

ORDINANCE #2121-24

AN ORDINANCE AMENDING CHAPTER 367 (SWIMMING POOL, MUNICIPAL) OF THE MUNICIPAL CODE OF THE BOROUGH OF MIDDLESEX TO CLARIFY CERTAIN PROVISIONS THEREOF

WHEREAS, it is the desire of the Mayor and Council of the Borough of Middlesex to amend Chapter 367 (Swimming Pools, Municipal) of the municipal code of the Borough of Middlesex to clarify certain provisions thereof; and

BE IT THEREFORE ORDAINED, by the Borough Council of the Borough of Middlesex in the County of Middlesex and State of New Jersey that Chapter 367 of the municipal code shall be amended as follows:

Section I:

Section 367-2 ("Membership") is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

- A. There shall be five types of membership:
 - (1) Family membership, which shall include:
 - (a) Both parents/legal guardians or either of them.
 - (b) All children of such parents who are residing with them, until the age of 26.
 - (2) Individual membership, which shall be available to any person who shall have reached the age of 14 years.
 - (3) Senior citizen membership, which shall be available to any person who shall have reached the age of 62 years **by May 31st of the applicable year.**
 - (4) Single parent and one child, which **shall be available to the parent/legal guardian** ~~shall have~~ **that has** legal custody of the child.
 - (5) Couples membership, which shall be available to two adults residing at the same residence.
- B. Membership qualifications; guests.
 - (1) Membership shall normally be restricted to residents of the Borough of Middlesex. However, if the Commission determines that, as of May 1 of any year, the number of resident members is not sufficient to meet the projected financial obligations from projected revenue for that year, the Commission may accept applications for membership from nonresidents.
- C. Proper identification shall be issued to all members and guests and shall be required for admission to the pool.
- D. Membership shall not be transferable, and neither membership cards nor any other identification shall be used except by the persons for whom issued.
- E. Nonmembers may be admitted to the pool for instructional purposes by arrangement of the Board or Manager.

- F. Membership shall not exceed 1,000, excluding senior memberships, in number based upon consideration of capacity, safety, convenience and enjoyment. In computing the total of 1,000 memberships, an individual membership shall be counted as 1/2 rather than one toward the total number of memberships allowed. The Board shall maintain a waiting list and fill all applications for membership strictly in order of receipt.
- G. The Board is empowered to revoke or suspend membership in the event of members permitting unauthorized persons to use their membership cards or other identity or for furnishing false or misleading information on membership applications.

Section II:

Chapter 367-3 ("Fees and Charges") is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

Fees and charges shall be as follows:

- A. Schedule of fees.
- (1) Residential family membership: ~~\$280~~ **310** per season if paid after April 15 of each year and ~~\$260~~ **295** if paid prior thereto.
 - (2) Resident individual membership: ~~\$195~~ **215** per season if paid after April 15 of each year and ~~\$175~~ **205** if paid prior thereto.
 - (3) Resident senior citizen membership: ~~\$50~~ **60** per season if paid after April 15 of each year and ~~\$45~~ **55** if paid prior thereto.
 - (4) Nonresident family membership: ~~\$400~~ **430** per season if paid after May 15 of each year and ~~\$370~~ **415** if paid prior thereto.
 - (5) Nonresident individual membership: ~~\$255~~ **275** per season if paid after May 15 of each year and ~~\$235~~ **265** if paid prior thereto.
 - (6) Nonresident senior citizen membership: ~~\$80~~ **90** per season if paid after April 15 of each year and ~~\$75~~ **85** if paid prior thereto.
 - (7) Resident couple membership or resident parent/one child membership: ~~\$235~~ **265** per season if paid after April 15 of each year and ~~\$215~~ **250** if paid prior thereto.
 - (8) Nonresident couple membership or nonresident parent/one child membership: ~~\$325~~ **355** per season if after May 15 of each year and ~~\$300~~ **340** if paid prior thereto.
- B. All fees shall be paid by the first day of full-time operation each year.
- C. Fees for pool activities not otherwise covered in this chapter shall be determined by a 4/7 vote of the Board of Commissioners.
- D. No refunds will be given after the Monday of Memorial Day weekend. Membership refunds will be given prior to Memorial Day Monday if there is a waiting list for memberships or by a majority Swim Pool Commission vote (4/7) on a case-by-case basis for other reasons.
- E. The Swim Pool Commission has the authority to increase the membership fees by no more than 10% per year with the stipulations that the rates are not raised more than 30% over the next five years.

- F. Resident and nonresident family membership may include, for an additional fee of \$50 **75** per season, ~~one "nanny" or~~ nonfamily childcare provider membership. **This nonfamily membership cannot be used as a single membership.**

Section III:

Chapter 367-5 ("General rules and regulations; Replacement of passes") is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

- A. No person in the pool area shall:
- a. Willfully mark, disfigure, damage or remove any items of property or equipment belonging to the pool area, or any signs or notices.
 - b. Fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition.
 - c. Dispose of litter, paper or debris except in designated trash receptacles.
 - d. Consume food or beverages except within designated areas.
 - e. Park vehicles except in designated places.
 - f. Have in his possession or consume any alcoholic beverage of any kind whatsoever. **Failure to comply with this provision shall result in penalties pursuant to Chapter 121 of the Borough's municipal code.**
 - g. Engage in gambling activities.
 - h. Bring any pets or animals on the premises.
 - i. Park or deposit bicycles except in bicycle stalls.
 - j. Use or park baby carriages or strollers except in designated areas. **Baby carriages are not permitted to be parked on the pool deck.**
 - k. Engage in wrestling, running, ball playing or similar activities within the pool grounds.
 - l. Smoke on pool grounds.
 - m. Engage in rough or rowdy contact or use profane or abusive language affecting the safety, comfort and enjoyment of other persons.
 - n. Enter any pool offices or equipment building without authorization.
 - o. Disobey any posted signs or notices.
- B. Replacement of passes.
- a. To reissue a new individual pass, a fee of \$5 will be charged.

Section IV:

Chapter 367-5 ("General rules and regulations; Replacement of passes") is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

No person shall:

- A. Appear in bathing costume which does not conform to commonly accepted standards.
- B. Permit infants who are not toilet-trained to be within bathing places or areas without protected diapers.
- C. Dress or undress except in dressing rooms provided for that purpose.
- D. Enter the pool area if he has contagious or infectious disease or condition of any nature.

- E. Dive from lifeguard stands or from the shoulders of another person or practice diving stunts, except in the designated area or, if under the age of 15, if he has not passed the prescribed pool test.
- F. Enter the pool unless a lifeguard is on duty.
- G. Swim in the area reserved for diving.
- H. Take any toys or swimming equipment whatsoever in the main pool.
- I. Use the wading pool unless under six years of age.
- J. Use any metal or rigid plastic toys in the wading pool.
- K. Permit children or guests of a member to be left unattended in the pool complex.
- L. Converse with or distract in any manner any lifeguard on duty.
- M. Expose or offer for sale any articles or things or advertise in any manner any article or service, except when permitted by the pool manager.
- N. Permit children under ~~40~~ **12** years of age, or between the age of ~~40~~ **12** and 14, if they have not passed the prescribed swimming proficiency test, to enter the pool area unaccompanied by a member over the age of 14.
- O. Be permitted to bring a guest to the pool unless the member is ~~44~~ **15** years of age or older; or the guest is 21 years of age or older. The member and the guest over 21 who brings a child to the pool must remain at the pool with the child and be responsible for the conduct and safety of the child. If a guest is asked to leave the premises for any pool violations, no refunds will be given and the member must leave with the guest. There are no refunds for daily admissions.

Section V

All ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section VI

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to this section, paragraph, subdivision, clause or provision and the remainder of this Ordinance shall be deemed valid and effective.

Section VII

This ordinance shall take effect upon adoption and publication in the manner required by New Jersey general law.

ATTEST:

Linda Chismar, Municipal Clerk

Jack Mikołajczyk, Mayor

INTRODUCED: May 14, 2024

DATE OF PUBLICATION:
OF INTRODUCTION May 17, 2024

ADOPTED: May 28, 2024

DATE OF PUBLICATION
OF ADOPTION: May 31, 2024