

ORDINANCE NO. 18-03

**TOWNSHIP OF WASHINGTON
COUNTY OF WARREN
STATE OF NEW JERSEY**

**AN ORDINANCE REVISING, AMENDING AND SUPPLEMENTING
CHAPTER 93 OF THE CODE OF THE TOWNSHIP OF WASHINGTON,
COUNTY OF WARREN, STATE OF NEW JERSEY ENTITLED
“PARKS AND PLAYGROUNDS”**

WHEREAS, the Governing Body of the Township of Washington, County of Warren, State of New Jersey has determined that regulations are required in connection with the use and enjoyment of the public parks and playgrounds in the Township of Washington.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Washington, County of Warren, State of New Jersey that Chapter 93 of the Code of the Township of Washington entitled “Parks and Playgrounds” is hereby revised, amended and supplemented as follows:

Section 1

§ 93-1. Purpose.

The purpose of this chapter is to establish rules and regulations for the protection, care and control of the public parks, playgrounds, Parks and Recreation Building, and recreation areas in the Township of Washington; to regulate the conduct of persons on or within such parks, playgrounds, Parks and Recreation Building, and recreation areas or using the facilities thereof; and to provide penalties for the violation of its provisions.

Section 2

§ 93-2. Prohibitions.

IT SHALL BE UNLAWFUL FOR ANY PERSON in a public park, playground, Parks and Recreation Building, or recreation area to:

- A. Willfully mark, deface, disfigure, injure, tamper with or displace or remove any buildings, bridges, tables, benches, fireplaces, railings, paving or paving materials, waterlines 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.
- B. Fail to cooperate in maintaining rest rooms and washrooms in a neat and sanitary condition.
- C. 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.

- D. 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.
- E. Damage, cut, carve, transplant or remove any tree or plant or injure the bark of any tree, dig in or otherwise disturb grassed areas, or in any other way injure the natural beauty or usefulness of any public park, playground or recreation area.
- F. Walk, stand or sit upon monuments, vases, planters, fountains, railings, fences or upon any other property not designated or customarily used for such purposes.
- G. Tie or hitch an animal to any tree or plant.
- H. Except as specifically listed below hunt, molest, kill, wound, trap, abuse, shoot, pursue or throw missiles at, remove or have in his possession any animal, reptile or bird found within a Township park, playground or recreation area nor disturb its habitat; or, knowingly buy, receive, have in his possession, sell or give away any such animal, reptile, bird or eggs so taken, except as may be specifically provided for and being in accordance with state/federal fish and game laws. Fishing is permitted at Lake Marguerite on a catch and release basis.
- I. Throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream or other body of water in 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 of said waters.
- J. Bring in, dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage or refuse or other trash. Glass bottles are strictly prohibited in any area. No refuse or trash shall be placed in any waters in any park or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are 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.
- K. Drive or park any vehicle on any area except the paved park roads or parking areas or such areas as may occasionally be specifically designed as temporary areas by the Township of Washington. Vehicles are specifically prohibited from driving or parking on any paved walking path or grass area.
- L. Leave a vehicle standing or parked at night in established parking areas or elsewhere in park areas. No motor vehicle shall be parked in said park areas from one-half (1/2) hour after sunset until sunrise, except as otherwise permitted.
- M. Ride a bicycle, skateboard, or roller/inline skates on ball fields, tennis courts, basketball courts, playgrounds or playing fields. Riding of bicycles, skateboards, or roller/inline skates shall be restricted to paved areas and parking lots only.
- N. Leave a bicycle lying on the ground or paving or set against trees or in any place or position where a person may trip over or be injured by it.

- O. Swim or bathe in any waters or waterways in any park, except in such waters and at such places as are provided therefore and in compliance with such regulations as are herein set forth or may be herein set forth or may be hereinafter adopted; nor shall any person frequent any waters or places customarily designated for the purpose of swimming or bathing or congregate thereat when such activities are prohibited by the Township of Washington upon a finding that such use of the water would be dangerous or otherwise inadvisable.
- P. Erect, maintain, use or occupy on or in any beach or bathing area any tent, shelter or structure of any kind, nor shall any guyed wire, rope or extension brace or support be connected or fastened from any such structure to any other structure, stake, rock or other object outside thereof.
- Q. Bring into or operate any boat, raft, or other watercraft, whether motor-powered or not, upon any waters, except at places designated for boating by the Township of Washington. Such activity shall be in accordance with applicable regulations as are now or will hereafter be adopted.
- R. Fish in any area where bathing is permitted.
- S. Shoot into park areas from beyond park boundaries. No person shall carry or possess firearms of any description or air-rifles, spring-guns, cross-bows, bow and arrows, slings or any other forms of weapons potentially inimical to wildlife and dangerous to human safety, or any instrument that can be loaded with and fire blank cartridges, or any kind of trapping device except as may be specifically provided for, and being in accordance with state/federal fish and game laws or law enforcement personnel patrolling the park.
- T. Act in a disorderly manner to any other person.
- U. Use any portion of the picnic areas or any of the buildings or structures therein for the purpose of holding picnics to the exclusion of other persons, except as permitted, nor shall any person use such areas and facilities for any unreasonable time if the facilities are crowded.
- V. Leave in a park after closing hours any movable structure or special vehicle to be used or that could be used for shelter, such as a house trailer, camp trailer, camp wagon, or the like, except in those areas designated by the Township of Washington for those purposes.
- W. Take part in or abet the playing of any games involving thrown or otherwise propelled objects such as balls, stones, arrows, javelins, horseshoes, quoits or model airplanes, except in those areas set apart for such forms of recreation. The playing of games such as football, baseball, soccer, basketball, volleyball, and lacrosse is prohibited except on the fields and courts or areas provided therefore. Roller skating or blading and use of skateboards shall be confined to paved areas.
- X. As may be applicable, ride a horse except on designated bridle trails, where permitted. Horses shall be thoroughly broken, properly restrained and ridden with due care and shall not be allowed to graze or go unattended nor shall they be hitched to any rock, tree, or shrub.

Y. Create or maintain a fire except in areas designated for such use.

Section 3

§ 93-3. Conduct.

While in a public park, playground, Parks and Recreation Building, or recreation area, all persons shall conduct themselves in a proper and orderly manner, and, in particular, NO PERSON SHALL:

- A. Bring alcoholic beverages or any controlled dangerous substance or consume or utilize same at any time nor shall any person be under the influence of any intoxicating liquor or substance.
- B. Have in his possession, or set or otherwise cause to explode or discharge or burn any firecrackers, torpedo rockets or other fireworks, firecrackers or explosives or inflammable material, or discharge them or throw them into any such areas from lands or highway 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. At the discretion of the Township of Washington, permits may be given for conducting properly supervised fireworks in designated park areas.
- C. Allow dogs or other domestic animals to run at large. All animals in areas where such animals are permitted shall be restrained at all times on adequate leashes not greater than six (6) feet in length. All dog droppings shall be removed and disposed of outside of the park area.
- D. Solicit contributions for any purpose, whether public or private, unless previously approved by the Township Committee.
- E. Drop, throw or otherwise scattered lighted matches, burning cigarettes or cigars, tobacco paper or other inflammable materials within any park or on any highways, roads or streets abutting or contiguous thereto.
- F. Enter an area posted as "Closed to the Public" nor shall any person use or abet in the use of any area in violation of posted notices.
- G. Gamble, participate in or aid and abet any games of chance, unless previously approved by the Township Committee.
- H. Go onto the ice on any of the waters, except in such areas as are designated as skating fields and provided a safety signal is displayed.
- I. Allow children under the age of eight (8) years to be in the park, playground, Parks and Recreation Building, or recreation area without supervision of a responsible person.

Section 4.

§ 93-4. Permits for group or organized events.

Permits for group or organized events in parks, playgrounds, Parks and Recreation Building, and recreation areas shall be obtained by application to the Township of Washington in accordance with the following procedures:

- A. A person seeking issuance of a permit hereunder shall file an application with the designated official of the Township of Washington stating:
 - 1. The name and address of the applicant.
 - 2. The name and address of the person(s), corporation(s), or association(s) sponsoring the activity, if any.
 - 3. The day and hours for which the permit is desired.
 - 4. The park or portion thereof for which such permit is desired.
 - 5. Any other information which the Township of Washington shall find reasonably necessary for a fair determination as to whether a permit should be issued hereunder.

The designated official of the Township of Washington shall review such permit application and decide whether to grant or deny such permit based on the standards set forth below:

- B. Standards for issuance of a use permit by the Township of Washington shall include the following findings that:
 - 1. The proposed activity or use of the park will not unreasonably interfere with or detract from the general public's use and enjoyment of the park.
 - 2. The proposed activity and use will not unreasonably interfere with or detract from the promotion of the public health, welfare, safety, and recreation.
 - 3. The proposed activity or use will not include violence, crime, or disorderly conduct.
 - 4. The proposed activity will not entail extraordinary or burdensome expense of police operation(s) by the Township of Washington.
 - 5. The facilities desired have not been reserved by any other use at the date and hour requested in the application.
- C. The designated official of the Township of Washington shall apprise an applicant, in writing, of its reasons for refusing a permit and an aggrieved person shall have the right to appeal to the Township of Washington by serving written notice with all relevant information as to the reasons for the appeal thereof on the Township Clerk within five (5) calendar days of said refusal. The Township Committee shall hear such appeal at the next

Township Committee meeting following the receipt of said appeal so long as said appeal is received no later than seven (7) calendar days prior to said meeting. Representatives of the appellant and the designated official of the Township of Washington may attend such meeting to place their positions before the Committee or rely on the papers submitted.

- D. A permittee and any visitor(s) or guest(s) shall be bound by all park rules and regulations and all applicable ordinances fully as though the same were inserted in said permits.
- E. The person or persons to whom the permit is issued shall be liable for all losses, damage or injury sustained by any person by reason of the negligence of the person or persons to whom such permit shall have been issued. The applicant shall provide a certificate of liability insurance in an amount not less than \$1,000,000 per occurrence, \$2,000,000 aggregate.
- F. Reasonable user fees for resident and non-resident groups may be imposed as recommended by the Recreation Committee and adopted by ordinance and/or resolution of the Township Committee.
- G. The Township of Washington shall have the authority to revoke a permit upon a finding of violation of any rule or ordinance or upon good cause shown.

Section 5.

§ 93-5. Enforcement; authority.

- A. The Township of Washington, by and through its agents, officers, officials and employees, shall, in connection with their duties imposed by law, diligently enforce the provisions of this chapter.
- B. The Township of Washington, by and through its agents, officers, officials and employees, shall have the authority to eject from the park area any person or persons acting in violation of this chapter.
- C. The Township of Washington, by and through its agents, officers, officials and employees, shall have the authority to seize and confiscate any property, thing or device in the park or used in violation of this chapter.
- D. This chapter shall be enforced by the Township of Washington Police Department or their designee(s).

Section 6.

§ 93-6. Hours.

Township parks, playgrounds, and recreation areas shall be open to the public one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset, except by special permit issued pursuant to §93-4 of the code.

Section 7.

§ 93-7. Violations and penalties.

Any persons violating any of the provisions of this chapter or any rule or regulation promulgated pursuant hereto shall be ejected from the park, and upon conviction, shall be subject to the replacement, repair or restoration of any damaged park property and shall be subject to a fine not exceeding five thousand dollars (\$5,000.00) or imprisonment for a term not exceeding ninety (90) days, or community service for a term not to exceed ninety (90) days.

NOW, THEREFORE, BE IT FURTHER ORDAINED that:

- a) All ordinances or portions of ordinances which are inconsistent with this Ordinance shall be repealed as to their inconsistencies only.
- b) The various parts, sections and clauses of this Ordinance are hereby declared to be severable so that if any part, sentence, paragraph, section or clause of this Ordinance is adjudged unconstitutional or invalidated by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.
- c) This Ordinance shall take effect immediately upon final passage and publication as required by law.

NOTICE is hereby given that the foregoing Ordinance was introduced and passed on first reading at a meeting of the Township Committee of the Township of Washington held March 20, 2018 and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a meeting of the Township Committee to be held on April 17, 2018 at 7:30 p.m. or as soon thereafter as the matter may be heard, at the Municipal Building, 211 Route 31 North, Washington, NJ, 07882, at which time all persons interested will be given an opportunity to be heard concerning such Ordinance.

Anna C. Godfrey, RMC
Township Clerk