



# **VISITOR MANAGEMENT SUGGESTIONS FOR MONTOUR AND COLUMBIA COUNTY PARK & TRAIL MANAGERS**

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## DOCUMENT BACKGROUND AND DISCLAIMER

Ongoing challenges related to overcrowding and abuse of parks, trails, and publicly-accessible lands in Columbia and Montour Counties have caused considerable costs and concerns for land managers and law enforcement agencies.

The Montour Area Recreation Commission (MARC), Columbia Montour Visitors Bureau (CMVB), and other entities have sought expert guidance on best practices and techniques that might be employed by land managers in Columbia and Montour Counties to better protect site infrastructure, natural resources, site visitors (both local residents and visitors alike), and the counties' communities.

The following recommendations are provided as starting points for consideration.

**MARC and the CMVB make no claim of legal expertise and no suggestions provided herein should be implemented without first consulting your organization's legal counsel and local law enforcement agencies.**

This report has been prepared by Bob Stoudt, MARC Director. Any opinions expressed in this report are those of Stoudt alone and may not represent the opinions of the Montour Area Recreation Commission, its other staff, Commission members, or the entities it represents.

## FEES / LIABILITY

Per guidance received from MARC's insurance provider and per Pennsylvania's Recreational Use of Land and Water Act (RULWA), MARC does not charge an admission fee for any park or trail property it manages. MARC does, however, accept voluntary contributions by park and trail users, and encourages similar policies by other land managers.

As summarized by WeConservePA (<https://library.weconservepa.org/guides/category/44-managing-liability>), Pennsylvania's RULWA limits landowner (and easement and leaseholder) liability for personal injury and property damage if they make their land available to the public for recreation. The purpose of the law is to encourage landowners to allow recreational users onto their properties by limiting the traditional duty of care that landowners owe to entrants upon their land. RULWA provides that landowners do not have to keep their land safe for recreational users and have no duty to warn of dangerous conditions. However, this immunity from liability does not protect landowners who willfully or maliciously fail to warn of dangerous conditions. Landowners receive this protection as long as no 'charge' is required, or only specified allowable 'charges', as noted below, are required for entrance.

The following 'charges' have been found to be allowed without negating RULWA protection:

- 1) Voluntary contributions by recreational users
- 2) In-kind contributions of goods or services
- 3) Contributions made to an owner that are not retained by the owner and are used by the owner exclusively for:
  - a) conserving or maintaining the land
  - b) paying taxes on the land
  - c) paying for liability insurance on the land

It should be noted that Pennsylvania's governmental immunity statutes, the Tort Claims and Sovereign Immunity Acts, shield municipalities and commonwealth agencies from claims of willful misconduct. Liability only may be imposed upon these entities for their negligent acts. But, if an injury occurs on 'land', within the meaning of RULWA, that law shields owners from negligence suits. In essence, governments are granted complete immunity for certain recreational injuries.

Finally, despite the protections provided by RULWA, the reality is that nearly anyone can be sued for nearly anything. RULWA does not prevent landowners from being sued; it provides them with an immunity defense to claims that their negligence caused the plaintiff's injury. While RULWA is believed to have reduced frivolous litigation, it did not end it.

For more information about Pennsylvania's RULWA and other reference materials related to liability protections, visit: <https://library.weconservepa.org/guides/category/44-managing-liability>.

## STAFF / VOLUNTEER SITE MONITORING

MARC strongly believes the best option to manage visitor behavior concerns at parks, trails, and other publicly-accessible lands is an increased presence of uniformed site management and/or law enforcement agencies. It is essential that word get out that these sites are actively managed and patrolled to protect the sites and visitors alike.

While volunteers play a critical role in maintaining parks and trails throughout Montour and Columbia Counties, including all MARC-managed sites, it is inappropriate to ask volunteers to take on rule enforcement responsibilities. Doing so endangers volunteers and exposes land managers to legal liability concerns. When volunteers are the only available option, they should serve only in an observe and report role, relying on land managers and/or law enforcement to make contact with visitors.

MARC encourages volunteer assistance with the following tasks:

- litter cleanup
- park and trail maintenance (with only vetted volunteers, aged 18+, to use power tools)
- programming assistance
- site observation and reporting of issues

MARC understands that increased staff presence at sites will result in increased costs for land managers and law enforcement agencies alike, but the alternative is the full, if temporary, closures of sites. Doing so significantly reduces the outdoor recreational opportunities in our region. It also harms our region's reputation for potential visitors considering traveling to Montour and Columbia Counties.

## PARKING / CAPACITY RESTRICTIONS

MARC encourages site management agencies to proactively determine the maximum desirable number of users (maximum capacity) for each site, based upon parking capacity, pavilion capacity, site size, site management goals, etc. It is advisable to post this information in one or more conspicuous locations.

Parking areas should be sized to accommodate the maximum desirable number of users for a site. If too large an area exists where parking can occur, park managers may consider placing boulders to physically prevent vehicle access. In MARC's experience, boulders are a far superior alternative to higher maintenance, easier to defeat, options such as fencing.

Following the example of Pennsylvania State Parks and National Parks, site managers are increasingly having to actively monitor site usage during times of high demand and close access to sites when maximum capacity has been reached. This requires a higher level of staffing and expense than has typically been the case for most site managers, but failing to properly protect and manage sites results in other costs, damages to sites, neighboring property conflicts, and poor visitor experiences.

Proper signage is an essential component of parking and capacity restrictions, but, as noted in the **Signage** section (page 7) of this document, 'No Parking' signage, by itself, is not legally enforceable by law enforcement agencies if not supported by municipal ordinances or similar legal backing. Site managers and law enforcement officers can instruct violators to move their vehicles, but parking-related tickets cannot be issued (again, if not backed up by the proper ordinance).

**NOTE:** In those cases where a person may refuse to follow the instructions of the site manager, police may pursue defiant trespassing charges. For more information on defiant trespassing, see the **Violations / Legal References** section (page 18) of this document.

## SIGNAGE

Effective park and trail signage is key to managing visitor expectations and behavior. Signage is critical at all main points of entry and major gathering places, as well as at any areas of known concern. Adequate, conspicuous signage helps site managers define acceptable behaviors and helps law enforcement make trespassing or other charges when needed (though does not necessarily guarantee those charges will be upheld in court).

MARC strives to minimize text on signage, using icons and graphics when appropriate. MARC has not previously posted signage in languages other than English, but will likely do so for new signage in response to changing regional demographics. Examples of MARC's signage are provided on the following pages.

MARC and the CMVB recommend site managers consult the Susquehanna Greenway Sign Design Guidelines, online at: <https://susquehannagreenway.org/about-sgp/greenway-signage/> for expert guidance on effective sign design.

**NOTE:** *Rules posted by property managers on signage – whether for parking restrictions, hours of use, etc. – are not enforceable by law enforcement agencies unless they are backed by municipal ordinance or similar statutory authority.*

# NOTICE



**THIS TRAIL IS OPEN TO:**



**PEDESTRIANS**



**STROLLERS**  
(CONDITIONS WILL  
BE CHALLENGING)



**WHEELCHAIRS**  
(CONDITIONS WILL  
BE CHALLENGING)

**ALL TRAILS  
AT THE MONTOUR PRESERVE  
ARE CLOSED TO:**



**DOGS (EXCEPT  
SERVICE DOGS)**



**HORSES**



**MOTORIZED  
VEHICLES**



**BICYCLES**



**HUNTING**



# CHILISUAGI TRAIL

**TRAIL LENGTH:** 3.92mi (6.31km) loop

**TRAIL DIFFICULTY:** moderate (suitable for most users, but this trail is not handicapped-accessible)

**HOURS OF USE:** dawn to dark

**TRAIL SPECIFICATIONS:**

**TRAIL SURFACE:** grass, gravel, and soil

**MINIMUM TRAIL ELEVATION:** 595ft (181m)

**MAXIMUM TRAIL ELEVATION:** 665ft (203m)

**MAXIMUM TRAIL SLOPE:** 580ft (176.8m) at 8.8% slope (51ft (15.5m) climbed within 580ft (176.8m) traveled)

**TYPICAL TRAIL CROSS-SLOPE:** flat (short sections have irregular surfaces)


**TYPICAL TRAIL WIDTH:** 6ft (1.8m)

**KNOWN HAZARDS:**

 falling trees

 slippery conditions on wooden bridges when wet

 vehicles (when crossing roadways)

 **NOTE:** other hazards will exist due to unexpected acts of man or nature

**ALLOWABLE USES:**



PEDESTRIANS



STROLLERS

**USES NOT ALLOWED:**



PETS

(EXCEPT SERVICE DOGS)



HORSES



ATV / OHV



BICYCLES



HUNTING



# RECORDING NOTICE

**PORTIONS OF THIS PROPERTY ARE MONITORED  
BY AUDIO/VIDEO RECORDING EQUIPMENT**

RECORDINGS WILL BE USED TO ASSIST WITH  
CRIMINAL PROSECUTIONS WHEN NECESSARY

FOR QUESTIONS OR CONCERNS,  
PLEASE CALL BOB STOUDT, MARC DIRECTOR, AT (570) 336-2060



Montour Area Recreation Commission | PO Box 456, Danville, PA 17821 | MontourRec.com



**THIS DUMPSTER IS PROVIDED  
FOR PARK VISITOR USE ONLY**

**MARC WILL PROSECUTE THOSE  
FOUND TO BE DUMPING  
HOUSEHOLD OR OTHER WASTE**

**PLEASE KEEP LID CLOSED**

**For questions or concerns, please contact  
Bob Stoudt, MARC Director, at (570) 336-2060  
or RStoudt@MontourRec.com**

## LITTER DISPOSAL

MARC has removed all trash cans from properties under its management, choosing instead to use dumpsters located in the main parking area of each site. Doing so greatly reduces the maintenance burden on staff, reduces or eliminates animal pest concerns (MARC has purchased two bear-resistant dumpsters for the Montour Preserve in areas of exceedingly high bear populations), and facilitates removal by the trash hauler. MARC has found the reduction in staff hours (and corresponding reduction in staff frustration) to more than offset the increased cost of the dumpster service.

MARC has placed signage in all pavilions and picnic areas instructing visitors to place all trash in the dumpsters and has had great success with this strategy. MARC still has occasional issues with problem visitors, but it is not reasonable to expect 100% compliance. MARC staff patrol all areas at least once daily and will pick up and properly dispose of any trash.

MARC has placed signs on all dumpsters advising that the dumpsters are provided for park visitor use only and will place a trail camera to monitor any problem locations. MARC has, and will, pursue theft of services charges (see the **Violations / Legal References** section, page 19) against anyone found to be dumping household or other waste in MARC-managed dumpsters. An example of MARC's dumpster signage is provided in the **Signage** section (page 11) of this document.

## TRAIL CAMERA USE

MARC has used trail cameras for more than fifteen years in areas of high concern. MARC will place trail cameras in public areas where visitors have no reasonable expectation of privacy; no cameras or other audio / video recording devices may be placed in restrooms or located in such a way that they can see into restrooms from outside.

While not required by law, MARC conspicuously posts signage advising park visitors of the presence of cameras. An example of MARC’s signage is provided in the **Signage** section (page 10) of this document. MARC believes that posting signage helps to deter bad behavior, but recognizes that the signage also leads to an increased awareness of the cameras by bad actors and the increased potential for vandalism and theft of the cameras. MARC has lost not less than four trail cameras to theft and vandalism, but still believes the benefit of the signage outweighs the costs.

Most consumer-grade trail cameras must be placed within 50 – 75 feet of the target area to be motion activated. MARC places all trail cameras not less than ten feet above the ground, using a ladder to access the cameras. This significantly reduces theft and vandalism, but does make for extra challenges and makes it harder to discretely place and maintain the cameras.

MARC checks on trail cameras immediately after any incidents of concern or not less than once every thirty days. MARC has found thirty days to be the longest most cameras can operate before running out of memory card space and/or batteries in high-traffic areas.

If no incidents of concern are detected, MARC’s policy is to immediately delete all files from a memory card after reviewing. Doing so helps to address computer storage concerns and helps to avoid potential privacy concerns. MARC retains image/video files only in those instances where the files may be needed for criminal investigations. MARC will provide image / video files to law enforcement on an as-requested basis or when needed for assistance with incident investigations.

MARC is investigating consumer-grade trail cameras with cellular service and/or optional solar panel power supplies to allow for remote, nearly real-time, monitoring. The technology has improved considerably, and the price has gone down to the point where MARC believes they may be a viable option (similar in cost to MARC’s currently preferred models). MARC is considering the purchase of at least one unit for evaluation and possible wider deployment.

MARC’s currently preferred trail camera and accessory specifications are provided below. MARC has found this combination of items to offer the most cost-effective solution for MARC’s needs.

(prices identified 1/10/25 on Amazon.com)

Browning Spec Ops Elite HP5 trail camera	\$170
Master Lock Python cable lock	\$ 23
SanDisk Extreme Pro 512GB SD card	\$ 63
Energizer Ultimate Lithium batteries (8)	\$ 16
	=====
	<b>\$272 +/-</b>

## STREAM AND WATERWAY CONSIDERATIONS

Pennsylvania laws related to legal uses of streams and waterways are quite complex and lead to significant challenges for managers of publicly-accessible lands adjacent to streams.

The following questions and answers are copied from the PA Fish & Boat Commission website at (<https://www.pa.gov/agencies/fishandboat/conservation/land-and-access-management/public-private-access.html>):

### Public and Private Access

*In Pennsylvania, the public's rights to fish in a particular stream depends in large part on whether the stream is "navigable." In general, the public has the right to fish in a navigable waterway.*

*The accepted test of navigability is whether the waters are used, or are susceptible to being used, in their ordinary condition, as highways for commerce. If the water met the navigability test at any point in its history, it remains a legally navigable waterway. There is no single published listing of all the navigable waters in Pennsylvania.*

*Although the public has the right to fish in a navigable stream flowing through private lands, this does not mean that the public has the right to cross posted private lands to get to the stream.*

### Are Pennsylvania's waters considered public and therefore open to legal fishing and boating?

*Some are; some aren't. In addition to the legal status of the waterway itself, the status of the adjacent - or "riparian" - lands play a significant role in determining who has what rights. Unfortunately, a brief answer cannot comprehensively address this complex subject, which has generated major court decisions and lengthy law review articles.*

### How much of a navigable waterway does the Commonwealth own?

*When it comes to navigable waters, Pennsylvania courts have said that the Commonwealth's ownership extends to the ordinary high water mark, and the adjacent riparian landowner owns above the ordinary low water mark. An easement exists in favor of public between the high and low water marks. That easement includes the right to fish.*

*The courts have defined the low water mark in this context as the height of water at ordinary stages of low water unaffected by drought and unchanged by artificial means. The best advice is to tell the public to stay as close to the water as possible or if they want to be safe to stay in the water. If they don't venture on to upland properties, they'll be OK. The fact that a waterway is deemed navigable does not give the public unfettered access to people's riparian lands nor permission to trespass in order to gain access to a waterway.*

**Who owns public waters?**

*The title to the beds of public waters is held in trust by the Commonwealth of Pennsylvania for the benefit of the public. In case of rivers and streams, the Commonwealth's ownership extends to ordinary low water mark, and the adjacent riparian landowner owns above the high water mark. An easement exists in favor of public between high and low water marks. That easement includes the right to fish. In case of lakes, Commonwealth's ownership encompasses the mean pool of lake.*

**What rights does the public have in public waters?**

*The rights of the public in public waters are quite broad and extend to fishing, boating, wading, floating, swimming and otherwise recreating.*

**Do the rights of the public include being able to cross private property to gain access to the public waters?**

*No. The public does not have a right to cross on private property to gain access to public waters. However, if you enter a public waterway lawfully (e.g., through a public access point), you can wade, boat, float or otherwise be in the waterway where it passes through private property.*

**Can riparian landowners prevent members of the public from floating or wading in public waters that flow through their property?**

*No. However, a riparian landowner can prevent the public from crossing his or her land to get to the public water.*

**Can riparian landowners prevent members of the public from fishing in public waters that flow through their property?**

*No.*

**Is there a list of public waters?**

*Unfortunately, no.*

**What waters are considered to be private?**

*Private waters are non-navigable rivers, streams and lakes.*

**Who owns private waters?**

*Title to the beds is held by the adjacent riparian landowner. If the adjacent riparian landowner owns property on only one side of a non-navigable waterway, he or she owns to the middle. When a non-navigable waterway flows through someone's property, he or she owns the entire bed of the waterway.*

**Can a riparian landowner prevent members of the public from fishing or wading in a non-navigable water?**

Yes.

**Can a riparian landowner prevent the public from boating or floating in a non-navigable stream?**

*No, because there's a "navigation servitude" that gives the public the right to use the water for purposes of navigation only. This servitude does not extend to fishing.*

**Can a riparian landowner string a cable across a non-navigable stream?**

*Yes, as long as:*

- *the landowner owns property on both sides of the stream; and*
- *the cable doesn't interfere with navigation.*

*However, from a liability perspective, it may not be a good idea.*

Despite the previous guidance from the PA Fish & Boat Commission, PA DCNR provides a listing of publicly-owned streambeds at:

[https://elibrary.dcnr.pa.gov/GetDocument?docId=1738602&DocName=Navigable\\_Waterway\\_List\\_022812.pdf](https://elibrary.dcnr.pa.gov/GetDocument?docId=1738602&DocName=Navigable_Waterway_List_022812.pdf)

This document identifies the following waterways in Montour and Columbia Counties as being navigable:

- Catawissa Creek
- Chillisquaque Creek
- East Branch Chillisquaque Creek
- Fishing Creek
- Little Fishing Creek
- Middle Branch Chillisquaque Creek
- North Branch Susquehanna River
- West Branch Susquehanna River

**NOTE:** MARC and the CMVB are aware of an ongoing legal dispute regarding the navigability (and subsequent public accessibility) of portions of Fishing Creek in Columbia County and hereby advise land managers adjacent to Fishing Creek of the ongoing uncertainty with this situation.



## VIOLATIONS / LEGAL REFERENCES

The following issues and legal references are those most commonly noted by regional publicly-accessible land managers in and around Montour and Columbia Counties as have been brought to the attention of MARC and the CMVB.

### CRIMINAL MISCHIEF

Per the Pennsylvania Consolidated Statutes, Title 18, § 3304 (Criminal Mischief)

(<https://www.legis.state.pa.us/cfdocs/legis/LI/consCheck.cfm?txtType=HTM&ttl=18&div=0&chpt=33>)

*(a) Offense defined.--A person is guilty of criminal mischief if he:*

- (1) damages tangible property of another intentionally, recklessly, or by negligence in the employment of fire, explosives, or other dangerous means listed in section 3302(a) of this title (relating to causing or risking catastrophe);*
- (2) intentionally or recklessly tampers with tangible property of another so as to endanger person or property;*
- (3) intentionally or recklessly causes another to suffer pecuniary loss by deception or threat;*
- (4) intentionally defaces or otherwise damages tangible public property or tangible property of another with graffiti by use of any aerosol spray-paint can, broad-tipped indelible marker or similar marking device;*
- (5) intentionally damages real or personal property of another; or*
- (6) intentionally defaces personal, private or public property by discharging a paintball gun or paintball marker at that property.*

*(b) Grading.--Criminal mischief is a felony of the third degree if the actor intentionally causes pecuniary loss in excess of \$5,000, or a substantial interruption or impairment of public communication, transportation, supply of water, gas or power, or other public service. It is a misdemeanor of the second degree if the actor intentionally causes pecuniary loss in excess of \$1,000, or a misdemeanor of the third degree if he intentionally or recklessly causes pecuniary loss in excess of \$500 or causes a loss in excess of \$150 for a violation of subsection (a)(4). Otherwise criminal mischief is a summary offense.*

*(c) Definition.--As used in this section, the term "graffiti" means an unauthorized inscription, word, figure, mark or design which is written, marked, etched, scratched, drawn or painted.*

## CRIMINAL TRESPASS

Per the Pennsylvania Consolidated Statutes, Title 18, § 3503 (Criminal Trespass)

<https://www.legis.state.pa.us/cfdocs/legis/li/consCheck.cfm?txtType=HTM&ttl=18&div=00.&chpt=035.&sctn=003.&subsctn=000>

*(a) Buildings and occupied structures.--*

- (1) A person commits an offense if, knowing that he is not licensed or privileged to do so, he:
  - (i) enters, gains entry by subterfuge or surreptitiously remains in any building or occupied structure or separately secured or occupied portion thereof; or*
  - (ii) breaks into any building or occupied structure or separately secured or occupied portion thereof.**
- (2) An offense under paragraph (1)(i) is a felony of the third degree, and an offense under paragraph (1)(ii) is a felony of the second degree.*
- (3) As used in this subsection:  
"Breaks into." To gain entry by force, breaking, intimidation, unauthorized opening of locks, or through an opening not designed for human access.*

*(b) Defiant trespasser.--*

- (1) A person commits an offense if, knowing that he is not licensed or privileged to do so, he enters or remains in any place as to which notice against trespass is given by:
  - (i) actual communication to the actor;*
  - (ii) posting in a manner prescribed by law or reasonably likely to come to the attention of intruders;*
  - (iii) fencing or other enclosure manifestly designed to exclude intruders;*
  - (iv) notices posted in a manner prescribed by law or reasonably likely to come to the person's attention at each entrance of school grounds that visitors are prohibited without authorization from a designated school, center or program official;*
  - (v) an actual communication to the actor to leave school grounds as communicated by a school, center or program official, employee or agent or a law enforcement officer; or*
  - (vi) subject to paragraph (3), the placement of identifying purple paint marks on trees or posts on the property which are:
    - (A) vertical lines of not less than eight inches in length and not less than one inch in width;*
    - (B) placed so that the bottom of the mark is not less than three feet from the ground nor more than five feet from the ground; and*
    - (C) placed at locations that are readily visible to a person approaching the property and no more than 100 feet apart.***
- (2) Except as provided in paragraph (1)(v), an offense under this subsection constitutes a misdemeanor of the third degree if the offender defies an order to leave personally communicated to him by the owner of the premises or other authorized person. An offense under paragraph (1)(v) constitutes a misdemeanor of the first degree. Otherwise it is a summary offense.*
- (3) Paragraph (1)(vi) shall not apply in a county of the first class or a county of the second class.*

*(b.1) Simple trespasser.--*

*(1) A person commits an offense if, knowing that he is not licensed or privileged to do so, he enters or remains in any place for the purpose of:*

- (i) threatening or terrorizing the owner or occupant of the premises;*
- (ii) starting or causing to be started any fire upon the premises; or*
- (iii) defacing or damaging the premises.*

*(2) An offense under this subsection constitutes a summary offense.*

### LITTERING

Per the Pennsylvania Consolidated Statutes, Title 18, § 6501 (Scattering Rubbish)

<https://www.legis.state.pa.us/cfdocs/legis/li/consCheck.cfm?txtType=HTM&ttl=18&div=00.&chpt=065.&sctn=001.&subscn=000>

*(a) Offense defined.--A person is guilty of an offense if he:*

- (1) causes any waste paper, sweepings, ashes, household waste, glass, metal, refuse or rubbish, or any dangerous or detrimental substance to be deposited into or upon any road, street, highway, alley or railroad right-of-way, or upon the land of another or into the waters of this Commonwealth;*
- (2) interferes with, scatters, or disturbs the contents of any receptacle containing ashes, garbage, household waste, or rubbish; or*
- (3) is the owner or operator, or an agent of either, of a trash, garbage or debris collection vehicle, including private automobiles and small trucks, or any other type of vehicles used to collect or transport trash, garbage or debris, who knowingly causes to be deposited or deposits the vehicle's load or any part thereof upon any road, street, highway, alley or railroad right-of-way, or upon the land of another or into the waters of this Commonwealth.*

### THEFT OF SERVICES

**NOTE:** this statute has been used to cite persons found dumping trash (other than that trash reasonably generated during the person's visit to the property) in land managers' dumpsters.

Per the Pennsylvania Consolidated Statutes, Title 18, § 3926 (Theft of Services)

<https://www.legis.state.pa.us/cfdocs/legis/li/consCheck.cfm?txtType=HTM&ttl=18&div=00.&chpt=039.&sctn=026.&subscn=000>

*(a) Acquisition of services.--*

*(1) A person is guilty of theft if he intentionally obtains services for himself or for another which he knows are available only for compensation, by deception or threat, by altering or tampering with the public utility meter or measuring device by which such services are delivered or by causing or permitting such altering or tampering, by making or maintaining any unauthorized connection, whether physically, electrically or inductively, to a distribution or transmission line, by attaching or maintaining the attachment of any unauthorized device to any cable, wire or other component of an electric, telephone or cable television system or to a television receiving set connected to a cable television system, by making or maintaining any unauthorized modification or alteration to any device installed by a cable television system, or by false token or other trick or artifice to avoid payment for the service.*

### OTHER ISSUES OF NOTE – SMALL DAMS

Concerns have been raised regarding park visitors' construction of small 'dams' in streams.

Per the Pennsylvania Consolidated Statutes, Title 25 (Environmental Protection), Chapter 105 (Dam Safety and Waterway Management), § 105.12 (Waiver of Permit Requirements)

<https://www.pacodeandbulletin.gov/Display/pacode?file=/secure/pacode/data/025/chapter105/chap105toc.html&d=reduce#105.12>.

*(a) Under section 7 of the act (32 P. S. § 693.7), the requirements for a permit are waived for the following structures or activities, regardless of when commenced. If the Department upon complaint or investigation finds that a structure or activity which is eligible for a waiver, has a significant effect upon safety or the protection of life, health, property or the environment, the Department may require the owner of the structure to apply for and obtain a permit under this chapter.*

*(1) A dam not exceeding 3 feet in height in a stream not exceeding 50 feet in width, except wild trout streams designated by the Fish and Boat Commission.*

*(2) A water obstruction in a stream or floodway with a drainage area of 100 acres or less. This waiver does not apply to wetlands located in the floodway.*

Any concerns related to dams or structures in waterways should be directed to the PA Department of Environmental Protection's Northcentral Regional Office at (570) 327-3636.

### OTHER ISSUES OF NOTE – OBJECTS PLACED IN STREAMS

Concerns have been raised regarding the use of propane grills, charcoal grills, lawn chairs, and other objects in streams. Per informal feedback from law enforcement agencies, these temporarily placed objects will likely not be addressed by law enforcement unless they are left in streams (to be considered for littering charges) or if the waste products from the grills are discarded in streams (again, to be considered for littering charges). If the objects are located in a stream in such a way that they prevent other users from safely passing up or downstream, situations will be handled on a case-by-case basis (**Note:** see pages 21 and 22 for related concerns).

Concerns related to in-stream littering, fishing and boating violations, or other concerns should be directed to the PA Fish & Boat Commission's Regional Offices:

In Montour County, contact the Northcentral Regional Office at (814) 359-5250

In Columbia County, contact the Northeast Regional Office at (570) 477-5717

## INTERFERENCE WITH LAWFUL FISHING AND BOATING

Concerns have been raised regarding persons in waterways using lawn chairs, grills, and other objects or otherwise gathering in such a way that use of the stream by anglers and boaters is impacted.

Per the Pennsylvania Consolidated Statutes, Title 30, § 909 (Interference with Lawful Fishing and Boating Prohibited)

<https://www.legis.state.pa.us/cfdocs/legis/LI/consCheck.cfm?txtType=HTM&ttl=30&div=0&chpt=9&sctn=9&subscn=0>

*(a) General rule.--Except as otherwise provided in this title, it is unlawful for a person at the location where lawful fishing or boating is taking place to intentionally obstruct or physically interfere with the lawful fishing or boating.*

*(b) Activities that violate section.--A person violates this section if that person intentionally or knowingly commits any of the following:*

- (1) Disturbs fish in their habitat for the purpose of disrupting the lawful taking of fish where another person is engaged in the process of lawful fishing.*
- (2) Blocks or impedes another person who is engaged in the process of lawful fishing or boating.*
- (3) Uses natural or artificial visual, aural, olfactory or physical stimuli to affect fish behavior in order to hinder or prevent the lawful taking of fish.*
- (4) Creates or erects barriers with the intent to deny ingress or egress to areas where the lawful fishing or boating is permitted.*
- (5) Places obstructions or objects in the waters of this Commonwealth for the purpose of hindering lawful fishing or boating.*
- (6) Fails to obey the order of any officer authorized to enforce this title to cease and desist from conduct in violation of this section.*

*(c) Exception.--The conduct declared unlawful in this section does not include any lawful activities arising from ownership and occupancy of private lands, farming, mining, forestry practices, activities associated with oil and gas drilling and production, recreation and similar activities or exercise of defendant's rights of free speech under the Constitution of the United States or the Constitution of Pennsylvania. Nothing contained in this section shall be construed to authorize any interference with or disruption of activities associated with oil and gas drilling, production site restoration or other conduct necessary for compliance with the act of June 22, 1937 (P.L.1987, No.394), known as The Clean Streams Law, the act of December 19, 1984 (P.L.1140, No.223), known as the Oil and Gas Act, or other laws or regulations of the Commonwealth by the operator of the oil and gas site. In addition, nothing contained in this section shall be construed to authorize any interference with or disruption of activities conducted pursuant to a permit or other authorization of a Federal, State or local government agency or any other government agency.*

Concerns related to interference with lawful fishing and boating should be directed to the PA Fish & Boat Commission's Regional Offices (**NOTE:** see page 22):

In Montour County, contact the Northcentral Regional Office at (814) 359-5250

In Columbia County, contact the Northeast Regional Office at (570) 477-5717

### **OTHER PENNSYLVANIA TITLE 30 (FISH) AND TITLE 34 (GAME) VIOLATIONS**

Violations of Pennsylvania Title 30 statutes related to fish / fishing

(<https://www.legis.state.pa.us/cfdocs/legis/LI/consCheck.cfm?txtType=HTM&tli=30>)

are typically handled by the Pennsylvania Fish & Boat Commission, while violations of Title 34 statutes

(<https://www.legis.state.pa.us/cfdocs/legis/LI/consCheck.cfm?txtType=HTM&tli=34>)

related to game / hunting are typically handled by the Pennsylvania Game Commission.

However, per Title 30, Chapter 9, Subchapter A, § 903, (Delegation of Enforcement Powers) and Title 34, Chapter 9, Subchapter A, § 903, (Delegation of Enforcement Powers):

*Any person employed or elected by the Commonwealth or by any municipality, whose duty it is to preserve the peace or to make arrests or to enforce the laws of this Commonwealth, may be designated and empowered by the executive director, with the approval of the commission, to enforce the provisions of this title.*

MARC is of the belief that the Pennsylvania State Police are authorized to enforce Title 30 and Title 34 statutes.

While it is possible for local law enforcement agencies to be similarly empowered to enforce these statutes, MARC is not aware of any local agencies in Montour or Columbia Counties with such authority.