

Egg Harbor Township

Ordinance No. 9

2017

An ordinance to amend the Code of the Township of Egg Harbor, Chapter 165 entitled "Parks"

BE IT ORDAINED, by the Township Committee for the Township of Egg Harbor, County of Atlantic and State of New Jersey that:

SECTION 1: Chapter 165 of the Township Code, is hereby amended by deleting it in its entirety and replacing it with the following:

§165-1 Purpose.

The purpose of this chapter is to provide standards and regulations for the use of the park(s) and recreation area(s) within the Township of Egg Harbor.

§165-2 Definitions.

For the purposes of this chapter, the following terms shall have the meanings indicated:

DEPARTMENT OF PARKS & RECREATION

Duly appointed personnel of the Township, including the Director of Parks and Recreation and their designated staff members.

PARK(S)/RECREATION AREA(S)

Includes but is not limited to a park, playground, recreation center or any other public area owned or used by the Township or local authorized government agencies and devoted to active or passive recreation.

RECREATION COMMISSION

The Recreation Commission is responsible for guiding the administrative policy of Egg Harbor Township park(s) and recreation area(s) as well as steering future development of facilities to serve the residents of Egg Harbor Township.

§165-3 Hours.

The following hours of use have been established:

- A. Delilah Oaks Parks: sunrise to sunset.
- B. M. K. Betterment Playground: sunrise to sunset.
- C. Oakland Tremont Park: sunrise to sunset.
- D. Childs-Kirk Memorial Park: sunrise to sunset; except for the softball fields until 11:00 pm
- E. Veterans Memorial Park: sunrise to sunset; except for lighted fields until 11:00 p.m.
- F. Tony Canale Park: sunrise to sunset, except for the soccer fields until 11:00 p.m.
- G. Arboretum: sunrise to sunset.
- H. Bargaintown Park: sunrise to sunset; except for the baseball field until 11:00 p.m.
- I. Egg Harbor Township Nature Reserve: sunrise to sunset.
- J. Community Center grounds: sunrise to sunset.
- K. Shires Park: Sunrise to sunset.
- L. Shires Tot Lot: Sunrise to sunset.

§165-4 Exceptions.

The provisions of this chapter shall not be applicable when:

- A. A function is being held or is being sponsored by the township of a religious, school, civic or properly supervised event or program.
- B. A supervised social meeting, gathering or assemblage for which a property permit has been issued.

§165-5 Rules and Regulations.

The following rules and regulations are hereby established, and it shall be unlawful to violate any of the said rules and regulations:

- A. No person shall act in a loud, indecent, obscene or offensive manner.
- B. No person shall revel, disport or behave in a noisy and boisterous manner, emitting loud cries and other noises, so as to inconvenience others, or otherwise disrupt and disturb the public peace and dignity within the park(s) and recreation area(s) defined or such adjacent areas. Use of profane, loud, threatening, insulting, indecent and abusive language is prohibited.
- C. No person shall drive and/or operate minibikes, motor scooters, motorbikes, go-carts, swamp buggies and snowmobiles and any other similar type of motor-driven vehicle within the park(s) and recreation area(s).
- D. The starting or maintenance of an open fire or fires in the park(s) and recreation area(s) at any time during the entire year is prohibited.
- E. Hunt, molest, harm, frighten, kill, trap, pursue, chase, tease, shoot or throw missiles at any animal, wildlife, reptile or bird; nor shall be remove or have in his possession the young of any wild animal or the eggs or nest or young of any reptile or bird. Exception to the foregoing is made in that snakes known to be deadly or poisonous, or deadly reptiles, may be killed on sight.
- F. Pets brought into the park(s) and recreation area(s) shall be confined or under direct control and on a leash. All pet owners must abide by Township regulations and are responsible for cleaning up after their pet(s). Animals trained to assist the disabled are permitted in all areas.
- G. No person shall carry or possess firearms of any description, or air rifles, spring guns, bow and arrows, slings or any other forms of weapons potentially inimical to wildlife and dangerous to human safety, or any instrument that can be loaded with and fire blank cartridges, or any kind of trapping device. Shooting into park(s) and recreation area(s) from beyond park boundaries is forbidden.
- H. The Recreation Commission shall be authorized to establish any other rules and regulations governing parks which it deems appropriate.
- I. No person shall engage in smoking of any kind or use tobacco products while in any park(s) and recreation area(s) listed in §165-3. "Smoking" is defined as the act of lighting by fire by any means, and/or the act of inhaling, exhaling, burning, or the carrying of any lit smoke product, including, but not limited to, a cigarette, cigar, pipe, electronic smoking device, tobacco, weed, plant or other vegetation or similar

material. Tobacco products encompasses all smokeless tobacco, including, but not limited to, chewing tobacco; loose-leaf tobacco; tobacco pellets; plug tobacco; twist or rope tobacco; dipping tobacco and dissolvable tobacco.

- J. The Director of Parks and Recreation, in conjunction with the Recreation Commission, reviews and approves all park(s) and recreation area(s) use requests for the Township. The Department of Parks & Recreation then works with its sponsored youth organizations and permitted groups to schedule the use of all fields and facilities located in Township park(s) and recreation area(s).
- K. Field closure for maintenance to preserve the quality of Egg Harbor Township park(s) and recreation area(s) to allow for appropriate rest and repair of turf areas will be identified by the Director of Parks and Recreation and their designated staff members. Mandatory field closure periods will be identified by park(s) and/or recreation area(s). The closed park(s) and/or recreation area(s) will be identified by posted signs and/or fencing and the organization's contact person will be notified. Consequences for not adhering to the field closure periods will result in the following:
- **1st Offense:** Written warning to the organization representative. Security deposit will be forfeited and retained by the Township of Egg Harbor.
 - **2nd Offense:** A monetary penalty of \$500 will be imposed and must be paid to the Department of Parks and Recreation. Use of facilities will be suspended until such time as the penalty is paid in full and any/ or all future permitted use will be canceled.
 - **3rd Offense:** Hearing before the Egg Harbor Township Recreation Commission with a potential loss of the field use permit for the organization.
- L. Athletic fields may be closed due to inclement weather or saturated conditions. If a field is to be determined closed or deemed unplayable by Egg Harbor Township authorized staff on weekdays, notice will be sent to the appropriate league/organization contact person via email by 2:00 pm that day. At later weekday times and weekends, each organization is required to cancel its permitted activity if injury may result to participants or if damage to the playing surface or facility may occur. Users must notify the Director of Parks & Recreation, or designated staff member, if the organization closed the field so other users questioning whether to close their fields can be so advised. If there is any doubt, the field should be closed and all activities canceled. Consequences for not adhering to the above closure requirements will result in the consequences for offenses stated above in Section K. Field use is prohibited in the following circumstances:
- It is closed for renovation or repair;
 - Water is standing on the field;
 - Soil is frozen;
 - The soil is wet; and "spongy";
 - Grass can be dislodged from the field easily;
 - Steady rain is falling;
 - A lightning/electrical storm is occurring; and
 - The field is deemed unplayable by Public Works and/or staff from the Department of Parks and Recreation.

- M. All managers, coaches, or persons in charge of a group using the park(s) and recreation area(s) will be responsible for the conduct of all participants, spectators and others connected with the activity, including visiting teams and opponents. Group users must inform their participants of the conduct rules. Users must clean up after themselves (i.e., trash, recycling, etc.) and managers, coaches, or persons in charge of a group must inspect the park(s) and recreation area(s) before leaving. All trash must be placed in proper receptacles. Users are expected to leave the park(s) and recreation area(s) in the same or better condition in which it was found.
- N. Warm-ups for the next scheduled event must be performed so as not to interfere with existing event and so as not to endanger the welfare of all participants, spectators and facilities.
- O. Use or possession of alcoholic beverages or controlled substances of any kind are prohibited.
- P. No field user may put down lines, significantly or permanently alter, or make any changes to a park and/or recreation area.
- Q. The Township may remove any article or property found in a park(s) and recreation area(s) after hours of operation at the owner's expense.
- R. No person or organization shall post by any means or erect or cause to be erected any sign, placard, advertisement, or inscription, in any Township park(s) and recreation area(s), without authorization from the Department of Parks and Recreation.

§165-6 Permits.

- A. Permits for park(s) and recreation area(s) use are issued in priority order by category in which the organization or event is placed. Category I user/event has priority over Category II, III & IV user/event, etc. Permits must be available for review at time of field use. Department of Parks and Recreation will make every reasonable effort to treat all organizations, teams, and individuals using Township facilities in a fair and equitable manner. All parties must comply with Federal and State anti-discrimination laws. Permits for park(s) and recreation area(s) use are issued by priority as listed below and according to policies contained herein. Park(s) and recreation area(s) use permits should be carried by the permittee at all times, during scheduled use of the park(s) and recreation area(s) and must be presented upon request. These permits are non-transferable and may not be passed on to other user groups. All field users must adhere to their designated activity, times, locations and dates of assigned use. Authorized permits will only be distributed after all required documentation has been submitted. All organized sports activity must have an authorized permit for use of Township athletic fields.
- B. Use categories:

Category I Permit/Use

Egg Harbor Township Programs & Events. Any Egg Harbor Township sanctioned program and/or special event.

Category II Permit/Use

Recognized & Sponsored Egg Harbor Township Youth Sports Organizations

- Egg Harbor Township Baseball Association
- Egg Harbor Township BMX Association
- Egg Harbor Township Jr. Wrestling Club
- Egg Harbor Township Lacrosse Association
- Egg Harbor Township Soccer Club
- Egg Harbor Township Street Hockey Association
- Egg Harbor Township Travel Basketball Association
- Egg Harbor Township Youth Organization
- Egg Harbor Township Youth Softball Association

Category III Permit/Use

Egg Harbor Township School District
 Programs, events, and/or activities officially sanctioned, coordinated and sponsored by the Egg Harbor Township School District.

Category IV Permit/Use

Egg Harbor Township Non-Profit Organizations / Egg Harbor Township Church Groups / Egg Harbor Township Boys & Girls Scout Groups, Non-profit organizations, entities, individuals or groups for the purpose of providing recreational services primarily to Egg Harbor Township residents, must show proof of non-profit certification. Organization address of record is an Egg Harbor Township address. Team rosters must show 75% or higher Egg Harbor Township residents.

Category V Permit/Use

Non-Egg Harbor Township Non-Profit Organizations
 Non-profit organizations, entities, individuals or groups for the purpose of providing recreational services, must show proof of non-profit certification. For all teams with fewer than 75% Egg Harbor Township residents.

Category VI Permit/Use

Independent Organizations
 Organizations, entities, individuals or groups for the purpose of providing recreational services who do not operate as a commercial enterprise or business and can't provide verifiable proof of operating on a non-profit basis as defined herein.

Category VII Permit/Use

Commercial
 Organizations, entities, individuals or groups for the purpose of providing recreational services that are operated as a for-profit commercial enterprise.

- C. To qualify as a Non-Profit organization in Category IV or V above, the organization must be registered as a not-for-profit corporation with the State of New Jersey. Non-Profit Organizations are those organizations that have evidence of Federal 501(c) filing and state non-profit status.
- D. Priority is given within a particular sport's designated "season". In-season sports have equal status to each other; out of season sports have equal status to each other.
- E. Bargaintown Park Baseball Field has been designated by the Recreation Commission as a park facility to serve adults in the Township and surrounding area.

Priority may be given to adult groups superseding the Category rankings stated above.

§165-7 Permit Fees.

Egg Harbor Township Park(s) and Recreation Area(s) permit fees by category:

Category I, II, III are permitted for use at no charge.

Category IV-VI

Field use \$30 per hour / 3 hour block min.

Field use w/ Lights \$60 per hour / 3 hour block min.

Category VII

Field use \$100 per hour / 3 hour block min.

Field use w/ Lights \$150 per hour / 3 hour block min.

§165-8 Field Scheduling.

- A. The first step to securing a park and/or recreation area is to complete a Facility Use Application. The allocation of park(s) and recreation area(s) will be determined by the Director of Parks and Recreation according to the priority of use established in, §165-6 "Permits", and provided the criteria listed is met.
1. The Department of Parks & Recreation may schedule fields and facilities at any time for Township sponsored programs, events and activities.
 2. Category II Applicant's Facility Use of park(s) and recreation area(s) Application for the spring and summer season (Mar 1 – Aug 31) is to be submitted by December 31st. Field use approvals for Category II will be voted upon at the January Recreation Commission meeting.
 3. Category II Applicant's Facility Use of park(s) and recreation area(s) Application for the fall season (Sep 1 – Nov 30) is to be submitted by May 31st. Field use approvals for Category II will be voted upon at the June Recreation Commission meeting.
 4. All Category III – VII Applicants may submit a Facility Use of park(s) and recreation area(s) Application no more than 60 days prior to start date of use. Additionally, applications for Facility Use of fields between April 1 – August 31 will be accepted up to January 31st. Permits will be issued for groups that apply according to category rankings. Applications for Facility Use of park(s) and recreation area(s) between September 1 – November 15 will be accepted up to June 30th. Permits will be issued for groups that apply according to category rankings and any policy contained herein.
 5. Field Use Applications may be submitted past the dates stated above, no later than seven (7) business days prior to date of use requested and will be considered based on remaining park(s) and recreation area(s) availability.
 6. Restrictions include:
 1. Park(s) and recreation area(s) use permits will be issued to all applicants in categories III-VII between the dates of April 1 -

November 15 annually. No use outside of these dates for above category groups will be allowed.

2. All Egg Harbor Township park(s) and recreation area(s) will be permitted for use a maximum of six (6) days a week to ensure they receive some rest and reduce wear and tear.
 3. Athletic fields may not be scheduled for more than eight (8) hours of use in a day. The Director of Parks and Recreation may make exception to this rule in case of tournament play. During the months of July and August, all athletic fields will be permitted for use no more than six (6) hours daily, with a maximum use of four (4) consecutive hours. A mandatory rest period of two (2) hours will be imposed between approved use of the field(s) or area(s).
 4. The Township will leave park(s) and recreation area(s) use times open, un-scheduled and available for informal use by the general public.
- B. To minimize field wear and maintenance and ensure the safety of participants, park(s) and recreation area(s) may be retired from play after each season to allow rehabilitation/regrowth of the turf. The Director of Public Works, Director of Recreation or the Recreation Commission may close any Egg Harbor Township park(s) and recreation area(s) for the upcoming season based upon a review of conditions and required maintenance to ensure playability. The Township may cancel individual activities on any given day depending on weather and current park(s) and recreation area(s) conditions. In case of permitted date of use, canceled due to weather or park(s) and recreation area(s) conditions, the Director of Parks and Recreation will assist the organization in obtaining one alternate date at no additional cost, provided the date of park(s) and recreation area(s) use is not booked previously by any another permitted group.

§165-9 Conflict.

- A. In the event of a debate or conflict between entities in the interpretation of the above, the Director of Parks and Recreation will submit their recommendation to the Township Administrator and a final decision will subsequently be rendered.
- B. In the event of special cases or circumstances (such as decisions on “last minute” completed applications with no time to go through the process described above), the Director of Parks and Recreation will use their best discretion for park(s) and recreation area(s) use, and have the support of the Township Administrator.

§165-10 Violations and penalties.

Violation of any provision of this chapter shall, upon conviction thereof, be punished by a minimum fine of \$100 or a maximum of \$2,000 or by imprisonment for a term not exceeding 90 days or by a period of community service not exceeding 90 days. Each and every violation shall be considered a separate violation. Any person who is convicted of violating the provisions of this chapter within one year of the date of a previous violation and who was fined for the previous violation may be sentenced by the Court to an additional fine as a repeat offender. The additional fine imposed as a repeat offender shall not be less than the minimum or exceed the maximum fine provided herein, and same shall be calculated separately from the fine imposed for the violation of this chapter.

SECTION 2: All ordinances and parts of Ordinances inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

SECTION 3: Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

SECTION 4: This Ordinance shall become effective immediately upon final adoption and publication according to law.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED AT A MEETING OF THE TOWNSHIP COMMITTEE OF EGG HARBOR TOWNSHIP, IN THE COUNTY OF ATLANTIC, STATE OF NEW JERSEY, HELD MARCH 15, 2017 AND WILL BE FURTHER CONSIDERED FOR FINAL PASSAGE AFTER A PUBLIC HEARING THEREON AT A REGULAR MEETING OF SAID TOWNSHIP COMMITTEE TO BE HELD IN THE TOWNSHIP HALL, IN SAID TOWNSHIP ON APRIL 5, 2017.

Dated: March 15, 2017

Eileen M. Tedesco, RMC
Township Clerk