TOWNSHIP OF WASHINGTON  
FRANKLIN COUNTY, PENNSYLVANIA

ORDINANCE NO. 239

AN ORDINANCE OF THE BOARD OF SUPERVISORS  
OF THE TOWNSHIP OF WASHINGTON, FRANKLIN  
COUNTY, PENNSYLVANIA, AMENDING THE CODE  
OF THE TOWNSHIP OF WASHINGTON TO  
AUTHORIZE THE ESTABLISHMENT OF RULES AND  
REGULATIONS BY RESOLUTION FOR CONDUCT AT  
AND USE OF THE HAPPEL'S MEADOW WETLANDS  
AND THE MONTEREY PASS BATTLEFIELD PARK.

WHEREAS, the Township of Washington, Franklin County, Pennsylvania, is  
the owner of two certain parks commonly referred to as the "Happel's Meadow  
Wetlands" located at 14500 & 14505 Buchanan Trail East and "Monterey Pass  
Battlefield Park" at 14325 Buchanan Trail East in the Township of Washington,  
Franklin County, Pennsylvania; and

WHEREAS, said parks were acquired by the Township of Washington for the  
benefit and pleasure of the residents of the Township of Washington, Franklin  
County, Pennsylvania, and all persons who might use the same; and

WHEREAS, the Board of Supervisors of the Township of Washington, Franklin  
County, Pennsylvania, in order to make sure all persons who might use the Happel's  
Meadow Wetlands and the Monterey Pass Battlefield Park will be able to enjoy the  
parks, deem it necessary to establish rules and regulations from time to time to  
govern all activities at the parks; and

WHEREAS, Section 2203 of the Pennsylvania Second Class Township Code  
(53 P.S. § 67203) authorizes the Township of Washington Board of Supervisors to  
establish regulations for parks by Ordinance.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, and it is enacted  
and ordained by the Board of Supervisors of this Township as follows:

SECTION 1. The Code of the Township of Washington (hereinafter “Code”) is  
amended by the addition of the following Article VI to Chapter 232 of the Code  
entitled, "Happel's Meadow Wetlands and Monterey Pass Battlefield Park":

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SECTION 232-25. Purpose. The Happel's Meadow Wetlands and the Monterey Pass Battlefield Park are for the benefit and pleasure of the residents of the Township of Washington, Franklin County, Pennsylvania, and all persons who use the parks shall do so in accordance with rules and regulations that may be adopted, from time to time, by resolution of the Board of Supervisors.

SECTION 232-26. Hours for Happel's Meadow Wetlands. The Happel's Meadow Wetlands shall be closed from sunset prevailing time, until sunrise, prevailing time. All persons found within the wetlands between these hours shall be subject to the penalties herein provided by this Article unless they have secured written permission from the Chairperson of the Board of Supervisors, or their representative, to be in and use the said park during the time that the park is closed.

SECTION 232-27. Hours for Monterey Pass Battlefield Park. The Monterey Pass Battlefield Park shall be closed from sunset prevailing time, until sunrise, prevailing time. All persons found within the Park between these hours shall be subject to the penalties herein provided by this Article unless they have secured written permission from the Chairperson of the Board of Supervisors, their representative, the Chairperson of the Friends of the Monterey Pass Battlefield, Inc. Board, their representative, or the Battlefield Historian to be in and use the said park during the time that the park is closed.

SECTION 232-28. Rules and Regulations. The Board of Supervisors is hereby authorized to adopt by resolution rules and regulations for the Happel's Meadow Wetlands and the Monterey Pass Battlefield Park, from time to time, as the Board of Supervisors deems necessary. This Article and any amendments thereto and all rules and regulations established pursuant to this Article or its amendments shall be posted at the Happel's Meadow Wetlands and the Monterey Pass Battlefield Park subject hereto. Any person found to be violating any of the general provisions of this Article or its amendments or any rules or regulations established pursuant to this Article shall be considered to have constructive knowledge of both this Article and its amendments and the rules and regulations and may be considered to be a defiant trespasser pursuant to applicable provisions of the Crimes Code.

SECTION 232-29. Violations and Penalties. Any person who violates or permits the violation of this Article, any amendments hereto, or any rules and regulations established pursuant to this Article, shall, upon being found liable therefore in an action brought before a district justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, pay the fine set by the Board of Supervisors plus all court costs, including reasonable attorney fees, incurred by the municipality in any enforcement proceeding. The municipal solicitor may assume charge of the prosecution without the consent of the District Attorney as required under Pa. R. Crim. P. No. 83(c) (relating to trial and summary cases). Violations of this ordinance shall be punishable by a fine of not less than $50 or more than $600. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each
section of the ordinance, its amendments, or the rules and regulations promulgated pursuant hereto, which is found to have been violated.

SECTION 232-30. Enforcement. The provisions of this Article may be enforced by the Washington Township Police Department or its deputies, and/or the Code Enforcement Officer or his deputy.

SECTION 2. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holdings shall not affect the validity of the remaining portions hereof.

SECTION 3. Savings and Repealer. Any Code provisions inconsistent with the provisions of this Ordinance are hereby repealed. All other Code provisions not in conflict with this Ordinance shall remain in full force and effect.

SECTION 4. Effective Date. This ordinance shall become effective five (5) days after adoption hereof.

ENACTED AND ORDAINED this 5th day of March, 2012 by the Board of Supervisors of the Township of Washington, Franklin County, Pennsylvania, in lawful session duly assembled.

ATTEST:

BY Karen S. Hargrave, Secretary

BY Jeffrey B. Geesaman, Chairman