

ORDINANCE NO. 2023-3395

**TOWNSHIP OF MIDDLETOWN
COUNTY OF MONMOUTH**

**ORDINANCE AMENDING § 240-25 OF THE CODE OF THE TOWNSHIP
OF MIDDLETOWN GOVERNING RECREATION PERMITTING AND
FEES**

WHEREAS, periodic fee adjustments and changes of process are required to be made by ordinance to cover the Township of Middletown's (the "Township")'s expenses and to improve efficiency in permitting processes; and

WHEREAS, the Township wishes to make the following recreation permitting and fee ordinance amendments recommended by the Director of Recreation and the Township Administrator.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey that § 240-25 of the Code of the Township of Middletown be and is hereby amended and supplemented, as follows:

SECTION 1. Amendments to § 240-25. Department of Recreation.

A. Facilities use permit application process. Applications for recreational facilities use permits must be made in writing and on the form(s) supplied by the Township. Forms may be secured from the Township Recreation Director's office or the Township's website pursuant to the following conditions:

1. Applications must be submitted to the Township's Recreation Department not less than seven calendar days before the date of the requested use.
2. The application must be signed by an adult representative of the individual or group requesting a facilities or program use permit who shall be considered an authorized agent of the organization.
3. The application must include all the facilities, equipment and Township staffing needs, if any, being requested along with all the dates and times for which the facilities, equipment and staff are being requested. Approval of any application is limited to the facilities, dates and times expressly requested in the application. Approval does not include the use of rooms, buildings, fields, equipment or staff not expressly requested.
4. Applicants must agree that they shall assume responsibility for the orderly and careful use of the facility for which they are seeking to use and must agree to assume liability for any damage or loss of property caused by the use or in the course of the use.
5. Unless otherwise agreed to by the Township Attorney, applicants must agree to indemnify and hold the Township or Board of Education, as applicable based on the site being permitted, harmless from any and all claims, injuries and/or damages arising out of the permitted use of the facility during the user's occupancy or use of it and furnish evidence of adequate liability insurance coverage of a minimum of \$1,000,000 per person, incident and for property damage with such certificate of insurance clearly naming the Township as an additional insured during the entirety of the period of time for which any permit is being requested to be issued.
6. Applicants must agree that they will not sublet or assign any permitted facility. Only the individuals or organizations making reservations for the utilization of fields or facilities may utilize them for the allocated time reserved. Any unauthorized subletting or assignment of reserved times to individuals or groups other than those making the reservation may result in ejection from the

premises, the forfeiting of other reservations made without any refund and affect an individual or group's eligibility to secure future reservations.

7. Applicants are required to pay 50% of the permit fees at the time of application. The remaining 50% is due by the middle of their season, as noted on the invoice provided. If the balance is not submitted by this date, a late fee of \$250 will be assessed.
 8. Rainouts. On certain occasions the Township has the right to close the fields due to weather conditions. However, if the field and the conditions are not playable, an email must be sent to fields@middletownnj.org indication you did not use that field on the specific date within 48 hours of that date.
 9. Maintenance Bond. For users that permit the facilities 20 or less times in a season, a \$250 maintenance bond will be applied to the permit. For those more than 20 uses, a \$500 maintenance bond will be applied. This fee is due at time of application.
 10. All coaches and volunteers for all sport facility users are required to hold a current CPR/AED and First Aid certification. The permit applicant is required to sign off verifying they are in compliance with this. Proof of verification may be asked for at any time.
 11. All coaches and volunteers are required to be Rutgers SAFETY Clinic certified. The Rutgers SAFETY Clinic (Sports Awareness for Educating Today's Youth™) is a three-hour program that meets the "Minimum Standards for Volunteer Coaches Safety Orientation and Training Skills Programs" (N.J.A.C. 5:52) and provides partial civil immunity protection to volunteer coaches under the "Little League Law" (N.J.S.A. 2A:62A-6 et. seq.) A list of coaches and volunteers must be provided to Middletown Recreation.
- B. Facilities use permit application approval process.
1. The Recreation Department will independently review each application and check the calendar to determine whether the requested facility is available during the dates and times requested. If the facility requested is not available, the applicant shall be informed and may suggest alternative facilities, dates or times. If the requested facility is available and the applicant meets the requirements of the Township Code defined herein, the Recreation Director shall issue a permit via electronic mail or other means determined appropriate. The Recreation Director shall determine the applicable permit use fees to be assessed as provided herein.
 2. The Township Administrator, governing body and Recreation Director reserve the right to deny any permit application if they determine it is in the Township's best interest to do so, or a user group has not paid permit fees on a timely basis.
- C. Classification and prioritization of permitted users. Organizations and individuals using Township-permitted programs and recreational facilities shall be classified as Class I, Class II and Class III as provided hereinafter. All users are presumed Class III and will be invoiced as such until rosters are provided.
- (1) "Class I" users will be given top priority over the use of Township recreational facilities over other users and may use Township facilities without payment of a use fee unless Township staffing is required outside of normal Township working hours. Class I users include the following organizations and individuals:
 - (a) Township of Middletown sponsored functions as authorized or sanctioned by the Mayor, Administrator or governing body.

(b) Middletown School District sponsored activities held by staff members to directly benefit the pupils of the school district.

(c) Volunteer Middletown Fire Departments and Rescue Squads.

(d) Nonprofit organizations providing Superstorm Sandy relief to Middletown residents.

(2) "Class II" users will be given priority for the use of Township recreational facilities over Class III users and may request use of Township-permitted programs or facilities subject to the fees provided under § 240-25 of the Township Code. Staffing fees may be assessed if Township staff is required outside of regularly scheduled Township work hours. All Class II users are required to provide a 50% deposit a week prior to their permit start date with the balance being paid in full at the midpoint of any season or scheduled series of meetings. Failure to pay may result in revocation of a permit and future debarment from receiving Township facilities use permits. Class II users include the following organizations and individuals:

(a) Boy Scouts and Girl Scouts.

(b) Community sports teams. Children and adult teams based in Middletown, meaning that their rosters consist of 80% or more of Middletown residents. This includes individual games whereby the host team playing in the game is a Class II Community Sports Team as defined herein.

(c) Applicants requesting facilities for tournaments, multi-team events or games, and camps will be considered Class III users and applicable rental and staff fees will apply.

(3) "Class III" users shall be given the lowest priority for the use of Township recreational facilities and programs. Class III users may only participate or use such facilities, if available, with payment of a user fee and charges for staff service costs, when applicable, at a rate of 200% of the fees otherwise established in § 240-25 of the Township Code. All Class III users are required to make payment in full 14 days before their first permitted time is scheduled. Class III users shall include the following individuals and organizations unless otherwise exempted by the governing body on a case-by-case basis:

(a) Religious or fraternal organizations.

(b) Amateur athletic leagues or teams based outside of the Middletown area.

(c) For Profit Sports camps, clinics, and leagues

(d) For profit sport-specific trainers

(e) All users not otherwise classified under Class I or II above.

D. General recreational facility fee schedule. Unless otherwise specified by a duly adopted agreement approved by the governing body or another provision of the Township Code, this schedule shall govern the fees assessed for all indoor and/or outdoor recreational facility use permits, i.e., ball fields, classroom/meeting space, gymnasiums, etc.

(1) Class I users shall not be charged any permit fee but for Township staffing required outside of normal Township working hours.

(2) Class II users shall pay a permit or rental fee in the amount of ~~\$20~~ \$30 per two hour period per day for each individual field or facility (plus \$20 per field for lighting), except for the following:

(a) Turf fields.

[1] Per two-hour period: ~~\$35~~ \$53.

[2] For Normandy Park Turf Field:

[a] Zone A: One, 40x60 soccer field per two-hour period: ~~\$25~~ \$38

[b] Zone B: Two, 40x60 soccer or One 50x90 soccer per two-hour period: ~~\$25~~ \$38

[c] Zone C: One, 40x60 soccer or One 50x90 soccer per two-hour period: ~~\$25~~ \$38

[d] Zone D: One, 43x60 youth baseball field per two-hour period: ~~\$25~~ \$38

[e] If all zones are permitted for the same time by a single entity, the fee shall be ~~\$25~~ \$38 per zone.

(b) Gymnasium.

[1] Per two-hour weekend period: ~~\$40~~ \$60.

(c) Tennis/Pickleball courts.

[1] Daytime: ~~\$5~~ \$7 per hour, per court

[2] Nighttime: ~~\$8~~ \$12 per hour (including lights), per court

(d) Basketball Courts

[1] Per two-hour period: ~~\$20~~ \$30.

(e) Meeting rooms.

[1] Per two-hour period: ~~\$20~~ \$30.

[2] Tables and chairs: \$5 per table; \$2 per chair.

[a] If set-up and take down is required, additional staffing fees may apply.

(f) Show mobile.

[1] Drop off, set-up and pick-up: ~~\$300~~ \$450 per day.

(3) Class III users shall pay a permit or rental fee in the amount of ~~\$40~~ \$60 per two hour period per day for each individual field or facility (plus \$20 per field for lighting), except for the following:

(a) Turf fields.

[1] Full field: ~~\$70~~ \$105 per two-hour period.

[2] For Normandy Park Turf Field:

[a] Zone A: One, 40x60 soccer field per two-hour period: ~~\$50~~ \$75

[b] Zone B: Two, 40x60 soccer or One 50x90 soccer per two-hour period: ~~\$50~~ \$75

[c] Zone C: One, 40x60 soccer or One 50x90 soccer per two-hour period: ~~\$50~~ \$75

[d] Zone D: One, 43x60 youth baseball field per two-hour period: ~~\$50~~ \$75

(b) Gymnasium.

[1] Per two-hour weekend or holiday period: ~~\$80~~ \$120.

[2] Scoreboard usage: \$20 per rental date.

(c) Tennis/Pickleball courts.

[1] Daytime: ~~\$12~~ \$18 per hour, per court

[2] Nighttime: ~~\$16~~ \$24 per hour (including lights), per court

(d) Basketball Courts

[1] Per two-hour period: ~~\$40~~ \$60.

(e) Meeting rooms/shelter building.

[1] Per two-hour period: ~~\$40~~ \$60.

[2] Tables and chairs: \$5 per table; \$2 per chair.

[a] If set-up and take down is required, additional staffing fees may apply.

(f) Show mobile.

[1] Drop off, set-up and pick-up: ~~\$750~~ \$1,125 per day.

E. Other specific facility or program fees. The following fees, license fees and permit fees of the Township of Middletown Department of Recreation are hereby established as listed below. The Director of Recreation shall recommend and establish adult and youth program fees for

Township programs and events and shall update the fees on a periodic basis as may be required.

[Subsections (1) – (6) Unchanged]

- (7) Sports tournaments (entry fees). Number of players per team varies per sport and tournament: \$5 to \$50 per person. **Fee is also based upon the number of players per team.**

SECTION 2. Repealer

All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed. All portions of the ordinance not modified herein remain in full force and effect.

SECTION 3. Severability

Should any section, clause, sentence, phrase or provision of this ordinance be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

SECTION 4. Effective Date.

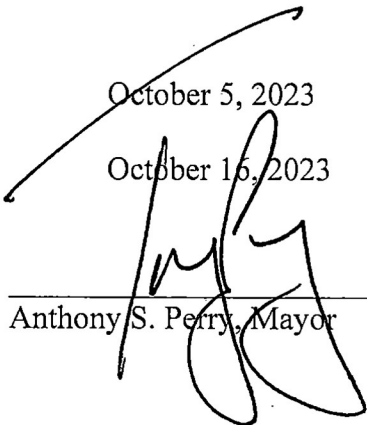
This ordinance shall take effect upon final passage, adoption and publication in the manner prescribed by law.

PASSED ON FIRST READING:

October 5, 2023

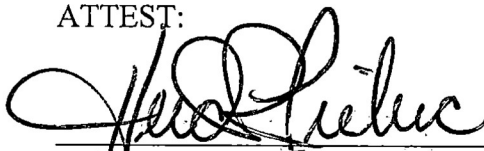
PASSED AND APPROVED:

October 16, 2023



Anthony S. Perry, Mayor

ATTEST:



Heidi R. Pieluc, Township Clerk