

**TOWNSHIP OF UPPER BERN  
COUNTY OF BERKS  
COMMONWEALTH OF PENNSYLVANIA**

**ORDINANCE NO.: 170 of 2026**

**AN ORDINANCE OF UPPER BERN TOWNSHIP,  
BERKS COUNTY, PENNSYLVANIA**

**ESTABLISHING RULES AND REGULATIONS FOR THE USE OF TOWNSHIP  
PARKS AND RECREATIONAL FACILITIES, PROVIDING FOR PERMITS AND  
FEES, AND ESTABLISHING PENALTIES FOR VIOLATION THEREOF.**

BE IT ENACTED AND ORDAINED, by the Board of Supervisors of Upper Bern Township, Berks County, Pennsylvania, as follows:

**Section 1:** Purpose. This Ordinance is enacted to establish rules and regulations for the use of Township Parks, including the Shartlesville Community Park and Playground, to protect the health, safety, and welfare of the public, to preserve Park property, and to ensure the enjoyment of Park facilities by all users. This Ordinance is further enacted to establish a permit system for Special Events and to provide for the exercise of First Amendment rights in a manner consistent with the orderly administration of Park facilities.

**Section 2:** Definitions. As used in this Ordinance, the following terms shall have the meanings indicated:

A. “Authorized Official” means the Township Secretary, or such other person as the Board of Supervisors may designate to administer permits under this Ordinance.

B. “First Amendment Activity” means conduct protected by the First Amendment to the United States Constitution or Article I of the Pennsylvania Constitution, the sole or principal object of which is the expression, dissemination, or communication by verbal, visual, literary, or auditory means of political, religious, philosophical, or ideological opinion, views, or ideas, and which is open to the general public without charge. First Amendment Activity includes, but is not limited to, protests, demonstrations, rallies, picketing, leafleting, petition gathering, and similar expressive conduct. First Amendment Activity does not include private parties, family reunions, social gatherings, weddings, receptions, organized picnics, fairs, festivals, concerts, performances, athletic events, fundraising events, or events the principal purpose of which is entertainment or recreation.

C. “Park(s)” means any park, playground, recreational area, or open space owned or operated by Upper Bern Township, including the Shartlesville Community Park and Playground.

D. “Permit” means a written authorization issued by the Township authorizing the use of Park facilities for a Special Event.

E. "Person" means any individual, corporation, partnership, association, organization, or other legal entity.

F. "Special Event" means any organized outdoor activity, gathering, meeting, or event occurring upon Park property that involves more than twenty-five (25) persons or that will require the exclusive use of any portion of the Park, including but not limited to private parties, family reunions, social gatherings, weddings, receptions, organized picnics, fairs, festivals, concerts, performances, athletic events and similar gatherings; or any First Amendment Activity as defined in Section 2(B) of this Ordinance.

G. "Township" means Upper Bern Township, Berks County, Pennsylvania.

**Section 3:** Hours of Operation and General Rules.

A. All Parks shall be open to the public between the hours of 6:00 a.m. and 11:00 p.m. daily. No person shall be present in any Park outside of these hours except as authorized by permit or as otherwise authorized by the Township.

B. The Shartlesville Community Park and Playground pavilion and restroom facilities are available for rental from June 1 through September 15 of each year. Outside of this period, restroom facilities are closed to prevent damage to plumbing infrastructure. Persons or organizations conducting activities outside of the rental season are responsible for providing their own portable restroom facilities if needed.

C. The Authorized Official shall have the authority to close any Park or any portion thereof at any time and for any interval of time as the Authorized Official shall find reasonably necessary for the protection of public safety, maintenance of Park facilities, or other legitimate governmental purpose.

D. All persons using Parks shall comply with all applicable federal, state, and local laws and regulations.

**Section 4:** Prohibited Activities. Unless otherwise authorized by permit or by the Township, the following activities are prohibited in all Parks:

A. The possession, consumption, or distribution of alcoholic beverages is strictly prohibited on all Park property. No permit or exception shall be granted for the possession or consumption of alcohol in Parks.

B. Overnight camping or sleeping in any Park is prohibited. All persons must vacate the premises by 11:00 p.m.

C. The possession, use, or discharge of fireworks or explosives of any kind is prohibited on all Park property.

D. No person shall willfully mark, deface, disfigure, injure, tamper with, displace, or remove any building, structure, table, bench, grill, sign, notice, placard, monument, stake, post, fence, railing, equipment, or other Park property. No person shall cut, injure, mutilate, remove, or destroy any tree, shrub, plant, flower, or vegetation in any Park.

E. No person shall engage in fighting, assault, threatening behavior, or any conduct that endangers the safety of any person. No person shall engage in conduct that unreasonably interferes with the use and enjoyment of the Park by others.

F. No person shall use any loudspeaker, public address system, amplifier, or other sound-amplifying device without first obtaining a permit from the Township. All amplified sound shall cease by 10:00 p.m. regardless of permit status.

G. No person shall paste, glue, tack, or otherwise post any sign, placard, advertisement, or inscription on any Park property, except as authorized by permit for a Special Event or First Amendment Activity, or by government officials acting in their official capacity. Signs authorized by permit shall be removed by the permit holder immediately following the conclusion of the event.

H. No person shall drive, park, or operate any motor vehicle within any Park except in areas designated for vehicular use. Motorized recreational vehicles, including but not limited to ATVs, dirt bikes, and snowmobiles, are prohibited in all Parks.

I. All animals brought into Parks must be kept on a leash not exceeding six (6) feet in length and must be under the control of their owner at all times. Owners are responsible for the immediate collection and proper disposal of their animals' waste.

J. Fires are permitted only in grills or fireplaces provided by the Township or in portable grills brought to the Park for cooking purposes. All fires must be completely extinguished before leaving the area. No open burning is permitted.

K. The launching, landing, or operation of unmanned aerial vehicles or drones is prohibited in all Parks without prior written authorization from the Township.

L. The possession, use, or discharge of firearms, air rifles, spring guns, bows and arrows, slings, or other weapons is prohibited in all Parks, except by law enforcement officers acting in their official capacity, or as otherwise permitted by applicable law.

M. No person shall vend, sell, peddle, or solicit for the sale of any goods, services, or merchandise within any Park without first obtaining a permit from the Township.

N. No person shall deposit, throw, or leave any refuse, trash, garbage, or litter in any Township Park except in receptacles provided for such purposes. No person shall bring any refuse, garbage, trash, litter, debris, or other waste materials into any Park for disposal, regardless of source or type.

O. No person shall urinate or defecate upon any Park property except in restroom facilities provided for such purpose.

**Section 5:** Special Event and First Amendment Activity Permits.

The Township recognizes and supports the right of persons to engage in First Amendment Activity in its Parks. The provisions of this Section are intended to establish content-neutral time, place, and manner regulations that allow for the orderly exercise of such rights while protecting public safety and preserving Park facilities for the use of all. First Amendment Activity may be conducted in Parks year-round. Any First Amendment Activity shall be presumed to require the exclusive use of some portion of the Park unless the applicant demonstrates otherwise in the permit application. Applicants for permits outside of the rental season (June 1 through September 15) are advised that restroom facilities will be unavailable, and the permit holder shall be responsible for providing portable restroom facilities if needed for the anticipated number of participants.

A. Any person or organization seeking to conduct a Special Event, including a First Amendment Activity, shall obtain a permit from the Township prior to conducting such event.

B. Special Event permits for use of the pavilion and restroom facilities at the Shartlesville Community Park and Playground are available only during the rental season of June 1 through September 15 of each year.

C. Applications for Special Event permits shall be submitted to the Township on forms provided by the Township at least seven (7) days prior to the date of the proposed event. The application shall include the name and contact information of the applicant and a designated responsible party, the date, time, and expected duration of the event, the estimated number of attendees, and a description of any equipment to be used including sound amplification equipment. An applicant seeking the First Amendment Activity fee under subsection D(2) of this Section shall also submit a verified statement attesting that: (a) the sole or principal purpose of the event is First Amendment expression as defined in Section 2(B); (b) the event is open to the general public; (c) no fee or donation is charged for participation in or attendance at the event; and (d) the applicant understands that material misrepresentation may result in permit revocation and retroactive assessment of the standard permit fee.

D. The following fees shall apply to Special Event permits:

(1) Special Events other than First Amendment Activity.

(a) Residents: Two Hundred Seventy-Five Dollars (\$275.00) per day, of which One Hundred Fifty Dollars (\$150.00) shall be a refundable deposit.

(b) Non-Residents: Three Hundred Seventy-Five Dollars (\$375.00) per day, of which One Hundred Dollars (\$100.00) shall be a refundable deposit.

(2) First Amendment Activity: One Hundred Fifty Dollars (\$150.00) per day, which shall be a refundable deposit.

E. The refundable deposit shall be returned to the permit holder within thirty (30) days following the event, provided: (1) all trash has been cleaned up and properly disposed of; (2) all waste receptacles have been emptied into the dumpster; (3) restrooms, sink areas, and stoves have been left clean; (4) all doors and windows have been secured; (5) keys have been returned within one (1) business day following the event; and (6) no damage has occurred to Park property. In the event of damage to Park property, the Township may retain all or a portion of the deposit necessary to repair such damage.

F. The Authorized Official shall have discretion to approve or deny Special Event permit applications based on the availability of the requested date and facilities, the nature of the proposed event, and the potential impact on Park facilities and other Park users. The Authorized Official may impose reasonable conditions on any permit to protect public safety and Park property.

G. All Special Event permit holders shall execute a license agreement in a form approved by the Township, which shall include an agreement to hold harmless and indemnify the Township for any claims arising from the permit holder's use of the Park facilities.

H. The Authorized Official shall approve a permit unless: (1) the application is incomplete; (2) the proposed event conflicts with a previously approved permit for the same date, time, and location; (3) the proposed event would present an unreasonable danger to the health or safety of the applicant, other Park users, or the public; (4) the proposed event would cause irreparable damage to Park property; or (5) the application contains a material falsehood or misrepresentation. The Township shall not deny a permit based on the content or viewpoint of any proposed First Amendment Activity.

I. If an applicant for a First Amendment Activity permit is unable to provide seven (7) days' advance notice due to circumstances beyond the applicant's control, including but not limited to the need to respond to recent news events, the Township shall make reasonable efforts to process the application on an expedited basis.

J. Where a permit is issued based on a classification of the event as First Amendment Activity, and the Township determines that the application contained a material falsehood or misrepresentation regarding the nature of the event, the Township may revoke the permit and retroactively assess the standard permit fee applicable under subsection D(1) of this Section, plus the cost of any Township services provided in reliance on the First Amendment Activity classification.

**Section 6:** Appeal Process. Any applicant whose application is denied, or who objects to conditions imposed on a permit, may appeal such decision to the Board of Supervisors by submitting a written appeal within ten (10) business days of receipt of the decision. The Board of Supervisors shall hear the appeal at its next regularly scheduled meeting for which adequate notice

can be provided, or at a special meeting called for such purpose, and shall render a decision within ten (10) business days of the hearing.

**Section 7:** Violations and Penalties.

A. Any person who violates any provision of this Ordinance shall, upon conviction before a district justice, be subject to a fine of not less than One Hundred Dollars (\$100.00) and not more than One Thousand Dollars (\$1,000.00) for each violation, plus the costs of prosecution and reasonable attorney's fees incurred by the Township in enforcing this Ordinance. In default of payment of any fine and costs, the defendant may be sentenced to imprisonment for a period not to exceed ninety (90) days.

B. Each day that a violation continues shall constitute a separate offense. Each section of this Ordinance that is violated shall constitute a separate offense.

C. In addition to any penalties imposed hereunder, any person who causes damage to Park property shall be liable to the Township for the cost of repairing or replacing such property.

**Section 8:** Liability of Township. The issuance of any permit under this Ordinance shall not constitute acceptance by the Township of any liability for injury to persons or damage to property arising from the permitted activity. The Township shall not be liable for any loss, damage, or injury sustained by any person using Park facilities.

**Section 9:** Severability. Should any section or provision of this Ordinance be declared illegal, invalid, or unconstitutional by any court of competent jurisdiction, such decision or declaration shall not affect the validity or enforcement of the remaining sections or provisions of this Ordinance.

**Section 10:** Repealer. Ordinance No. 7-1969, adopted November 24, 1969, is hereby repealed in its entirety. All other Ordinances or Resolutions, or parts of Ordinances or Resolutions, insofar as they are inconsistent herewith, are hereby repealed.

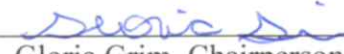
**Section 11:** Effective Date. This Ordinance shall become effective upon adoption.


**ORDAINED AND ENACTED** this 9<sup>th</sup> day of April, 2026, by a  
vote of 3 Yes 0 No / Abstained / Absent.

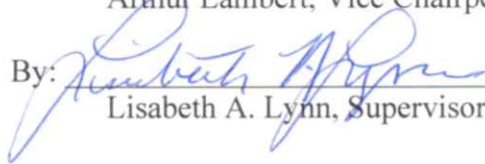
Attest:

UPPER BERN TOWNSHIP BOARD OF  
SUPERVISORS

  
Secretary

By:   
Gloria Grim, Chairperson

By:   
Arthur Lambert, Vice Chairperson

By:   
Lisabeth A. Lynn, Supervisor

