

**KENNETT TOWNSHIP  
CHESTER COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 224**

**AN ORDINANCE AMENDING THE KENNETT TOWNSHIP CODE OF ORDINANCES TO ESTABLISH REGULATIONS FOR USE OF TRAILS IN KENNETT TOWNSHIP INCLUDING THE DESIGNATION OF PROHIBITED ACTIVITIES, TO ESTABLISH PENALTIES FOR VIOLATIONS OF SUCH REGULATIONS, TO PROTECT THE INTERESTS OF LANDOWNERS, AND TO PRESERVE AND PROTECT THE HEALTH, SAFETY AND WELFARE OF KENNETT TOWNSHIP AND ITS RESIDENTS.**

**BE IT HEARBY ENACTED AND ORDAINED** by the Board of Supervisors of Kennett Township, Chester County, Commonwealth of Pennsylvania as follows:

**Section 1.** Chapter \_\_, Part \_ of the Kennett Township Code of Ordinances is hereby amended to read as follows:

**§\_\_-101 – General Provisions**

A. *Title.* This Article shall be known and cited as the “Trail Use Ordinance” for Kennett Township.” The purpose of the Ordinance is to establish regulations for the use of all trails in Kennett Township that are otherwise open to public use to protect the interests of landowners, establish a cooperative relationship between landowners, Kennett Township and users of such Trails, to ensure the vitality of the Trails as a recreational resource and otherwise preserve and protect the health, safety and welfare of Kennett Township and its residents.

B. *Statement of Findings*

The Board of Supervisors ("Board") of Kennett Township ("Township") hereby finds:

1. That various trails presently exist in the Township;
2. That the number of trails presently accessible to the public in the Township are increasing through the generosity of landowners that permit access to such trails as well as trail corridors secured by easement; and
3. That trails in the Township are located in an area of increasing population and development, creating the potential for conflict between landowners and users that, absent regulation may have a detrimental impact on these recreational assets, their quality, safety, enjoyment and access to same by the public.

C. *Objectives*

1. To secure and promote the safe and continued use of trails in the Township as a recreational resource by establishing appropriate uses and declaring those uses that are prohibited, creating provisions for enforcement and thereby supporting landowners on whose land these trails presently and hereafter shall exist; and

2. To provide guidance to recreational users of trails in the Township regarding permitted uses and prohibited activities; and
3. To establish penalties for violating the regulations hereafter set forth in order to promote compliance with same.

D. *Activities Covered.* The use of "Trails" as hereafter defined.

**§\_\_-102 – Definitions.**

"Trail" as used herein means those trails and trail corridors within the Township that are open to public use including:

- Designated trail corridors that cross Township owned land;
- Designated trail corridors on land made accessible to the public by agreement with the Township from landowners;
- Designated trail corridors created through the acquisition of conservation easements or access easements by the Township, Chester County and/or the Commonwealth of Pennsylvania;
- Designated trail corridors created through the donation of conservation easements or access easements to the Township and,
- Such other additional trail corridors as may from time to time become accessible to the public for recreational use in the Township and are designated by appropriate signage authorized by the Board of Supervisors.

"User" or "Users" as used herein mean individuals engaged in lawful recreational pursuits on Trails that are open for use by the public and does not mean a landowner or guests of such landowners on the landowner's property.

**§\_\_-103 – Regulations**

The following shall be prohibited on Trails in the Township:

- A. Violation of any applicable Township, County or State statute, code, ordinance or regulation including all provisions of the Pennsylvania Crimes Code;
- B. Operating a motorized conveyance, including but not limited to cars, trucks, sports utility vehicles, all-terrain vehicles, motorcycles or off-road motorcycles except as necessary for law enforcement, maintenance, or other authorized use;
- C. Failure to remain on the marked trail may constitute trespass under Section 3503 of the Pennsylvania Criminal Code, 18 Pa.C.S.A. §3503, and nothing in this ordinance shall limit the rights of any private landowner over which any designated trail corridor passes to pursue police enforcement for any violation thereof;

- D. Entering, using, or occupying any trail between 1/2 hour after sunset and 1/2 hour before sunrise except as designated by the Board;
- E. Hunting or trapping;
- F. Camping;
- G. Possessing or consuming alcoholic beverages of any type;
- H. Failure to maintain pets on leashes at all times and clean up after pets on the trail;
- I. Loitering or causing a noise disturbance as set forth in Section 2014.A. of the Kennett Township Zoning Ordinance;
- J. Destroying or defacing any facility, building, structure, plant, reptile, animal, rock or mineral or any object of archaeological, geological, or historical interest including any poster, sign, or marker on the trail;
- K. Removing or attempting to remove any plant, animal, rock or mineral or objects of archaeological or historical interest or any poster, sign, or marker;
- L. Depositing or leaving any trash or litter upon any area of the trail or adjacent property;
- M. Possessing or discharging fireworks or explosive devices;
- N. Discharging any firearm, or possessing any compound bow, crossbow or any other such device;
- O. Collecting or removing firewood;
- P. Failure to obey official signs placed on the trail;
- Q. Smoking;
- R. Fires for any reason;
- S. Failure to comply with all posted signs; and,
- T. Failure to comply with any restriction imposed by a recorded trail easement, even where the use is otherwise deemed permissible herein.

**§\_\_-104 – Enforcement**

- A. Pursuant to Section 1601(c.1)(2) of the Second Class Township Code, any person who violates this chapter, and/or any regulation established herein, shall, by action brought before a District Magistrate Judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, upon judgment of conviction thereof, be sentenced to pay a fine not exceeding \$1,000 per violation, together with the costs of prosecution; and further subject to imprisonment to the extent allowed by law for the punishment of summary offenses. Each day a violation continues shall constitute a separate offense.

- B. Parents and/or legal guardians of person(s) less than 18 years of age will be held liable for any/all fines assessed and/or damages incurred by those persons to Trails.
- C. Further, the appropriate officers or agents of the Township are hereby authorized to seek any other available relief at law or equity, including injunction, to enforce compliance with this chapter.
- D. The provisions of this Ordinance shall be enforceable by the Kennett Township Police and any other law enforcement agency authorized to enforce the law in the Township and any person designated by the Board of Supervisors.

**Section 2.** Severability. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of any other section or provision of this Ordinance than the one so declared.

**Section 3.** Repealer. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed to the extent of the said inconsistency.

**Section 4.** Effective Date. This Ordinance shall become effective within five (5) days of enactment.

**ENACTED AND ORDAINED** this 17th day of September, 2014 by the Board of Supervisors of Kennett Township.

**KENNETT TOWNSHIP  
BOARD OF SUPERVISORS**

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Scudder G. Stevens, Chairman

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Dr. Richard L. Leff, Vice Chairman

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Robert A. Hammaker, Member

ATTEST:

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Lisa M. Moore, Secretary/Manager