

ORDINANCE #2328

An Ordinance to Amend the Revised General Ordinances of the Township of Bernards Chapter 10 “Municipal Parks, Playgrounds and Pool,” Section 1 “Park Regulations” and Section 2 “Schedule of Use Rates”

BE IT ORDAINED, by the Township Committee of the Township of Bernards in the County of Somerset that Chapter 10 “Municipal Parks, Playgrounds and Pool,” Section 1 “Park Regulations” and Section 2 “Schedule of Use Rates” be replaced in entirety as follows:

Definitions

Park or Recreation Facility – A park, field, building, open space or other area in the Township which is owned, used or maintained by the Township and is devoted to active or passive recreation.

Private Event – Any event which is conducted, sponsored or permitted by an individual, family or an organized group of persons, where admissions are not opened to the general public.

§10-1.1 Operating Hours

All parks and open space shall open at sunrise and close at sunset, with the exceptions permitted in this subsection.

- a. Use of the paddle tennis courts at Pleasant Valley Park by paddle tennis players is permitted until 11:00 p.m.
- b. Use of areas designated for ice skating is permitted until 11:00 p.m. when a green flag is flying.
- c. Use of athletic fields where lighting is available is permitted until 10:00 p.m.
- d. Use of an indoor park or recreation facility is permitted from 7:00 a.m. until 10:00 p.m.

§10-1.2 Rules and Regulations for Use of Municipal Parks and Open Space

The following rules and regulations shall govern the use of municipal parks and open space.

- a. All litter shall be placed in trash receptacles. All recyclables shall be placed in marked receptacles.
- b. The speed limit on roadways shall be 10 miles per hour.
- c. Parking is permitted only in designated areas and in accordance with § 7-3.11 and Schedule XXI thereof. Violations hereof shall be subject to the penalty provisions of § 7-13.1.
- d. All motorized vehicles, including mopeds, shall be restricted only to roadways and parking lots and nowhere else.
- e. Dog must be on a leash at all times (5-8.7). Dogs may be off leash only while inside the fenced area of the dog run. Removal of dog feces (5-8.9) will be strictly enforced.

- f. Tennis courts and basketball courts are for their named purposes only. Skateboards, rollerblades, bicycles and other sports activities (including, but not limited to, soccer, lacrosse and football) are not permitted on the courts.
- g. The roller hockey rink is to be used for roller sports and activities only. Other sports activities (including, but not limited to, soccer, lacrosse and football) are not permitted on the court.
- h. The commercial use of a park or recreation facility by a for-profit entity, not sponsored by the Township, in which either a fee is charged and/or a business or service is offered to participants is allowed by permit only.

§10-1.3 Rules and Regulations for Use of the Dog Run

The following rules and regulations shall govern the use of the area designated as a dog run in addition to the rules and regulations listed in section 10-1.2.

- a. The dog run is open only to Bernards Township residents and their properly licensed dogs (5-2.1). Dogs must display their current license tag on their collar (5-8.2).
- b. No more than two (2) dogs per person.
- c. All dogs must be accompanied by at least one responsible adult, 18 years or older.
- d. Children under 8 are not permitted. Children ages 8-17 must be accompanied by an adult. Children are not permitted to run with or chase after dogs in the dog run.
- e. Puppies under 6 months of age may not enter the dog run.
- f. Professional dog trainers are not permitted to use the dog run for training purposes without a commercial use permit issued by the Township.
- g. Dog owners are responsible for closely supervising their dog(s) at all times. Do not leave a dog unattended while in the dog run.
- h. Dogs must be spayed or neutered.
- i. No dogs known to be aggressive towards other dogs or people may enter the run. Dogs exhibiting aggressive or threatening behavior must be immediately removed from the run.
- j. Dog bites to people or dogs shall be reported immediately to the Bernards Township Animal Control Officer. Any dog that bites any person or other dog shall not be permitted to use the run thenceforth.
- k. Removal of dog feces (5-8.9) will be strictly enforced inside as well as outside the dog run.
- l. Fill holes and stop dogs from digging.
- m. No food, bones, rawhide or chew toys allowed in the run. No tobacco or alcohol products of any kind allowed in the run. Training treats are allowed.
- n. Remove all personal items (i.e. chairs, bowls, toys, etc.) from the run after each use. Do not hang items on the fence.

§10-1.4 Rules and Regulations for Use of Artificial Turf Fields

The following rules and regulations shall govern the use of any artificial turf field in addition to the rules and regulations listed in section 10-1.2.

- a. Users must obtain a field use permit prior to using a turf field.

- b. Water for drinking is permitted. No other food or beverage is permitted on a turf field. This includes, but is not limited to: sports drinks, chewing gum, fruit, nuts, seeds, alcohol and tobacco products of any kind. Glass containers are not permitted.
- c. No metal spiked shoes of any kind are permitted. Allowable footwear includes molded rubber cleats, turf shoes or running shoes. All footwear shall be clean and free of mud.
- d. Only freestanding field markers and sports equipment are permitted to be used. No stakes, posts, poles and/or markers of any kind are permitted to be driven into the turf field.
- e. No motorized vehicles, bicycles, skateboards, strollers, tents, tables, canopies or lawn chairs. Electric wheelchairs and scooters may be used in accordance with accommodations required pursuant to the Americans with Disabilities Act, provided that such motorized vehicles do not cause damage to the turf field surface.
- f. No dogs or pets of any kind are permitted.

§10-1.5 Prohibited Conduct

The following conduct and activities are prohibited at any park or recreation facility. Any exceptions are noted. A request to deviate from this list of prohibited conduct may be submitted in the form of a Special Event and Amusement Device Application, which is subject to Township Committee approval.

- a. Disposal of solid waste as defined in Subsection 18-7.1 into any park refuse container is prohibited except for solid waste generated by the customary use of park facilities.
- b. Petting zoos, farm animals, horses, camels, elephants or any other circus animals shall be prohibited.
- c. Amusement rides, both mechanical and inflatable, are prohibited.
- d. The discharge of firearms and explosives shall be prohibited at all times except as authorized by resolution of the Township Committee for purposes of wildlife management.
- e. The shooting of bow and arrows and the setting of animal traps shall be prohibited at all times except as authorized by resolution of the Township Committee for purposes of wildlife management.
- f. Repair, cleaning or polishing of motor vehicles is prohibited.
- g. Hitting of golf balls is prohibited.
- h. Tossing of eggs is prohibited.
- i. Bonfires, fire pits and any use of open flame is prohibited except the use of open flame in park provided grills.
- j. The flying and/or launching of unmanned aircraft by the public, including model or remote control airplanes, helicopters, recreational drones and rockets, is prohibited. This shall not prohibit any federal, state, county or municipal agency, law enforcement agency or emergency services organization from the use of drones and unmanned aircraft for any lawful and authorized purpose pursuant to applicable regulation.
- k. Pursuant to Subsection 4-2.11, solicitation is prohibited except in accordance with Subsection 4-2.7 f and h, and policies recommended by the Department of Parks and Recreation and adopted by resolution of the Township Committee to allow limited

solicitation by Township-based nonprofit, community service groups. Said policies are to be on file with the Township Clerk.

1. Pursuant to Subsection 3-16.2, no person or group shall bring into, possess, sell, buy, consume, or give away any alcoholic beverage in any municipal property within the Township of Bernards with the exception that a resident may obtain a permit for consumption of alcoholic beverages within a Township park in conjunction with a special event or private event after obtaining a permit as described in 10-1.6, at the following park facilities:
 - a. Pleasant Valley Park, Dunham Park and Southard Park Picnic Shelters
 - b. Pleasant Valley Park Warming Hut
 - c. Dunham Park Indoor Pavilion

§10-1.6 Park Reservations

A park permit is required to reserve a park facility for a private event. Application must be made in person at the Department of Parks and Recreation on the prescribed form accompanied by the applicable fee(s) and insurance documentation.

Proof of Township residency must be provided when applying for resident-rate park use fees and alcohol permits.

In addition to a park permit, individuals, organizations, corporations or other entities may be required to obtain a Special Event Permit as defined in Section 4-4 Shows, Public Exhibitions, Special Events, Amusement Devices and Fireworks. If the Director of Parks and Recreation determines a Special Event Permit is required, an individual must also make application to the Municipal Clerk.

Permit holders must possess such permit(s), available for inspection by the Director or his appointee, or any law enforcement officer when using the reserved facilities.

§10-1.7 Park Facility Use Rates and Maximum Capacity

The Township Committee will adopt annually a resolution setting a schedule of park facility use rates and maximum capacity. The fees listed in such resolution will be charged to individuals, organizations, corporations or other entities reserving and using park facilities throughout the year for which the resolution applies.

§10-1.8 Insurance – Liability of Permittee; Events with and without Alcohol Being Served

Individuals, organizations, corporations or other entities to whom permits are issued under this chapter shall be liable for any loss, damage or injury sustained by any person whatsoever by reason of their negligence.

The following insurance documentation must accompany all park permit applications:

1. Events Without Alcoholic Beverages

- 1) For an individual or individuals holding a function not sponsored for the benefit of an organization:
 - a) Evidence of insurance in the minimum amount of \$300,000 in General Liability coverage for each occurrence in the form of a Homeowners or Special Event Policy; and
 - b) A signed indemnification and hold harmless agreement.
- 2) For organizations, corporations or other entities holding a function, sponsored for the benefit of an organization:
 - a) A Certificate of Insurance naming Bernards Township as the added insured in the minimum amount of \$1,000,000 in General Liability Coverage; and
 - b) A signed indemnification and hold harmless agreement.

2. Events With Alcoholic Beverages

- 1) For an individual or individuals holding a function not sponsored for the benefit of an organization:
 - a) Evidence of insurance in the minimum amount of \$1,000,000 in General Liability Coverage; and
 - b) A signed indemnification and hold harmless agreement.
- 2) For organizations, corporations or other entities, holding a function, sponsored for the benefit of an organization:
 - a) A Certificate of Insurance naming Bernards Township as the added insured in the minimum amount of \$3,000,000 Liquor Liability each occurrence if applicant is in the business of manufacturing, distributing, selling, serving or furnishing alcoholic beverages; or
 - b) A Certificate of Insurance naming Bernards Township as the added insured in the minimum amount of \$3,000,000 Host Liquor Liability each occurrence if liquor will be present and applicant is not in the business of manufacturing, distributing, selling, serving or furnishing alcoholic beverages.

An alcohol permit will only be issued for a private event by the Department of Parks & Recreation upon making the following findings:

1. That the proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park.
2. That the nature and character of the proposed activity or use of the park is not reasonably anticipated to result in violation of these rules and regulations or to incite violence, crime or disorderly conduct.
3. That the proposed activity or use of the park will not entail extraordinary or burdensome expense of police operation by the Township.
4. That the park area or facility desired has not been reserved for other use at the date and hour desired in the application.

§10-1.9 Violations and Penalties

Any person(s) who is found to be in violation of the provisions of this section shall be subject to penalties as set forth in Section 3-1 of the Revised General Ordinances of the Township of Bernards.