

ORDINANCE 2019-04

AN ORDINANCE OF THE BOROUGH OF CHESTER, MORRIS COUNTY, STATE OF NEW JERSEY, AMENDING THE CODE OF THE BOROUGH OF CHESTER TO INCLUDE A NEW CHAPTER 226, IN PART II OF THE BOROUGH CODE ENTITLED, RULES AND REGULATIONS FOR PARKS AND RECREATION AREAS AND FACILITIES

WHEREAS, municipalities are empowered to make, amend, repeal, and enforce its ordinances pursuant to Statute (N.J.S.A. 40:48-1, et seq.); and

WHEREAS, municipalities are required by Statute to follow specific procedures for the passage of ordinances (N.J.S.A. 40:49-2 et seq.); and

WHEREAS, the Borough of Chester is vested with certain police powers to promote and protect safety and health, as well as preservation of municipal resources; and

WHEREAS, the Borough of Chester in the exercise of the aforesaid authority had Rules and Regulations for use of Parks and Recreation Areas within the Borough (former Section 9-13); and

WHEREAS, the Mayor and Borough Council wish to clarify that the rules and regulation are also applicable to recreational facilities and that vaping is prohibited in public parks, recreation areas and facilities, and

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Borough of Chester, County of Morris, State of New Jersey that the Borough Code is hereby amended and as follows:

SECTION 1. Part II (General Legislation) of the Borough Code is hereby amended to include a new Chapter 226, entitled Rules and Regulations for Parks and Recreation Areas and Facilities; Violations and Penalties, which shall read as follows:

§ 226-1 Purpose. These are rules and regulations for the use of and conduct in the parks and recreation areas and facilities within the Borough.

§ 226-2 Applicability.

These rules and regulations shall apply in all parks and recreation areas and facilities within the jurisdiction of the Borough, unless expressly exempted. For the issuance of permits, temporary designations, authorizations, granting of approval and other actions the Approving Authority shall be the Borough governing body or its designee.

§ 226-3 Construction.

In the interpretation of this and all succeeding park and recreation area rules and regulation the provisions shall be construed as follows:

- (1) Any term in the singular shall include the plural.
- (2) Any term in the masculine shall include the feminine and neuter.
- (3) Any requirement or prohibition of any act shall respectively extend to and include the causing and procuring, directly or indirectly, of such act.
- (4) No provision hereof shall make unlawful any act necessarily performed by any police officer or Borough employee in line of duty or work as such, or by any person, his agent or employee, in the proper and necessary execution of the terms of any agreement with the Borough.
- (5) Any act otherwise prohibited by law or local ordinance shall be lawful if performed under, by virtue of, and strictly within the provisions of a permit so to do, and to the extent authorized thereby.

§ 226-4 Definitions. As used in this section, the following terms shall have the meanings indicated:

ANIMALS: Includes cats, dogs, horses, any fowl or birds and any living creatures within the jurisdiction of the park or recreation area.

APPROVING AUTHORITY: The Borough Mayor and Council or their designee.

CROSSING: Any crossing, whether marked by a pavement or otherwise; the extension to any sidewalk space across any intersecting drive, street or highway.

CURB: The boundary of any street, road, avenue, boulevard, or drive, whether or not marked by a curb.

PARK ATTENDANT: Any person employed by the Borough as a park attendant to perform duties or tasks within the park and recreation areas.

PATH: Any footpath, walk, trail, or any path maintained for pedestrians.

PEDESTRIAN: A person afoot.

PERMIT: Any written license issued by or under the authority of the Approving Authority permitting a special event or activity on park facilities.

PERSON: Any natural person, corporation, company, association, joint-stock association, firm or co-partnership.

SOLICITING: Selling goods or services by sample or taking orders for future delivery with or without accepting advance payment for the goods; seeking any form of contributions.

STOPPING OR STANDING: When prohibited, means any cessation of movement of a vehicle occupied or not, except when necessary to avoid conflict with pedestrians or other traffic including horses and bicycles.

TRAFFIC: Pedestrians, ridden or herded animals and vehicles, either singly or together.

VEHICLE: Any conveyance (except baby carriages), including motor vehicles, trailers of all types, campers, tricycles, bicycles, motorized or not, sleds, sleighs, pushcarts, or vehicles propelled by other than muscular power. Traffic shall include horses, burros, donkeys or animal-drawn conveyance.

VENDING: Selling or trading any item or service.

§ 226-5 Rules of Conduct.

It shall be unlawful for any person in a public park or recreation area or facility to do any of the following:

- (1) Mark, deface, disfigure, injure, tamper with or displace or remove any buildings, bathrooms, bridges, tables, benches, fireplaces, railings, paving or paving materials, 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 park property or appurtenances whatsoever, either real or personal.
- (2) No person over the age of six (6) years shall use the restrooms and washrooms designated for the opposite sex.
- (3) Dig or remove any soil, rock, sand, stones, trees, shrubs or plants or other wood or materials, or make any excavation by tool, equipment, blasting or other means or agency.
- (4) Construct or erect any building or structure of whatever kind, whether permanent or temporary, or run or string any public service utility into, upon, or across such lands, except on special written permit issued hereunder.
- (5) Damage, cut, carve, mark, transplant or remove any plant, or injure the bark, or pick flowers or seed of any tree or plant, dig in or otherwise disturb grass areas, or in any other way injure the natural beauty or usefulness of any area.

- (6) Climb any tree or walk, climb, stand or sit upon monuments, vases, planters, fountains, railings, fences or upon any other property not designated or customarily used for such purpose.
- (7) Attach any rope or cable or other contrivance to any tree, fence, railing, bridge, bench, or other structure.
- (8) Throw, discharge, or otherwise place or cause to be placed in the waters of any fountains, pond, lake, stream or other body of water in or adjacent to any park or any tributary, stream, storm sewer, or drain flowing into such water, any substance, matter or thing, liquid or solid, which will or may result in the pollution, obstruction or diversion of said waters.
- (9) Take into, carry through, or put into any park, any rubbish, refuse, garbage or other material. Such refuse and rubbish shall be deposited in receptacles so provided. Where receptacles are not provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere.
- (10) Bring any glass container into any park or recreation area.
- (11) Cause or permit to run loose any animal.
- (12) Tie or hitch an animal to any tree or plant.
- (13) Hunt, molest, harm, frighten, kill, trap, pursue, chase, tease, shoot or throw missiles at any animal, wildlife, reptile or bird; nor shall he remove or have in his possession the young of any wild animal, or the eggs or nest, or young of any reptile or bird. Exception to the foregoing is made in that snakes known to be deadly poisonous may be killed on sight.
- (14) Ride a horse except on designated bridle trails; horses shall be thoroughly broken and properly restrained, and ridden with due care, and shall not be allowed to graze or go unattended.
- (15) Walk a domestic animal without a leash. Further, the owner or person having custody of said domestic animal shall be responsible for removal of any animal solid waste and shall be responsible to have control over the animal in a manner so as to not disturb or menace others in the park.
- (16) Any golf activity.
- (17) Smoking or vaping in any public park, playground, recreational facility or ball field is strictly prohibited.

§ 226-6 Vehicles. It shall be unlawful for any person in a public park or recreation area or facility to do any of the following:

- (1) Drive any vehicle on any area except the paved park roads or parking areas, or such areas as may on occasion be specifically designated as temporary parking areas.
- (2) Park a vehicle anywhere except on a designated parking area.
- (3) Leave a vehicle standing or parked in established parking areas or elsewhere in the park and recreation areas during hours when the park and recreation area is closed, except when said parking is authorized by a valid permit. During a snow storm and for three days thereafter, established parking areas in parks and recreation areas may be utilized for parking, but not by trailers of any kind.
- (4) Leave a bicycle in a place other than a bicycle rack when such is provided and there is space available.
- (5) Ride a bicycle without reasonable regard to the safety of others.
- (6) Leave a bicycle lying on the ground or paving or set against trees, or in any place or position where other persons may trip over or be injured.
- (7) Drive or operate within the parks any bus or vehicle adapted for more than twelve (12) passengers, any hearse, truck or tractor, or vehicle used for advertising.

- (8) Use the parks, park drives, parking places, or parkways for the purpose of demonstrating any vehicles, or for the purpose of instructing another to drive or operate any vehicle, nor shall any person use any park area, including parking places, for the repairing, washing, or cleaning of any vehicle, except in an emergency.
- (9) Cause or permit a vehicle in tow of another vehicle to enter the parks or proceed therein, except that in case of a breakdown a disabled vehicle may be towed to the nearest exit; or operate or drive a vehicle containing any person or object projecting or hanging outside of or beyond the side or the rear thereof.

§ 226-7 Firearms, weapons and tools.

It shall be unlawful for any person to bring into or have in his possession in any park or recreation area or facility any of the following:

- (1) Any pistol or revolver or objects upon which loaded or blank cartridges may be used.
- (2) Any burglary tools.
- (3) Any rifle, shotgun, BB gun, air gun, spring gun, slingshot, bow, or other weapon in which the propelling force is gunpowder or any material which stores energy by tension or compression or compressed gas.

§ 226-8 Explosives and fireworks.

It shall be unlawful for any person to have in his possession or set off any fireworks. Permits may be given for conducting properly supervised fireworks in designated park areas.

§ 226-9 Advertising, assemblages and entertainment.

- (1) No person shall post, paint, affix, distribute, deliver, place, cast or leave about, any bill, billboard, placard, ticket, handbill, circular, or advertisement.
- (2) No person shall do any of the following without a permit, provided that no permit shall be required for any action or event sponsored by the Borough or the Recreation Committee:
 - (a) Display any advertising signs or other advertising matter, provided that a sign attached to a vehicle to identify the vehicle, or a sign lawfully on a taxi or bus, is not prohibited.
 - (b) Operate for advertising purposes any musical instrument, soundtrack, siren or horn.
 - (c) Hold public assemblages.
 - (d) Conduct exhibitions.
 - (e) Hold a parade.
 - (f) Operate any form of sound, music or voice amplification equipment using loud speakers.

§ 226-10 Merchandise sales prohibited.

No person shall expose or offer for sale any article in any park or recreation area or facility, except by permit.

§ 226-11 Ignitable and combustible materials

No person shall kindle, build, maintain or use a fire except in places designed or provided for such purposes. Any fire shall be continuously under the care and direction of a competent person from the time it is kindled until it is extinguished. No person shall throw away or discard any lighted match, cigar, cigarette, tobacco, paper or other material.

§ 226-12 Alcoholic beverages, controlled dangerous substances, alms and gambling.

While in a public park or recreation area or facility, all persons shall conduct themselves in a proper and orderly manner, and, in particular, no person shall:

- (1) Bring alcoholic beverages or controlled dangerous substances, drink or use the same at any time, nor shall any person be under the influence of intoxicating liquor or a controlled dangerous

substance in a park or recreation area, except alcoholic beverage use may be permitted at authorized events at the Borough Field House.

- (2) Solicit alms or contributions for any purpose, whether public or private.
- (3) Play any game of chance or have possession of any instrument or device for gambling.
- (4) Play, engage or take part in any game or competitive sport for money, or other valuable thing, without a written permit.

§ 226-13 Miscellaneous conduct.

It shall be unlawful for any person in a park or recreation area or facility to do any of the following:

- (1) Camp or stay overnight except when authorized by valid permit.
- (2) Take part in the playing of any games involving thrown or otherwise propelled objects except in those areas designated for such forms of recreation or in open fields.
- (3) Play football, baseball, basketball, soccer or lacrosse, except in areas designated for such games.
- (4) Enter any area posted as "closed to the public."
- (5) Engage in threatening, abusive, insulting or indecent language or engage in any disorderly conduct or behavior tending to breach the public peace.
- (6) Fail to produce and exhibit a permit upon request of any authorized person who shall desire to inspect the same for the purpose of enforcing compliance with any ordinance or rule.
- (7) Disturb or interfere unreasonably with any person or party occupying any area or participating in any activity under the authority of a permit.
- (8) Erect or occupy any tent, stand or other structure in any park or playground, or sell or give away from any such tent, stand or other structure any food, drink or other thing, without a permit.
- (9) Use an area designed or designated for a specific other purpose.

§ 226-14 Picnic areas.

A permit must be secured for any picnic with fifteen (15) or more participants.

§ 226-15 Closing hours.

No person shall be in any park during the hours the park is closed, except by permit. The parks are closed from one-half hour after sunset to one-half hour before sunrise. Closing hours will be posted at all parks.

§ 226-16 Enforcement.

- (1) The Police Department, park attendants and Borough employee designated by resolution shall, in connection with their duties imposed by law, diligently enforce the provisions of this section.
- (2) The Police Department, park attendants and Borough employee designated by resolution shall have authority to order any person or persons acting in violation of this section to leave the park or recreation area or facility.

§ 226-17 Penalty. Violation of any rule or regulation shall be brought before the Municipal Court Judge of the Borough of Chester by summons issued by a Police Officer, park attendants or Borough employee designated by resolution. Any person, firm or corporation violating any provision of this section shall be subject to the General Penalty Provisions of this Code, set forth in Chapter 1 (General Provisions), Article III (General Penalties). Fines and imprisonment shall be at the discretion of the Judge of the Borough of Chester Municipal Court.

§ 226-18 Notice. The Borough shall cause to be posted upon said public lands and to be distributed from time to time to participants in all recreation programs notice of all applicable rules and regulations.

SECTION 3. If any Chapter, Article, Section or Subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any court of competent jurisdiction such decisions shall not affect the remaining portions of this Ordinance.

SECTION 4: All ordinances or rules or regulations of the Borough of Chester, which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5: This ordinance shall take effect upon passage and publication according to law.

Dated: April 16, 2019

Janet Hoven, Mayor

Attest:

Denean Probasco, Municipal Clerk

NOTICE OF FINAL ADOPTION

Notice is hereby given that the Ordinance published herewith was introduced and passed upon first reading at a meeting of the Mayor and Council of the Borough of Chester, in the County of Morris, New Jersey, held on the 19th day of March, 2019, and the same came up for final passage at a meeting of said Borough Council on the 16th day of April, 2019 at which time, after persons interested were given an opportunity to be heard concerning said ordinance, the same was passed and will be in full force in the Borough according to law. By order of the Borough Council of the Borough of Chester, County of Morris and State of New Jersey.

Denean Probasco, RMC
Municipal Clerk
Borough of Chester