ORDINANCE #2022-25

ORDINANCE OF THE BOROUGH OF KEYPORT, COUNTY OF MONMOUTH, NEW JERSEY, AMENDING CHAPTER 11, ENTITLED "RECREATIONAL FACILITIES" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT

WHEREAS, Chapter 11 of the Revised General Ordinances of the Borough of Keyport (the "**Borough**") regulates the use of Borough Parks and Recreational Facilities of the Borough; and

WHEREAS, the Borough Administrator has recommended amendments to Chapter 11 to formalize the process for the use of designated parks and recreational areas.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council that the Revised General Ordinances of the Borough of Keyport, Chapter 11, entitled Recreational Facilities is hereby amended as follows:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. Chapter 11 (Recreational Facilities) is hereby amended at §11-7, entitled "Senior Citizen Center" to read as follows:

§ 11-7 SENIOR CITIZEN CENTER.

§ 11-7.1 Definitions.

As used in this section, the following terms shall have the meanings indicated:

> **RESIDENT OF KEYPORT** - A person who is at least 60 years of age whose principal place of residence is in the Borough of Keyport.

§ 11-7.2 Membership criteria.

To become a member of the Keyport Senior Citizen Center, an applicant must be 60 years of age.

§ 11-7.3 Membership fee.

There shall be no fee for residents of Keyport. Proof of residency shall be required for all members of the Senior Citizen Center. Nonresidents shall be required to pay an annual membership fee of ~~$50~~ $100. Annual fees shall expire on December 31 of each year and must be renewed annually.

§ 11-7.4 Facility use permit for senior citizen center.

~~Individuals or groups who wish to use the Senior Citizen Center may make an application to the Borough Clerk for the right to use the Senior Citizen Center. The application shall include the name of the individual or group who wish to use the facility, the number of people who will use the facility, the date and time which they would like to use the facility and all other information that may be required by the Borough Clerk. The Borough Administrator shall approve or deny the use of the facility after a review of the application~~ All requests for the use of the Senior Citizen Center shall be in accordance with the policies and procedures set forth in §11-9 of this ordinance.

~~§ 11-7.5 Facility use permit fees.~~ [DELETED]

~~a. A $250. returnable deposit is required with all applications. This deposit will be used to cover any damage to the Borough's property or cleaning required due to use of the facility. Users will be notified in writing by the Borough Clerk if any such charge will be assessed.~~

~~b. There is a $100 fee for use of the Senior Center.~~

~~§ 11-7.6 Indemnification and waiver.~~ [DELETED]

~~a. Users of the facility must sign a waiver in which they agree to waive and relinquish all claims, and causes of action, of every kind which they have or may have against the Borough of Keyport arising out of the use of the facility. The users must acknowledge that they assume all risks in connection with the use of the facility.~~

~~b. Users must indemnify the Borough of Keyport of any and all liability of loss, and against all claims or actions based upon or arising out of damage or injury to persons or property caused by or sustained in connection with the applicant's use of the facility, and, the defense of any such claims or action, whether the liability, loss or damage is caused by, or arise out of the negligence of the Borough of Keyport, or any of the employees or agents of the Borough of Keyport. The user must further agree to reimburse the Borough of Keyport for any and all expenses, attorney's fees, or costs incurred in the enforcement of this waiver and indemnification.~~

Section 3. Chapter 11 (Recreational Facilities) is hereby amended at §11-1.3A to read as follows:

§ 11-1.3A Use of athletic facility lights.

a. Permit Required for Use of Cedar Street Park Athletic Facility Lights. No person, entity or organization shall use the athletic facility lights without first securing a permit for the use thereof from the ~~Borough Clerk or person designated therefor~~ Borough official designated by resolution of the Borough Council.

b. Fee for Use of Athletic Facility Lights. The fee for use of the Cedar Street Park Athletic Facility lights shall be ~~$100 per session, or any portion thereof, for teams or organizations registered to use the facility~~ in accordance with the fee schedule established by resolution of the Borough Council. ~~Said fee shall be made payable to the Borough of Keyport and submitted to the office of the Borough Clerk.~~

Section 4. Chapter 11 (Recreational Facilities) is hereby supplemented with the addition of the following section:

§ 11-9 GROUP USE OF PARKS AND RECREATIONAL FACILITIES.

§ 11-9.1 Definition of Group Usage.

Borough parks and recreational facilities shall be available for group usage subject to the policies and procedures set forth in this ordinance. Group usage is defined as any use or activity which includes more than twenty (20) persons by an individual, entity or organization.

§ 11-9.2 Application for Group Use of Parks and Recreational Facilities.

All requests for the group use of any Borough park or recreational facility shall be made on forms provided by the Borough official designated by resolution of the Borough Council.

§ 11-9.3 Fees for Group Use of Parks and Recreational Facilities.

Fees for the use of any Borough park or recreational facility shall be in accordance with the fee schedule established by resolution of the Borough Council.

§ 11-9.4 Insurance requirements.

Any group seeking to use any Borough park or recreational facility shall provide proof of insurance and a certificate of insurance naming the Borough of Keyport as an additional insured in an amount and in such form as may be required by the Borough and the Borough's insurance provider.

§ 11-9.5 Rules and Regulations for Use of Parks and Recreational Facilities.

The use of any Borough park or recreational facility shall be in accordance with the rules and regulations as established by resolution of the Borough Council.

Groups using any Borough park or recreational facility shall be responsible for the removal of all trash and garbage prior to leaving. Any group using a Borough park or facility shall designate an individual responsible for the cleanup of the facility being used. In the event all trash and garbage is not removed prior to leaving, the Borough may deem it necessary to utilize Borough staff to remove the remaining trash and garbage, in which case the responsible group shall be billed in accordance with the fees established by

resolution of the Borough Council.

Section 5. All Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed.

Section 6. Each section, subsection, sentence, clause and phrase of this ordinace is declared to be an independent section, subsection, sentence, clause and phrase and the finding or holding of any such portion of this ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this ordinance.

Section 7. Except as amended by this ordinance, all other provision of the Borough's Revised General Ordinances shall remain in full force and effect.

Section 8. The Borough Clerk is hereby directed, upon adoption of the ordinance after public hearing thereon, to publish notice of the passage thereof.

Section 9. This ordinance shall be in full force and effect from and after its adoption and publication according to law.

Introduced: November 1, 2022
Public Hearing: December 6, 2022
Adopted: December 6, 2022

Michele Clark

Michele Clark, RMC
Borough Clerk
Borough of Keyport

Collette J. Kennedy

Collette J. Kennedy, Mayor
Borough of Keyport