

## TITLE SEVEN - Parks and Hamilton Street Regulations

### 951 Park Regulations 961 Hamilton Street

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#### ARTICLE 951 Park Regulations

- 951.01 Purpose
  - 951.02 Applicability
  - 951.03 Construction
  - 951.04 Definitions
  - 951.05 Structures, Plants, Trees, Earth, Rubbish
  - 951.06 Feeding of Water Fowl Prohibited (13824 §1 4/24/00)
  - 951.07 Release of Birds, Animals or Fish Prohibited (13824 §1 4/24/00; 15429 § 3/14/18)
  - 951.08 Dogs (15429 § 3/14/18)
  - 951.09 Vehicles (15429 § 3/14/18)
  - 951.10 Firearms, Weapons, Tools (15429 § 3/14/18)
  - 951.11 Explosives and Fireworks (15429 § 3/14/18)
  - 951.12 Advertising, Assemblages, Entertainment (15429 § 3/14/18)
  - 951.13 Sale of Merchandise Prohibited (15429 § 3/14/18)
  - 951.14 Fires; Ignitable and Combustible Materials (15429 § 3/14/18)
  - 951.15 Alcoholic Beverages, Controller Dangerous Substances, Solicitation and Gambling (15429 § 3/14/18)
  - 951.16 Miscellaneous Conduct (15429 § 3/14/18)
  - 951.17 Swimming (15429 § 3/14/18)
  - 951.18 Closing Hours (15429 § 3/14/18)
  - 951.19 Passive Parks (15429 § 3/14/18)
  - 951.20 Permits (15429 § 3/14/18)
  - 951.21 Reservations (15429 § 3/14/18)
  - 951.22 Authority to Close (15429 § 3/14/18)
  - 951.23 Enforcement (15429 § 3/14/18)
  - 951.95 Regulations
  - 951.98 Severability
  - 951.99 Penalty
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#### 951.01 PURPOSE

The purpose of this ordinance is to provide rules and regulations for the use or conduct in the parks and recreation areas of the City. (Bill 7, 1904; 9918 [Repealed]; 11866 §1 3/16/72; 11995 §1 2/21/73; 12202 §1 8/18/76; 13062 §1 7/13/91)

#### 951.02 APPLICABILITY

This ordinance shall apply in all parks and recreation areas under the jurisdiction of the City, unless expressly exempted. For the issuance of permits, temporary designations, authorizations, granting of approval and other actions, the approving governing agency shall be the Department of Parks and Recreation. (Director of Parks and Recreation or designee.) (15298 §1 7/20/16)

#### 951.03 CONSTRUCTION

No provision hereof shall make unlawful any act necessarily performed by any officer or employee of the city in line of duty or work as such, or by any person, their agent or employees, in the proper and necessary execution of the terms of any agreement with the City.

#### 951.04 DEFINITIONS

1. **Informal group:** Casual. Unstructured, spontaneous gathering, i.e. a pick up game. (15429 § 3/14/18)
2. **Pick-up game:** In sports – a game that has been spontaneously started by a group of random people or with friends. Pick-up games are played without official notice. There are no officials, team names, leagues or uniforms. (15429 § 3/14/18)
3. **Notice of violation:** a written document issued to a person in violation of a city ordinance which specifies the violation and contains a directive to take corrective action within a specified time frame or face further legal action. (15429 § 3/14/18)
4. **Person:** Any natural person, corporation, company, association, joint stock association, firm or co-partnership. (15429 § 3/14/18)
5. **Public Officer** is defined as any police officer, authorized inspector, or public official sworn to enforce the City Ordinances. (15429 § 3/14/18)
6. **Stopping or Standing:** When prohibited means any cessation or movement of a vehicle occupied or not, except when necessary to avoid conflict with pedestrians or other traffic including horses and bicycles. (15429 § 3/14/18)
7. **Vehicle:** Any conveyance, except baby carriages and motorized wheelchairs including motor vehicles, buses, trailers of all types, campers, tricycles, bicycles, motorized or not, sleds, sleighs, snowmobiles, all-terrain vehicles (ATV), electric-power-driven mobility devices (EPDMDs), pushcarts, or vehicles, propelled by the other than muscular power. Also any horse or horsedrawn conveyance. (15429 § 3/14/18)
8. **Roads:** A wide way leading from one place to another, especially one with a specially prepared surface that vehicles can use. (15429 § 3/14/18)
9. **Multi-use Shared Path:** A path that has been designed primarily for use by bicyclists and pedestrians, including pedestrians with disabilities, for transportation and recreation purposes. (15429 § 3/14/18)
10. **Vending:** Selling or trading any item or service. (15429 § 3/14/18)
11. **Violation Ticket** is defined as a ticket issued by a police officer or public officer to a person who violates a provision of this Article. (15429 § 3/14/18)
12. **Electric Power-Driven Mobility Device (EPDMD):** Any mobility device powered by batteries, whether or not designed primarily for use by individuals with mobility disabilities – that is used by individuals with mobility disabilities for purposes of locomotion, including golf carts, electronic personal assistance mobility devices (EPAMDs), such as the Segway PT, or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair, (15429 § 3/14/18)

## **951.05 STRUCTURES, PLANTS, TREES, EARTH, RUBBISH**

It shall be unlawful for any person in a public park or recreation area to:

A. Except by permit, mark, deface, disfigure, injure, tamper with or displace or remove any buildings, bridges, tables, benches, fireplaces, railings, pavings or paving materials, water lines or other public utilities or parts of appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, sculptures, stakes, posts, or other boundary markers, or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal.

B. Fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition. No person over the age of six (6) years shall use the restrooms and washrooms designated for the opposite sex.

C. Except by permit, dig or remove any soil, rock, sand, stones, trees, shrubs or plants or other wood or materials, or make any excavation by tool, equipment, blasting or other means or agency.

D. Construct or erect any building or structure of whatever kind, whether permanent or temporary, or run or string any public service utility into, upon, or across such lands, except on special written permit issued hereunder.

E. Except by permit, damage, cut, carve, mark, transplant or remove any plant or injure the bark, or pick flowers or seed of any tree or plant, dig in or otherwise disturb grass areas, or in any other way injure the natural beauty or usefulness of any area.

F. Climb any tree or walk; climb, stand or sit upon monuments, sculptures, vases, planters, fountains, railings, fences or upon any other property not designated or customarily used for such purpose.

G. Except by permit, attach any rope or cable or other contrivance to any tree, fence, railing, bridge, bench, or other structure.

H. Throw, discharge, or otherwise place or cause to be placed in the waters of any fountains, pond, lake, stream or other body of water in or adjacent to any park or any tributary, stream, storm sewer, or drain flowing into such water, any substance, matter of thing, liquid or solid, which will or may result in the pollution of said waters.

I. Take into, carry through, or put into any park, any rubbish, refuse, garbage or other material. Such refuse and rubbish shall be deposited in receptacles so provided. Where receptacles are not provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere.

J. Hunt, molest, harm, frighten, kill, trap, pursue, chase, tease, shoot or throw missiles at any creature; nor shall one remove or have in one's possession the young of any wild animal, the eggs or nest, or young wild creature.

K. Ride a horse except on designated bridle trails; horses shall be thoroughly broken and properly restrained, and ridden with due care, and shall not be allowed to graze or go unattended. (15429 § 3/14/18)

L. Dig for fishing bait. (15429 § 3/14/18)

M. Operate any motorized model aircraft or boats except by permit. (15429 § 3/14/18)

N. Operate a snowmobile. (15429 § 3/14/18)

#### **951.06 FEEDING OF WATER FOWL PROHIBITED**

No person shall feed any water fowl in the City's parks and the Municipal Golf Course. (13824 §1 4/24/00)

#### **951.07 RELEASE OF BIRDS, ANIMALS OR FISH PROHIBITED**

No person shall release domestic waterfowl or any other bird, animal or fish in the City's parks and Municipal Golf Course. (13824 §1 4/24/00)

#### **951.08 DOGS (15429 § 3/14/18)**

It shall be unlawful for any person in a public park or recreation area to walk a dog without a leash in parks or areas within parks where dogs are permitted, unless designated for the conduct of such activity. Any leash utilized is to be no longer than six 6" feet. (15429 § 3/14/18)

A. Dogs are allowed off-leash in the fenced area that comprises the Dixon Street Dog Park within Trout Creek Park, with a valid permit, subject to the rules and regulations approved by City Council. (15429 § 3/14/18)

B. Rules for the use of Dixon Street Dog Park: (15429 § 3/14/18)

1. Off leash dog park hours: Sunrise until Sunset. (15429 § 3/14/18)

2. Use of the dog park is at your own risk. Dog owners/handlers are solely responsible for the actions and behavior of their dogs at all times and assume all liability for damages suffered by any person or dog injured by the members' dog(s) whether or not such member is utilizing the dog park. (15429 § 3/14/18)

3. The dog park is for dogs, their owners/handlers and those accompanying them. No other use of the dog park is permitted. All users must be residents of the City of Allentown and members in the dog park program in order to receive a key fob to utilize the dog park. Key fobs are not transferrable and can only be used by registered individuals and their dog(s). (15429 § 3/14/18)

4. No more than two (2) dogs per owner/handler are permitted in the dog park at one time. (15429 § 3/14/18)

5. Dogs are to remain leashed outside of the dog park, as well as when entering and exiting the dog park, Owners/handlers must have a leash in hand at all times while in the off-leash area. (15429 § 3/14/18)

6. No alcohol, food, dog food, treats, glass containers or special toys are permitted in the dog park. Food, treats and special toys may cause territorial or aggressive behaviors, posing a safety risk to other dogs and handlers. (15429 § 3/14/18)

7. Owners/handlers must be present with their dog(s) and have them in view and under voice control at all times. (15429 § 3/14/18)
8. Dog waste must be collected by the owner/handler, bagged and disposed of in the appropriately marked receptacles. (15429 § 3/14/18)
9. No children under 12 are permitted in the park. Children between the ages of 12 and 17 must be accompanied by and supervised at all times by an adult. (15429 § 3/14/18)
10. Owners/handlers must fill in any holes made by their dogs. Holes can cause injury to dogs and their handlers. (15429 § 3/14/18)
11. All dogs 6 months and older entering the dog park must be up to date on rabies and distemper vaccines and must wear a collar displaying their rabies tag and dog license as required by Pennsylvania Dog law and City ordinance. Dogs with contagious health conditions or that have internal or external parasites (including, but not limited to fleas, ticks and/or worms) are not permitted in the park. (15429 § 3/14/18)
12. The dog park is divided into separate fenced in areas. Dogs weighing less than 30 lbs, must use the Small Dog area. Dogs weighing over 30 lbs. must use the Large Dog area. Serious injury can occur to small dogs being allowed to play in the Large Dog area. (15429 § 3/14/18)
13. If a dog becomes aggressive, it must be removed from the park immediately. (15429 § 3/14/18)
14. No dogs under 6 months, unneutered male dogs, female dogs in heat or dogs known to be aggressive or with a history of dangerous behavior are permitted in the park. (15429 § 3/14/18)
15. The park may not be used for private use or gain, which includes, but is not limited to, instruction or training activities or events of any type without the written approval of the City of Allentown Department of Parks and Recreation. (15429 § 3/14/18)
16. Advance notice of dog park closures for purposes of maintenance will be posted on the Department of Parks & Recreation website and Facebook page. (15429 § 3/14/18)

### **951.09 VEHICLES**

It shall be unlawful for any person in a public park or recreation area to:

- A. Drive any vehicle on any area except the paved park roads or parking areas, or such areas as may on occasion be specifically designated as temporary areas.
- B. Drive or operate any vehicle, with the exception of bicycles on the lower loop, beyond the access roads leading to parking areas within Trexler Park. (15315 §1 9/21/16)
- C. Drive or operate any vehicle that emits excessive or unusual noise, noxious, fumes, dense smoke or other pollutants. (15429 § 3/14/18)
- D. No person shall operate any vehicle on any of the paved roads within the parks at a rate of speed in excess of twenty (20) miles per hour or in excess of any designated lesser speed where the same is so

marked. Any person driving a vehicle in the parks shall drive in a careful and prudent manner so as not to endanger the life, limb or property of any person, or cause any injury or damage to the shrubbery, trees, lawns, birds, or animal life or any property within the parks. (15429 § 3/14/18)

E. No power driven vehicles may be used, including, but not limited to any gas or similarly powered combustible vehicles, ATV's, golf carts or dirt bikes, Persons with a mobility disability may use any electric-power driven mobility device (EPDMD), on multi-use shared paths in the Lehigh Parkway that is no heavier than 500 pounds, does not exceed a noise level of 60 dBA and is no wider than 36 inches. All power-driven wheelchairs are permitted. Segways are permitted. For safety purposes, and in consideration of public enjoyment, the speed limit on multi-use shared paths shall be 12 MPH for all mobility devices operated on the paths, regardless of whether the device is power-driven or non-powered driven. Users operating any of the above mentioned permitted vehicles on multi-use shared paths must observe the speed limit at times and must yield to oncoming pedestrians. (15429 § 3/14/18)

F.. Park a vehicle anywhere except on a designated parking area. (15429 § 3/14/18)

G. Leave a vehicle standing or parked in established parking areas or elsewhere in the park and recreation areas during hours when the park and recreation areas are closed, except for vehicles whose owners or operators are licensed fishermen actively engaged in fishing, or as otherwise posted. (15429 § 3/14/18)

H. Ride a bicycle without reasonable regard to the safety of others. (15429 § 3/14/18)

G. Drive or operate within the parks any commercial vehicle, truck or tractor, or vehicle used for advertising, except for local delivery of commercial goods or products to established residences, occupied buildings, authorized public events or the stocking of fish in any waterway within the park. (15429 § 3/14/18)

J. Use the parks, park drives, parking places, or parkways for the purpose of demonstrating any vehicles, or for the purpose of instructing another to drive or operate any vehicle, except by City permit; nor shall any person use any park area, including parking places, for the repairing or cleaning of any vehicle, except in an emergency. (15429 § 3/14/18)

K. Bring or park any charter or school bus into a park without a permit and only then in areas approved for charter / school busses. (15298 §1 7/20/16; 15429 § 3/14/18)

L. Bring food trucks or ice cream trucks into a park without a valid Health Bureau license, ~~and~~ Business licenses and a permit. (15298 §1 7/20/16; 15429 § 3/14/18)

M. Operate a snowmobile.

N. Operate any all-terrain vehicle (ATV).

#### **951.10 WEAPONS, TOOLS** (15298 §1 7/20/16)

It shall be unlawful for any person to bring into or have in his possession in any park or recreation area:

A. Burglar tools or devices that can be used to assist a person in committing burglary. (15429 § 3/14/18)

B. BB gun, air gun, spring gun, slingshot, bow, or other weapon in which the propelling force is a spring or air. (15183 § 2/04/15; 15298 §1 7/20/16)

### **951.11 EXPLOSIVES AND FIREWORKS (15429 § 3/14/18)**

It shall be unlawful for any person to:

Have in his possession or set off any fireworks. Permits may be given for conducting properly supervised fireworks in designated park areas.

### **951.12 ADVERTISING, ASSEMBLAGES, ENTERTAINMENT (15429 § 3/14/18)**

A. No person shall post, paint, affix, distribute, deliver, place, cast or leave about, any bill, billboard, placard, ticket, handbill, circular, or advertisement except by permit.

B. No person shall do any of the following without a permit, provided that no permit shall be required for any action or event sponsored by the City.

1. Display any advertising signs or other advertising matter, provided that a sign attached to a vehicle to identify the vehicle, or a sign lawfully on a taxi or bus, is not prohibited.

2. Operate for advertising purposes any musical instrument, soundtrack or drum.

3. Hold public assemblages.

4. Conduct exhibitions.

5. Hold a parade.

6. Drink or possess alcoholic beverages. Permits may be granted only for specific designated areas of certain parks.

### **951.13 SALE OF MERCHANDISE PROHIBITED (15429 § 3/14/18)**

No person shall expose or offer for sale any article in any park or recreation area, without a permit and a license as a vendor, as provided in Article 319 of the Codified Ordinances of the City of Allentown.

### **951.14 FIRES; IGNITABLE AND COMBUSTIBLE MATERIALS (15429 § 3/14/18)**

No person shall kindle, build, maintain or use a fire except in City provided fireplaces or grill boxes designed for such purpose. Bonfires are not permitted without a permit. Any fire shall be continuously under the care and direction of a competent person the time it is kindled until it is extinguished. No person shall throw away or discard any lighted match, embers, cigar, cigarette, tobacco, paper or other material within or against any building or vehicle, or under any tree or in underbrush. Embers must be removed or disposed of properly in designated ash containers. (15298 §1 7/20/16; 15429 § 3/14/18)

### **951.15 ALCOHOLIC BEVERAGES, CONTROLLED DANGEROUS SUBSTANCES, SOLICITATION AND GAMBLING (15429 § 3/14/18)**

While in a public park or recreation area, all persons shall conduct themselves in a proper and orderly manner, and in particular, no person shall:

A. Bring alcoholic beverages, drink or use the same at any time without a permit nor shall any person be under the influence of intoxicating liquor or a controlled dangerous substance in a park or recreation area.

B. Solicit contributions for any purpose, whether public or private except by permit.

C. Play any game of chance or have possession of any instrument or device for gambling except by permit.

D. Play, engage or take part in any game or competitive sport for money, or other valuable thing, without a written permit.

#### **951.16 MISCELLANEOUS CONDUCT (15429 § 3/14/18)**

It shall be unlawful for any person in a park or recreation area to:

A. Camp or stay overnight anywhere in a tent or recreational vehicle.

B. Enter an area posted as "closed to the public."

C. Engage in threatening, abusive, insulting or indecent language or engage in any disorderly conduct or behavior tending to breach the public peace.

D. Fail to produce and exhibit any permit one claims to have, upon request of any authorized person who shall desire to inspect the same for the purpose of enforcing compliance with any ordinance or rule.

E. Disturb or interfere unreasonably with any person or party occupying any area or participating in any activity under the authority of a permit.

F. Erect or occupy any tent, stand or other structure in any park or playground, or sell or give away from any such tent, stand or other structure any food, drink or other things, without a permit.

G. Hit golf balls except in the Golf Course.

H. Bring a generator to a park without a permit. (15298 §1 7/20/16; 15429 § 3/14/18)

I. Bring amplifiers, speakers and other sound amplification devices without a permit. (15298 §1 7/20/16; 15429 § 3/14/18)

#### **951.17 SWIMMING (15429 § 3/14/18)**

No person shall enter creeks or waterways within City parks for the purpose of swimming or bathing unless designated for the conduct of such activity. (15429 § 3/14/18)

#### **951.18 CLOSING HOURS (15429 § 3/14/18)**

No person shall be in any park during the hours the park is closed. The parks are closed from sunset to sunrise except where permitted activities are taking place or otherwise designated by City Council. Closing hours will be posted at all parks.

#### **951.19 PASSIVE PARKS**

Trexler Park, West Park and the Tenth Street Cemetery Park are designated as passive parks. It shall be unlawful for any person within these parks to: (15298 §1 7/20/16)

A. Build any type of fire, without a permit. (15298 §1 7/20/16; 15429 § 3/14/18)

B. Hunt or fish.

C. Ride a horse.

D. Sunbathe.

- E. Swim.
- F. Picnic.
- G. Roller-skate or skateboard.
- H. Play any active games.
- I. Drink or possess alcoholic beverages without a permit. (15298 §1 7/20/16)
- J. Ride a bike except where and when allowed. (15298 §1 7/20/16)
- K. Operate recreational vehicles or ATV's.
- L. Bring amplifiers, speakers and other sound amplification devices without a permit. (15298 §1 7/20/16; 15429 § 3/14/18)

### **951.20 PERMITS**

A. Permits for special events in parks and recreation areas including, but not limited to picnics, egg hunts, ice cream festivals, road races, fishing contests or sports, or for the sale of items, or for the use or possession of alcoholic beverages, shall be obtained by application to the Director of Parks & Recreation or the Director's designee in accordance with the following procedure: (15429 § 3/14/18)

1. A person seeking issuance of a permit hereunder shall file an application stating:
  - a. The name and address of the applicant.
  - b. The name and address of the person, persons, corporation or association sponsoring the activity, if any.
  - c. The day and hours for which the permit is desired.
  - d. The park or portion thereof for which the permit is desired.
  - e. Any other information reasonably necessary ~~to~~ for a determination as to whether a permit should be issued hereunder.
  
2. Standards for issuance of a use permit shall include the following findings:
  - a. That the proposed activity or use of the park will not unreasonably interfere with or detract from the general public's enjoyment of the park.
  - b. That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation.
  - c. That the proposed activity or uses that are reasonably anticipated will not include violence, crime or disorderly conduct.
  - d. That the facilities desired have not been reserved for other use on the date and hour requested in the application. (15298 §1 7/20/16)
  
3. The fee for such permits shall be established and published in accordance with the provisions as set forth for rules and regulations in Section 121.05 of the Administrative Code.

B. A permittee shall be bound by all park rules and regulations and all applicable ordinances fully as though the same were inserted in said permits. (15298 §1 7/20/16)

C. An applicant for any permit may be required to submit evidence of liability insurance covering injuries to members of the general public arising out of such permitted activities in such amounts as may be from time to time determined prior to the commencement of any activity or issuance of any permit. (15298 §1 7/20/16)

D. Revocation (15298 §1 7/20/16)

The Director of Parks and Recreation or Designee shall have the authority to revoke a permit upon a finding of violation of any rule or ordinance or upon good cause shown, such as but not limited to providing false information on an application. (15298 §1 7/20/16; 15429 § 3/14/18)

E. In the event Mayfair desires to lease City property to conduct its events, this section shall not prohibit the Mayor from entering into short term lease agreements for Mayfair which contain terms different than and varying from the provisions of this section. (15298 §1 7/20/16)

F. Exhibit Permits

All permittees must be prepared to produce and exhibit any permit from the Director or designee he/she claims to have upon request of any authorized person who desires to inspect the permit for the purpose of enforcing compliance with any ordinance or rule. (15429 § 3/14/18)

G. This section shall not prohibit the Mayor from entering into short term lease agreements for Mayfair, which contain terms different than and varying from the provisions of this section, which shall be for the defined period of five (5) days during each and shall expire on June 1, 2008. (14278 §1 4/6/05; 14346 §1 12/13/05; 15429 § 3/14/18)

#### **951.21 RESERVATIONS**

A. Any person may reserve any park, shelter, playground area or sports playing field for a specific time and date, in accordance with the terms of this section.

B. Each person shall pay a scheduling reservation fee to be established and published in accordance with the provisions as set forth for rules and regulations in Section 121.05 of the Administrative Code. (15429 § 3/14/18)

C. Nothing in this section shall prohibit any informal group from occasionally using park facilities without a permit. Such use shall not interfere with the use of facilities by a person having a reservation. (15298 §1 7/20/16; 15429 § 3/14/18)

#### **951.22 AUTHORITY TO CLOSE**

The Director of Parks and Recreation, his/her or Designee or Police may close the public parks or parkways within the city on days when weather conditions make the use of the area unsafe or result in injury to the same or when the public use would interfere with work being done in the park or in the interest of public safety. (15298 §1 7/20/16; 15429 § 3/14/18)

#### **951.23 ENFORCEMENT (15429 § 3/14/18)**

A. Enforcement: The Mayor is hereby authorized to designate certain supervisory employees of the City to enforce the provisions of this ordinance. These special appointees shall have the power to issue

citations and, when appropriate, to institute summary proceedings for violations of the aforesaid ordinance. These employees shall not, however, have the power of arrest.

B. The Police Department and Park and Recreation Bureau employees shall have the authority to order any person or persons acting in violation of this ordinance to leave the park or recreation area.

## **951.95 REGULATIONS**

### **951.98 SEVERABILITY**

If any provision, paragraph, word, section or subsection of this ordinance is invalidated by any court of competent jurisdiction, remaining provisions, paragraphs, words, sections, or subsections shall not be affected and shall remain in full force and effect. (12202 §1 8/18/76)

### **951.99 PENALTY (15298 §1 7/20/16)**

#### **A. Penalties**

1. Any violation of the provisions of this Article may be cause for a citation, a violation ticket and/or a notice of violation to be issued to the violator.

2. A notice of violation or violation ticket shall be served upon a violator by handing it to the violator, by handing it to an adult member of the household or other person in charge of the residence at the residence of the person to be served, by leaving or affixing the notice or violation ticket to the property where the violation exists, by handing it at any office or usual place of business of the violator, to his/her agent or to the person for the time being in charge thereof, or by mailing the notice to the violator's address of record.

3. Each day a violation continues or is permitted to continue may constitute a separate offense for which a separate fine may be imposed.

4. A public officer is authorized and empowered to cause a violation to be corrected.

5. If the City has affected the correction of the violation, the cost thereof may be charged to the owner of the property, tenant or offending party. The cost shall be determined by the Director of Parks and Recreation or Designee in order that the City shall be compensated for both direct and indirect costs and expenses incurred.

#### **6. Violation Ticket Appeals Process**

a. A person in receipt of a violation ticket may appeal to the Hearing Officer designated by the Director of Parks and Recreation or Designee by filing a request within ten (10) days of receipt of the violation ticket. (15429 § 3/14/18)

b. The Hearing Officer, designated by the Director of Parks and Recreation may uphold the Appeal, deny the Appeal or may modify the violation ticket and/or any associated costs, fines or penalty amounts.

#### **7. Violation Ticket Fines**

a. Violation tickets shall be issued in the amount of One Hundred (\$100) Dollars.

b. Any person who receives a violation ticket for any violation of this Article, may within ten (10) days, admit the violation, waive a hearing and pay the fine in full satisfaction, as indicated on the violation ticket.

#### 8. Violation Ticket Penalties

a. If the person in receipt of an one hundred (\$100) Dollar violation ticket does not pay the fine or request a hearing within ten (10) days, the person will be subject to a Twenty-five (\$25) Dollar penalty for days eleven (11) through twenty (20).

b. Failure of the person to make payment within twenty (20) days shall make the person subject to a citation.

#### 9. Citation Fines

a. Any person, firm or corporation who shall fail, neglect or refuse to comply with any of the terms or provisions of this Article, or of any regulation or requirement pursuant hereto and authorized hereby shall, upon conviction in a summary proceeding, be ordered to pay a fine not less than One Hundred (\$100) Dollars, nor more than One Thousand (\$1000) Dollars on each offense or imprisoned no more than ninety (90) days, or both.

b. The Magisterial District Judge may order the violator to make restitution for damage to any real or personal property or for any remediation or abatement expense.

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### ARTICLE 961 HAMILTON STREET

- 961.01 Short Title
- 961.02 Definition and Boundary of the Hamilton Street
- 961.03 Authority
- 961.04 Activities
- 961.05 Alcoholic Beverages
- 961.06 Bicycles
- 961.07 Conduct
- 961.08 Furniture
- 961.09 Littering
- 961.10 Store Fronts
- 961.11 Street Structure Protection
- 961.12 Parking
- 961.13 Posting
- 961.14 Prohibited Uses
- 961.15 Roller Skates and Skateboards
- 961.16 Solicitation
- 961.17 Sound Amplification or Musical Instruments
- 961.18 Storage
- 961.19 Street and Sidewalk Vendors – Moved to Article 740
- 961.20 Traffic
- 961.21 Trucks
- 961.22 Vacant Property
- 961.23 Vandalism
- 961.24 Vending Machines
- 961.25 Visual Demonstrations

961.26 Exceptions to Rules and Regulations

961.27 Existing Ordinances

961.99 Penalty (14191 §1 6/4/04)

[Historical Note: 13377 (12/28/95) provides for Council approval of infrastructure changes on Hamilton Mall.]

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#### **961.01 SHORT TITLE**

This Article shall be known and may be cited as the "Hamilton Street Ordinance" of the City of Allentown. (12099 §1 11/6/74)

#### **961.02 DEFINITION AND BOUNDARY OF THE HAMILTON STREET**

Hamilton Street shall be defined and apply to all properties abutting the area commonly known as "Center Square" and those properties having frontage upon the north and south sides of Hamilton Street between the western property line of North and South Fourth Street and the eastern property line of North and South Twelfth Street. (12099 §1 11/6/74; 14191 §1 6/4/04)

**City** shall mean the City of Allentown, Department of Community and Economic Development.

**Hamilton Street Merchant** shall mean any person engaged in a business from a building on Hamilton Street from Fourth Street to Twelfth Street.

**Vendor** shall mean any person engaged in the selling, or offering for sale, of food, beverages, flowers, services or merchandise on the public streets or sidewalks from a stand. The Hamilton Street Review Committee shall select appropriate vendors. (14191 §1 6/4/04)

#### **961.03 AUTHORITY**

All persons using the Hamilton Street shall be subject to and comply with all rules and regulations established by the Mayor in addition to those herein set forth. (12099 §1 11/6/74)

#### **961.04 ACTIVITIES**

A. The Director of Community and Economic Development, or the Director's designee, as authorized by the Mayor, shall review, schedule and grant final approval to all activities on Hamilton Street. (12099 §1 11/6/74; 14191 §1 6/4/04)

B. The activities which can be conducted upon Hamilton Street are those which would not interfere with the health, safety and/or welfare of the community, and which would not be aesthetically or physically detrimental to Hamilton Street, and which would promote education, community spirit, bring interest to the districts of the City surrounding Hamilton Street or stimulate any other worthwhile community enterprise. (12099 §1 11/6/74; 14191 §1 6/4/04)

C. All users involved with activities on Hamilton Street shall be responsible for the cleaning and repairing of Hamilton Street/sidewalk to assure that Hamilton Street/sidewalk will be returned to its prior condition previous to its use. Failure to comply with this provision shall result in the City taking such action as is necessary to clean and repair Hamilton Street/sidewalk and restore it to its prior condition. In such case, the City shall bill the user for its costs of such repairing or cleaning. This shall not preclude the City from performing normal routine cleaning and maintenance activities. (12099 §1 11/6/74; 14191 §1 6/4/04)

D. The City is not responsible for damages, accidents or incidents which occur with activities on Hamilton Street. (12099 §1 11/6/74; 14191 §1 6/4/04)

E. Anyone wishing permission to hold an activity on Hamilton Street shall apply to the Community and Economic Development Department in person and complete the required Hamilton Street Registration Form. (12335 §1 2/7/79; 14191 §1 6/4/04)

F. Hold Harmless Agreement. To the extent permitted by law, the applicant assumes entire responsibility and liability for losses, expenses, demands and claims in connection with or arising from any injury, or alleged injury (including death) to any person, or damage, or alleged damage to property sustained or alleged to have been sustained in connection with or to have arisen from or resulting from the performance of operations by the applicant and including losses, expenses, or damages sustained by the City of Allentown, its agents, representatives, and employees from any and all such losses, expenses, damages, demands and claims and agrees to defend any suit or action brought against them, or any of them, based on any such alleged injury or damage, and to pay all damages, costs, and expenses in connection with or resulting therefrom. (12335 §1 2/7/79)

G. A Health Bureau license shall be required of all applicants with food and/or drink included as part of the approved activity. It is the intent of this Section that the above mentioned Health Bureau license be required of all participating groups, churches, clubs, etc. included in an activity which may or may not be the sponsoring organization which obtains the Hamilton Street Registration Form. (12335 §1 2/7/79; 14191 §1 6/4/04)

H. Activities or events requiring City services shall require a Special Event Permit issued by the Police Department. (14272 §1 3/305)

#### **961.05 ALCOHOLIC BEVERAGES**

No alcoholic beverages may be consumed or sold on the Hamilton Street except by permission. (12335 §2 2/7/79)

#### **961.06 BICYCLES**

A. Bicycles may be ridden in the street, and shall not be ridden on the sidewalk at any time, but may be walked on the sidewalk area.

B. Bicycles shall be parked in the bicycle racks when racks are provided. (12099 §1 11/6/74)

C. Bicycles operated by on-duty Police Officers and Allentown Parking Authority personnel are exempt from any prohibiting provisions of this article. (13060 §1 6/5/91; 14191 §1 6/4/04)

#### **961.07 CONDUCT**

Intoxication, indecent language and/or disorderly conduct are prohibited. (12099 §1 11/6/74)

#### **961.08 FURNITURE**

A. No permanent installation of any type, other than street furniture installed by the City, shall be permitted on Hamilton Street. All tables, chairs or other furniture shall be removed within one (1) hour of the closing of the store hours unless granted permission. (14191 §1 6/4/04)

B. Tables, chairs or other furniture shall not be placed on Hamilton Street prior to 9:00 a.m. to allow for cleaning unless permission is granted therefore. (14191 §1 6/4/04)

C. Tables or other furniture shall be manned at all times (i.e. no unmanned tables for distribution of literature). (12099 §1 11/6/74)

#### **961.09 LITTERING**

A. No person shall place or deposit any refuse, rubbish or litter except in receptacles provided for that purpose. It is prohibited to sweep or dump refuse or litter onto Hamilton Street. (12099 §1 11/6/74; 14191 §1 6/4/04)

B. Recessed store entrances, foyers or other areas within the building lines shall at all times remain the responsibility of the tenants or owners who shall maintain them.

#### **961.10 STORE FRONTS**

Display windows or storefronts constructed of plate glass shall be kept (maintained) clean and free of cracks. No storage shall be permitted in the show window area unless shielded from the public view. (14191 §1 6/4/04)

#### **961.11 STREET STRUCTURE PROTECTION**

A. No physical changes to the Hamilton Street infrastructure including, but not limited to light fixtures, benches, kiosks, planters and trees shall be made unless reviewed by a Community and Economic Development Committee at a meeting called solely for the purpose of reviewing said changes and then authorized by City Council, by resolution, at a public meeting. For the purpose of this section, temporary work and general maintenance shall not need Council authorization. (12099 §1 11/6/74; 13377 §1 12/28/95; 14191 §1 6/4/04)

B. Any exterior repair, rehabilitation, preventative maintenance and/or renovations that will take place on any building fronting or directly on Hamilton Street shall be reviewed by the Director of Community and Economic Development to assure adequate protection to Hamilton Street. (13377 §1 12/28/95; 14191 §1 6/4/04)

C. All security devices designed to limit or block access to the front face of the buildings or structures used for commercial purposes shall allow for substantial visibility of the front face at all times. Substantial visibility shall mean at least seventy-five (75%) percent of the storefront shall be visible. Solid shutters shall not be permitted. (14191 §1 6/4/04)

D. Adequate Insurance Coverage shall be required and is subject to review by the Community and Economic Development Director. (12335 §3 2/7/79; 14191 §1 6/4/04)

#### **961.12 PARKING**

No parking on Hamilton Street shall be permitted between the hours of 2:00 AM and 6:00 AM. (12099 §1 11/6/74; 12789 §1 8/5/87; 13208 §1 8/4/93; 13705 §1 11/5/98; 14191 §1 6/4/04)

#### **961.13 POSTING**

No person shall post bills, advertisements, signs, etc. except by permission. (12099 §1 11/6/74)

#### **961.14 PROHIBITED USES**

No person shall engage in any of the following activities upon Hamilton Street unless such activity has been specifically authorized by the Department of Community and Economic Development or as outlined in Section 961.19, Street and Sidewalk Vendors. (14191 §1 6/4/04)

A. Distribution of commercial handbills unless part of a special event or activity. (12335 §4 2/7/79)

B. No person shall use Hamilton Street as a stand from which to sell or expose for sale, goods or other things without permission. The City may impose such fees, insurances and other requirements as it deems reasonable and necessary to protect the public health, safety, and general welfare. (14191 §1 6/4/04)

C. Any other commercial activity not specifically authorized. (12099 §1 11/6/74)

#### **961.15 ROLLER SKATES AND SKATE BOARDS**

No person shall roller skate, in-line skate, ride on a skate board or operate a non-licensed motorized or non-motorized scooter on the sidewalks or Hamilton Street. ( 12099 §1 11/6/74; 14191 §1 6/4/04)

#### **961.16 SOLICITATION**

No person shall solicit funds or seek contributions for any purpose whatsoever upon Hamilton Street. (12099 §1 11/6/74; 14191 §1 6/4/04)

#### **961.17 SOUND AMPLIFICATION OR MUSICAL INSTRUMENTS**

No person shall use any sound amplification other than those of a personal nature or engage in the playing of musical instruments upon Hamilton Street unless such use has been specifically authorized. Such amplification may not exceed the limits allowed in the City's Noise Ordinance. The term "sound amplification equipment" includes radios, tape recorders, phonographs and similar electronic devices. (12099 §1 11/6/74; 14191 §1 6/4/04)

#### **961.18 STORAGE**

No person shall store items, material, stock, etc. anywhere in Hamilton Street sidewalks, lay-bys, etc., except with approval. ( 12099 §1 11/6/74; 14191 § 6/4/04)

#### **961.19 STREET AND SIDEWALK VENDORS**

Article 961.19 was replaced/moved to Article 740, Street and Sidewalk Vendors, in Ordinance 15089 (8/23/2013)

#### **961.20 TRAFFIC**

The Mayor, or the Mayor's designee, shall have the authority to discontinue traffic on the Street to accommodate special activities, events or other purposes. (12099 §1 11/6/74; 14191 §1 6/4/04)

#### **961.21 TRUCKS**

This section only applies to Hamilton Street between Sixth Street and Tenth Street. (14191 §1 6/4/04)

A. No trucks, vans or tractor trailers, actually in use for commercial activities, except Street maintenance vehicles, except those mentioned in subsection (b), are allowed on the Hamilton Street at any time except by permission of the Police Department. This prohibition shall not apply northbound and southbound vehicles crossing the Hamilton Street at its point of intersection with any north-south streets. (12335 §5 2/7/79)

B. Trucks, including any type of motorized vehicle used for delivery or moving, are not allowed on Hamilton Street between the hours of 9:00 AM and 7:00 PM, unless this activity has been specifically authorized. (12099 §1 11/6/74; 14191 §1 6/4/04)

**961.22 VACANT PROPERTY**

A. Owners of vacant property must adhere to 961.21 in addition to any related City Ordinances. (12335 §6 2/7/79)

B. Owners of vacant property are encouraged to decorate windows in an attractive manner or make them available for display purposes to the City, for promotion of Hamilton Street for nonprofit organizations and activities, or for manufacturing displays. (12099 §1 11/6/74; 14191 §1 6/4/04)

**961.23 VANDALISM**

Cutting, mutilating, removing or the taking away of trees, shrubs and flowers or the removal, defacing or damaging of property is prohibited. (12099 §1 11/6/74)

**961.24 VENDING MACHINES**

No vending machines or coin-operated amusement devices shall be placed upon the sidewalk without special permission. In the event permission is granted, a fee of Fifty (\$50) Dollars will be imposed prior to placement. For the purposes of this section, vending machines do not include newspaper boxes. (12099 §1 11/6/74; 14191 §1 6/4/04)

**961.25 VISUAL DEMONSTRATIONS**

Persons displaying movies, slide shows or any other visual demonstration, except for designated areas or by special permission, shall have all equipment off the sidewalk, and within the building lines. (12099 §1 11/6/74)

**961.26 EXCEPTIONS TO RULES AND REGULATIONS**

"By permission", "as authorized" or "approved by" allows the Mayor or the Mayor's designee to make exceptions to the restrictions of some of the rules and regulations when appropriate. In all cases, the exceptions shall be controlled by a permit procedure established by the Department of Community and Economic Development. (12099 §1 11/6/74; 14191 §1 6/4/04)

**961.27 EXISTING ORDINANCES**

All applicable City Ordinances now in effect shall apply to Hamilton Street unless any such Ordinance is superseded by one of the aforementioned rules and regulations. (12099 §1 11/6/74)

**961.99 PENALTY**

Any person violating any provision of this Article shall be fined Three Hundred (\$300.00) Dollars but not more than One Thousand (\$1,000) Dollars, or imprisoned not more than ninety (90) days or both. (12099 §1 11/6/74; 14191 §1 6/4/04)