

**ORDINANCE #932**  
**AN ORDINANCE AMENDING CHAPTER 279 OF THE CODE OF THE BOROUGH OF OCEANPORT ENTITLED "PARKS AND PLAYGROUNDS"**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Oceanport, in the County of Monmouth and State of New Jersey as follows:

1. That the ordinance entitled "Parks and Playgrounds" passed and approved on April 17, 2000 together with all subsequent amendments thereto, be and the same are hereby repealed.
2. That the following ordinance be and the same is hereby enacted:

**279-1 Definitions.**

As used in this chapter:

"Borough" means the Borough of Oceanport in the county of Monmouth.

"Borough Approved Recreation Sports Associations" means those entities that have been officially recognized, by ordinance, as being charged with the responsibility of planning, promoting, organizing and operating specific recreation sports programs on behalf of the Borough, for the benefit of the Borough, its residents and, in certain instances, the residents of neighboring communities.

"Council" means the Borough Council of the Borough of Oceanport.

"Group" means four or more persons.

"Park", "field", "court", "playground", "facility" or "park property" means (1) Blackberry Bay Park, (2) Gatta Field (3) Somers Park (4) Trinity Park (5) Old Wharf Place (6) Community Center Field, (7) Community Center and (8) any other park, reservation, playground, recreation center or any other area in the borough owned or used by the borough, and devoted to active or passive recreation.

"Permittee" means any person or persons to whom a Facility Use Permit is issued.

"Person" means any person, firm, partnership, association, team corporation, company or organization of any kind.

"Resident Organizations" means any person, firm partnership, association, team, corporation or organization of any kind whose membership is comprised of 75% or more of Oceanport residents.

"Vehicle" means any wheeled conveyance, whether motor powered, animal drawn, or self-propelled. The term shall include any trailer in tow of any size, kind or description. Exception is made for baby carriages and vehicles in the service of the borough parks.

**279-2 Prohibited activities.**

No person in a public park, facility or recreation area shall:

1. Willfully mark, deface, disfigure, injure, tamper with or displace or remove any buildings, bridges, tables, benches, fireplaces, railings, pavings or paving materials, waterlines or other public utilities or parts or appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stake posts or other boundary markers or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal;
2. Fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition. No person over the age of six 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, transplant or remove any tree or plant or injure the bark or pick the flowers or seeds 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 or stand upon monuments, vases, planters, fountains, railings, fences or upon any other property not designated or customarily used for such purposes;
7. Tie or hitch an animal to any tree or plant;
8. Hunt, molest, harm, frighten, kill, trap, pursue, chase, tease, shoot or throw missiles at any animal, wildlife, reptile or bird; nor shall he or she remove or have in his or her 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, or deadly reptiles, may be killed on sight;
9. 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 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 of such waters;
10. Have brought in or shall dump in, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage or refuse or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any park, or shall be 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.
11. 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 areas by the Recreation Committee.
12. Park a vehicle in other than an established or designated parking area, and such shall be in accordance with posted directions thereat and with the instruction of any attendant who may be present.
13. Park, store or place a motor vehicle when the parks and/or playgrounds are not open for public use (This section shall not apply to municipal vehicles.)
14. Park, store or place a motor vehicle along the roller hockey rink located at Blackberry Bay.
15. Hit any type of golf ball.

16. Use or possess a motorized toy, model miniature or remote control aircraft.

17. Park, store or place any motor vehicle or other personal property when the owner of the subject vehicle/property (or owner's agent) is not presently utilizing the subject park or playground area. This section shall not apply to municipal vehicles, nor shall it apply during periods of emergency, as proclaimed by the Mayor or any other duly appointed authority.

18. Carry or possess firearms of any description or air rifles, spring guns, bows 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. Shooting into park areas from beyond park boundaries is forbidden.

19. Walk a dog in or permit a dog into the playground area of any park.

20. Set up tents, shacks or any other temporary shelter for the purpose of overnight camping, nor shall any person leave in a park after closing hours any movable structure or special vehicle to be used or that could be used for such purpose, such as a house trailer, camp trailer, camp wagon or the like, except in those areas designated by the commission for those purposes.

21. 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.

22. Rollerblade, skateboard, roller skate or ride a bicycle on any tennis or basketball court.

23. Bring into or operate any boat, raft or other watercraft, whether motor-powered or not, upon any waters, except at places designated for boating. Such activity shall be in accordance with applicable regulations as are now or hereafter may be adopted.

24. Sell, rent or lease (or advertise for same) any vehicle, vessel, boat, personal watercraft, bicycle, motorcycle or any other personal property, without first having obtained a permit from the Borough of Oceanport.

25. Launch, dock or operate any boat of any kind on any water between the closing hour of the park at night and the opening hour of the park the following morning, or be on or remain on or in any boat during the closed hours of the park.

### **279-3 Conduct.**

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

1. Bring alcoholic beverages or drink the same at any time, nor be under the influence of intoxicating liquor in a park unless Council approval by Resolution has been previously secured for the event;

2. Have in his or her possession or set or otherwise cause to explode or discharge or burn any firecrackers, torpedo rockets or other fireworks, firecrackers or explosives of flammable 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. At the discretion of the Council, permits may be given for conducting properly supervised fireworks in designated park areas;

3. Be responsible for the entry of a dog or other domestic animal into areas clearly marked by signs bearing the words Domestic Animals Prohibited in this Area. Nothing herein shall be construed as permitting the running of dogs at large. All dogs in those areas where such animals are permitted shall be restrained at all times on adequate leashes not greater than six feet in length and shall be curbed;

4. Occupy any seat or bench, or enter into or loiter or remain in any pavilion or any other park structure or section thereof which may be reserved and designated by the recreation commission for the use of the opposite sex. Exception is made for children under six years of age;
5. Build or attempt to build a fire except in such areas and under such regulations as may be designated by the Council. No person shall drop, throw or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper or other flammable material within any part or on any highways, roads or streets abutting or contiguous thereto;
6. 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;
7. Gamble or participate in or abet any game of chance except in such areas and under such regulations as may be designated by the Council;
8. Go onto the ice on any of the waters except such areas as are designated as skating fields, provided that a safety signal is displayed;
9. Sleep or protractedly lounge on the seats or benches or other areas or engage in loud, boisterous, threatening, abusive, insulting or indecent language or engage in any disorderly conduct or behavior tending to breach the public peace;
10. Fail to produce and exhibit any permit from the Borough of Oceanport he or she claims to have upon request of any authorized person who shall desire to inspect the same for the purpose of enforcing compliance with any ordinance, rule or regulation;
11. Disturb or interfere unreasonably with any person or party occupying any area or participating in any activity under the authority of a permit;
12. Expose or offer for sale any article or thing, nor shall he or she station or place any stand, cart or vehicle for the transportation, sale or display of any such article or thing. Exception is here made as to any regularly licensed concessionaire acting by and under the authority and regulation of the Council;
13. Paste, glue, tack or otherwise post any sign, placard, advertisement or inscription whatever, nor shall any person erect or cause to be erected any sign whatever on any public lands or highways or roads adjacent to a park.

#### **279-4 Hours**

1. Except for unusual and unforeseen emergencies, parks and other outdoor facilities shall be open to the public every day of the year during the designated hours. The opening and closing hours for each individual park shall be posted therein for public information and shall be determined from time to time by resolution of the Council.
2. Any section or part of any park may be declared closed to the public by the Borough of Oceanport at any time and for any interval of time, either temporary or at regular and stated intervals (daily or otherwise) and either entirely or merely to certain uses, as the Borough of Oceanport shall find reasonably necessary.
3. Under normal circumstances, all municipal parks and outdoor recreational facilities shall open at 8:00 am and close at dusk, with the exception of the lighted tennis courts at Blackberry Bay which shall close at 10:00 pm.
4. The use of any indoor facilities must terminate by 11:00 pm, unless otherwise approved by the Council.

## **279-5 Dogs.**

1. Under any circumstances or at any time permit any such dog to enter into or onto any park property unless such dog is accompanied and controlled by a person of the age of seven years or over and is securely confined by an adequate leash not more than six feet in length;
2. Under any circumstances or at any time permit any such dog to injure or damage any vegetable garden, flower garden, lawn, plant, tree, shrubbery, grounds or any other property in or on any park;
3. Under any circumstances or at any time permit any such dog to bark, cry, whine, howl or otherwise disturb the peace or quiet within or surrounding any park property;
4. Under any circumstances or at any time permit any such dog to harass any person or animal on park property or cause any injury to any person or other animal on park property;
5. Under any circumstances or at any time fail to immediately remove all feces deposited in or on any park property by any such dog by any sanitary method approved by the local health authority or as otherwise established by the Borough of Oceanport.

## **279-6 Permits for Facility Use.**

1. FACILITY USE PERMIT AVAILABILITY. Oceanport's recreational facilities are available for use by groups and individuals who make requests based upon availability. Applications are not required for the unreserved use of parks, fields, courts, playgrounds and other outdoor recreational facilities, except as required below. An individual or group that has reserved a particular park, field, court, playground or recreational facility and is in possession of a Facility Use Permit will receive priority over an individual or group lacking such a permit.
2. FACILITY USE PERMITS REQUIRED. A Facility Use Permit shall be required for the use of any Oceanport owned park, field, court, recreational facility or playground for use under any of the following circumstances:
  - a. Except as otherwise determined by resolution of the Council, when there are "organized" groups (as defined in sub-paragraph D below) of more than 4 participants or 50 spectators in attendance.
  - b. Any equipment is needed to be installed temporarily on the field, playground, court or facility, including, but not limited to goals, nets and lining of the field of play. No permanent installations of equipment may be made.
  - c. Any field, playground, court or facility will be used for any sport or purpose other than for which it was specifically created.
  - d. The field, playground, court or facility will be used for organized games or activities. Games and/or activities will be considered "organized" if (a) there is a referee, umpire or other official present, or (b) teams are part of a league, or (c) teams have uniforms or (d) there is a charge for any team, player or participant for participating, or (d) there are trophies, medals or other prizes offered to individuals or teams, or (e) spectators are invited.
  - e. The game or event is sponsored by a business or organization.
  - f. A person or group elects to reserve a park, field, court, playground or other recreational facility for exclusive use for a specific period of time.
  - g. The field, playground, court or facility will be used for sports or other training, exercise, instruction or other activity conducted by an individual paid to provide said services.

### 3. FACILITY USE PERMIT APPLICATION SUBMISSION DATE.

a. All requests must be made a minimum of 1 month in advance to allow time for review by the Recreation Committee and the Council.

b. Fields are available March 15 thru November 30 each year

Requests for: March 15 thru June 15 shall be submitted no earlier than February 1st

June 16 thru August 15 shall be submitted no earlier than May 1st

August 16 thru November 30 shall be submitted no earlier than July 1st

Submission dates may be changed subject to Borough offices being closed for recognized Borough holidays or weekends.

4. PERMIT APPLICATION CONTENT. The application for requesting use of a facility can be downloaded from the Borough of Oceanport's website or can be obtained from the Borough Clerk during business hours. A person seeking issuance of a Facility Use Permit hereunder shall file an application with the Recreation Committee consistent with the terms set forth on the Facility Use Permit. The application should be submitted or mailed to the Borough Clerk's Office, Attn: Field Usage Request, PO Box 370, Oceanport, NJ 07757.

5. FACILITY USE PERMIT APPLICATION STANDARDS. Standards for issuance of a Facility Use Permit by the Recreation Committee shall include the following findings:

a. That the proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park or facility;

b. That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation;

c. That the proposed activity or uses that are reasonably anticipated will not include violence, crime or disorderly conduct;

d. That the proposed activity will not entail extraordinary or burdensome expense or police operation by the Borough;

e. That the facilities desired have not been reserved for other use at the date and hour requested in the application.

f. That the applicant has not had a previous permit revoked an/or has not been found to have violated this ordinance in connection with previous usage.

6. INSURANCE REQUIREMENTS. Proof of insurance is required with certain Facility Use Permit applications.

a. Formal organizations (e.g., Boy Scouts, athletic leagues, AAU teams, travel teams, businesses, athletic camps, etc.) that wish to use municipal facilities must maintain and provide proof of adequate insurance. An original, executed Certificate of Insurance is required at the time of application. Informal groups, however, are free to use the facilities without insurance coverage, contingent upon the execution of an Indemnification and Waiver which is more particularly described below. Insurance requirements may also be waived for municipally sponsored or approved meetings or events. Determination as to whether a group is formal or informal will be made by the Recreation Committee.

Factors will include, but are not limited to, incorporation status, size of membership, frequency of gatherings and existing insurance.

b. Those permittees required to have insurance must present satisfactory evidence (an original, executed Certificate of Insurance) of insurance protection for participants, spectators, coaches and the public. Satisfactory evidence of insurance shall mean Commercial General Liability insurance, from an insurer licensed to do business in the State of New Jersey, with limits of liability in an amount not less than \$1,000,000.00, per occurrence and aggregate. The policy must provide coverage for the user's activity at the approved facilities, and shall state such activities on the Certificate of Insurance. The Certificate of Insurance shall name the Borough of Oceanport as an Additional Insured for the duration of the use of the facility (ies).

#### 7. INDEMNIFICATION AND WAIVER.

a. All permittees must sign a waiver in which they agree to waive and relinquish all claims, and causes of action, of every kind which they have or may have against the Borough of Oceanport arising out of the use of the facility(ies) resulting in personal injury and/or property damage. All permittees must acknowledge that they assume all risks in connection with the use of the facility(ies).

b. All permittees must indemnify the Borough of Oceanport of any and all liability of loss, and against all claims or actions based upon or arising out of damage or injury (including both) to persons or property caused by or sustained in connection with the applicant's use of the facility(ies), and the defense of any such claims or actions, whether the liability, loss or damage is caused by, or arises out of negligence of the Borough of Oceanport, or any of the agents, employees or otherwise. The user must further agree to reimburse the Borough of Oceanport, its agents, employees or otherwise, for any and all expenses, attorney's fees or costs incurred in the enforcement of this waiver and indemnification.

c. The form of waiver and indemnification can be downloaded from the Borough of Oceanport's website or can be obtained from the Borough Clerk during regular business hours.

8. RETURNABLE DEPOSIT. It shall be within the discretion of the Recreation Committee to require that a user provide a \$200.00 returnable deposit (check or money order made payable to "Borough of Oceanport"). This deposit will be used to cover any damage to Borough property or cleaning required due to the use of the facility. Permittees will be notified, in writing, by the Recreation Committee if any such charge will be assessed against the deposit.

#### 9. PERMIT APPLICATION PROCEDURE

a. Upon receipt of application, the requested usage will be submitted to the Recreation Coordinator and Recreation Committee for consideration.

b. If approved, the Recreation Coordinator will forward to the Clerk for approval by resolution at the next available Council meeting.

c. The applicant will be contacted to advise if approved or not approved.

d. If request is approved, the Applicant will also be advised of the usage fees along with payment instructions.

e. Upon receipt of payment in full, a Permit will be issued to the Applicant. No one will be permitted to use any field without a permit. Usage fees are not refundable unless deemed otherwise by the Borough.

f. All applications shall be reviewed under the standards set forth under subsection 5 of this section.

g. The Borough Council, moreover, shall consider the application under the standards set forth under subsection 5 of this section and sustain or overrule the Recreation Committee's decision by way of resolution. The decision of the Borough Council shall be final.

#### 10. PERMITTEE OBLIGATIONS AND RESPONSIBILITIES.

a. A permittee shall be bound by all park rules and regulations and all applicable ordinances fully as though the same were inserted in such permits.

b. The person or persons to whom the permit is issued shall be liable for all 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. The person or persons to whom the permit is issued shall be responsible for (i) ensuring that all participants and spectators adhere to park rules and regulations, (ii) ensuring that the field, court or facility is in safe condition prior to allowing players or participants to proceed and to report unsafe conditions to the Recreation Committee not later than one day after its use, and (iii) ensuring that, upon conclusion of the use, that the field, court and/or facility is left in the same condition as it was found, including removal of any equipment, and cleanup and proper disposal of any litter.

11. REVOCATION OF ISSUED PERMIT. The Recreation Committee and/or the Borough Council shall have the authority to revoke a permit upon a finding of violation of any rule or ordinance or upon good cause shown. The Recreation Committee and/or the Borough Council may also revoke a permit which has been issued upon discovery of a material misrepresentation of fact on the application.

12. PRIORITIES OF USE. Applications for the use of facilities will be scheduled on a first come first served basis. In all instances, priority is given to Oceanport residents. When more than one application is received for the same date(s), the following order of priority shall apply:

a. Meetings or events directly sponsored by the Borough Council for municipal purposes, inclusive of the Borough's recreational sports programs via the Borough Approved Recreational Sports Associations.

b. Meetings or events directly sponsored by Municipal Advisory Boards and Committees.

c. Meetings or events directly sponsored by Borough Departments for municipal purposes.

d. Meetings or events held for the discussion of municipal issues.

e. Resident youth recreation activities, leagues or service organizations.

f. Resident adult recreation activities, leagues or service organizations.

g. Board of Education related activities.

h. Non-resident youth recreation activities, leagues or service organizations.

i. Non-resident adult recreation activities, leagues or service organizations.

j. All other uses.

#### **279-7 Fee Schedule.**

1. Other than those who qualify as exempt or partially exempt as set forth below, all groups, organizations, teams, leagues shall be required to pay a fee to use municipal facilities as follow:



**Games**

1. Youth Fee:                   (a) Resident fee - \$25 per game  
                                     (b) Non-Resident Fee - \$50 per game
  
2. Non-Youth Fee:           (a) Resident Fee - \$35 per game  
                                     (b) Non-Resident Fee - \$70 per game

**Practices:**

1. Residents: \$100 per team/ (1) 2-hr practice per week for 12 weeks
2. Non-Resident: \$200 per team/ (1) 2-hr practice per week for 12 weeks

**For Profit Camps:** \$500.00 (no more than five days)

**For Profit Tennis Lessons:** \$500.00 for the period of May 1st – Sept. 30th with a maximum usage of 10 hours per week with a 2-hr per 1 court maximum per day.

Resident Team Rosters shall consist of 75% Oceanport residents.

All other teams are to be considered Non-Resident Teams. The determination of whether a team is a resident or non-resident team, when disputed, shall be decided by the Municipal Council and confirmed by way of Resolution.

2. Notwithstanding anything to the contrary set forth within the Ordinances of the Borough of Oceanport, the Borough of Oceanport hereby recognizes the following entities as “Borough Approved Recreation Sports Associations” and further recognizes that these entities are charged with the responsibility of planning, promoting, organizing and operating specific recreation sports programs on behalf of the Borough, for the benefit of the Borough, its residents and, in certain instances, the residents of neighboring communities:

- a. Oceanport Soccer Association
- b. Oceanport Basketball Association
- c. Oceanport Roller Hockey Association
- d. Oceanport Baseball Association
- e. Oceanport Adult Athletic Association
- f. Oceanport Old Timer’s Softball Association (teams playing in the Two Rivers Softball League)
- g. Shore Youth Lacrosse Association

Insofar as these entities operate the Borough of Oceanport’s recreation sports programs with the consent and under the aegis of the Borough of Oceanport, these entities and their teams shall be exempt from all fees.

3. Sports camps sponsored or operated by a Borough Approved Recreation Sports Association shall not be required to pay a fee.

**279-8 Security.**

1. SECURITY. All applications for permits for groups of 50 people or more shall be referred to the Chief of Police for review. The Chief of Police shall have the discretion to impose any reasonable conditions related to the public health, safety and welfare on the issuance of the permit, including but not limited to the employment of police officers by the applicant/permittee during the activity for security and/or traffic/parking control.

**279-9 Enforcement.**

1. The Recreation Committee, Recreation Coordinator and/or their designees shall, in connection with their duties imposed by law, diligently enforce the provisions of this chapter.

2. The Recreation Committee, Recreation Coordinator and/or their designees shall have the authority to eject from the park area any person or persons acting in violation of this chapter.
3. The Recreation Committee, Recreation Coordinator and/or their designees shall have the authority to seize and confiscate any property, thing or device in the park or used in violation of this chapter.
4. This chapter shall also be enforced by the police department of the Borough.

**279-10 Violation--Penalty.**

Any person who violates any provision of this chapter shall, upon conviction thereof, be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment in the county jail for a term not exceeding ninety days, or both.

**279-11 Repealer.**

All ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency.

**279-12 Severability.**

If any section, paragraph, subsection, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

**BE IT FURTHER ORDAINED** that all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

**BE IT FURTHER ORDAINED** that this Ordinance shall take effect upon final passage and publication in accordance with the law.

**INTRODUCED:** July 9, 2014  
**APPROVED:** July 9, 2014  
**ADOPTED:** August 7, 2014

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MICHAEL J. MAHON  
MAYOR

ATTEST: 

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JEANNE SMITH  
BOROUGH CLERK