ACTS).

Chapter 118, Section 118 – 3.1 of the Code is hereby added and inserted into the Code as follows:

§ 118 – 3.1 Saucon Rail Trail Prohibited Acts.

No person shall commit any of the following acts while using the Lower Saucon Township portion of the Saucon Rail Trail:

1. Using the Saucon Rail Trail, for any purpose, between dusk of each day and dawn of the next day. The Saucon Rail Trail shall be open for use by the public every day of the year, but only between dawn and dusk of each day.
2. Persons utilizing the Saucon Rail Trail shall use the designated trail area only and shall not trespass on private property.

3. Commit any disorderly act. A person is guilty of committing a disorderly act if, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, he (1) engages in fighting or threatening, or in violent or tumultuous behavior; makes unreasonable noise; uses obscene language, or makes an obscene condition by any act which serves no legitimate purpose of the actor.
4. Being visibly intoxicated.
5. Consuming any alcoholic beverages.
6. Throwing or propelling stones or missiles of any kind.
7. Hitting or driving golf balls.
8. Permitting animals of any kind to be within, along, or adjacent to the Saucon Rail Trail whether or not under control or leash. Dog walking on a leash shall be permitted. It shall be the responsibility of all canine owners to collect and properly dispose of their canine's feces.
9. Throwing, depositing or draining any offensive or unwholesome substances or liquids of any kind or depositing or throwing any paper, fruit, food, refuse or lunch baskets within, along, or adjacent to the Saucon Rail Trail except in receptacles provided for that purpose.
10. Uttering loud, profane, offensive or indecent language.
11. Writing, painting, carving, or otherwise defacing or disfiguring any tree, bench or other structure.
12. Carrying, setting off, or discharging any firearms, air rifles, air pistols, sling shots or fireworks, including sparklers.
13. Operating a licensed motorized vehicle on the Saucon Rail Trail other than on the parking areas within, along, or adjacent to the Saucon Rail Trail.
14. Operating an unlicensed motorized vehicle. Motorized wheelchairs and Segways shall be permitted.
15. Operating a licensed motorized vehicle on the paved roadways or parking areas of said recreation places at a speed in excess of ten (10) miles per hour.
16. Obstructing, in any way, either totally or partially, any of the paths or roadways located within, along, or adjacent to the Saucon Rail Trail.
17. Picking or carrying any flowers, shrubs or trees growing or located within, along, or adjacent to the Saucon Rail Trail.
18. Carrying any axe, saw, picks, shovels, hoes or spades.
19. Posting or displaying any sign, banner, or advertisement of a political or commercial nature.
20. Injuring or destroying any wildlife.
21. Playing baseball, tennis, football or any other game or sport at a place not designated for that purpose.
22. Violating any regulations relating to the use of any building or place.
23. Defacing, writing upon, or mutilating any notice posted within, along, or adjacent to the Saucon Rail Trail by order of Lower Saucon Township officials.
24. Entering or leaving the Saucon Rail Trail by motor vehicle except at the establishing and designated ways of entrance and exit.
25. Pulling, injuring or breaking any flowers, fruits, plants, trees, grass, shrubs, turf, pump or water fixtures or any other structure.
26. Any sound amplification devices used in the park area must be in accordance with Township Nuisance Ordinance No. 78-5.
27. Smoking is not permitted on the Saucon Rail Trail.

SECTION 2. VIOLATIONS AND PENALTIES.

The Violation and Penalty provisions of the Code, where not revised herein, shall remain unchanged.

SECTION 3. SEVERABILITY.

The provisions of this Ordinance are severable. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, illegal, or otherwise invalid, such decision

04/15/11 Draft
05/04/11 Final

shall not affect the validity of the remaining provisions of this Ordinance. The Council of Lower Saucon Township hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional, illegal, or otherwise invalid.

SECTION 4. REPEALER

All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 5. EFFECTIVE DATE.

The provisions of this Ordinance shall become effective five (5) days after adoption.

ENACTED and **ORDAINED** this 4th day of May, 2011.

ATTEST:

LOWER SAUCON TOWNSHIP

Jack Cahalan
Township Manager

Glenn C. Kern
Council President