

BOROUGH OF POMPTON

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 11, “PARK AND RECREATION AREAS,” SECTION 1, “GENERAL PARK AND RECREATION AREA REGULATIONS,” OF THE MUNICIPAL CODE OF THE BOROUGH OF POMPTON LAKES

WHEREAS, The Mayor and Council of the Borough of Pompton Lakes (the “Borough”), have an interest in preserving and maintaining the public parks within the Borough for the use and enjoyment of residents and visitors of the Borough; and

WHEREAS, pursuant to N.J.S.A. 40:48-1, the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this State or Federal Government, as it may deem necessary and proper for the good of government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

WHEREAS, the Borough desires to amend Chapter 11, “Park and Recreation Areas,” Section 1, “General Park and Recreation Area Regulations,” of the Borough Municipal Code to create a new Subsection to require individuals to make reservations to use public areas of parks for events and to establish limits on the weekday and weekend use of municipal park areas that are not designated Green Acres or federally funded lands for such events; and

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Pompton Lakes, in the County of Passaic, State of New Jersey, being the governing body thereof, that Section 1, “General Park and Recreation Area Regulations,” of Chapter 11 “Park and Recreation Areas,” shall be amended to include the following new subsection.

Section 1. RECITALS. The foregoing whereas clause is incorporated herein by reference and made a part hereof.

Section 2. Chapter 11, “Park and Recreation Areas,” shall be amended Section 1, “General Park and Recreation Area Regulations,” to add a subsection entitled “Permits for Events in Public Parks,” which requires a permit for persons or organizations to use areas of one of the Borough’s parks for events.

Note: Additions are shown in **bold and underline** and deletions are shown as ~~strikethrough~~.

~~§ 11-1.24 Regulation of Activities.~~

~~Activities sponsored by or supervised by the Board of Recreation shall be subject to regulations adopted by the Board of Recreation and approved by the Mayor and Borough Council.~~

~~§ 11-1.25 Enforcement.~~

~~The provisions of this section shall be enforced by the Borough of Pompton Lakes Police Department.~~

~~§ 11-1.26 Violations and Penalties.~~

~~Any person who violates any provision of this section is guilty of a petty disorderly person offense and, upon conviction, is subject to the following: a fine not exceeding \$1,000 or imprisonment in the County Jail for a period not exceeding 90 days or a period of community service not exceeding~~

290 days, or any combination of the above. Community service will consist of repairing, restoring or remediating environmental damage whenever possible.

§ 11-1.24 Permits for events in public parks.

- A. Any person, business, or organization that seeks to use a portion of a Borough's park, as listed under § 11-1.23, for the duration of at least 1 hour, shall require a permit for the use of the park for such event.**
- B. The Borough Clerk or their designee shall issue a permit hereunder for use of a municipal park for an event if the following criteria are met:**
- (1) the proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park.**
 - (2) The proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation.**
 - (3) The proposed activity or use is not reasonably anticipated to incite violence, crime or disorderly conduct.**
 - (4) The proposed activity will not entail unusual, extraordinary or burdensome expense or police operation by the Borough.**
 - (5) That the facilities desired have not been reserved for other use at the day and hour required in the application.**
 - (6) In the case of farmers' markets, a non-profit corporation seeking a permit for same shall, in addition to all other applicable requirements and restrictions in this chapter and Code, obtain any and all applicable prior approvals from state or local government, including but not limited to any food establishment licenses required pursuant to the Borough's Municipal Code.**
 - (7) Within five days after receipt of an application, the Borough Clerk or their designee shall apprise an applicant in writing of his or her reasons for refusing a permit, and any aggrieved person shall have the right to appeal in writing within 10 days to the Borough Clerk. The decision of the Clerk shall be final.**
 - (8) A permittee shall be bound by all park rules and regulations and all applicable ordinances fully as though the same were inserted in the permit.**
 - (9) 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.**
 - (10) A permit may be revoked upon a finding of violation of any rule or ordinance or upon good cause shown.**
- C. All events in which a permit is required at a park shall be scheduled to end at or before sundown. Permission must be received from the Board of Recreation to extend this time.**
- D. Water games, Water balloons, sprinklers, pools, water slides, and amusement rides are prohibited except by permit.**
- E. Use of drugs, alcohol, profanity, abusive language and/or vandalism is strictly prohibited and shall result in the penalties provided to the fullest extent of the law.**
- F. Weekend and/or Holiday Use of Park and Recreational Lands:**

Number of Attendees	Resident	Non-Resident	In-Town Business/Non-Profit Organization	Out of Town Business
Up to 25	\$10/hour	\$50/hour	\$25/hour	\$50/hour
25 to 100	\$25/hour	\$90/hour	\$40/hour	\$90/hour
101 - 200	\$35/hour	\$105/hour	\$50/hour	\$105/hour
200 or more	\$45/hour	\$125/hour	\$60/hour	\$125/hour

- G. Any and all events that are for the use of a trail for an event with 10 or more people shall require a permit and a fee of \$50.00.**

§ 11-1.25 Insurance for events.

PERSON

The person to whom the permit is issued shall be liable for all loss, damage or injury sustained by any person by reason of the negligence of the person whom such permit shall have been issued. The Borough of Pompton Lakes shall have the right to require any permittee to submit evidence of liability insurance covering injuries to members of the general public arising out of such permitted activities in such amounts as may be from time to time determined prior to the commencement of any activity or issuance of any permit, as well as any other insurance or indemnification as determined by the Borough of Pompton Lakes.

GROUP/ORGANIZATION/BUSINESS

Upon application for a permit for use of the Borough's Park facilities, any group, organization or business shall submit to the Borough Clerk or their designee, together with their permit application, evidence of a paid insurance policy naming the Borough of Pompton Lakes as additional insured covering public liability for injury to any person or persons and property damage with minimum limits of liability not less than \$1,000,000.00 per occurrence and \$2,000,000.00 per aggregate. Nothing contained herein shall be construed to limit acquisition of additional coverage.

PERSON/GROUP/ORGANIZATION/BUSINESS

The person/group/organization agreeing to use the Borough's parks, agrees to hold harmless and indemnify the Borough against all loss and damage, including defense costs and attorney fees for damage to person or property, arising from any act by, or negligence of the restraint of their friends, relatives, or otherwise while engaged in the use of the parks, or while in or about the premises, arising from accident or any injury not caused by act of the Borough. The registrant further acknowledges that the use of the parks by themselves, friends, relatives or otherwise is done at their own risk.

§ 11-1.26 Regulation of Activities.

Activities sponsored by or supervised by the Board of Recreation shall be subject to regulations adopted by the Board of Recreation and approved by the Mayor and Borough Council.

§ 11-1.27 Enforcement.

The provisions of this section shall be enforced by the Borough of Pompton Lakes Police Department.

§ 11-1.28 Violations and Penalties.

Any person who violates any provision of this section is guilty of a petty disorderly person offense and, upon conviction, is subject to the following: a fine not exceeding \$1,000 or imprisonment in the County Jail for a period not exceeding 90 days or a period of community service not exceeding 90 days, or any combination of the above. Community service will consist of repairing, restoring, or remediating environmental damage whenever possible.

§ 11-1.29 Effect on other laws.

Nothing in this article is intended or shall be read to conflict or prevent the Borough from taking action against persons found to be in violation of the Code.

§ 11-1.30 Partial invalidity of ordinance.

Should any section, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional or invalid for any reason or preempted by Federal or state law, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force an effect, and to that end the provisions of this ordinance are hereby declared to be severable.

§ 11-1.31 Exempt Parks and Park Areas

Willow Field/Sherman Tract

§ 11-1.32 Inconsistency of the ordinances.

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of their inconsistencies only.

Section 3. This Ordinance shall take effect upon final passage and publication according to law.

NOTICE

NOTICE IS HEREBY GIVEN, that the above Ordinance was introduced and passed on first reading at the regular meeting of the Mayor and Borough Council of the Borough of Pompton Lakes, County of Passaic, State of New Jersey held in the Municipal Building on the 24th day of May, 2023, and the same came up for final passage at the regular meeting of the Mayor and Borough Council held on the 14th day of June, 2023, at which time, after persons interested were given the opportunity to be heard concerning said Ordinance, the same was passed and will be in full force and effect in the Borough of Pompton Lakes after approval by the Mayor or in accordance with law.

APPROVED:

MICHAEL SERRA, MAYOR

ATTEST:

ELIZABETH BRANDSNESS, RMC
MUNICIPAL CLERK