

TOWNSHIP OF HARDYSTON

ORDINANCE NO. 2019-09

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY TO AMEND CHAPTER 128 "PARKS AND RECREATION AREAS" OF THE CODE OF THE TOWNSHIP OF HARDYSTON

WHEREAS, the Township Code contains rules and regulations related to parks and recreation areas and buildings owned or leased by the Township; and

WHEREAS, a review of this Chapter has determined that the topics of service animals and smoking have not been adequately addressed;

WHEREAS, upon the input of the Chief of Police, the Township Committee has reviewed the current Code and determined that it is necessary to amend the Code in order to ensure it is in compliance with state statutes pertaining to smoking in public parks and service animals; and

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Hardyston, County of Sussex, State of New Jersey, as follows:

SECTION 1. Chapter 128 "Parks and Recreation Areas" shall be amended as follows:

§ 128-1 Purpose.

The purpose of this chapter shall be to provide standards and regulations for the use of parks and recreation areas within the Township of Hardyston.

§ 128-2 Definitions.

For the purpose of this chapter, the following words shall be used as herein defined:

ELECTRONIC SMOKING OR VAPOR DEVICE

An electronic or other powered device that can be used to deliver nicotine or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, cigarillo, hookah, pipe or any cartridge or other component of the device or related product.

MOTOR VEHICLE

All on-road and off-road vehicles, including but not limited to cars, trucks, vans, motorcycles, minibikes, mopeds, go-carts, all-terrain vehicles and dirt bikes, snowmobiles and any other similar motorized vehicles of the type normally used on land for recreation, entertainment or pleasure.

PARK/RECREATION AREA

Any property owned or leased by the Township of Hardyston which is used for recreation purposes and which is open to the public, either without charge or on a fee basis. The term includes but is not limited to playgrounds, parks, ballfields, community centers, paths, roadways, sidewalks and parking areas therein or adjacent thereto.

RECREATION DEPARTMENT

Duly appointed personnel of the township, including the Recreation Director and his/her designated staff members.

SERVICE ANIMAL

Any guide dog, signal dog or other animal individually, specially trained by a service animal trainer to provide assistance to an individual with a disability.

SMOKING

The heating, igniting, or burning of a tobacco product, inhaling smoke or vapor from, exhaling smoke or vapor from, or the possession of a lighted cigar, cigarette, cigarillo, electronic smoking device, hookah, pipe, water pipe, vapor device, or any other matter or device which contains tobacco or any other matter or substance that can be smoked or inhaled.

TOBACCO PRODUCTS

Any product made from the tobacco plant for the purpose of smoking, chewing, inhaling, and any other personal consumption, including cigars, smokeless or chewing tobacco, pipe tobacco, snuff, and cigarettes in any form, and any matter or substance which contains tobacco or nicotine, and any other matter or substance that can be inhaled or exhaled as smoke or vapor from any device or delivery system, and any component, part, accessory of a tobacco product.

TOWNSHIP

The Township of Hardyston, Sussex County, New Jersey.

§ 128-3 Jurisdiction.

The rules and regulations promulgated herein shall apply to parks and recreation areas and buildings owned or leased by the township.

§ 128-4 Regulations.

The Recreation Department, in consultation with the Township Manager, shall have the power to promulgate and publish rules and regulations, consistent with

the provisions of this chapter, governing activities and programs sponsored by the township and for the safety and well being of the general public.

A. Hours of operation. All parks and recreation areas, with the exception of the Littell Community Center, shall close 1/2 hour after sunset, unless otherwise posted or designated by a permit issued by the Recreation Department. Parks and recreation areas, with the exception of the Littell Community Center, shall open at sunrise.

B. Park closure.

(1) Any section or part of any park or recreation area may be declared closed by the Recreation Department, Chief of Police or designee or the Township Manager or designee at any time and for any interval of time, either temporarily or at regular and stated intervals, and entirely or merely to certain uses or when same is filled to capacity or when it is in the public interest to do so.

(2) No person shall enter upon or use any park or recreation area which is closed to the public unless so authorized to do so by one of the aforementioned departments and/or individuals.

(3) Permits will become void for the remainder of the season upon failure to comply with an authorized closure.

C. Fees. All parks and recreation areas shall be open to the general public unless specifically restricted by the action of the Township Council upon recommendation of the Recreation Director in consultation with the Township Manager. The Township Council, shall upon recommendation of the Recreation Director, have the power to establish fees for the use of all facilities. The township reserves the right to establish higher fees for nonresidents than for residents.

D. Availability. Use of athletic fields shall be by permit according to procedures developed by the Township Recreation Director and Township Manager.

E. Occupancy limit. All persons shall abide by posted occupancy limits or permits with occupancy limits set forth for the event.

F. Use of parks and recreation areas by organized groups.

(1) Parks and recreation areas may not be used by organized groups without a permit from the Recreation Department.

(2) Permits for the reserved use of facilities shall be issued by the Recreation Department at the Littell Community Center or other designated locations.

(3) Applications for permits must be obtained, completed and returned to the Recreation Department by no later than two months prior to the event or field request time. The Recreation Director shall have the discretion to accept late applications subject to field availability.

(4) Activity for which permit is sought shall not unreasonably interfere with or detract from the general public enjoyment of the park; unreasonably interfere with or detract from the promotion of public health, welfare and safety; include violence, crime or disorderly conduct; or entail extraordinary or burdensome expense or police operation by the township.

(5) Organizations may be required to pay fees for the use of the township parks or recreation areas as established by the Recreation Department with the consent of the Township Council.

(6) At the joint discretion of the Recreation Department and the Chief of Police, an organization may be required to hire police, fire, ambulance or other service during an event as per a fee schedule set by the Recreation Department or safety service required and to be paid by the organization

(7) At the discretion of the Recreation Department, insurance certificates naming the township as an additional insured may be required depending upon the intended use and group size.

(8) No improvements, maintenance or structural changes shall be made to any parks and/or recreation areas by an organization/person(s) at any time without prior written approval by the Recreation Department or Township Manager (excluding pregame setups and lining of fields).

(9) All requests for improvements, maintenance or structural changes must be made in writing and submitted to the Recreation Department no later than one month before they are to be performed. Depending upon the extent of the work requested, such requests shall also be subject to the approval of the Township Manager, Township Planning Board and/or Township Council.

(10) The township may invalidate and rescind permits if field repairs or adjustments are attempted without prior written or verbal consent of the Recreation Department.

(11) No person may disturb or interfere unreasonably with any person occupying any area or participating in any activity under the authority of a permit.

(12) The Recreation Department shall maintain a master schedule for the reserved use of all recreational areas.

(13) Flea markets shall not be permitted.

G. Peace and quiet. Persons in park or recreation areas shall adhere to noise levels reasonable to all persons in attendance, the determination of which shall be at the discretion of the Recreation Department or any law enforcement officer of the Township of Hardyston.

H. Abandonment or unattended property. The township is empowered to remove any article or property found in a park or recreation area after posted hours at the owner's expense.

I. Domestic animals, wildlife and plant life.

(1) No animals shall be permitted in the park at any time, except that all service animals shall be permitted in any park or recreation area when accompanying and assisting an individual with disabilities or if the service animal is in training with a service animal trainer with proper identification or except in special events by permit of the Recreation Department.

(2) No person shall kill, injure or disturb any animal or bird or have in their possession the young of any wild animal or the eggs or the viable nest or young of any reptile or bird or damage any grass, trees, flowers shrubs, plants, soil, rocks, sand, building, sign, structure or equipment upon any premises under the jurisdiction of the township.

(3) No person shall track, hunt, trap or otherwise engage in the capture of any animal, bird, reptile or other creature in any park or recreation area under the jurisdiction of the township.

J. Weapons, firearms and fireworks.

(1) No person shall carry or use firearms or explosives, air rifles, slingshots or any weapon in any park or recreation area.

(2) No person shall have in their possession or set or otherwise cause to explode or discharge or burn any firecrackers, torpedo rockets or other fireworks or explosive or inflammable material or discharge them or throw them into any such areas from lands or highways adjacent thereto. This prohibition includes any substance, compound, mixture or article that, in conjunction with any other substance or compound, would be dangerous from any of the foregoing standpoints. Public fireworks displays may be permitted under supervision as directed and required by the Recreation Department.

K. Fires and smoking.

(1) No person shall build or attempt to build a fire except in designated areas or by permit.

(2) Smoking shall not be permitted within any park or recreation area. Smoking shall refer to all activities as described in the definitions set forth in Section 128-2.

L. Picnic area.

(1) No person or group shall picnic in any park or recreation area except in those areas designated for that purpose.

(2) No person or group shall use any portion of the picnic area therein for the purpose of holding picnics to the exclusion of others except with a permit from the Recreation Department.

(3) No person or group shall build or attempt to build a fire except in designated areas or by permit.

(4) No person or group shall leave a picnic area before any fire utilized is completely extinguished and before all trash is placed in the receptacles provided. If no such receptacles are available, then trash shall be carried out of the park.

M. Signs. No person or organization shall post by any means or erect or cause to be erected any permanent sign, placard, advertisement or inscription whatever in any park or recreation area or highway or road adjacent thereto without approval of the Township Council.

N. Solicitation; games of chance.

(1) No person or organization shall solicit alms or contributions for any purpose or engage in the business of soliciting, distributing, selling or peddling any liquids, edibles, goods, wares, merchandise services or circulars in any park or recreation area unless authorized by the Recreation Department or the Township Council.

(2) No person shall gamble or participate or abet any game of chance unless in such areas and under such regulations as may be designated by the Recreation Department.

O. Motor vehicles and parking.

(1) Motor vehicles are restricted to paved roadways unless other permission is granted by the Recreation Department.

(2) Vehicles must adhere to posted speed limits.

(3) Parking is restricted to designated areas.

(4) No vehicle standing or parked after closure or before park opening in designated parking areas or elsewhere in the park is permitted, and any vehicle so parked may be towed at the owner's expense.

P. Walking/jogging path use. The path is intended for pedestrian use only. No motor vehicles or bicycles shall be permitted along the path.

Q. Alcohol.

(1) No person shall have alcoholic beverages in their possession at any time within any area covered by this chapter.

(2) No person shall be under the influence of intoxicating beverages or other substances on any area covered by this chapter at any time. Intoxication shall be defined under the laws of the State of New Jersey for the purposes of operating a motor vehicle.

R. Glass containers and garbage.

(1) No person shall deposit any garbage or refuse in any park or recreation area.

(2) No person shall bring, carry or transport any domestic, commercial or industrial waste, refuse or garbage into any park.

(3) No person shall scatter litter or any form of waste material or break or throw or place any glass on turf, walks, roads, benches, tables, wooded or other areas on any park property.

(4) No person shall throw, discharge or otherwise place or cause to be placed in the water of any pond, lake, stream or body of water in or adjacent to any park or tributary stream, storm drain or drain flowing into such water any substance, matter or thing, liquid or solid, which will or may result in the pollution of such waters.

S. Disruptive behavior.

(1) No person shall foul or pollute any fountain or water area within the park.

(2) No person in any park or recreation area shall engage in boisterous, threatening, abusive, insulting or indecent language or engage in any disorderly conduct or behavior tending to cause a breach of the public peace.

(3) No person shall dress or undress in any vehicle, toilet or any other area within a park or recreation area.

§ 128-5 Enforcement; violations and penalties.

A. The Recreation Director and/or his/her designee or any police officer shall have the authority to eject from any recreation area any person acting in violation of this chapter.

B. The Recreation Director and/or his/her designee and any police officer shall have the authority to seize and confiscate any property, thing or device in a park or recreation area if the possession of such property, thing or device is prohibited.

C. The Recreation Director and the Chief of Police and their respective staffs shall have the authority to enforce this chapter.

D. Any person who violates any provision of this chapter shall be subject to the penalties set forth in the Code of the Township of Hardyston. The Municipal Court shall have the authority to ban a violator from entering upon or using the parks or recreation areas within the township until further order of the Court, upon petition, and for good cause shown.

All other portions of this Chapter remain unchanged.

SECTION 2. All ordinances or parts of ordinances of the Township of Hardyston inconsistent herewith are repealed to the extent of such inconsistency.

SECTION 3. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this Ordinance.

SECTION 4. This law shall take effect immediately upon final passage, approval and publication as required by law.

SECTION 5. This Ordinance may be renumbered for purposes of codification.

BY ORDER OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON.

NOTICE

PLEASE TAKE NOTICE that notice is hereby given that the above ordinance was introduced and passed at the regular meeting of the Hardyston Township Council held at the Municipal Building, 149 Wheatsworth Road, Hardyston, New Jersey, on June 26, 2019. The same came up for final adoption at a meeting of the Township Council of the Township of Hardyston held on July 24, 2019, and after all persons present were given the opportunity to be heard concerning the same, it was finally passed, adopted and will be in full force and effect in the Township according to law.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk