

NOTICE OF PENDING ORDINANCE

ORDINANCE NO. 10-1303

The ordinance published herewith was introduced and passed upon first reading at a meeting of the Borough Council of the Borough of Tinton Falls, in the County of Monmouth, State of New Jersey, held on August 17, 2010. This Ordinance will be further considered for adoption, after the public hearing is held thereon, at a meeting of the Borough Council to be held on Tuesday, September 7, 2010, located in the Municipal Building, 556 Tinton Avenue, Tinton Falls, New Jersey, beginning at 7:30 o'clock P.M. During the week prior to and up to and including the date of such meeting, copies of said Ordinance will be made available in the Clerk's Office to the members of the general public who shall request the same.

KAREN MOUNT-TAYLOR, RMC, CMC

ORDINANCE AMENDING CHAPTER 10 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF TINTON FALLS GOVERNING PARK RULES AND REGULATIONS

WHEREAS, the Borough Administrator and Recreation Director recommend making certain changes to update and improve the rules and regulations governing Borough parks and recreational offerings in a manner that best protects the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Tinton Falls in the County of Monmouth, State of New Jersey that Chapter 10 of the Revised General Ordinances of the Borough of Tinton Falls be and are hereby amended and supplemented as follows:

§ 10-1. PURPOSE.

[NO CHANGE]

§ 10-2. DESIGNATION; SUPERVISION.

All parks in the Borough shall be duly designated by the Borough Council, operated and maintained under the supervision of the Mayor. The Mayor may delegate all or any aspects of such supervision to the Department of Recreation or any other agency of the Borough.

§ 10-3. TIMES OF OPERATION.

All parks and public playgrounds not equipped with lights shall be closed to the public for all purposes one hour after sundown on each day. Hockhockson Park and Sycamore Recreation Complex are Borough facilities with lit athletic fields. Lighting can remain on until 10:30 pm, new innings may not be started after 10:00pm. Any play will be discontinued by 10:00 pm. No person, organization, league, or team shall, without authorized permit, enter into or remain in a public park except during the hours the park is open to the general public. With authorized permit portable lighting may be erected or constructed within a public park by an organization, league or person for applicants that meet the rules, regulations and guidelines for use of the requested area.

Any section or part of any park may be declared closed to the public by the Department of Recreation at any time and for any interval of time either

temporarily or at regular and stated intervals and either entirely or merely to certain uses as the deemed reasonably necessary.

The Borough of Tinton Falls, through the Department of Recreation, reserves the right to deny and or cancel use of its fields/facilities at any time at its sole discretion. If such denial or cancellation is for reasons other than violations of the Borough's rules and regulations concerning field usage, the Borough shall refund any outstanding fees to the applicant.

§ 10-4. CONDUCT IN PARKS; CODE OF CONDUCT.

Each youth sports activity taking place at a Borough-sponsored park, facility or event, and each participant or parent or legal guardian of said participant where the participant is a minor and all adults participating in some official capacity, including but not limited to coaches, umpires or referees and other officials and participants, shall be required to follow the Code of Conduct as set forth more fully below and be subject to disciplinary action for violations.

~~**§ 10-4.1. Alcoholic Beverages; Special Permit for Consumption.**~~

~~No person shall be permitted within a public park while under the influence of intoxicating beverages, drugs or narcotics. No person shall possess or consume alcoholic beverages at any time in any public park, except that a group or organization may apply for and shall have acquired from the Department of Recreation/Housing with approval of the Borough Clerk a special permit not later than seven (7) days before the proposed date of use. The fee for this permit shall be ten (\$10.00) dollars. The granting or denial of such permit shall be based upon the rules, regulations and standards promulgated by the Borough Council by ordinance. No person under legal age shall possess or consume alcoholic beverages at any time in any public park.~~

§ 10-4.1. Disposal of Refuse; Pollution.

[NO CHANGE]

§ 10-4.2. Picnics; Fires.

[NO CHANGE]

§ 10-4.3. Firearms; Fireworks; Air or Pellet Guns.

[NO CHANGE]

§ 10-4.4. Commercial Use.

[NO CHANGE]

§ 10-4.5. Gambling.

[NO CHANGE]

§ 10-4.6. Vehicles; Parking.

[NO CHANGE]

§ 10-4.7. Interference with Others.

[NO CHANGE]

§ 10-4.8. Abusive or Indecent Language; Nuisances.

No person shall use abusive, threatening, boisterous, insulting or indecent language in a public park. Nor shall any action by any person constituting a nuisance be allowed. **No person shall appear at any place in other than proper clothing. No person shall disturb or interfere unreasonably with any person or party occupying any area or participating in any activity under the authority of a permit.**

§ 10-4.9. Unsportsmanlike Conduct.

- a. Participants shall not engage in any unsportsmanlike conduct with any coach, parent, player, participant, official, or any other attendee. Participants shall encourage children and other persons and participants not to engage in unsportsmanlike conduct by any coach, parent or player, participant, official or any other attendee. Participants shall not engage in nor encourage any behavior which would endanger the health, safety or welfare of any coach, parent, player, participant, official or any other attendee. Participants shall treat any coach, parent, player, participant, official or any other attendee with respect regardless of race, creed, color, national origin, sexual orientation, or ability. Participants shall not engage in nor encourage verbal or physical threats or abuse aimed at any coach, parent, player, participant, official or any other attendee. Participants shall not initiate or encourage a fight or scuffle with any coach, parent, player, participant, official or any other attendee.**
- b. Any parent, participant, player, guest, spectator, coach or official at any youth sports event who initiates a fight, scuffle or any type of physical abuse or threats of abuse towards any participant, player, coach, official, parent or spectator may be subject to a verbal and/or written warning, a suspension from the particular youth sports event in attendance or may be banned from attendance at all youth sports events within the Borough of Tinton Falls for a period not exceeding 12 months from the date of the incident, subject to further conditions of anger management counseling as set forth more fully below and/or other disciplinary actions allowed by ordinance.**
- c. Any parent, participant, player, guest, spectator, coach or official at any youth sports event who verbally abuses officials, participants, coaches, players or spectators, including the use of obscene or profane language or jesters, racial, ethnic or sexual slurs, may be subject to a verbal and/or written warning or, in severe cases, suspended from the subject event and/or banned from attendance at all youth events for a period not exceeding 12 months from the date of the incident, subject to conditions of anger management counseling as set forth more fully below and/or other disciplinary actions allowed by ordinance.**
- d. Any parent, participant, player, guest, spectator or official at any youth sports event who throws or causes to be deposited any object on the field of play, court or rink during any youth sports event may be suspended from the**

subject event and/or banned from attendance at all youth events for a period not exceeding 12 months from the date of the incident, subject to conditions of anger management counseling as set forth more fully below and/or other disciplinary actions allowed by ordinance.

- e. Any parent, participant, player, official, coach or spectator at any youth sporting event shall be subject to the authority of all field officials, including umpires, referees and elected or appointed league officials or coaches of the youth sports activity. This authority shall also include any youth teams, practice or instructional event, and such authority shall include the authorization to direct any persons involved in any incident in violation of this chapter or applicable Code of Conduct to immediately remove themselves from the premises.
- f. Any parent, participant, player, official, coach or spectator who violates one or more of the provisions contained in the Code of Conduct, either during the same event, or separate events, may be banned from attending, coaching, officiating, participating in any youth sports events within the Borough of Tinton Falls for a period not exceeding 12 months from the decision of the Tinton Falls Recreation Department if the person has been issued a prior written warning for violating one or more of the provisions contained in the Code of Conduct; or Violates the Code of Conduct by engaging in verbal or physical threats or abuse aimed at any coach, parent, player, participant, official or any other attendee, guest or spectator; or Violates the Code of Conduct by initiating a fight or scuffle with any coach, parent, player, participant, official or any other attendee, guest or spectator.
- g. Any parent, official, coach or spectator 18 years of age or older who is suspended from a youth sporting event and/or removed from the premises and/or banned from youth sports events for violations of the Code of Conduct for whatever time shall be required to complete anger management or an equivalent counseling program consisting of not less than 12 hours of instruction prior to being allowed to attend future youth sports events and shall provide proof of satisfactory completion to the Tinton Falls Recreation Department.
- h. Any person 17 years of age or younger who is suspended from a youth sports event and/or removed from the premises and/or banned from a youth sports events in violation of the Code of Conduct shall be required to complete an anger management or equivalent counseling program consisting of not less than six hours of instruction prior to being allowed to attend future youth sports events and shall provide proof of satisfactory completion to the Tinton Falls Recreation Department.
- i. An anger management counseling program shall, at a minimum, offer services to individuals, singly or in groups, for purposes of providing anger control principles and shall be administered by an individual licensed as a professional counselor pursuant to the provisions of the Professional Counselor Licensing Act, N.J.S.A. 45:8B-33 et seq.; or Licensed as a practicing psychologist pursuant to the provisions of the Practicing Psychology Licensing Act, N.J.S.A. 45:14B-1 et seq.

- j. Nothing contained in this chapter shall prohibit the Tinton Falls Recreation Committee from requiring a person to complete an anger management counseling program as a condition of not being banned from youth sports events or as a condition in reducing the length of such a ban.**
- k. In regards to all disciplinary actions taken by the Tinton Falls Recreation Department, the termination of all bans shall be subject to the following three conditions, which can also serve as disciplinary requirements by the Tinton Falls Recreation Department in lieu of bans or as part of the decision in reducing the length of a ban:**
- 1. Any person subject to a ban shall, and in the case of other disciplinary actions may, be required to request permission to resume participation for attendance at youth sports activities which were a subject of the ban or other disciplinary action.**
 - 2. Any person subject to a ban shall, and in the case of other disciplinary actions may, be required to provide a written apology to the Tinton Falls Recreation Department which issued the ban or disciplinary decision and to the person or persons who were the subject of the behavior which constituted the violation of the Code of Conduct as directed by the Tinton Falls Recreation Department.**
 - 3. Any person subject to a ban shall, and in the case of other disciplinary actions may, as set forth fully in this chapter, be subject to an anger management counseling program prior to being allowed to continue attending youth sports activities.**
- l. Any person subject to a ban or other disciplinary actions may also be subject to other requirements set forth more fully by the Tinton Falls Recreation Department.**
- m. Temporary, limited and immediate enforcement allowed by umpires, referees and Borough recreation supervisors includes verbal and/or written warnings, suspension from participation in part or all of the current event or game or removal from the premises for part or all of the event or game.**
- n. Bans in excess of 12 months shall be permitted where the violator committed a felony or indictable offense or the equivalent thereof as part of his violation of this chapter as determined by the Tinton Falls Recreation Department or was subject to two or more prior bans in separate disciplinary actions at separate youth sports event.**

§ 10-5. GROUP USE PERMITS.

No group or organization of twenty (20) or more persons shall use or occupy a public park without first having obtained a group use permit. Such permit shall be obtained from the designated recreation agency of the municipality not later than seven (7) days before the proposed date of use. The granting or denial of such permit shall be based upon the rules, regulations and standards promulgated by the governing body. Group use shall be limited to designated areas. Adult supervision of children's groups shall be required at all times.

Issuance of such permit shall require proof of liability insurance in an amount determined as required by the Department of Recreation, naming the Borough of Tinton Falls as an additional insured.

The Borough of Tinton Falls through the Department of Recreation, reserves the right to consider a rental fee waiver request based on Borough endorsed festivities, or activities, use by nonprofit organizations and activities and for special reasons as determined by the Department of Recreation. This request must be made in writing and submitted to the Recreation Department with completed park permit.

§ 10-5.1. Permit Policy.

The aim of the Borough of Tinton Falls Department of Recreation is to provide reserved facilities whenever possible and to negotiate agreeable accommodation whenever request conflicts arise. However, when necessary facility reservations shall be made in the following priority order:

- 1. Borough Recreation sponsored programs, events, activities.**
- 2. Borough sponsored events, activities and programs.**
- 3. Borough based youth organizations (i.e. Tinton Falls Little League, Tinton Girls Softball, Monmouth Falcon Pop Warner Football and Cheerleading, Tinton Falls Soccer Club, Boy/Girl Scouts troops) who handle a majority of youth in that specific activity or program. Priority will be given to the organization that benefits the most residents of the Borough of Tinton Falls.**
- 4. Requests by business, organization, social groups, clubs, private groups or residents, based in or living in the Borough of Tinton Falls.**
- 5. Other-Priority will be given to the group/organization that benefits the most residents of the Borough Tinton Falls.**

RENTAL RULES & REGULATIONS AGREEMENT

- 1. The use of facilities and equipment shall be governed by the following rules and regulations. All exceptions must be submitted in writing for approval by the Borough.**
- 2. Use of property shall be limited to that listed on the Facilities Request Form. Property shall not be removed from any premises.**
- 3. Property shall not be used for any purpose which is in conflict with the aims and objectives of the Borough.**
- 4. Availability of facilities and equipment shall be at all times subject to the requirements and activities of the parks and recreation Department. Facilities request forms will not be accepted earlier than six (6) months prior to requested starting use date.**
- 5. Every organization shall sign such contracts and agreements as shall be required by and pay the specified rental charges and fees seven (7) business days prior to the activity.**
- 6. No changes or alterations shall be made to the property without approval by the Department of Recreation who will order the work done. Charges for all alterations shall be added to the basic rental charges, and be the responsibility of the applicant.**
- 7. Whenever an event requires a Recreation employee to be on duty, a fee in addition to the rental charge will be made for such services when a staff person is not ordinarily on duty or if additional work is required for**

- preparation before or cleaning after a rental or for maintenance fees i.e. field lining and set-up changes.
8. The Department of Recreation may require police protection at any event and, if required, the cost shall be paid by the organization using the property.
 9. The Department of Recreation may require the assistance of the Department of Public Works, for maintenance, clean-up, trash removal, field set-up, lining etc. at any event and, if required, the cost shall be paid by the organization using the property.
 10. Authorization for use of the Recreation facilities is contingent upon the applying organization furnishing a copy of the League Insurance Policy and a Certificate of Insurance naming the Borough of Tinton Falls as Additional Insured, and a letter of acknowledgment from Insurance Agent/Broker. The Certificate shall be in an amount not less than \$1,000,000 combined single limit and include Comprehensive General Liability with the Broad Form Liability endorsement or its equivalent. Failure of the applicant to provide copy of League Insurance Policy and a valid Certificate of Insurance will render the application invalid and prohibit use of the facilities.
 11. All users should be aware that all Parking regulations are strictly enforced. Please notify your guests.
 12. It is expressly understood and agreed that Persons or Organizations receiving approval of use shall defend, indemnify and save harmless the Borough of Tinton Falls, its employees, agents, volunteers and officials against any and all suits, costs, claims, expenses and judgments resulting from the use of the facilities.
 13. All National and State Laws, local ordinances and rules of the local Police and Fire Departments regarding public assemblies must be strictly complied with. The Borough, or its representative, shall at all times have free access to all parts of the facilities, including buildings. The Borough, or its representative, reserves the right to revoke any permit should such action be deemed necessary or desirable and is determined to be in the best interests of the facilities, the Borough, and the public in general.
 14. The Recreation facilities and equipment must be left in a condition at least equal to that in which it was found, reasonable wear and tear excluded.
 15. The consumption of alcoholic beverages are prohibited within Recreation facilities and properties unless specially permitted by the Borough.
 16. Borough Parks are “No Smoking” facilities but for designated areas.

§ 10-6 SIGNS.

[NO CHANGE]

§ 10-7 CONSUMPTION OF ALCOHOLIC BEVERAGES PROHIBITED DURING BOROUGH-SPONSORED RECREATIONAL PROGRAMS.

§ 10-7.1 Findings.

[NO CHANGE]

§ 10-7.2 Consumption Prohibited.

[NO CHANGE]

§ 10-7.3 Alcoholic Beverages; Special Permit for Consumption.

No person shall be permitted within a public park while under the influence of intoxicating beverages, drugs or narcotics. No person shall possess or consume alcoholic beverages at any time in any public park, except that a group or organization may apply for and shall have acquired from the Department of Recreation/Housing with approval of the Borough Clerk a special permit not later than seven (7) days before the proposed date of use. The fee for this permit shall be ten (\$10.00) dollars. The granting or denial of such permit shall be based upon the rules, regulations and standards promulgated by the Borough Council by ordinance. No person under legal age shall possess or consume alcoholic beverages at any time in any public park.

§ 10-7.4 Violations; Penalty.

[NO CHANGE]

§ 10-8. PERMIT FEE SCHEDULE.

Any group, individual, league, organization, or team that desires to have an authorized use for the Borough of Tinton Falls's parks shall pay fee in accordance with the following criteria. The Department of Recreation reserves the right to consider a fee waiver request based on Borough endorsed festivities and or activities, use of by non- profit organizations and activities and for special reasons as determined by the Department of Recreation.

§ 10-9. DEFINITIONS.

For purposes of this section, unless the context clearly indicates a different meaning, the following definitions apply:

INDIVIDUAL--A specific person not affiliated with a team, league or organization.

LEAGUE--An association of multiple teams that compete with one another.

ORGANIZATION--A group of people with a shared interest or purpose, not belonging to or meeting the definition of a team or league as described herein.

RESIDENT--Proof of residency must be provided at the time of submission of the permit application, which is defined as an individual primarily residing or working in the Borough of Tinton Falls. To be considered a "resident" as a team, league or organization, a roster must be submitted demonstrating at least 51% of all players either living or working in the Borough of Tinton Falls. If the facility is being reserved for a "home team," then at least 51% of the team's roster must be comprised of players living or working in the Borough of Tinton Falls. Applicants requesting fields are honored on a first-come, first-availability basis.

TEAM--A singular identifiable group of people involved in the same activity, associated with an organized league of similarly situated teams.

§ 10-10. RATES.

Recreation and Park Facilities:

	<u>RESIDENT</u>	<u>NONRESIDENT</u>
<u>Unlighted Athletic Field</u>		
<u>Youth Game/Practice 2.5 hours</u>	<u>\$ 25.00</u>	<u>\$ 50.00</u>
<u>Adult Game/Practice 2.5 hours</u>	<u>\$ 30.00</u>	<u>\$ 60.00</u>
<u>Lighted Athletic Field</u>		
<u>Youth Game/Practice 2.5 hours</u>	<u>\$ 50.00</u>	<u>\$100.00</u>
<u>Adult Game/Practice 2.5 hours</u>	<u>\$ 60.00</u>	<u>\$120.00</u>
<u>Charity Event/Festival/6 hour maximum</u>	<u>\$ 50.00</u>	<u>\$100.00</u>
<u>For each additional hour</u>	<u>\$ 10.00</u>	<u>\$ 20.00</u>
<u>Camp/Instructional Clinic/Business</u>	<u>\$100.00</u>	<u>\$200.00</u>
<u>per field/area 6 hour maximum</u>		
<u>Tournament per field per day, till 6:00pm</u>	<u>\$150.00</u>	<u>\$300.00</u>
<u>Tennis Court</u>	<u>\$ 10.00</u>	<u>\$ 10.00 per</u>
<u>season</u>		

§ 10-11 TINTON FALLS DOG PARK REGULATIONS.

[NO CHANGE]

§ 10-12. Enforcement.

The Borough Police Department shall be responsible for the enforcement of these provisions. Any person violating this section shall be subject from penalties and dismissal from park site.