

ORDINANCE NO. 2015-04

TOWNSHIP OF GREEN, COUNTY OF SUSSEX, STATE OF NJ

AN ORDINANCE REPLACING CHAPTER IX IN ITS ENTIRETY, AND AMENDING CHAPTER VIII, FEES.”

BE IT ORDAINED, by the Township Committee of the Township of Green in the County of Sussex and the State of New Jersey, as follows:

SECTION 1: Chapter IX shall be repealed in its entirety and shall be replaced with new Chapter IX, Public Property, Parks and Recreation Areas as follows:

CHAPTER IX

PUBLIC PROPERTY, PARKS AND RECREATION AREAS

9-1 Title; Purpose; Facilities; Definitions.

- A. Title. This chapter shall hereafter be known and cited as “Park and Public Property Rules and Regulations.”
- B. This chapter is enacted to establish rules and regulations for the protection, care and control of all public facilities including open space, Township buildings, parks, playgrounds and athletic fields in the Township and to regulate the conduct of persons on or within such public facilities.
- C. Definitions. As used in this chapter, the following terms shall have the meanings indicated:

TOWNSHIP FACILITY OR FACILITIES

Facilities include but not limited to:

EverGreen Park:

- Main Soccer Field
- Practice Soccer Field
- Westra Field
- Orr Field
- Baseball Field
- Basketball Court
- Pavillion (w/o kitchen)
- Pavilion (w/ kitchen)
- Parking Lot

EverGreen Trail Park (field)

Wesley Field

- Baseball Field (Little League)

Papa Park

Pittenger Park

Fireman’s Field

Town Hall - Including Downstairs Meeting Room and parking lot

Greendell PO parking lot

Tranquility PO parking lot

Trinca Airport

FACILITIES USER GROUPS are defined as follows:

Group 1 – youth programs associated with GTSC or Green Township based non-profit youth organizations whose participants include 75% Green residents, have open registration (regardless of skill level), provide an “everyone participates” philosophy.

Group 2 – adult programs associated with GTSC or Green Township based non-profit adult programs whose participants includes 75% Green Residents.

Group 3 – youth non-profit organizations who are unable to meet the Group 1 criteria.

Group 4 – adult non-profit organization who are unable to meet the Group 2 criteria.

Group 5 – youth or adult programs/events that are not non-profit.

9-2 Hours; special events.

- A. Parks shall be open daily to the public from sunrise to sunset. No person shall enter or remain in any park before sunrise or after sunset. Vehicles shall not be left in facility parking areas overnight unless a permit is obtained from the Township Committee or their designated agent.
- B. Permits are required for the use of any and all Township facilities, including parks or recreation areas or portions of these, by any persons and/or organizations wishing to use the facilities or parks for parties, assemblages, business or entertainment, or athletic events. Interested parties may apply to the Township Committee or its designated agent on a form supplied by the Township Clerk and, as further outlined in Section 9-13 of this Chapter.
- C. Any section or part of a park or facility may be declared closed to the public at any time for any interval of time, either temporarily or at regular intervals as deemed appropriate by the Township Committee or its designated agent.

9-3 Alcoholic Beverages.

No person shall bring alcoholic beverages into or onto any Township facilities or possess or consume alcoholic beverages in or at any facility at any time.

9-4 Animals.

Except for guide or service dogs assisting their owner, no person shall bring, possess or harbor any pet or domestic animal of any nature on or into any Township facility.

9-5 Construction of Buildings; Utilities.

No person shall construct or erect any building or structure of whatever kind, whether permanent or temporary, on any facility or run or string any public service utility into or across any facility or property, except on special written permit issued by the Township Committee or their designated agent.

9-6 Firearms and Explosives; fires.

- A. The possession or discharge of any and all firearms, explosives, firecrackers and projectiles, including but not limited to arrows on any facility, is prohibited at all times.
- B. No person shall build or attempt to build a fire on the grounds of or in any facility.

9-7 Hunting/Fishing.

- A. No person shall annoy, harass, hunt, pursue, capture, trap, take, wound or kill any wildlife at any facility by any means, including but not limited to firearms, long-or compound bow, traps, nets or snares.
- B. No person shall fish in any facility area where bathing is permitted.

9-8 Litter; Glass.

- A. No person shall throw or deposit litter or waste anywhere at any facility other than in public litter receptacles; this will include, but not be limited to, bodies of water in or adjacent to any facility or any tributary stream, storm sewer or drain flowing into such waters.

- B. Where public litter receptacles are not provided, all such rubbish and waste shall be carried away from the facility by the persons responsible for its presence and properly disposed of elsewhere.
- C. No person shall possess glass containers or other glass objects at or around any facility or cause glass containers or glass objects to be brought into any facility.

9-9 Maintenance and Use of Facilities.

- A. No person shall willfully mark, deface, disfigure, tamper with, displace or remove any trees, shrubs, plants, buildings, materials, public utility equipment, monuments, markers or other structures or equipment at any facility or facility's property or appurtenances whatsoever, either real or personal.
- B. No person shall fail to cooperate in maintaining rest rooms and washrooms designated for public use at any facility.
- C. No person shall climb any tree or stand or sit on any monument, vases, planters, fountains, railings, fences or other property not designated or customarily used for such purpose at any facility.

9-10 Motorized Vehicles; Speed Limit.

- A. The use of all motorized vehicles, including mopeds and all-terrain vehicles, is restricted to designated roadways and parking areas. Operation of such motorized vehicles in any other facility area is prohibited.
- B. The speed limit on all park roadways and in all parking areas shall be 15 miles per hour.

9-11 Non-motor Powered Vehicles.

- A. No person shall operate a non-motor powered vehicle without reasonable regard to the safety of others; this will include, but not be limited to, bicycles, skateboards and roller skates.
- B. No person shall leave a non-motor powered vehicle at any facility or apparatus on the ground or paving or set against trees or in any place or position where others may trip over or be injured by it. Where available, all bicycles shall be placed in bike racks.

9-12 Soliciting, Gambling, Vending, Signs.

- A. Solicitation of alms or contributions for any purpose, whether public or private, shall be prohibited at any facility.
- B. Vending or exposing for offering for sale any article, thing or service shall be prohibited. Exception shall be made for any non-profit organization who has obtained approval for this activity from the Township Committee or their designated agent.
- C. No person shall paste, glue, tack or otherwise post any sign, placard, advertisement or inscription whatever on any public lands or highways or roads adjacent to any facility except as permitted by the Township Committee or their designated agent.

9-13 Standards of Conduct and Dress.

- A. While in or at a facility: all persons shall conduct themselves in a proper and orderly manner.
- B. No person shall dress or undress at any facility or any portion or area of any facility.
- C. While in or at a facility, no person shall allow himself or herself to be so covered with a bathing suit so as to indecently expose his or her person.

9-14 Swimming and Wading.

No person shall swim, bathe or wade in any waters or waterways in or adjacent to any facility except in such waters and at such times and places designated by the Township Committee or its designated agent.

9-15 Use of Facilities – Permit Process; Fees

- A. Persons and/or organizations wishing to use Township owned facilities including park areas (including picnic areas, playground areas, athletic field areas, parking areas, etc.) and indoor areas (meeting rooms, kitchen, etc.) for parties, assemblages, business engagements, or entertainment are required to apply to

the Township Committee or its designated agent for permission to use in writing on a form supplied by the Township Clerk.

- B. Application for the use of a Township owned facility shall be submitted no later than 30 days prior to the first date of requested use nor any earlier than 45 days prior to the first date of requested use.
- C. Permission to use a facility shall not be granted unless and until a fully completed Hold Harmless Agreement, in a form acceptable to the Township Attorney and Risk Manager, is submitted to the Township. In addition, any organization or entity that wishes to use a facility shall submit an insurance certificate naming Green Township, Green Township officers, employees and volunteers as additional insured on a primary and non-contributory basis with a minimum of \$1,000,000 Comprehensive General Liability.
- D. Fees for use of facilities shall be set by the Township Committee in Chapter VIII. Fees shall be submitted no later than 7 days prior to use. An application is not considered approved until all fees are submitted.
- E. Submission of an application does not constitute approval of the application.
- F. In the event more than one request for use of facilities is received for the same time/day, facilities will be allocated to applicants based on the Facilities User Groups defined in 9-1C. Group 1 shall have first priority followed by Group 2 and so on. If two (or more) organizations of the same Group conflict, then the organization with the higher percentage of Green Township participants will prevail, OR the use of the facility will be divided based on the percentage of Green Township residents. The Township Committee or its designated agent will determine the use on a case by case basis.
- G. The Township reserves the right to cancel or suspend a facility use permit for the following:
 - a. Weather or emergency related situations
 - b. Damage to facility/property
 - c. Non-use of facility/property at requested times (w/o notification)
 - d. Use of alternate facility/property w/o permit
- H. The Township reserves the right to require Township personnel at the applicant's expense to be present at any event to protect the Township's interest. Such determination shall be made on a case by case basis by the Township Committee or its designated agent and the applicant will pay an hourly fee in accordance with the fee schedule in Chapter VIII. This shall be in addition to any other applicable fees.
- I. Effective August 1, 2015 prior to any youth club or organization receiving a permit to use a Township owned property, the club or organization must complete an affidavit on a form approved by the Township Attorney certifying that all coaches, assistant coaches and adults who are in positions of authority or control of youth participants under the age of 18 have completed and passed a background check within the last four years, meaning that the individual has not been convicted of any of the disqualifying offenses set forth in N.J.S.A. 15A:3A-3. The affidavit shall also state that the affiant is not aware of any relevant convictions subsequent to the background check.
- J. Effective August 1, 2015 prior to any youth club or organization receiving a permit to use a Township owned property, the club or organization must complete an affidavit on a form approved by the Township Attorney certifying that an Athletic Code of Conduct has been adopted by the club substantially similar to the model policies promulgated by the New Jersey Attorney General pursuant to N.J.S.A. 5:17-1 et seq. and certify that each participant - coaches, assistant coaches, parent and youth participant - has reviewed the code and attested to his review.

9-16 Violation and Penalties

Any person violating any provision of this chapter shall, upon conviction, be punishable in accordance with Chapter 1-5 General Penalty.

9-17 Enforcement

The Township Committee members, its designees, the Recreation Committee members or the State Police shall have the authority to enforce the provisions of this chapter.

SECTION 2: The following Ordinance Section shall be amended so as to read as follows:

CHAPTER VIII - FEES

**ARTICLE VII
Recreation**

	Minimum	Maximum
8-101 Registration for participation in a seasonal sport per participant or family (this category includes but is not limited to: volleyball, softball, basketball, soccer)	\$5.00	\$150.00
8-102 Registration for participation in miscellaneous Township sponsored events (this category includes but is not limited to: yard sale, road race, sponsor donations, barbeques, movie nights, bus trips, etc.)	\$5.00	\$500.00

Specific fees (within the given ranges) for various activities shall be identified by duly adopted Resolution of the Green Township Committee.

8-103 Use of Township Owned Facilities

A. Fees Schedule (actual fees to be based on applicant's facilities user group):

	per ½ day (< 4 hours)	per day (> 4 hours)
EverGreen Park:		
Main Soccer Field	\$75.00	\$100.00
Practice Soccer Field	\$50.00	\$ 75.00
Westra Field	\$ 20.00	\$ 30.00
Orr Field	\$ 20.00	\$ 30.00
Baseball Field	\$ 20.00	\$ 30.00
Basketball Court	\$ 20.00	\$ 30.00
Pavillion (w/o kitchen)	\$ 10.00	\$ 15.00
Pavilion (w/ kitchen)	\$75.00	\$100.00
Parking Lot	\$ 15.00	\$ 25.00
EverGreen Trail Park (field)	not yet available	
Wesley Field Baseball Field (Little League)	\$ 20.00	\$ 30.00
Papa Park	no fee – available by permit to non-profit only	
Pittenger Park	no fee – available by permit to non-profit only	
Fireman's Field	\$ 25.00	\$ 35.00
Town Hall		
Downstairs Meeting Room	& no fee – available by permit to non-profit only	
Parking Lot		

Greendell PO parking lot	no fee – available by permit to non-profit only
Tranquility PO parking lot	no fee – available by permit to non-profit only
Trinca Airport	\$150.00 \$200.00

The fees are cumulative. For example, if both the main soccer field and the practice soccer field is requested the fees will be combined for a total.

B. Application of Fees:

For purposes of these fees, facilities user groups have been identified as follows:

Group 1 – youth programs associated with GTSC or Green Township based non-profit youth organizations whose participants include 75% Green residents, have open registration (regardless of skill level), provide an “everyone participates” philosophy.

Fee to be paid – none.

Group 2 – adult programs associated with GTSC or Green Township based non-profit adult programs whose participants includes 75% Green Residents.

Fee to be paid – GTSC associated program – fee to be equivalent to the cost of Insurance on a per participant basis – a roster of participants is required with application.

Green Township based non-profit – fee to be equivalent to percentage of non-Green resident participants – a roster of participants is required with application as well as an executed Hold Harmless Agreement and a Certificate of Liability Insurance.

Group 3 – youth non-profit organizations who are unable to meet the Group 1 criteria.

Fee to be paid – equivalent to percentage of non-Green resident participants.

Group 4 – adult non-profit organization who are unable to meet the Group 2 criteria.

Fee to be paid – equivalent to percentage of non-Green resident participants.

Group 5 – youth or adult programs/events that are not non-profit.

Fee to be paid – full fee outlined above.

C. The Township may require Township personnel to be present at an event to protect the interests of the Township. A fee in the amount of \$45.00 per hour shall be assessed on a case by case basis at the discretion of the Township Committee or its designated agent. This fee shall be in addition to any other applicable fees.

8-104 through 8-120 (reserved for future use)

SECTION 3: If any section, subsection, paragraph, sentence or any part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

SECTION 4: All Ordinances or parts of ordinances that are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5: This ordinance shall take effect after final passage and publication as prescribed by law.

ATTEST:

TOWNSHIP OF GREEN,
IN THE COUNTY OF SUSSEX


Linda Peralta,
Township Clerk


Margaret H. Phillips
Mayor, Green Township

Record of Vote – Adoption:

	AYE	NAY	ABSTAIN	ABSENT
Mr. Chirip	2nd ✓			
Mr. Conkling	1st ✓			
Mr. Kurzeja	✓			
Mr. Reinbold				✓
Mrs. Phillips	✓			

INTRODUCED: June 15, 2015

ADVERTISED INTRODUCTION: June 19, 2015

PUBLIC HEARING: July 13, 2015

ADOPTED: July 13, 2015

ADVERTISED ADOPTION: July 16, 2015