

*****ADOPTED DECEMBER 6, 2021*****

TOWNSHIP OF DELANCO

ORDINANCE 2021-21

**AMENDING THE TOWNSHIP CODE AT
CHAPTER 216 GOVERNING “PARK REGULATIONS”
TO CLARIFY PROVISIONS ON PASSIVE PUBLIC AREAS**

WHEREAS, Chapter 216 governs “Park Regulations” and includes regulations on “Passive Public Areas,” which primarily include street ends along the Rancocas Creek and Delaware River; and

WHEREAS, the current language of Section 5.1 references application of certain prohibited activity to “Passive Public Areas,” but the language contained within specific prohibitions could be read to not clearly apply these Passive Public Areas, although that was what was intended; and

WHEREAS, the Township Committee of the Township of Delanco desires to amend Chapter 216-5.1 to clarify the provisions to ensure their application to Passive Public Areas.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Township Committee of the Township of Delanco that the Township Code be and hereby is amended at Chapter 216 governing “Park Regulations”:

Section 1. Chapter 216 governing “Park Regulations” is hereby amended as follows:

§216. Park Regulations.

§216-5.1. Regulations.

The following regulations shall govern all active park property, passive park property and passive public area, as defined above, collectively referred to below as “public property”:

- A. There is hereby established a speed limit of 10 miles per hour for all vehicles. Vehicles shall be restricted to designated parking lots and drive aisles.
- B. No person shall possess or consume alcoholic beverages, drugs, drug paraphernalia or narcotics within park public property. ~~Tobacco use is not permitted on park public property.~~
- C. Visitors/users must obey all posted park public property regulations. Use of the park public property is done at the visitor's/user's own risk. All visitors/users shall comply

with all applicable laws with regard to the activities they are conducting on ~~park~~ public property.

- D. The use of ATVs, motorcycles, or other motorized off-road vehicles on ~~park~~ public property is strictly prohibited.
- E. No equipment may be used and/or activity be permitted to be conducted in such a manner as to create a public safety hazard and/or nuisance.
- F. Metal detecting is not permitted within 100 feet of any building or facility. Recovery tools may only cause minimal disturbance and digging may not exceed six inches in depth. Disturbed areas must be restored to their original condition. Articles found that are of apparent historic or personal significance such as artifacts or jewelry must be turned into the Delanco Township municipal office.
- G. There shall be no commercial uses of ~~park~~ public property except as permitted in writing or by formal action of the Township Committee. No signs or notices may be posted, nor advertisements distributed, nor shall there be any begging, soliciting, selling or attempts to commit such acts, without the written permission of the Township Committee.
- H. No person shall engage in any behavior, conduct, noisemaking or use of language which disrupts, interferes with, is unduly annoying to or prevents the enjoyment or maintenance of ~~park~~ public property by other visitors or municipal personnel. No public address/loudspeaker systems may be used without written permission or formal action from the Township Committee.
- I. No person shall block, obstruct or interfere with vehicular or pedestrian traffic on any road, parking area, trail, walkway, pathway or common area, nor shall he/she occupy or interfere with access to any structure or improvement in a manner which interferes with its intended use by visitors or municipal personnel. Vehicle parking must be in designated parking areas only.
- J. All persons shall be clothed sufficiently to conform with commonly accepted standards of dress or recreational wearing apparel. No person shall change clothes or disrobe on ~~park~~ public property. All public urination and defecation is prohibited.
- K. No animals shall be permitted within the Field of Dreams Park on Creek Road. In all other ~~parks~~ public property, dogs and cats must be kept on a physical leash up to six feet in length and under the owner's control at all times. No domestic animal shall be permitted to run at large, either with or without a keeper. Keepers of dogs and cats must

promptly clean up, remove, and properly dispose of their animals' excrement discharged on ~~park~~ public property. Other than dogs and cats, no other animals, including horses, are permitted on ~~park~~ public property.

- L. Animal owners shall be responsible for their animal's behavior, and shall remain strictly liable for any nuisance, noise, damage or injury caused by their animal.
- M. No animal, reptile or bird, wild or domestic, may be released onto or into ~~park~~ public property. Only licensed wildlife rehabilitators, after receiving written permission from the Township Committee, shall release wildlife within or into ~~park~~ public property. Exotic, nonnative species are strictly prohibited. No animal, reptile or bird may be fed, disturbed, or taken from ~~park~~ public property.
- N. No person shall plant, pick, dig, mutilate, injure, destroy or remove any vegetation, soil or water from ~~park~~ public property without written authorization to do so, except as expressly permitted under subsection (F) above.
- O. Passive ~~P~~ark property will have an established trail system, and visitors/users shall confine their activity to the established trails and are prohibited from using passive park property off trail, if such trail system exists.
- P. No fires are permitted on ~~park~~ public property.
- Q. Visitors/users shall not use ~~park~~ public property as a motorized watercraft launch or dock. Visitors/users are prohibited from swimming in the Delaware River off ~~park~~ public property or on any other body of water or creek on ~~park~~ public property. No ice skating is permitted on ~~park~~ public property.
- R. No firearms, bows or the like are permitted to be possessed or used on ~~park~~ public property. No hunting or trapping is permitted on ~~park~~ public property. No paintball guns or activity is permitted on ~~park~~ public property.
- S. No person shall possess, discharge or set off within any ~~park~~ public property any firecrackers, torpedoes, rockets or other fireworks.
- T. Visitors/users shall not litter, deface or otherwise damage ~~park~~ public property.
- U. Group activities:

(1) No group shall use ~~park~~ public property without first obtaining a group use permit. Group use shall be limited to designated areas. Adult supervision of children's groups is required at all times.

(2) Groups that wish to picnic in a reservable area will be required to obtain a permit. Open grove areas are for small group picnics consisting of less than 50 persons and do not require a permit. There will be no alcohol permits issued for picnics using the open grove areas.

(3) No persons shall call or hold any meetings, walks, footraces, charitable or special events or give any concert or public entertainment of any kind within ~~park~~ public property without first having obtained written permission in advance from the Township Committee no later than one month before the proposed date of use.

(4) No person shall use loudspeakers, public address systems or amplifiers within any ~~park~~ public property without first having obtained written permission in advance from the Township Committee. Nor shall any portable radio, tape player, compact disc player or musical instrument be played in such a manner as to create a nuisance.

(5) Public assemblies, meetings, demonstrations, religious activities, the sale and distribution of printed matter, and other public expressions of views conducted under the First Amendment of the Constitution of the United States and the State of New Jersey upon the lands of any ~~park~~ public property are permitted, provided that a permit has been issued by the Township Committee or duly designated representative. To ensure public safety and the protection of ~~park~~ public property resources and values and to avoid assigning the same location and time to two or more activities, the Township may manage these activities by regulating the time, location, number of participants, use of facilities, and number and types of equipment to be used, but not the content or message.

V. Refuse:

(1) No person shall leave bottles, broken glass, ashes, wastepaper or other rubbish, as defined in § 216-1, within ~~park~~ public property, except in a properly provided receptacle designated for that purpose.

(2) No person shall bring into ~~park~~ public property any household garbage or rubbish or other debris for the purpose of disposing those items in ~~park~~-provided receptacles intended for use by ~~park~~ patrons.

(3) No person shall throw or place any dirt, stone, rock debris, foreign substance or rubbish into or upon any ~~park~~ public property or in any lake, river or lagoon within or bordering upon land of ~~park~~ public property.

(4) No person shall throw, cast, lay, drop or discharge into or allow to remain in the water of any ~~park~~ public property or any tributary, brook, stream, storm sewer or drain flowing

into said waters any substance, matter or thing which may or shall result in the pollution of said waters.

W. Restricted uses and areas:

(1) No person shall coast with handsleds, bobs, carts, skateboards or other vehicles or wheels or runners or use radio-controlled devices such as, but not limited to, boats, remotely piloted aircraft, model airplanes, drones and cars except in areas and during times designated and posted for this purpose by the Township.

(2) No person shall transport, use or operate motorized or mechanical carnival rides and dunk tanks on ~~park~~ public property. The use of certain forced-air rides for group use requires written permission by the Township.

(3) No person shall strike golf balls or swing golf clubs within any ~~park~~ public property.

(4) No person shall bathe in any pond, stream, river or other body of water within or bordering any ~~park~~ public property unless it has been designated and posted for this purpose by the Township.

(5) The use of manned powerless flying objects or devices, either for landing or taking off, shall not be permitted in any ~~park~~ public property unless it has been specifically designated and posted for this purpose or special permission has been granted by the Township.

(6) No person shall solicit alms or contributions for any purpose.

~~(7) No raw meat, fish or poultry shall be brought to any Township park public property and cooked on any cooking apparatus unless such meat, fish or poultry is grille-ready.~~

(7) No grilling or cooking of any kind shall be permitted on any Township public property; however, this provision shall not apply to the Township, the Township's recognized youth sports organization, or Delanco Chapters of the Boy Scouts/Girl Scouts, or the like.

(8) No person shall smoke or use any smoking products. This shall include but not be limited to the use of any tobacco, cannabis, cbd, or vaping products and the like, the use of, ~~which include but are not limited to smoking (e.g., cigarettes, pipes, cigars, e-cigarettes, vaporize cigarettes, and the like etc.)~~ and/or the use of smokeless tobacco, cannabis, cbd products or the like, such as snuff, chew, gummies, tinctures, or the like. (e.g., snuff, chew, etc.) within any building, or within 25 feet of the following: ~~playgrounds, athletic courts, athletic fields, off leash dog areas, and buildings. Nor shall~~

~~any person use any tobacco product in a manner that creates a nuisance or unsafe condition within park public property.~~

X. Commercial uses:

(1) No person shall cut, carve, paint, mark, paste or fasten on any tree, fence, wall, building, monument or other object within any ~~park~~ public property any bill, advertisement or inscription. Nor shall any person distribute, cast, throw or place any handbill, pamphlet, circular, advertisement or notice of any kind within any ~~park~~ public property.

(2) No person shall tell fortunes, play at games of chance or use any gambling device within any ~~park~~ public property except as provided by special permission of the Township.

Y. Vehicles and parking:

(1) No person shall park or store any motorcar, motorcycle, bicycle, wagon or other vehicle within any ~~park~~ public property except in areas designated and posted for such purposes. Parking areas and thoroughfares are limited to use by ~~park~~ patrons only and for the purpose of driving to park a vehicle.

(2) No person shall set or place, or cause to be set or placed, any goods, wares or merchandise or property of any kind as to obstruct travel within any ~~park~~ public property.

(3) No person shall enter any part of ~~park~~ public property or ~~park~~ roads therein with a commercial vehicle or a vehicle with a gross weight in excess of five tons except in the service of or by permission of the Township.

(4) No person shall use ~~park~~ public property drives or parkways within any ~~park~~ public property for the purpose of demonstrating any vehicle or for the purpose of instructing another to drive or operate any vehicle or for learning to drive or operate any vehicle.

(5) No person shall attempt to stop, or signal any vehicle for the purpose of soliciting a ride from, the driver of such vehicle.

(6) The cleaning, waxing or repairing of vehicles is not permitted within any ~~park~~ public property, except in the case of absolute emergency.

(7) No person shall cause or permit a vehicle in tow to enter any ~~park~~ public property or proceed therein, except in the case of a breakdown or disabled vehicle, the vehicle may be towed to the nearest exit. Nor shall any person operate or drive a vehicle containing any person or object projecting or hanging outside of or beyond the side or rear of said vehicle.

(8) Nothing contained in this vehicle/parking rule and regulation shall apply to the vehicles, trucks and apparatus of a fire department, police department or ambulance, or to emergency vehicles of the Township when responding for emergency work in case of fire, accident, public disaster, impending danger or emergency.

Z. Disorderly persons:

(1) No person shall interfere with or in any manner hinder any agent, employee or officer of the ~~Office of Parks and Recreation~~ or the municipality while engaged in constructing, repairing or caring for any ~~park~~ public property or interfere with any improvements being made within or about ~~park~~ public property.

(2) No person shall remain within any ~~park~~ public property who does not abide by conditions adopted and posted by the Township for the preservation of good order and the protection of property within ~~park~~ public property; and no person shall remain within ~~park~~ public property who does not abide by the instructions and directions of duly authorized officers or agents of the Township in the lawful performance of their duties. Any person directed by an agent or officer of the Township to leave ~~park~~ public property shall do so promptly and peaceably.

(3) No person shall harass, obstruct, molest, assault or interfere with any person lawfully within ~~park~~ public property or resist, obstruct, molest, assault or interfere with any agent, employee or officer of the Township.

(4) No person shall use threatening, abusive, boisterous, insulting or indecent language or gesture within any ~~park~~ public property, nor shall any oration, harangue, public demonstration or any nuisance be made.

(5) No person shall possess any weapon capable of lethal use or of inflicting serious bodily injury within any ~~park~~ public property.

(6) No person shall cut, carve, paint, mark, paste or fasten any inscription or depiction on, or damage by any means, any tree, fence, wall, building, monument or other object within a ~~Township park~~ public property.

Section 2. Repealer, Severability, and Effective Date.

Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.

Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares it's intent that the balance of the Ordinance not affected by said invalidity shall remain

in full force and effect to the extent that it allows the Township to meet the goals of the ordinance.

Effective Date. This Ordinance shall take effect upon proper passage and approval in accordance with the law.