

ORDINANCE 2014 – 05

AN ORDINANCE OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP OF LOPATCONG BY THE LOPATCONG TOWNSHIP COUNCIL TO ESTABLISH AN ATHLETIC FIELDS AND RECREATIONAL FACILITIES USE POLICY AND TO ESTABLISH RULES AUTHORIZING THE LOPATCONG TOWNSHIP COUNCIL TO ESTABLISH RECREATIONAL FEES BY RESOLUTION

WHEREAS Lopatcong Township must determine adequate policies for the public use of athletic fields and recreation facilities; and

WHEREAS Lopatcong Township must determine adequate fees for the public use of athletic fields and recreational facilities; and

WHEREAS, the Lopatcong Athletic Association, the Lopatcong Recreation Committee, the Lopatcong Department of Public Works and the Lopatcong Recreation Director can provide useful information and advice about the polices to be placed in force and the fees to be charged; and

WHEREAS, any such fees should be set forth in a Resolution of the governing body and maintained for public inspection in the office of the Township Clerk.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Lopatcong as follows:

Chapter 157. PARKS AND RECREATION AREAS

The section title ‘Article I: Opening and Closing Times’ was added to the beginning of the existing ordinance. The section title ‘Article II: Athletic Fields and Recreational Facilities Use Policy’ was added, as was the entire contents of Article II.

Article I: Opening and Closing Times

§ 157-1. Opening and closing times; affected areas.

The public shall be excluded from the Lopatcong Township recreational area from dusk until the following daylight, unless specifically authorized by an approved function at one (1) of the facilities. The facilities affected by this chapter shall be the Lopatcong Township municipal pool, the Lopatcong Township municipal pool parking lot and road system and the Lopatcong Township pavilion located behind the pool area, including the

park playground and fields adjacent to the pavilion area and the road system running to the pavilion area.

§ 157-2. Signs to be posted.

Appropriate signs be placed at the entrance of the road systems to notify the public of this chapter.

§ 157-3. Violations and penalties.

Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Any violation of this chapter shall result in a complaint being filed in Municipal Court and shall be punishable, upon conviction, by a fine not exceeding one thousand dollars (\$1,000.), imprisonment for a term not exceeding ninety (90) days or a period of community service not exceeding ninety (90) days, or any combination thereof.

Article II. Athletic Fields and Recreational Facilities Use Policy

§ 157-4. Purpose.

This article contains the policies and procedures for recreational facilities and park use within the Township of Lopatcong. The purpose of this policy is to assure that usage, access, and distribution of all recreational sites are in accordance with Township regulations. The primary use of Township recreation facilities and parks is for resident recreation activities. Township facilities may be made available for additional activities if available and if not in conflict with proper maintenance of the facility or other community use. Factors to be considered in determining usage include: resident priority, efficient scheduling, coordination of uses, regular maintenance, rehabilitation of facility after a specific use, availability, weather, and availability of services at the site. All facility users shall comply with applicable federal, state, and local laws. Users shall be responsible for payment of all costs, expenses, fines, penalties, and damages which may be imposed upon Lopatcong by reason of, or arising out of, the user's failure to comply with legal requirements or failure to comply with provisions of this policy.

§ 157-5. List of Township facilities.

The recreational facilities and parks within the Township of Lopatcong are listed as follows:

Location	Facility
Municipal Park	Quad Baseball/Softball fields 1, 2, 3, 4; Junior Baseball/Softball Field, Football Playing Field, Football Practice Field, Soccer Fields 1, 2, 3,

Location Facility

Field House/Concession Stand, Basketball Court 1,2, Pavilion, Pool.

Edward St/
Harry
Snyder
Memorial
Park Baseball/Softball Field

Park Baseball/Softball Field
Square

Aurora St Tennis Court 1, 2

**§ 157-6. Priority of use of fields and facilities by category;
permit application and issuance.**

- A. Permits for field and facility use are issued by the category in which the organization or event is placed. Group I use shall have priority over Group II, II over III, etc. Within a Group, Subgroup A has priority over Subgroup B. In reviewing a permit application, the Recreation Director may also consider whether a demonstrated need for providing the activity is evidenced, or whether a program duplicates a similar activity offered within the community.
- B. Except as provided herein below for field use by all users except Group I users, all permits for the use of municipal fields and park lands shall be issued by the Recreation Director. Applications for all field usage shall be on a form approved by the Recreation Director and the Lopatcong Athletic Association (LAA). Applications shall be submitted to the Recreation Director at least 30 days prior to field use, except that applications for tournaments and camps and similar uses shall be submitted at least 90 days prior to field use. No permits shall be issued unless these requirements are met. Generally, games shall have priority over practice. The use of fields by Group II and III shall be submitted to the Recreation Director and approved by the LAA Board of Directors. The use of fields by Group IV or Group V users shall be submitted to the Recreation Director and approved by resolution of the Mayor and Council, and then cleared for availability by the LAA Board of Directors. The Mayor and Council, in reviewing an application, shall take into consideration certain factors, including, but not limited to, wear and tear on the field; scheduling conflicts with other events; provision of sufficient parking for the event; and whether the event benefits the Lopatcong community.
- C. Groups are categorized as follows:

- (1) Group I: Recreation and Parks directly sponsored activities. These activities include programs run by the Recreation and Parks Department, such as day camps, after-school programs, day programs, special events and seasonal sporting activities.
- (2) Group II: teams in established leagues. These groups are independent organizations outside of the LAA that have been established to serve the recreational interest of the participants. Group IIA shall be teams with Lopatcong residents being at least 75% of the host team participants. Group IIB shall be teams with Lopatcong residents being at least 20% but less than 75% of the host team participants. Group IIC shall be teams with less than 20% of the participants being Lopatcong residents.
- (3) Group III: school events and teams. Group IIIA shall be Lopatcong school events or teams. Group IIIB shall be Phillipsburg High School events or teams. Generally, the Township is not responsible for providing field usage to schools.
- (4) Group IV: private groups. These groups are made up of residents of Lopatcong or businesses located in Lopatcong who request the use of facilities on an occasional basis when space is available. At least 50% of the host group participants must live or work full-time in Lopatcong.
- (5) Group V: privately operated programs. Township facilities can be made available for organizations, camps, leagues, or groups for the purpose of providing recreational services to youth or adults. This group includes instructional activities that extend beyond one day and for which a separate fee or tuition is charged.

§ 157-7. Allocation of fields and facilities.

- A. Recreation Director and LAA field liaisons. The Recreation Director and the LAA shall assign members to report on current field maintenance issues and future needs for the budget process. Complaints about the use or misuse of any Township field or athletic facility shall be made to the Recreation Director. The Recreation Director may restrict or deny access to groups who abuse any facility. The Recreation Director and LAA President, with recommendations from the Recreation Committee and the LAA, will develop a seasonal field and facility schedule. The Recreation Director and LAA President, with recommendations from the Recreation Committee, the LAA and the Superintendent of the Department of Public Works, shall establish the opening and closing dates for field use. The Recreation Director and LAA President shall provide the Recreation Committee, the LAA, the Police Department, and the Department of Public Works with the field schedule.
- B. In-season priority. In addition to the criteria for usage priorities established in § 157-6 above, priority shall be given within a particular sport's New Jersey State Interscholastic Athletic Association ("NJSIAA") designated "season" for that sport. In-season sports have equal status to each other; out-of-season sports have equal status to each other, but secondary status to in-season sports.
- C. Make-up schedule. Make-up schedules shall be made in the sole discretion of the Recreation Director and LAA President. The Recreation Director and LAA President shall have authority to move scheduled events as necessary.

- D. Field closing due to weather. All use of athletic fields is subject to the determination of field playing conditions on a daily basis. Determination is made on weekdays by the Superintendent of Public Works or his or her designee. Generally, all users are subject to the same standard for closure. Nevertheless, determination will be made on a field-by-field basis, as well as a user-by-user basis where conditions are such that some fields may be playable while others are not, and some users may do less damage by use than others. At later times and weekends, each organization is required to close its fields if injury may result to participants or if damage may result to the playing surface, affecting not only its continued use by this user but also use by others in this season and in the following season. If in doubt, the field or facility shall be closed. Users must notify the Superintendent of Public Works or his or her designee if they have closed the fields so other users questioning whether to close their fields can be so advised.
- E. Special events. The Township sponsors numerous special events such as sports tournaments, fireworks, sports clinics, parades, Community Day, etc. Every effort shall be made to accommodate such events. Exceptions to the stated policy may be granted for such special events. These exceptions may be granted by the Recreation Director and the Mayor and Council.

§ 157-8. Field and facility use rules and regulations.

- A. Use of any active recreation area by a group of more than 10 participants is authorized by permit only.
- B. Alcoholic beverages or controlled substances of any kind are prohibited.
- C. Smoking is prohibited on all Township property.
- D. Profane, loud, threatening, insulting, indecent and abusive language is prohibited.
- E. Amplifiers for music, announcements or otherwise shall not be unreasonably loud.
- F. Athletic fields/facilities may not be used before 8:00 a.m. or after dusk, except where lights are utilized. Lights shall be turned off as soon as the pickup of players allows.
- G. All trash shall be placed in proper receptacles. Users shall leave the facility in the same condition in which it was found, or better.
- H. Concession sales are by separate permit only in compliance with all Township ordinances.
- I. Warm-ups for the next scheduled event must be performed so as not to interfere with an existing event and so as not to endanger the welfare of all participants, spectators and facilities.
- J. All managers, coaches, or persons in charge of a group using the fields will be responsible for the conduct of all participants, spectators and others connected with the activity, including visiting teams and opponents.
- K. Any group that desires a "port-o-john" at a site must gain approval from the Recreation Director. The Department of Public Works shall be responsible for the site location. Complaints about the portable facility shall be made to the Recreation Director.
- L. Clothes shall be changed in rest rooms only.

- M. All participants, including instructors, coaches, officials and players, shall provide evidence of insurance in such form and amounts as may be required by the Township's Risk Manager.
- N. All team sport members shall adhere to the LAA's Code of Conduct.
- O. All coaches shall be in good standing in Lopatcong or any other municipality. Participants not in good standing shall be banned.
- P. Any substantial proposed changes to the fields or parks should be submitted to the Recreation Director to consider their impact upon facility use. This requirement shall include advertising and signs. The placement of all movable items (port-o-johns, portable stands, goals, batting cages, blocking sleds and dummies, temporary fencing, etc.) shall be the responsibility of the Recreation Director or his or her designee. The Recreation Director or his or her designee shall coordinate with the Department of Public Works. Signage and all banner placements with the purpose of advertisement shall be reviewed by the Recreation Director, and presented to the Mayor and Council for approval.

§ 157-9. Field usage schedules and information.

Field and facility schedules will be posted in the Recreation Department. Event or team rosters and insurance information will be maintained in the Recreation Department. All such information shall be available upon request.

§ 157-10. Field fee schedule and security deposit.

The following fees shall be charged for use of the Township facilities:
Please see current resolution on file with the Township Clerk.

§ 157-11. Pavilion rental fee.

The following fees shall be charged for the use of the Pavilion:
Please see current resolution on file with the Township Clerk.

§ 157-12. Pool rental fee.

The following fees shall be charged for the use of the Pool:
Please see current resolution on file with the Township Clerk.

§ 157-13. Tennis Courts usage and rental fees.

The following fees shall be charged for the use of the Tennis Courts:
Please see current resolution on file with the Township Clerk.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Council of the Township of Lopatcong held on May 7, 2014 and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township Council to be held on June 4, 2014, at 7:30 PM, or as soon thereafter as the Township Council may hear this Ordinance at the Municipal Building, 232 South Third St, Phillipsburg, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

Margaret B. Dilts, CMC