

**ORDINANCE #1070**

**AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING CHAPTER 279 "PARKS & RECREATION AREAS" OF THE CODE OF THE BOROUGH OF OCEANPORT**

**WHEREAS**, the Borough anticipates an increase in demand for use of the Borough's athletic facilities which are approved on a first-come basis with the exception of those having priority use by ordinance; and

**WHEREAS**, Borough ordinance provides for two submission periods throughout the calendar year to submit applications and the Borough now desires to expand same,

**NOW, THEREFORE, BE IT ORDAINED** by the Borough Council of the Borough of Oceanport, County of Monmouth and State of New Jersey that the following sections of Chapter 279 "Parks and Recreation Areas" be amended as follows:

**NOTE:** Additions are underlined and deletions are marked by strike through.

**Chapter 279 Parks and Recreation Areas**

§ 279-6. Permits for facility use.

C. Facility use permit application availability and submission dates.

~~(1) All requests must be made a minimum of one month in advance to allow time for review.~~

~~(2) Fields are available March 15 thru November 30 each year.~~

~~(a) Requests~~

~~[1] March 15 thru July 31 shall be submitted no earlier than February 1.~~

~~[2] August 1 thru November 15 shall be submitted no earlier than June 1.~~

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

(1) Applications will be accepted year-round in accordance with Subsection L "Priority of Use".

(2) Maria Gatta Community Park fields are available from February 1 thru December 1.

(3) All other fields are available March 15 thru November 15 subject to weather and as otherwise determined by the Borough.

(4) Tournament Requests for weekends require a commitment of both Saturday and Sunday at a minimum of 10 hours per day.

D. 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. The application should be submitted or mailed to the Borough Clerk's Office, Attn: Facility Use Request, PO Box 370, Oceanport, NJ 07757.

[Amended 9-16-2021 by Ord. No. 1042]

H. Returnable deposit. It shall be within the discretion of the Borough Clerk to require that a user provide a returnable deposit of \$200 (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 Borough Clerk if any such charge will be assessed against the deposit.

I. Permit application procedure.

(1) Upon receipt of application, the requested usage will be reviewed by the Field Coordinator for facility availability and scheduling of activity ~~Borough Clerk's Office and referred to the Recreation Coordinator for any conflicts with Borough activities or events.~~

(2) The applicant will be contacted to advise if approved or not approved.

(3) If the request is approved, the applicant will also be advised of the usage fees along with payment instructions.

(4) Upon receipt of payment in full, a permit will be issued by the Borough Clerk to the applicant. Usage fees are not refundable unless deemed otherwise by the Borough.

(5) All applications shall be reviewed under the standards set forth under Subsection E of this section.

(6) Appeals regarding the Field Coordinator/Borough Clerk's decision for approval or disapproval, when disputed, shall be decided by the Municipal Council by way of resolution. Appeals shall be submitted to the Borough Clerk's office for Council decision. The decision of the Borough Council shall be final.

J. Permittee obligations and responsibilities.

(1) 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.

(2) 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:

(a) Ensuring that all participants and spectators adhere to park rules and regulations;

(b) 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 ~~Borough Clerk~~ Field Coordinator not later than one day after its use; and

(c) Ensuring that upon conclusion of the use, 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.

K. Revocation of issued permit. The Borough Administrator, Borough Clerk, Field Coordinator 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 Borough Administrator, Borough Clerk, Field Coordinator 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.

§ 279-7. Fee schedule.

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

(1) Application review fee: \$20, non-refundable but will be credited towards any permit fees.

(2) Facility use fee:

(a) Resident fee: \$35 per activity (two-hour minimum increments).

(b) Nonresident fee: \$70 per activity (two-hour minimum increments).

(3) Resident team rosters shall consist of majority Oceanport residents.

(4) All other teams are to be considered nonresident teams. The determination of whether a team is a resident or nonresident team, when disputed, shall be decided by the Municipal Council and confirmed by way of resolution.

(5) Other undefined uses and their fee shall be set and approved by resolution of the Mayor & Council

§ 279-8. Security.

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.

A. The ~~Recreation~~ Field Coordinator and the Borough Clerk and/or their designees shall, in connection with their duties imposed by law, diligently enforce the provisions of this article.

B. The ~~Recreation~~ Field Coordinator and the Borough Clerk and/or their designees shall have the authority to eject from the park area any person or persons acting in violation of this article.

C. The ~~Recreation~~ Field Coordinator and the Borough Clerk 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 article.

D. This article shall also be enforced by the Police Department and Code Enforcement Officer of the Borough.

§ 279-10. Violations and penalties.

Any person who violates any provision of this article shall, upon conviction thereof, be punished by a fine not exceeding \$500 or by imprisonment in the county jail for a term not exceeding 90 days, or both.

**BE IT FURTHER ORDAINED** that all other terms and provisions of Article II, Chapter 279, Parks and Recreation Areas of the Borough Code shall remain unchanged.

**BE IT FURTHER ORDAINED** this amending ordinance shall become effective upon due passage and publication according to law.

**APPROVED ON FIRST READING**

DATED: March 16, 2023

JEANNE SMITH

Clerk of the Borough of Oceanport

**ADOPTED ON SECOND READING**

DATED: April 20, 2023

JEANNE SMITH

Clerk of the Borough of Oceanport

**APPROVAL BY THE MAYOR ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_.**

**JOHN F. COFFEY, II**

**Mayor**