

ORDINANCE NO. 18-2018

**BOROUGH OF ROSELAND
COUNTY OF ESSEX, STATE OF NEW JERSEY**

AN ORDINANCE TO AMEND CHAPTER XIV “PARKS AND RECREATION” ADDING A NEW SECTION ESTABLISHING AN OPERATING POLICY, ADDING A NEW SECTION REGULATING THE USE OF OUTDOOR FACILITIES, AND AMENDING OTHER SECTIONS TO CREATE CONFORMITY WITH OTHER STATE OR LOCAL LAWS AND REGULATIONS

WHEREAS, the Mayor and Council of the Borough of Roseland wish to amend Chapter XIV “Parks and Recreation”, adding a new section establishing an operating policy, adding a new section regulating the use of outdoor facilities, and updating other section in order to create conformity with other state or local laws or regulations;

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Roseland that XIV “Parks and Recreation” of the Revised General Ordinances of the Borough shall be amended as follows:

SECTION I

That section 14-1 “CONDUCT AND USE OF PARKS AND RECREATION AREAS” shall be renumbered as Section 14-2 and new Section 14-1 “OPERATING POLICY” shall be inserted as follows:

14-1 OPERATING POLICY

14-1.1 CLOSING OF RECREATION AREAS OR PUBLIC LANDS

Any section or part of borough recreation areas or public lands may be declared closed to the public by the Mayor or the Recreation Director at any time for any period of time, either temporarily or at regular or stated intervals.

14-1.2 CLOSED AREAS

No persons in a park, playground, or field shall enter or drive in an area posted as “Closed to the Public”, nor shall any person use or abet the use of any area in violation of posted notices.

14-1.3 PUBLIC GATHERINGS

a. Exhibit of Permits. No person in park, playground, or field shall fail to produce and exhibit any permit from the Clerk’s Office he claims to have upon

request from any Borough Official who desires to inspect the same for purpose of enforcing compliance with any ordinance or rule.

b. *Interference with Permittees and Sanctioned Groups.* No person in a park, playground, or field shall disturb or interfere unreasonably with any person or party occupying any area or participating in any activity under authority of a valid permit

c. *Prior Approval required.* No person shall conduct a public gathering in any park, playground or field without sanctioned status granted by the recreation department or a field permit issued by the Borough Clerk

14-1.4 LIGHTNING PREDICTION AND WARNING SYSTEM

Upon activation of a warning signal in accordance with the borough's Lightning Prediction and Warning System, all affected public lands and recreational areas shall be immediately and temporarily closed, all activities on said properties shall forthwith cease, and all persons shall vacate said lands. Any person who fails to obey the direction of any official shall be in violation of this section.

Section II

That section 14-1 "CONDUCT AND USE OF PARKS AND RECREATION AREAS" shall be renumbered as Section 14-2 and shall be amended by adding the following **thus** and deleting the following **thus**:

14-2 CONDUCT AND USE OF PARKS AND RECREATION AREAS.

Editor's Note: See also Chapter V, Animal Control.

14-2.1 Prohibited Activities. Roseland Borough prohibits the following in Borough Parks:

- a. – g. No change
- h. Fires and/or barbeques – unless a permit is fire obtained from the Fire Prevention Officer and then only except in designated areas.
- i. ~~Unauthorized sales or commercial activities.~~ Solicitation and literature distribution, vending, peddling, advertising, or signs.
- j. No change
- k. ~~Profanity.~~ Loud, violent, obscene, or profane language.
- l. – n. No change
- o. Operation of Unmanned Aircraft Systems (UAS) as defined and regulated in Chapter III, Section 3-8. (Ord. No. 11-2018)

14-2.2 No change

14-2.3 No change

Section III

That section 14-2 “SANCTIONED GROUPS, ORGANIZATIONS OR ACTIVITIES” shall be renumbered as Section 14-3 and shall be amended by adding the following **thus** and deleting the following **thus**:

14-3 SANCTIONED GROUPS, ORGANIZATIONS OR ACTIVITIES.

14-3.1 No change

14-3.2 Sanctioned Groups, Organizations or Activities.

a. Any group, organization, league or activity applying for sanctioned status shall be **either**;

1. An independent ~~501C corporation~~ 501(c) organization as recognized by the Internal Revenue Service (IRS); or

2. No change

b. – f. No change

g. Each group, organization or league is required to submit the following information no later than July 1 of each year:

1. A completed IRS Form #990 or request for extensions, **or a New Jersey Form ST-5 Exempt Organization Certificate; and**

2. No change

3. No change

4. No change

h. – n. No change

14-3.3 No change

14-3.4 No change

14-3.5 No change

14-3.6 No change

SECTION IV

That new section 14-4 “USE OF OUTDOOR FACILITIES shall be added as follows:

14-4 USE OF OUTDOOR FACILITIES

14-4.1 Permit Required.

a. Whenever any person, group, association or organization desires to reserve any field, park, public land or other borough facilities for a particular purpose, such as games, sports practices, picnics, parties or theatrical or entertainment performances, or any other activity that promotes recreational, educational or cultural opportunities for Roseland Residents, a representative of said group, association or organization shall first obtain a permit from the Borough Clerk.

b. The Borough Clerk shall grant the permit if it appears that the person, group, association or organization meets all of the conditions contained herein and contained in an application form to be hereinafter provided by the Mayor and Council. The application may also contain a requirement for an indemnity bond or insurance policy to protect the borough from any liability of any kind or character and to protect borough property from damage. The Mayor and Council may accept or waive certain insurance requirement as they deem reasonable.

14-4.2 Permit Fees.

- a. Parks including picnic areas shall be for four (4) consecutive hours
 - 1. Bond Force Memorial Park \$135.00
 - 2. Tedesco Park- \$135.00
- b. Fields with no lights shall be for two (2) consecutive hours
 - 1. Lynn DeBell Field \$90.00
 - 2. Thomas J. O'Beirne Field \$90.00
- c. Permits issued for Fields with Lights shall be for two (2) consecutive hours
 - 1. Thomas J. O'Beirne Field \$115.00

14-4.3 Application Requirements.

Prior to the issuance of any outdoor facilities permit, the person, group, association or organization using the outdoor facility shall first file a written statement with the Borough Clerk, at least five (5) days in advance of the proposed use of the facility Mailed application shall be postmarked at least seven (7) days in advance of the use of the facility. All applications shall set forth the following information as approved by the Mayor and Council

- a. Full name, address, email address and phone number of the applicant
- b. The person, group, association or organization name.
- c. The name and location of facility requested
- d. The date, or dates and time the facility is being requested within the calendar year.
- e. An explanation for the request
- f. The Permit Holder must abide by all Borough Ordinances whether posted or not
- g. The Permit Holder is responsible for cleanup of facilities-facilities include but not limited to the grounds, equipment and parking areas.
- h. The Permit Holder is responsible for the repair and damages resulting from use

i. The Permit Holder shall accept and assume any and all risks resulting from the persons, groups, associations or organization use of the facility

j. The Permit Holder shall indemnify, defend and hold harmless the borough and all its officials, agents, representatives and employees from any and all claims which, in any way, arise out of or relate to the use of the facility, including the full amount of any settlement or judgment and all costs and counsel fees, whether or not such claims are meritorious.

k. The Permit Holder must provide and keep in effect a non-cancelable insurance coverage as per the insurance requirements set forth by the borough.

14-4.4 Permit Regulations.

a. The Permit is not transferable.

b. The permit holder must be in possession of the permit and the permit must be posted in public view.

c. No refunds will be issued for unused time.

d. The Recreation director reserves the right to postpone or cancel any organized event or field usage due to weather or interference with recreation events.

e. It is the responsibility of the permit holder to call the recreation hot line at 973-226-6552 #3 after 3:30 or on weekends for unsafe field conditions.

f. Fields are lined in accordance to typical specs for age and sports.

14-4.5 Postponement due to Weather

The recreation director reserves the right to postpone or cancel park or field usage due to inclement weather. If field conditions are deemed unsafe the recreation director will notify the permit holder of the cancellation during normal business hours. It is the responsibility of the permit holder to call the weather hot line at 973-226-6552 #3 during non-business hours. If a permit is canceled due to inclement weather conditions, and affidavit by the recreation director to this effect is submitted, the Borough Clerk may issue another permit for the same location within thirty (30) days form the date the facility was scheduled to be used. No additional permit fee shall be required.

14-4.6 Hours of Operation.

Outdoor facilities permits shall be limited in time Monday through Saturday from 9:00 am to 8:00 pm or dusk during week days. Sunday's shall be limited to 10:00 am to 8:00 pm or dusk.

14-4-7 Sound Production Devices.

Any musical instrument, loud speaker, radio, digital or analog music player, public address system or sound-amplifying equipment is limited on Monday through Saturday from 10:00 AM to 8:00 PM, and is limited on Sunday from 12:00 PM to 8:00 PM.

14-4.8 Enforcement.

The provision of this section shall be enforced by the Police Department. It shall be the duty of the Police Department to investigate any violation of this section coming to their attention, whether by complaint or arising from an officer’s personal knowledge or observation, and if a violation is known to exist, the officer shall prosecute a complaint before the local Municipal Court pursuant to the provisions of this section.

SECTION V

If any section of provision of this ordinance shall be invalid in any court the same shall not affect the other sections or provisions of this ordinance except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

SECTION VI

This ordinance shall take effect upon publication as provided by law.

DATE OF INTRODUCTION: November 13, 2018

Motion to Introduce by: Councilwoman Tolli

Motion Seconded by: Councilman Bardi

Introduction Approved: 6-0 Voice Vote

DATE OF ADOPTION:

COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	RECUSE	ABSENT
Councilman Bardi							
Councilman Jacobs							
Councilman Leonard							
Councilman Smith							
Council President Tolli							
Councilman Tsilonis							
Mayor Duthie (In case of tie)							
		VOTE:					

I hereby certify that the above Ordinance was duly adopted by the Mayor and Council of the Borough of Roseland at a meeting of Borough Council held on the ____ day of _____, 2018.

John Duthie, Mayor

Jock H. Watkins, Borough Clerk

Date of Publication: