

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 2, SECTION 17 OF THE
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE, ENTITLED
“DEPARTMENT OF RECREATION AND CULTURAL AFFAIRS .”**

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, in the County of Essex and State of New Jersey, that Chapter 4, Section 33 of the Revised General Ordinances of the Township of West Orange is hereby amended and supplemented as follows:

I. PURPOSE

The purpose of this Ordinance is to avoid duplicating the prohibition of behavior already proscribed in criminal statutes, to revise the Township park ordinances to better reflect community standards of acceptable behavior, and to cultivate a more peaceful, family-friendly environment in local parks.

II. CHAPTER 2, SECTION 17 SHALL BE AND HEARBY IS AMENDED AND SUPERSEDED TO READ AS FOLLOWS:

2-17.1 Department Generally.

- a. There shall be a Department of Recreation and Cultural Affairs, the head of which shall be the Director. Prior to his/her appointment, the Director shall have a bachelor's degree from a recognized college or university, with specialized training in recreation or a related field, and at least four (4) years of experience in public recreation administration. The requirement of a bachelor's degree may be waived if a candidate for the position of Director has at least fifteen (15) years experience and training in the field of public recreation.
- b. At any time wherein the position of Director of Recreation and Cultural Affairs is vacant the duties of the Director of Recreation and Cultural Affairs, in part or in total, may be performed by a Deputy Department Head of Recreation. He/she shall receive such compensation as may be fixed by ordinance.

Any references within this section to a Recreation Director shall mean the Director of Recreation and Cultural Affairs or a Deputy Department Head of Recreation as the Director of Recreation and Cultural Affairs.

(1972 Code § 2-12.1; Ord. No. 888-87 § 1; Ord. No. 2307-11 § II)

2-17.2 Residency.

The Director of Recreation shall be a bona fide resident of the Township. A bona fide resident, for the purpose of this section, is a person having a permanent domicile within the Township and one which has not been adopted with the intention of again taking up or claiming a previous residence outside the Township limits. The Director need not be a full time resident at the time of appointment but shall establish bona fide residence in the Township within one (1) year of appointment or be dismissed from office. (1972 Code § 2-12.2; Ord. No. 888-87 § 2)

2-17.3 Advisory Committee; Program.

The Mayor shall appoint a Citizen's Advisory Committee on Recreation to advise and consult with the Superintendent. With the aid and assistance of the Committee, the Director shall plan and develop recreational facilities; promote and direct an all year program of cultural and leisure time activities for children, youth and adults; provide for the optimum coordination and development of public and private recreational facilities and programs. (1972 Code § 2-12.3)

2-17.4 Department; Functions.

The Department of Recreation and Cultural Affairs shall:

- a. Administer and operate parks, playgrounds and playfields and facilities for indoor and outdoor sports, athletic and recreational programs and activities for children and adults.
- b. Sponsor and administer cultural and recreational programs and activities in cooperation with other public and private agencies and organizations, and provide specialized programs for the aged, the handicapped and other special purposes.
- c. Employ and instruct the Department of Public Works with respect to the maintenance and repair of public buildings and grounds used, controlled or managed for recreational purposes by the Division.
(1972 Code § 2-12.4; Ord. No. 363-75 § 1; Ord. No. 390-76 § 1; Ord. No. 478-78, A 1)

2-17.5 Regulations.

The following acts are expressly prohibited and/or regulated by the Recreation Department and shall require enforcement under Chapter IV. The following such acts are prohibited and/or regulated:

- a. Other than in regulated parking areas, no vehicle shall be allowed within any park owned by the Township or under its jurisdiction at any time except for emergency vehicles or others with written permission from the Recreation Director.
- b. It shall be strictly prohibited for one to start or maintain a fire of any kind or to use barbecue equipment of any kind in any park owned by the Township or under its jurisdiction or on other Township owned or maintained property.
- c. It shall be strictly prohibited for one to operate a powered flight model in any park owned by the Township or under its jurisdiction or on other Township owned or maintained property.
- d. It shall be unlawful for a person to enter into any park owned by the Township or under its jurisdiction or on other Township owned or maintained property and post bills of any sort without the express permission of the Recreation Director.
- e. A permit shall be required for organized group/team practices, games and/or activities. All permits are issued through the Recreation Department. This shall include all recreational facilities and open space located within the parks and playgrounds deemed to be under the jurisdiction of the Recreation Department. The Recreation Department shall establish reasonable guidelines, policies, and prohibitions for the issuance of said permits.
- f. The use of all recreational facilities under the jurisdiction of the Recreation Department for financial gain by businesses, organizations, and individuals shall be prohibited without the written permission of the Recreation Department.
- g. Scholastic games and practices shall have priority over all other users including those who may have previously occupied the park area.
- h. Bike riding, roller blading, skateboarding and the use of any and all riding devices utilizing wheels or rollers are prohibited on all hard court surfaces within any Recreation facility.

- i. People are prohibited from wearing hard sole shoes on the tennis courts within any Township park. Additionally, the use of metal spiked or cleated footwear is prohibited on all artificial or synthetic surfaces.
- j. There shall be one (1) hour time limit for the use of the tennis courts when other players are waiting to use the tennis courts.
- k. The Recreation Department may charge and collect in advance a reasonable fee for admission to or use of facilities, programs, or activities as specifically authorized by Resolution of Council.
- l. Golfing activities are prohibited in all Recreation Department facilities.
- m. Abusive language and actions are prohibited in all Recreation Department facilities.
- n. The possession, use, and/or consumption of alcohol is prohibited in all Recreation Department facilities without the written permission of the Recreation Director.
- o. Smoking of cigarettes and use of tobacco products within or adjacent to public parks, playgrounds and ballfields under the jurisdiction of the Recreation Department is prohibited.
- p. Excessive noise is prohibited at all times.
- q. All dogs must be leashed within the confines of all Recreation Department facilities. Furthermore, dogs shall be prohibited from being inside the confines of a Kiddie Park, as defined herein.
- r. No littering or dumping is permitted. Dumpsters located within all Recreation Department facilities are restricted to municipal use only.
- s. All activities that endanger the health, safety or welfare of others, or that breach the public peace, are prohibited at all times.

(1972 Code § 2-12.5; Ord. No. 1722-00 § 1)

2-17.6 Public Parks; Hours and Regulations.

- a. The following public parks of the Township, and the parking areas located within or adjacent thereto, shall be closed to the public and for parking of any vehicles between the hours of 10:00 p.m. and 6:00 a.m. prevailing time unless otherwise posted.
 - 1. Byrne Memorial Park;
 - 2. Colgate Field;
 - 3. Degnan Memorial Field;
 - 4. Stagg Field;
 - 5. Lafayette Playground;
 - 6. William E. Boland Park;
 - 7. O'Connor Park;
 - 8. Jenkins Playground;
 - 9. Rolling Green Tennis Courts;
 - 10. Minish Park;
 - 11. Gilbert Place;

12. Club Boulevard Playground;

13. Ridgeway Avenue Park.

Any and all future parks under the jurisdiction of the Municipal government of the Township of West Orange.

- b. It shall be unlawful for any person to enter in or upon, occupy, be present in or park any vehicle, or suffer or permit to be parked any vehicle in the aforesaid public parks, or parking areas located in or adjacent thereto, between the hours of 10:00 p.m. and 6:00 a.m., prevailing time, and it shall be unlawful for any person or persons to at any time remove, damage, mutilate, deface or destroy any barricade, chain, notice, sign or other object used to block the entrance to the aforesaid public parks or parking areas, or indicating that the parks or parking areas are closed.
- c. Nothing herein contained shall be deemed or construed to apply to:
 - 1. Personnel of the Township engaged in or conducting Township business in any public park or parking area.
 - 2. Any group or organization holding a permit to conduct an activity in such park or parking area for a period specifically prohibited.
 - 3. Any person found in a park or parking area by reason of an unusual or unforeseen emergency.
- d. There are areas within each park listed in subsection 2-17.6a, except for Rolling Green Tennis Courts, that contain playground apparatus. These areas are considered "Kiddie Parks." "Kiddie Parks" are to be used by children under the age of twelve (12) years old and under the supervision of an adult.
- e. It shall be unlawful for any person, regardless of age, to enter in or upon, occupy, be present in or park any vehicle, or suffer or permit to be parked any vehicle in any of the "Kiddie Parks," or the parking area located in or adjacent thereto, after 10:00p.m.
(1972 Code § 2-12.6; Ord. No. 313-74, S 1; Res. 2416-76; New; Ord. No. 1722-00 § 2)

2-17.7 Use of Facilities by Non-Residents; Rules and Regulations; Exceptions.

- a. Township owned playgrounds, fields and other recreation facilities shall only be utilized by bona fide residents of West Orange.
- b. The Department of Recreation shall promulgate rules and regulations designed to carry out the intent and purpose of this subsection.
- c. The provisions of this subsection shall not apply to any recreation facility wholly or partially constructed or improved with New Jersey Green Acres trust funds.
(Ord. No. 1527-98)

2-17.8 Registration Policy for Participation in All Recreation Programs.

Each and every time a West Orange resident completes a registration form for participation in a Township of West Orange Recreation Program, the resident must provide documents to demonstrate (i) Parent/guardian proof of identity and residency (ii) Child's proof of identity and school enrollment status.

- a. Proof of parent/guardian identity and residency by providing one of the following documents:
 - 1. Valid New Jersey Division of Motor Vehicle Driver's License showing a West Orange address;
 - 2. Valid New Jersey Division of Motor Vehicles ID Card showing a West Orange address;
 - 3. Valid West Orange Recreation Department ID Card.

- b. Child's Documentation. Both of the following documents must be provided:
 - 1. Child's birth certificate; and
 - 2. Child's most recent report card.
- c. *Proof of Custodial Situations.* Legal and binding court documents and/or a correspondence or document signed by an attorney-at-law attesting to the custodial situation shall constitute sufficient proof of the custodial situation.
(Ord. No. 2148-07 § II; Ord. No. 2219-09 § II)

2-17.9 Penalties

Any person or entity that violates any of the provisions of Sections 2-17.5 through 2-17.8 or any rule or regulation expounded pursuant hereto shall be subject to the replacement, repair or restoration of any damaged park or recreation area property and shall be liable to a penalty as follows:

- a. First offense: twenty-five dollars (\$25).
- b. Second offense: fifty dollars (\$50).
- c. Third offense: one hundred dollars (\$100).

III. REPEAL OF CONFLICTING ORDINANCES

Any Ordinances of the Township, which are in conflict with this Ordinance, are hereby repealed to the extent of such conflict.

IV. SEVERABILITY

If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereof shall not affect the remaining parts of this Ordinance.

V. EFFECTIVE DATE

This Ordinance shall take effect upon final passage and publication in accordance with the law.

Robert D. Parisi, Mayor

Susan McCartney, Council President

Karen J. Carnevale, Municipal Clerk

Introduced: September 9, 2014

Adopted: September 23, 2014

Approved as to form on the basis of the facts provided:

Legislative History

The purpose of this Ordinance is to avoid redundancies between regulations found in the Municipal Code and proscriptions already contained in relevant criminal statutes. Additional purposes for revisions include: a desire to have the regulations reflect shared community standards of satisfactory behavior and to cultivate a tranquil environment in the local parks. In order to prevent redundancies between Municipal Code regulations and related criminal statutes, it is desired to eliminate regulations pertaining to vandalism and other behaviors already outlawed by criminal statute. In order to cultivate a more tranquil environment in the local parks, it is necessary to explicitly proscribe excessive noise, abusive language, cigarette smoking and other analogous behaviors that present a persistent source of annoyance or imperil the health, safety, and welfare of residents. The Director of Recreation and the Chief of Police have both recommended the changes herein.