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ORDINANCE OF THE BOARD OF CHOSEN FREEHOLDERS
COUNTY OF ESSEX

O-2000

ORDINANCE NO. 00006 AUTHORITY FOR ORDINANCE: N.J.S.A. 40:41A-38
PROPOSED BY: COUNTY EXECUTIVE AUTHORITY FOR ACTION: N.J.S.A. C.C.E. 2-11a

SUBJECT: AN ORDINANCE ESTABLISHING RULES AND REGULATIONS FOR THE SAFETY, PROTECTION AND CONDUCT OF PERSONS USING ESSEX COUNTY PARKS, RESERVATIONS, RECREATIONAL FACILITIES AND OTHER OPEN SPACE PROPERTY

WHEREAS, Ordinance #O-1979-00089, as revised, established the Essex County Administrative Code, which includes Chapter 74 (Parks and Recreation Areas); and

WHEREAS, the County of Essex, by Ordinance O-88011, as amended, established comprehensive rules and regulations for County Parks, Playgrounds and Recreational Facilities, which in turn was superseded in 2003 by Park Ordinance O-2003-0009, which in turn was superseded in 2013 by Park Ordinance O-2013-00014, as amended, which is currently in effect; and

WHEREAS, it has been determined that it is in the best interest of the County and the public that the existing rules and regulations be updated and incorporated into one comprehensive ordinance that will amend, repeal and replace Park Ordinance O-2013-00014, as amended; and

WHEREAS, the updated "Rules and Regulations for the Safety, Protection, and Conduct of Persons Using Essex County Parks, Reservations, Recreational Facilities, and Other Open Space Property" set forth in the attached document hereto, which by this reference incorporates said document as if same was set forth fully herein; now therefore,

BE IT ORDAINED as follows:

1. This Ordinance repeals the former Park Ordinance O-2013-00014, as amended, contained in Chapter 74 of the Code of the County of Essex in its entirety (unless otherwise specifically stated therein) and is replaced by the attached document hereto, which by this reference incorporates said document as if same was set forth fully herein;
2. If any clause, provision, subsection, section, or article of the amendment to repeal and replace Chapter 74 of the Code of the County of Essex, which is the subject of this Ordinance shall be ruled invalid by any court of competent jurisdiction or administrative agency, the invalidity of such clause, provision, subsection, section, or article shall not affect any of the remaining provisions unless such ruling adversely impacts the purpose and effect of the remaining portions of the Code of the County of Essex.

1. That a public hearing on this Ordinance shall be held on Wednesday, March 11, 2020 at 7:00 P.M. at the Hall of Records, Room 506, 465 Dr. Martin Luther King, Jr. Blvd, Newark, New Jersey 07102
2. That the Clerk of the Board of Chosen Freeholders is hereby directed to send notices of said public hearing and copies of this Ordinance and attachments to the Clerk of each municipality within the County of Essex and to publish notice of such public hearing once each week for two (2) consecutive weeks, the last publication to be not less than ten (10) days prior to the date set for such public hearing. Said notice shall state the Ordinance and attached attachments will be available at the Office of the Clerk of the Essex County Board of Chosen Freeholders.
3. This Ordinance shall take effect at the time and in the manner prescribed by law.
4. Upon adoption, the Clerk of the Essex County Board of Chosen Freeholders shall forward certified copies of this Ordinance and attachments to the Essex County Executive, Essex County Administrator, Essex County Director of Parks, Recreation & Cultural Affairs, Essex County Sheriff, and Essex County Counsel.

RECEIVED
CLERK OF THE BOARD

2020 JAN 30 AM 11:34

ESSEX COUNTY
BOARD OF
CHOSEN FREEHOLDERS

Approved as to form and legality

Courtney Greene
ESSEX COUNTY COUNSEL

RECORD OF VOTE: X=Vote N.V.=Abstention ABS=Absent

FIRST READING
Moved by Freeholder *Sebold*
Seconded by Freeholder *Mercado*

SECOND READING
Moved by Freeholder *Sebold*
Seconded by Freeholder *Richardson*

Freeholder	Yes	No	N.V.	ABS	Freeholder	Yes	No	N.V.	ABS
COOPER	✓				COOPER	X			
GILL, PRESIDENT	✓				GILL, PRESIDENT	X			
GRAHAM	✓				GRAHAM	X			
JOHNSON	✓				JOHNSON	X			
LUCIANO				✓	LUCIANO	X			
MERCADO	✓				MERCADO				X
POMARES	✓				POMARES				X
RICHARDSON, V.P.	✓				RICHARDSON, V.P.	X			
SEBOLD	✓				SEBOLD	X			

Date Mailed to Municipal Clerks *2-7-20*
Date Public Hearing *2-11-20*
Date Published *2-11-20*

Date Mailed to Municipal Clerks *3-16-2020*
Date Published *3-19-2020*

It is hereby certified that the foregoing Ordinance was
() adopted () defeated () tabled by roll call vote at
regular meeting of the Board of Chosen
Freeholders of the County of Essex, New Jersey, held
on *Feb 5, 2020*

It is hereby certified that the foregoing Ordinance
was () adopted () defeated () tabled by roll
call vote at *regular* meeting of the
Board of Chosen-Freeholders of the County of
Essex, New Jersey, held on *3-11-2020*

Brendan W. Gill
Brendan W. Gill, President

Brendan W. Gill
Brendan W. Gill, President

The foregoing Ordinance has been duly presented to me on
I hereby () approve () disapprove the same on
Returned and filed *3-19-2020*
Deborah Davis Ford
Deborah Davis Ford, Clerk

3-12-2020
3-12-2020
Joseph N. DiVincenzo Jr.
Joseph N. DiVincenzo Jr., County Executive

Ordinance – Establishing Essex County Parks Rules and Regulations



COUNTY OF ESSEX

DECISION MEMORANDUM

COUNTY EXECUTIVE

BOARD AGENDA ITEM

COUNTY ADMINISTRATOR

*O-2020-00004
2-5-2020*

TO: Robert D. Jackson, County Administrator DEPARTMENT: Parks

FROM: Daniel K. Salvante, Director DIVISION: _____

DATE: January 22, 2020

SUBJECT: Ordinance Establishing Essex County Parks Rules and Regulations

INTRODUCTION

In 1982, the County of Essex adopted the "Essex County Ordinance Regulating Safety and Conduct in Parks, Playgrounds, and Recreational Facilities." All Essex County Parks Ordinances enacted since 1906 were consolidated into one ordinance, Ordinance No. 02122 which was refined and superseded by Park Ordinance O-88-0011, which in turn was superseded in 2003 by Park Ordinance O-03-0009, which in turn was superseded in 2013 by Park Ordinance O-2013-00014, as amended, which is currently in effect.

This Ordinance is intended to update the existing rules and regulations governing the use of the County's Park System since the last comprehensive Ordinance was adopted.

RECOMMENDATION

It is recommended that the Essex County Board of Chosen Freeholders approve repealing Ordinance #2013-00014, as amended, contained in Chapter 74 of the Essex County Administrative Code in its entirety and adopt the proposed Essex County Parks Rules and Regulations Ordinance.

REASON FOR RECOMMENDATION

After a comprehensive review of the current Parks Ordinance O-2013-00014, as amended, it has been determined that revisions are necessary to update the existing rules and regulations governing the use of Essex County Parks and Property to meet various objectives including but not limited to: 1) adding and/or revising applicable definitions; 2) adding and/or revising provisions regarding enforcement of ordinance and authority for same; 3) revising penalty and/or fees associated with violations of the ordinance; 4) revising hours of operation at various County Parks properties and locations; 5) adding provisions regarding vehicular traffic control, parking, and related issues; 6) adding and/or revising provisions to reflect state and/or federal changes in law (i.e., drones, fireworks, etc.); and 7) adding provisions regarding sanitation.

FISCAL IMPACT

Violators are subject to a fine of up to \$2,000 for violations of the various rules and regulations as more specifically set forth in the proposed ordinance. There will be no adverse fiscal impact.

JAN 23 PM 12:08

Chapter 74. County Parks and Recreation Areas

General References

- Administrative Code – See Ch. 2.
- Riker Hill Park – See Ch. 96.
- Recreation and Open Space Fund and Board – See Ch. 87.
- Smoking – See Ch. 123

Article I. General Provisions

§74-1. Title.

This Ordinance shall be known and be cited as "An Ordinance Establishing Rules and Regulations for the Safety, Protection and Conduct of Persons Using Essex County Parks, Reservations, Recreational Facilities, and other Open Space Property."

§74-2. Construction of Ordinance.

(1) The provisions of this Ordinance shall be construed as follows:

- a. Words and phrases shall be read and construed within their context, and shall, unless inconsistent with the manifest intent of the Board of Chosen Freeholders of the County of Essex, or unless another or different meaning is expressly indicated, be given their generally accepted meaning, according to the approved usage of language. Technical words, and phrases having a special or accepted meaning in the law, shall be construed in accordance with such technical or special and accepted meaning;
- b. Any term in the singular shall include the plural;
- c. Any term in the masculine shall include the feminine and neuter;
- d. Any requirement or prohibition of any act shall, respectively, extend to and include the causing or procuring, directly or indirectly, of such act;
- e. No provision hereof shall make unlawful any act performed by any law enforcement officer, emergency personnel or employee of the County of Essex in the line of duty or work as such, or by any person and his agents or employees, in the proper and necessary execution of the terms of any agreement with the County of Essex;
- f. Any act otherwise prohibited by this Ordinance or any other Ordinance adopted by the Essex County Board of Chosen Freeholders, provided it is not otherwise prohibited by law, shall be lawful if performed under, by virtue of, and strictly with the provisions of a permit, a County sanctioned event, or other official form or express authorization or permission to do so and only to the extent authorized thereby; and
- g. If any section, sentence, clause, or provision of this Ordinance, or the application thereof to any person or circumstance, shall be declared to be invalid or inoperative by any court of competent jurisdiction, the remaining sections, articles, or provisions, to the extent that they are not invalid

or inoperative, shall not be affected nor invalidated thereby and shall be enforced and effectuated.

- (2) This Ordinance shall be effective on any property or land listed in Essex County's Recreation and Open Space Inventory (ROSI) and further includes but is not limited to lands, fields, parks, forests, reservations, recreational areas, historical sites, natural resource areas, wildlife management areas, golf courses, gardens, trails, complexes, facilities, buildings, structures, bodies of water, reservoirs, pathways, walkways, roadways, throughways, driveways, and parking areas within any land or property owned, maintained, or otherwise controlled under the jurisdiction of the Essex County Department of Parks, Recreation, and Cultural Affairs.
- (3) This Ordinance is subject to amendment through subsequent provisions as recommended by the Director and approved by the Board of Chosen Freeholders in accordance with the amendment process set forth in N.J.S.A. 40:41A-101.

§74-3. Control and Supervision of County Parks and Property.

- (1) The Director of the Essex County Department of Parks, Recreation and Cultural Affairs shall be responsible for the overall administration and supervision of operations and recreational activities upon land, property, and facilities within the County's Recreation and Open Space Inventory (ROSI), County Parks and Property.
- (2) The rules and regulations set forth herein shall be liberally construed to permit the County's various departments, employees, and authorized agents to discharge their statutory functions.
- (3) The County assumes no liability for damage or injury as a result, directly or indirectly, of natural or man-made conditions encountered by the public while in or on County Parks or Property.

§74-4. Enforcement.

- (1) The provisions of this Chapter shall be enforced by the Director, County employees, the Essex County Sheriff's Office and by any other enforcement officer vested with the powers of peace officers as defined by the laws of the State of New Jersey shall retain jurisdiction to enforce any violation of state or local laws and regulations.
- (2) This Chapter shall be enforced in any court of competent jurisdiction.

§74-5. Application to State and Federal Laws and Regulations.

- (1) The provisions of this Chapter are not intended to and do not relieve any person of the duty to comply with any state or federal governmental laws and regulations governing any activity regulated under this Chapter.
- (2) If any provision of this Chapter is inconsistent with a provision found in the laws or regulations of the State or Federal government, the more restrictive provision shall control, to the extent permitted by law.

Article II. Definitions

§74-6. Definitions.

BICYCLE: any device or conveyance upon which a person may ride that is propelled by human muscular power through a belt, chain and/or gears unless otherwise specified. The term bicycle as used herein shall be liberally construed to include all forms of recreational and/or sport bicycles.

BOAT: a watercraft used or capable of being used as a means of transportation on or through water, including but not limited to sailboats, rowboats, powerboats, canoes, kayaks and other similar conveyances.

CLOSED: a complete prohibition of access except by authorized personnel.

COMMERCIAL VEHICLE:

- (1) **Definition:** a motor vehicle or combination of motor vehicles used or designed to transport passengers or property if the vehicle(s):
 - a. Gross vehicle weight rating of 10,001 or more pounds or displays a gross vehicle weight rating of 10,001 or more pounds;
 - b. Gross combination weight rating of 10,001 or more pounds inclusive of the towed unit's gross vehicle weight rating;
 - c. Designed to transport eight (8) or more persons, including the driver, and is used to transport such persons for hire on a daily basis to and from places of employment; and/or
 - d. Transporting or used in the transportation of hazardous materials and is required to be placarded in accordance with Subpart F. of 49 C.F.R. §172, or the vehicle displays a hazardous material placard.

- (2) **Exceptions:** the definition of commercial vehicle as defined above and used hereinafter shall exclude:
 - a. A taxi, limousine, jitney, charter bus or other for-hire transportation operating on roadways within a County Park or Property in connection with the use, discharge or pickup of passengers;
 - b. Vehicles operating by or under contract with a public or governmental agency including vehicles utilized in connection with County sanctioned activities or services and deliveries to any associated facilities;
 - c. A privately operated and owned vehicle that is used for the transportation of persons to or from places or facilities in connection with education, recreation or cultural affairs including but not limited to religious institutions, camps, schools, day care centers (child or adult), and community centers; and
 - d. The Director of Parks, the Essex County Sheriff or their authorized designee(s) shall retain the authority to exempt other vehicles that would otherwise meet the definition of a commercial motor vehicle as defined herein.

COUNTY PARKS and/or PROPERTY: any land or property listed in the County's Recreation and Open Space Inventory (ROSI) and further includes but is not limited to lands, fields, parks, forests, reservations, recreational areas, historical sites, natural resource areas, wildlife management areas, golf courses, gardens, trails, complexes, facilities, buildings, structures, bodies of water, reservoirs, pathways,

walkways, roadways, throughways, driveways, and parking areas within any land or property under the jurisdiction of the Essex County Department of Parks, Recreation, and Cultural Affairs.

DAWN: ½ hour before sunrise.

DIRECTOR: the Director of the Essex County Department of Parks, Recreation and Cultural Affairs or his duly authorized designee.

DOMESTIC ANIMAL: any common household pet including but not limited to dogs, cats, birds, ferrets, hamsters, guinea pigs, gerbils, rabbits, fish, or small, nonvenomous reptiles and snakes.

DRONES: see "Unmanned Aircrafts"

DUSK: ½ hour after sunset.

EXOTIC ANIMAL: any species that is not native to the United States, is native to a foreign country or of foreign origin or character, and/or introduced from abroad.

MOTOR VEHICLE: any motorized conveyance for use on land including but not limited to automobiles, trucks, campers, motorcycles, and other modes of transportation driven or operated by a motor.

OFF-ROAD VEHICLE: as defined in N.J.S.A. 39:3C-32.

PARKING: as defined in N.J.S.A. 39:1-1, et seq.

PERMIT: a properly executed written license or document issued by or under the authority of the Director permitting the performance of a specified act or acts.

PERSON: any person, firm, partnership, association, corporation, company or organization of any kind.

SERVICE ANIMAL: a guide dog, signal dog, or other dog/animal that is individually trained to do work or perform tasks for an individual with a disability that qualifies for access to public accommodation pursuant to State and Federal law and regulations.

SIGNS: any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to identify, instruct, display, direct, or attract attention to an object, person, institution, organization, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, color, illuminated or projected images.

SMOKING: the burning of, inhaling from or exhaling the smoke of or the possession of a lighted cigar, cigarette, pipe, e-cigarette, hookah or any other matter or substance which contains tobacco or any other matter or substance that can be smoked. See, Ch. 123.

UNMANNED AIRCRAFT SYSTEM (DRONES): as used herein:

- (1) "Unmanned aircraft" means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft;

- (2) "Unmanned aircraft system" means an unmanned aircraft and associated elements, including communication links and the components that control the unmanned aircraft, that are required for the pilot in command to operate safely and efficiently;
- (3) "Operate" means to fly, control, direct, or program the flight of an unmanned aircraft system.

Article III. Penalties for Violations of County Parks and Property Rules and Regulations

- (1) In accordance with N.J.S.A. 40:32-7.12, the Board of Chosen Freeholders may prescribe and enforce fines and penalties for violations of any rule or regulation related to the supervision, regulation, protection and control of public golf courses or other county recreational, playground or public entertainment facilities.
- (2) In accordance with N.J.S.A. 40:32-7.13, violation of any rule or regulation of this Chapter shall be enforced by the same proceedings, processes, and practice for the enforcement as that provided by law for the enforcement of other ordinances of the municipality in which the violation occurred.
- (3) Unless otherwise specifically provided for in this Chapter, any person that violates or fails to comply with any provisions, rules, or regulations promulgated under this Chapter, shall upon conviction, be subject to imprisonment in the county jail or in any place provided by the municipality for the detention of prisoners, for any term not exceeding 90 days; or by a fine not exceeding \$2,000; or by a period of community service not exceeding 90 days in accordance with N.J.S.A. 40:49-5.
- (4) Nothing herein shall deprive the County from seeking restitution, in a civil action, for the cost or repair or replacement, as appropriate, of any damaged County owned property.
- (5) [Reserved]

Article IV. Hours of Operations; Travel Exception; Closed Areas

§74-7. Hours of Operation.

- (1) **Generally.** Except for unusual and unforeseen emergencies, all County Parks and Property shall be open to the public every day of the year during designated hours. No person shall be in any County Park or Property before or after designated hours except as otherwise authorized or permitted by the Director.
- (2) **Hours.** All Essex County Parks shall be open to the public from dawn until 10:00 p.m. with the following exceptions:
 - a. South Mountain Reservation (excluding the South Mountain Recreation Complex, see subsection (e) below), West Essex Park (excluding the Essex County Environmental Center, see subsection (e) below), Eagle Rock Reservation (excluding the "Highlawn Pavilion Complex," see subsection (d) below), Hilltop Reservation and Mills Reservation, shall be open to the public from dawn to dusk.
 - b. Riker Hill Art Park shall be open to the public from dawn to dusk. Leasing artisans shall comply with the provisions set forth in Ch. 96.

- c. The pathway along the Orange Reservoir in the South Mountain Recreation Complex shall be open from dawn to 12:00 a.m.
- d. The Highlawn Pavilion Complex comprised of Delahunty Way and the 9/11 Memorial (excluding the Highlawn Pavilion restaurant) shall be open to the public from dawn until 12:00 a.m.
- e. Hours of operation for County Parks or County Park Property not otherwise specifically provided herein shall be as provided on the County website or telephone inquiry.

§74-8. Motor Vehicle Travel Exceptions. Notwithstanding §74-7 of this article, the hours of operation shall not affect the right of the public to use paved County Park roadways designated or established for motor vehicle travel as a means of a thoroughfare and strictly in accordance with N.J.S.A. 39:1.1, *et seq.*

§74-9. Closings. Notwithstanding §74.7 and §74.8, any County Park or Property may be declared closed in whole or in part to the public by the Director at any time and for any interval of time, either temporarily, or at regular and stated intervals, whether daily or otherwise, and either entirely or merely to certain uses as the Director finds reasonably necessary. Nothing shall limit the Essex County Sheriff or the Essex County Office of Emergency Management Coordinator from prohibiting access or use of County Park or Property during a declared state of emergency.

Article V. Dog Park Rules and Regulations; Penalties

§74-10. Dog park rules and regulations. Persons using designated dog parks within the County of Essex must abide by the following rules and regulations:

- (1) All persons using the dog park assume any and all risks associated with the use of the dog park.
- (2) The hours of operation for each dog park shall be consistent with the hours of operation for the County Park or Property in which the dog park is located unless otherwise provided.
- (3) Dog owners or persons otherwise in charge of a dog are always strictly responsible and liable for the actions of their dog and for any damage to property or persons.
- (4) Dog owners or persons otherwise in charge of a dog must immediately remove a dog from the park if the dog becomes aggressive or uncontrollable or engages in excessive barking toward people or other dogs.
- (5) Dogs must have valid license tags and have up to date vaccinations pursuant to State and local laws and regulations.
- (6) Limit of two (2) dogs per person.
- (7) All dogs must be accompanied at all times by at least one (1) person who is 16 years of age or older.
- (8) No children under the age of sixteen (16) are allowed inside the off-leash area unless accompanied by an adult and/or in conformance with (7).
- (9) Dogs outside the off-leash area must be leashed at all times with a leash not to exceed a length of six (6) feet.
- (10) No puppies younger than four (4) months old.
- (11) No dogs in heat.
- (12) Spiked, pronged or choke collars are prohibited.
- (13) Dog owners or persons otherwise in charge of a dog must immediately clean up, remove, and dispose of their dog's feces.
- (14) No food. [Added 10-7-2015 by Ord. No. O-2015-00012]

- (15) Dog owners or persons otherwise in charge of a dog must immediately report all dog bites to the proper authorities.

§74-11. Penalties for Violation of Dog Park Rules. Any person, who violates the rules and regulations set forth in §74-10, shall upon conviction thereof, be subject to a minimum fine of \$100.00 not to exceed \$2,000.

Article VI. Traffic; Bicycles; Off-Road Vehicles; Parking

§74-12. New Jersey State Motor Vehicle Code. All provisions and traffic laws of N.J.S.A. 39:1.1, et seq. shall apply to all County Parks and Property and will be strictly enforced with such further restrictions as set forth in this Chapter.

§74-13. Motor Vehicles Confined to Vehicular Roads. No person shall drive or operate any motor vehicle in any County Park or Property on any surface or land other than a roadway designated or established for vehicular travel unless authorized by the Director.

§74-14 Bicycles Confined to Vehicular Roadways.

- (1) No person shall ride or operate a bicycle on any County Parks or Property (including all County owned facilities and reservations) on any surface or land other than a paved vehicular roadway designated or established for motor vehicle travel unless otherwise expressly permitted or authorized by the Director or specifically designated for bicycle use by appropriate signage.
- (2) For purposes of this provision, service and access routes, paved or unpaved pathways or roadways/thoroughfares designated or established for use by authorized personnel only, do not constitute "vehicular roads" open to the public for bicycle use with the exception of Crest Drive in the South Mountain Reservation. A bicyclist is permitted to wheel or push a bicycle by hand over grassy areas or paved areas reserved for pedestrian use.

§74-15. Off-Road Vehicles Prohibited. No person shall drive or operate an off-road vehicle in a County Park or Property unless otherwise specifically authorized or permitted by the Director.

§74-16. [reserved]

§74-17. Commercial Vehicles: No person shall operate a commercial vehicle in a County Park, County Park Property, or on County Park roadways designated for vehicular travel without prior permission or authorization from the Director with the exception of Mill Street within the confines of Branch Brook Park in Belleville and South Orange Avenue, Cherry Lane, and Brookside Drive within the confines of South Mountain Reservation.

§74-18. Parking.

- (1) **Parking Areas:** No person shall stand or park a motor vehicle in any County Park or Property on any surface or land other than designated parking areas and other areas that may on occasion be designated as temporary parking areas by the Director. All vehicles must be parked inside the lines.

- (2) **Hours of Operation:** Unless specifically authorized or permitted by the Director in writing, no person shall leave a motor vehicle parked in any County Park or Property beyond the applicable hours of operation or where designated by signage, beyond the applicable hours set forth therein.
- (3) **Parking Areas Restricted to Park Patrons:** Parking lots or parking areas in any County Park or Property are reserved solely for use by County park patrons unless specifically authorized or permitted by the Director.
- (4) **Designated/Restricted No Parking Areas:** No person shall stand or park a vehicle in any County Park or Property in an area designated by signs, curb markings, or other designated "no parking" areas.
- (5) **Emergency No Parking Areas:** The Director, the Essex County Sheriff or their authorized designee(s) shall retain the authority to designate by signage places or areas in which the stopping, standing or parking of vehicles would create an emergency condition, unusual delay to vehicular and/or pedestrian traffic, or otherwise pose a hazard to the public. See Ch. 130-9

§74-19. [Reserved]

Article VII: Rules and Regulations for Recreational Activities.

§ 74-20. Recreational activities.

- (1) **Swimming.** No person shall swim, dive, snorkel, bathe, wade or engage in any other water related sports or activities in any waters or waterways in or adjacent to County Parks or Property unless expressly authorized or permitted by the Director.
- (2) **Boating.** No person shall use private boats, rafts, canoes, kayaks, or other types of watercrafts in any streams, lakes, or other bodies of water within or bordering any County Park or Property unless it has been designated for such use and posted for public launching. Such activity, if permitted, shall be conducted in accordance with applicable State and Federal laws and regulations as are now or as may hereafter be adopted.
- (3) **Picnics; Permits for Picnic Sites**
 - a. All picnics held in/on County Parks or Property shall be confined to areas specifically designated for such use.
 - b. No person in any County Park or Property shall leave a designated picnic area/site before the cooking fire is completely extinguished and before all trash and refuse is removed and placed in the disposal receptacles. If no such trash receptacles are provided, then all trash and refuse shall be removed and legally disposed of elsewhere.
 - c. A permit shall be obtained for all organized picnic events and/or activities.
- (4) **Camping.** No person shall camp in any County Park or Property except with the express permission or authorization of the Director. Groups seeking permission or authorization for camping must have adequate supervision. No person shall set up a tent, shacks or any other temporary shelter for the

purpose of overnight camping, nor shall any person leave in a County Park or Property any movable structure or special vehicle to be used or that could be used for such purpose, such as house trailer, camp trailer or the like.

(5) Games and Sports; Permits for Athletic Fields

- a. No person shall participate in games, contests, or sports except in areas specifically designated for such use, and in no case shall such use be permitted in areas where lawns or planting may be injured, or in violation of any rules and regulations set forth in this Chapter.
- b. A permit shall be obtained for all organized sporting events or other group recreational activities for the following athletic fields: hardball, softball, football, soccer, cricket, basketball, and lacrosse.
- c. All permit activities shall take precedence over non-permit activities.

(6) Horseback riding. No person shall ride a horse except on specifically designated bridle trails. Where permitted, horses shall be thoroughly broken, properly restrained, and ridden with due care. Horses shall not be allowed to graze or be left unattended, nor shall horses be hitched to any rock, tree, plant, or structure so as to cause damage to same.

(7) Model Airplanes and Rockets. No person shall operate a model airplane or rocket in any County Park or Property.

(8) Unmanned Aircraft Systems "UAS" (Drones).

- a. No person shall take-off, launch or land an UAS/drone in or on any County Park or Property unless otherwise authorized by permit.
- b. No person shall operate a UAS/drone in violation of any applicable State and Federal laws and regulations as are now or as may be hereafter adopted including but not limited to 14 C.F.R. §1, *et al.* and N.J.S.A. 2C:40-27, *et al.*

(9) Ice Covered Bodies of Water. No person shall walk, coast, ice skate, sled or otherwise engage in any activity upon any ice-covered ponds, streams, lakes, or other bodies of water within any County Park or Property unless otherwise authorized or permitted by the Director in designated areas and during specified times.

Article VIII: Acts Prohibited in County Parks and County Park Property

§74-21. General Prohibitions

(1) Failure to produce permit or proof of authorization: No person shall fail to produce and exhibit any permit, written authorization, or applicable form of permission to any authorized County personnel upon the request to inspect same for the purpose of enforcing compliance with any rules or regulations promulgated in this Chapter.

(2) **Closed areas.** No person shall enter any portion of a County Park or Property in disregard of signs, barricades, posted notices, or any other means of closing off of County Park or Property. Nor shall any person use or abet the use of any area in violation of posted notices.

(3) **Interference with permittees and other users.** No person shall disturb or unreasonably interfere with any person or party occupying any area or participating in any activity under authority of a valid permit or any person making valid use of a County Park or Property.

(4) **Failure to obey lawful commands.**

- a. No person shall resist any agent, Essex County Sheriff's Officer, or employee of the County in the discharge of his/her duty, or fail or refuse to obey any lawful command of any such agent, officer or employee, or in any way interfere with or hinder or prevent any such agent, officer, or employee from discharging his/her duty, or in any manner assist or give aid to any person in custody to escape or attempt to escape from custody, or rescue or attempt to rescue any person when in such custody.
- b. No person shall remain within any County Park or Property who does not abide by the rules and regulations adopted herein for the preservation of good order and the protection of property; and no person shall remain within any County Park or Property who does not abide by the instructions and directions of duly authorized agents, Essex County Sheriff's Officers, or employees of the County in the lawful performance of their duties. Any person directed by an agent, officer, or employee of the County to leave County Park or Property shall do so promptly and peaceably.
- c. **Ejectment.** The Director and any County employees in the lawful performance of their duties including the Essex County Sheriffs' Officers shall have the authority to eject from the County Parks or Property any person acting in violation of any ordinance, statute or the rules and regulations set forth in this Chapter or by local, state, or federal rule, law or regulation.
- d. **Seizure of Property.** The Director and any County employees in the lawful performance of their duties including the Essex County Sheriffs' Officers shall have the authority to seize and confiscate any property, thing or device on/or in any County Parks or Property used in violation of any ordinance, statute or the rules and regulations set forth in this Chapter or by local, state, or federal rule, law or regulation.

§74-22. County Park Property and Natural Resources.

- (1) **Injury and removal.** No person shall damage, cut, carve, transplant or remove any tree or plant or injure the bark, or pick the flowers or seeds, of any tree or plant. Nor shall any person attach any rope, wire or other contrivance to any tree or plant. No person shall dig in or otherwise disturb grass or other vegetation or in any other way injure or impair the natural beauty or usefulness of any area.
- (2) **Disfiguration and removal of property.** No person in a County Park or Property shall willfully mark, deface, disfigure, injure, tamper with, or displace or remove, any buildings, bridges, tables, benches, fireplaces, railings, paving or paving material; water lines or other public utilities or parts or appurtenances thereof; signs, notices or placards whether temporary or permanent; monuments, stakes, posts or other boundary markers; or other structures or equipment, facilities or other County property or appurtenances, whether real or personal.

- (3) **Erection of structures.** No person shall construct or erect any building or structure of any kind, whether permanent or temporary in character, or run or string any public service utility into, upon or across such lands, except on special written permit issued by the Director.
- (4) **Hunting.** No person shall hunt, molest, harm, remove, frighten, kill, trap, chase, tease, shoot or throw missiles at any animal, reptile or bird in a County Park or Property; nor shall any person in a County Park or Property remove or have in his possession the young of any animal, or the eggs or nest or young of any reptile or bird.
- (5) **Fishing.** No person shall fish in any water or waterways in or adjacent to any waterways in a County Park or Property, except at specifically designated waters provided therefore and in compliance with applicable Federal, State, and local regulations as are now or as may hereafter be adopted.
- (6) **Feeding of Animals.** No person shall give or offer or attempt to give or offer any food or any other substance to any bird (including all migratory and non-migratory birds), animal, fish or other wildlife in a County Park or Property.
- (7) **Climbing and Misuse of County Property.** No person shall engage in any form of climbing on natural structures including but not limited to tree climbing, rock climbing, rappelling, and/or bouldering in any County Park or Property. Nor shall any person climb, repel, or otherwise get upon any statue, fence, gate, or other structure in any County Park or Property or use any structure in a County Park or Property in any other way than that for which it was designed.

§74-23. Sanitation.

- (1) **Pollution of waters.** No person in County Parks or Property shall throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream or other body of water in or adjacent to any County Park or Property or any tributary, stream, storm sewer or drain flowing into such waters, any substance, matter or thing, liquid or solid, which will or may result in the pollution of such waters.
- (2) **Refuse and trash.**
 - a. No person shall dump, deposit or leave any material or debris, whether organic or inorganic in any County Park or Property. Refuse or trash shall be placed in the proper receptacles provided therein. If receptacles are not so provided, all refuse and trash shall be removed from the County Park or Property by the person responsible for its presence and legally disposed of elsewhere.
 - b. No person shall bring into any County Park or Property any refuse or trash generated outside the County Park or Property for the purposes of depositing or dumping any such refuse or trash into County Park or Property receptacles whether such trash or refuse is bagged or not.
- (3) **Restrooms and washrooms.** No person using a restroom or washroom in County Parks or County Park Property shall fail to maintain said facilities in a neat and sanitary condition. No person shall use a restroom or washroom for bathing purposes.
- (4) **Public urination or defecation.** No person shall urinate or defecate in/on any County Park or Property except in designated restrooms, washrooms, bathrooms, or other structures designated for such use and enclosed from public view.

§74-24. Alcohol & Smoking

- (1) **Alcohol.** No person in a County Park or Property shall bring in, possess, serve, or consume any alcoholic beverages at any time, except that the service and consumption of alcoholic beverages will be permitted (beer and wine only) at duly authorized public events held on County Park Property, provided that persons desiring to host a special event thereat:
- a. Submit to the Director for approval a fully completed Alcoholic Beverage Special Event Permit application;
 - b. That said application is approved by the Director in his sole discretion;
 - c. That persons hosting the special event and all participants therein adhere to the terms and provisions of the Alcoholic Beverage Special Event Permit rules and regulations; and
 - d. That a nonrefundable permit-processing fee in the amount of \$150 is submitted together with said application (Cedar Grove Park Robert J. O'Toole Community Center is excluded from the permit processing fee).
- [Added 3-9-2016 by Ord. No. O-2016-00007] [Added 1-18-17 by Ord. No. O-2016-00026]

- (2) **Alcohol Exceptions.** The sale and serving of alcohol (beer and wine only) by the contracted concessionaire shall be permitted at the Savannah Café located at the Turtle Back Zoo and the Verona Park Boathouse. [Added 3-9-2016 by Ord. No. O-2016-00007] [Added 2-7-2018 by Ord. No. O-2018-00003]

- (3) **Smoking.** See Ch. 123.

§74-25. Animals.

- (1) **Domestic Animals and Dogs; Exotic Animals**
- a. No person shall bring a domestic animal into a County Park or Property unless the animal is restrained by a leash, tether, cage, or other restraint with the exception of dogs in designated off-leash area under the control of the owner.
 - b. Domestic animals are strictly prohibited on playgrounds, athletic courts, and fenced playfield areas at all times.
 - c. Persons bringing domestic animals into a County Park or Property are personally responsible for removing and properly disposing of any solid waste deposited by the animal.
 - d. Any animal deemed by a County employee or authorized representative to be posing a threat or nuisance to other visitors or destroying County Park or Property will be required to leave the premises immediately.
 - e. Dogs and domestic animals are prohibited inside County Park or Property buildings and/or indoor facilities at all times unless specifically permitted or authorized by the Director. The Director reserves the authority to prohibit domestic animals entirely from any County Park or Property. Exception is made for service animals.
 - f. Dogs must be restrained by a maximum leash length of six (6) feet except in designated off-leash areas;
 - g. Two (2) dog limit per person;
 - h. Dogs must have valid license tags and have up to date vaccinations pursuant to State and local laws and regulations.
- (2) **Exotic Animals:** No person shall bring an exotic animal into any County Park or Property for any period of time or for any purpose unless specifically permitted or authorized by the Director.

§74-26. Fires/Firearms/Explosive Devices

- (1) **Fires.** No person in any County Park or Property shall build or attempt to build a fire except in such areas specifically designated for such use and under such regulations as may be designated by the Director. No person shall drop, throw or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper or other flammable material, in a County Park or Property or on any highway, roadways or street abutting or contiguous thereto.
- (2) **Possession of weapons or firearms.** No person shall carry or have in his possession, while on any County Park or Property any weapon or firearm in which or upon which loaded or blank cartridges may be used except when authorized by law. Violations of this section shall be prosecuted in accordance with Title 2C of the Revised Statutes of New Jersey.
- (3) **Discharge of firearms unlawful.** It is unlawful for any person to discharge a firearm in any County Park or Property.
- (4) **Paintball guns.** It shall be unlawful for any person to bring into or have in his possession while on any County Park or Property a paintball gun, paintball markers, paintball grenades or any other "fire-arm type" device/weapon that is capable of releasing a non-traditional bullet such as a paintball, BB, or pellet by any means including gas, air, or spring-loaded.
- (5) **Fireworks.** No person shall bring into, possess, discharge, cause to be discharged, fire, ignite, or otherwise set into action any fireworks in any County Park or Property. An organized display of fireworks shall be permitted provided that the sponsor shall first obtain a permit from the Director and provided further that the sponsor shall comply with all the individual requirements set forth in Title 21 of the Revised Statutes of New Jersey.
- (6) **Ground Based or Handheld Sparkling Devices and Novelties.** No person shall bring into, possess, discharge, cause to be discharged, fire, ignite, or otherwise set into action any ground or hand based sparkling devices, snakes, glow worms, smoke devices, trick noisemakers, party poppers, or snappers into or on any County Park or Property.

§74-27. Solicitation.

- (1) **Solicitation and literature distribution.** Solicitation for services or donations, distribution or display of handbills, cards or advertisements of any nature is prohibited unless the person or activity is specifically authorized or permitted by the Director and the activity is done in the areas specifically designated by the Director for such use.
- (2) **Vending and peddling.** No person shall expose or offer for sale any article or thing, nor shall any person station or place any stand, cart or vehicle for the transportation, sale or display of any such article or thing, except under the authority and regulation of the Director.
- (3) **Advertising.** No person shall announce, advertise or call the public attention in any way to any article or service for sale or hire.
- (4) **Signs.** No person shall paste, glue, tack or otherwise post any sign, placard, advertisement or inscription, nor shall any person erect or cause to be erected any sign in a County Park or Property

with the exception of temporary directional signs or announcements within County Parks or Property which are specifically authorized or permitted by the Director in connection with approved events or activities.

Article IX: Permits

§74-26. Permits.

- (1) **Permit issuance and special use exemption.** All permits and/or special use exemptions from any rules and regulations set forth in this Chapter shall be issued by the Director. All permits and special use exemptions shall be signed by the Director.
- (2) **Application.** A person seeking issuance of a permit or special use exemption shall file the appropriate application with the Essex County Department of Parks, Recreation, and Cultural Affairs.
- (3) **Standards for issuance.** The Director shall issue a permit hereunder when he finds:
 - a. That the proposed activity or use of the County property will not unreasonably interfere with or detract from the general public enjoyment of the County property;
 - b. That the proposed activity or use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation, or adversely impact natural resources;
 - c. That the proposed activity or use is not reasonably anticipated to incite violence, crime or disorderly conduct;
 - d. That the proposed activity will not entail unusual, extraordinary or burdensome expense or police operation by the County; and
 - e. That the facilities desired have not been reserved for other use at the day and hour required in the application.
- (4) **Appeal.** Within five (5) days after receipt of an application the Director shall apprise an applicant in writing of his reasons for refusing a permit. Any person aggrieved by the refusal of a permit by the Director shall have the right to appeal same in writing within five (5) business days of the receipt thereof to the County Administrator who shall consider the application under the standards set forth in subsection (3) hereof and sustain or overrule the Director's decision within ten (10) business days. The decision of the County Administrator shall have final force and effect.
- (5) **Effect of permit.** A permittee shall be bound by all County rules and regulations and all applicable ordinances as through same were fully inserted in said permits.
- (6) **Liability of permittee.** The person or persons to whom a permit is issued shall be liable for any loss, damage or injury sustained by any person whatever by reason of the negligence of the person or persons to whom such permit shall have been issued.

(7) **Revocation.** The Director shall have the authority to revoke a permit upon a finding of a violation of any rule or regulation or upon good cause.

Article X: Fees and Revenues; Fee Schedule

§ 74-27. **Fees and revenues.** Fees for permits and for admission to County Park and Property programs and activities may be charged as authorized by the Board of Chosen Freeholders pursuant to N.J.S.A. 40:32-7.11.

§ 74-28. **Fee Structure.**

[Amended 1-16-2013 by Ord. No. O-2012-00017; 9-11-2013 by Ord. No. 00010; 11-6-2014 by Ord. No. O-2014-00016; 4-8-2015 by Ord. No. O-2015-0004; 1-13-2016 by Ord. No. O-2015-00018; 12-7-2016 by Ord. No. O-2016-00025; 2-7-2018 by Ord. No. O-2018-00002; 1-7-2020 by Ord. No. O-2019-00020]

The fee structure shall be as follows:

[INSERT 2020 FEE SCHEDULE as adopted 1-7-2020 by Ord. No. O-2019-00020]