TOWNSHIP OF LUMBERTON, NEW JERSEY

ORDINANCE NO. 2016 –12

AN ORDINANCE TO REPEAL CHAPTERS 63 AND 65 AND REPEAL AND REPLACE CHAPTER 213 OF THE GENERAL CODE OF THE TOWNSHIP OF LUMBERTON ENTITLED "PARKS AND RECREATION AREAS" WITH A NEW CHAPTER AIMED AT PROPER PERMITTING AND MAINTENANCE FOR RECREATION FACILITIES

WHEREAS, Lumberton Township has expanded its parks system and made significant facility improvements to parks and recreation areas; and

WHEREAS, the Township Codebook, at Chapter 63 entitled "Recreation Advisory Committee" and at Chapter 65 entitled "Board of Recreation Commissioners" establishes and maintains advisory committee which are no longer utilized in the course of providing recreational opportunities to Township residents; and

WHEREAS, a review of Chapter 213 of the Code confirms that the rules and regulations governing the permitting, use and maintenance of parkland is also in need of renovation as the same is outdated and will not lend itself to the proper care and maintenance necessary to sustain the improvements offered to our residents and visitors; and

WHEREAS, the Township determines to repeal and replace the existing ordinance to meet these needs.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Township Committee of the Township of Lumberton, County of Burlington, State of New Jersey as follows:

Section One. Repeal of Certain Chapters & Policies

Chapter 63 of the Codebook of the Township of Lumberton entitled "Recreation Advisory Committee" is repealed in its entirety.

Chapter 65 of the Codebook of the Township of Lumberton entitled "Board of Recreation Commissioners" is repealed in its entirety.

The Lumberton Recreation Commission Facilities Use Policy is repealed in its entirety.

Section Two. Repeal and Replacement of Chapter 213.

Chapter 213 of the Township Code be and is hereby repealed in its entirety and replaced with a new Chapter 213 entitled "Parks and Recreation" to read as follows:

"Parks and Recreation.

§213-1 Purpose.

The Township of Lumberton hereby determines that the establishment of regulations concerning permissible activities, proper permitting, facility maintenance and the establishment of hours of use for Township-owned parks and property is necessary to further the public health, safety, morals and general welfare of the Township and to preserve and protect Township-owned parks and property.

§213-2 Legislative Findings.

The Lumberton Township Committee recognizes that:

A. Municipal facilities are public property and, as such, should be made available for public use, when it is determined that such use would not subject facilities or participants to any harm or injury; and

B. Use of municipal facilities should be programmed and regulated for the convenience of their users in order to ensure availability and safety; and

C. Proper maintenance and care is required in order to maintain these facilities and keep them in proper condition for their users; and

D. Certain activities such as community events, fundraising activities and sports tournaments require significant lead time, planning and escrows to ensure that organizers of such activities are responsible for any municipal costs that may be generated based on the logistics of the activity.

E. As such, the Township creates the following Chapter as a means of improving the accessibility of Lumberton's municipal facilities and, at the same time, providing for their safe, constructive and prolonged use.

§ 213-3 Definitions.

As used in this chapter, the following words shall have the following meanings:

RECOGNIZED LUMBERTON SPORTS ORGANIZATION - A non-profit organization with the primary mission of providing sports and recreation opportunities for Lumberton youth 18 years of age or under. At plurality of the participants in the organization shall be residents of Lumberton or enrolled as a student in the Lumberton School District. If there is more than one organization providing services for a particular sport, the Township shall identify which organization in the primary organization depending upon but not limited to, the following characteristics: length of service to the municipality, number of participants, volunteer services provided toward maintenance and upkeep of the facilities and participation by the organization in other Township sponsored events. The decision as to primary designation is exclusive to the Township. It is the Township intent to announce and approve primary organizations on an annual basis via resolution.

SEASON – a period of four months or 120 calendar days, whichever is shorter.

SPORTS ACTIVITY – actions by teams limited to games, scrimmages and practices involving the full team. The terms shall not include clinics, individual training or tournaments which create different issues for the parks facilities including improper wear and tear on fields, traffic, and facility maintenance.

§ 213-4 Park and Facility Hours.

A. Unless secured by a locked gate, all outdoor parks and parking areas shall open daily from one hour before sunrise to one hour after sunset. No person and/or vehicle shall be present in any designated park at a time other than these designated hours unless approved by permit.

B. Where a park or a portion thereof, is secured by a gate, the park or portion of the park so secured, shall be opened to the public by a Township employee with the authority to unlock and open the gate upon a call to the number listed on the gate to the facility.

C. Except for indoor athletic courts and athletic fields and designated parking areas specifically designed for and illuminated for night activity, it shall be unlawful for any individual to be in, or upon, any Township-owned park or property after dusk or before dawn on any given day. This prohibition shall not be in effect during or within a ½ hour after cessation of Township-sponsored events or other special events when permission for said events has been granted by the Township Committee.

D. Where a field and/or parking area is illuminated, no individual shall remain in the park or designated parking area more than a ½ hour after the cessation of the use of the parks and/or parking area.

E. Without prior written consent and permit for a specific date, the lights in Township parks shall be completely turned off by 11:00 p.m. each night. Sports organizations and those authorized to use sports fields shall conclude their events with enough time to allow for the end of game field maintenance, securing of all equipment and the safe and orderly departure of all participants and guests prior to the 11:00 p.m. termination time.

F. Persons who are walking through the park on designated walkways are excluded from the closing-hour designation, provided that their length of time in the park is limited to that required to traverse the park area and does not involve any recreational activity while doing so.

G. Any section of part of any park may be declared closed to the public at any time and for any interval of time, either temporary or a regular and stated intervals (daily or otherwise) and either entirely or merely for certain uses.

§ 213-5 Priority of Use of Facilities; Application

A. In general, unless specific areas are closed for maintenance or inclement weather or require a permit as established herein, the facilities within Lumberton's parks are available on a first-come, first serve basis without charge to the user.

B. Applications are not required for the unreserved use of parks, playgrounds and open space areas. However, a party or group that has reserved a particular facility and is in possession of an approved Township issued permit will receive priority over a group lacking such a permit.

C. Any event, activity or gathering proposed which shall include fifteen (15) or more participants, including the organizer, shall require a permit issued by the Township Committee.

D. Use of indoor recreational areas requires a permit.

E. A sports activity permit for a field or facility may be obtained by submitting an application, including all requested materials and the associated fee and/or escrow, for said use not more than eight (8) months prior to the permit date nor less than (30) days prior to the date requested. Sports activity permits shall not permit the use of assigned fields for clinics, training sessions or tournaments. All permits shall be conditionally approved and made formal upon the payment of the permit fee, escrow and the submission of the insurance certificate. Fees, escrow payments and insurance certificates shall be due no later than thirty (30) days prior to the event.

F. A permit application for a special event, community event or sports tournament that is expected to draw more than one hundred (100) participants shall be made not less than sixty (60) days prior to the requested date to allow for ample review and, if approved, preparation and scheduling of municipal resources.

G. Permits to conduct sports clinics or group or individualized training sessions shall be made to and, if reasonable, granted by the Township Committee after review of the impact of such activity on the park. Because of the Township's vast knowledge and experience with designated primary organizations, only those organizations designated as a primary organization shall be entitled to seek, hold or use a permit for clinics and training.

H. Specific permitting is established in Sections 213-15& 16 regarding the use of space in existing and community garden or dog park areas.

I. When more than one complete application is received for the same date(s), the following priority order will apply. In all instances, priority is given to Lumberton Township residents over non-residents.

(1) Meetings or events, directly sponsored by the Township Committee for municipal purposes.
(2) Meetings of Municipal Advisory Boards and Committees for municipal purposes.
(3) Meetings or events directly sponsored by Township Departments and/or employees for municipal purposes.
(4) Meetings held for the discussion of municipal issues.
(5) Recognized Lumberton Sports Organizations with priority to Primary organizations as described in Section 213-3.
(6) Non-profit Lumberton adult sports organizations
(7) Non-profit Rancocas Valley Regional High School sending district sports organizations.
(8) Other youth recreational activities or service organizations.
(9) Other adult member sports organizations.
(10) Private functions or gatherings.
(11) Other.

J. The permit shall include the following information on a form prepared by the municipality:

(1) Organization Name
(2) Contact Name and Information
(3) Dates requested
(4) Locations requested
(5) Purpose of the activity
(6) Expected number of participants
(7) If participants are minor, demonstrate the ratio of supervisors/chaperones to be present.
(8) Expected number of vehicles
(9) Request for special features (concession stands, lights, electric, cooking, etc).
(10) Demonstration of Insurance
(11) All applicable fees, security deposit and escrows
(12) If seeking to be a recognized Lumberton Sports Organization, provide a full roster of participants including last name, age and home address. This list will be reviewed the Township and returned upon approval or denial of request and, as such, shall not be made, kept or maintained by the municipality.

§ 213-6 Application review.

A. Once received, the permit shall be reviewed by the Township Administrator or his designee and shall consider, but not be limited to, the availability of the requested use, the impact on the remainder of the park system, and the need for additional municipal personnel.

B. The Township Administrator shall evaluate the permits and make recommendation to the Township Committee to accept or deny the permit applications.

C. If denial is recommended, the Township shall notify the applicant by writing, facsimile or electronic communication as to the reason why rejection is recommended and the date for consideration by the Township Committee. The applicant shall have the right to be heard at the public meeting before a final determination is made by the Township Committee.

§ 213-7 Time Length for Permits.

A. Permits may be issued for individual day activities/events or for season long sports activities.

B. Single day permits shall only be valid for the date identified in the permit and any rain date that may be provided in the permit.

C. All permits shall include an expiration date which shall be no longer than four (4) months after issuance.

D. The Township reserves the right to suspend a permit, close a park or close a specific area of a park, based upon actual or the threat of inclement weather or unforeseen events within the Township or County that cause the utilization of municipal resources to be unavailable to safely conduct the permitted event. The Township will make every effort to notify the permit holder but, as a condition of issuing the permit, shall not be liable for any cost, loss or damage associated with a weather or unforeseen event suspension or permit or park closure.

§ 213-8 Fees; Security Deposit; Escrow

A. Unless a permit is required or requested, facilities within Lumberton's parks are available without charge to the user.

B. Application fees:
There shall be a non-refundable application fee due at the time of application for a permit for an individual use or season long permit. This fee is established to cover the municipal cost for processing the application and coordinating field use and has been calculated based on historical permitting in an effort to equal the cost to the municipality for the employee assigned to this task. The fees are as follows:

1. Single Use Permit	$ 25.00
2. Season Long, Recognized Sports Organization	$250.00
3. Season Long, all others	$500.00

The Township Administrator may waive the application fee for single day, charitable events organized by a not-for-profit organization.

C. The fees for single use of parks and recreation improvements for a two hour permit are as follows:

Facility	Residential Fee	Non-Residential Fee
UNLIT		
Grass Sports Field	$30	$60
Tennis Court	$20	$40
Basketball Court	$20	$40
Baseball Sports Field	$25	$50
LIGHTED		
Grass Sports Field	$45	$90
Tennis Court	$25	$50
Basketball Court	$25	$50
Baseball Sports Field	$30	$60
Pavilion Rental	$35	$70

D. The fees for season long sports events shall be as follows:

	Residential/RSO	Non-Residential
Unlit Field Permit		
1 or 2 field permit	$300	$600
3 or more fields permit	$500	$1000
If any of the fields contain lights		
1 or 2 field permit	$500	$1000
3 or more fields permit	$750	$1500

1. The fee for Recognized Sports Organizations may be waived by the Township Administrator upon the demonstration that the organization provides an equivalent amount of service time to the parks system through in-kind services and maintenance of the sports fields. On or before December 1st of each year, the recognized sports organization shall provide the Township Administrator with a notarized affidavit and IRS Form 990 demonstrating in-kind services and values to be used as consideration by the Township Administrator in determining whether to waive fees.

2. Regardless of the existence of a permit, the Township, in its sole discretion, may shut down a field or fields for a portion or an entire season where weather, maintenance or safety reasons are justified.

E. Fees for Special Events/Community Events shall be as follows:

Special Event permitting pricing will be considered on a case-by-case based upon the fees above and the in Section F & G below.

F. Fees for Sports Tournaments shall be as follow:

Tournament fee permitting pricing are listed and shall also include the costs in Section F & G below.

1. Use of five or less fields - $500
2. Use of more than five fields - $1,000

G. Security Deposit: A minimum $200 returnable security deposit is required with all applications. This deposit will be used to cover damage to Township property or cleaning required due to the use of the site. If damage is greater than $200, the permit holder and/or organization, joint and severally, shall be responsible for all repair costs. Users will be notified in writing by the Township Administrator if any such charge will be assessed and if the cost is greater than the initial deposit required.

H. Escrow for special events, community events and sports tournaments will be required to pay for additional public work employees and/or police officers at the following rates:

1. Public Works Employees $45 per hour
2. Police Officers $65 per hour

§ 213-9 Duties of Permit Holders.

A. Supervision

1. Applicants granted facilities use are responsible for the proper supervision of all participants and spectators. Those participants under the age of 18 years are not to be left unattended at any time.

2. Applicants granted use of facilities will be held responsible for any personal injury or property damage resulting from the lack of supervision or poor supervision of participants or spectators.

B. Security

1. The permit holder shall be responsible for ensuring the proper security levels are established to control crowd and conduct orderly parks and recreation activities. When it is determined that security may be an issue due to the nature of the event or the volume of expected attendees, the permit holder shall be responsible for coordinating the use of off-duty police officers for special assignment work as permitted by Township policy. The permit holder shall be responsible for the cost of the off duties officers.

C. Maintenance and Use of Facilities

1. Permittee shall perform a pre-inspection and post-inspection of the facility.

    a. If during the pre-inspection, the permit holder identifies a safety or maintenance issue, he shall determine if the issue can be resolved to ensure the safety of participants and the protection of fields or facilities. If the same cannot be resolved, the permit holder shall postpone or cancel the event until the condition is resolved.

2. In the use of athletic fields, the permit holder shall suspend play when

    a. inclement weather has left standing water on the playing surface or fields; or

    b. inclement weather is occurring during the event which threatens the safety of the participants or the overall condition of the field.

3. Permittee must report any problems encountered with the facility, including but not limited to, safety issues, broken equipment or general maintenance issues to the Township within 24 hours of the conclusion of the activity.

4. Proper use of facilities is of the utmost importance. The permit holder shall ensure that unauthorized uses are not occurring during the permit access to the fields.

5. Organizations or groups failing to abide by the provisions of this policy will be asked to curtail their event(s) and may be denied future use of Township facilities as provided in this Chapter.

6. Facilities must be left clean and orderly.

D. Damage

1. Users of facilities automatically assume responsibility and liability for all damages and loss to Township property that occurs while using said facilities.

E. Parking

1. Parking is limited to designated parking areas.

2. No vehicles are permitted on any park, playground or open space, except for emergency situations only or when directed by a municipal agent and authorized by the Township Committee at a special event.

3. Violation of the parking policy will result in revocation of the applicant's privilege to continue utilizing the facility.

§ 213-10 Revocation or Suspension of Permit.

A. If during the course of performing activities under a valid permit, the Township Administrator, his designee, any elected official, any Township employee or uniformed law enforcement officer shall have the authority to stop or suspend any activity that the official believes is a potential threat to the safety of participants or to the maintenance of the field or facility.

B. The Township's representatives shall have the authority to recommend to the Township Administrator suspension or revocation of a permit if the applicant or any person acting on his behalf shall violate any of the provisions of this policy or any rule or regulation of the Township or any of the restrictions, terms or conditions under which the permit was issued or fails to take corrective action when so directed by the Township representative.

C. In the event of such recommendation, the Township Administrator shall perform whatever investigation is necessary and proper to fully understand the events which led to the recommendation and determine to revoke, suspend, warn or take no action against the permit holder. In the event of a revocation or suspension, the applicant shall have the right to request an appeal to the Township Committee within five (5) days of receiving written notice.

D. Any individual or organizations whose permit is revoked shall be barred from applying for a new permit for two (2) calendar years unless good cause can be shown by the organization the series of steps taken to correct the action(s) or omission(s) which led to the revocation.

E. Any individual or organization that attempts to use a municipal park or facility after a permit has been revoked or suspended shall be guilty of trespass and, in addition to being issued a code violation under this ordinance, shall be issued a summons under the New Jersey Criminal Code. In addition, the length of time to reapply for a permit shall be extended an additional two (2) years for each violation of this provision.

§ 213-11 Use of Municipal Parks for Profit Making Ventures

A. The Township shall not permit any person or entity use of municipal parks or facilities or portions thereof, to operate a profit making venture whether the same be a class, sports clinic, lessons, advertising or concession of any kind.

B. Exceptions.

1. Concession Stands. Recognized Lumberton Sports Organizations may utilize available concession stands, under their properly issued and valid season long permits for the use of adjacent sports fields.

a. As a condition of utilization of the concession stand, the permitted organization must demonstrate that thirty percent (30%) of the profit generated from the sales are reinvested into the facility through either the purchase of materials to maintain the field(s) or the labor associated with maintaining the field.

b. As a condition of use, and as a pre-requisite for the issuance of any future permit for the organization, the permitted organization shall produce the affidavit described in section 213-8(D)(1) demonstrating the sales generated from the use of the concession stand and a demonstration of the organization's efforts to re-invest those funds into the field.

2. Field Sponsorship Signs. Recognized Lumberton Sports Organizations may solicit and install field sponsorship signs under the same financial conditions identified in B(1) above. In addition, all sponsorship signs must conform with the requirements of §213-12.

3. Sports Trainers. As a means of producing more competitive athletes and improving the safety of play, Recognized Lumberton Sports Organizations may engage the services of sports trainers, hitting instructors and specialists to work with teams or individual members as long as the payment for such services in made from the participant through the Recognized Lumberton Sports Organization. The trainer may only be paid through the Recognized Lumberton Sports Organization.

   a. As a condition of use, and as a pre-requisite for the issuance of any future permit for the organization, the permitted organization shall produce the affidavit described in section 213-8(D)(1) demonstrating the income generated from the use of contracting with trainers, the cost of contracting with said trainers and a demonstration of the organization's efforts to re-invest thirty percent (30%) of the funds generated into the field.

C. Specialized Classes.

1. Any individual or entity interested in taking or offering a class or activity in a public park shall contact the Township Administrator in writing to propose that such a class be offered.

2. If the Township Administrator, in consultation with the Township Committee, determines that a class, lesson, or instruction, will provide a worthy benefit to the residents of the community, he shall seek permission from the Township Committee to either hire an individual on a part time basis to conduct the class or solicit requests for proposals from the qualified vendors to offer the class pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.

   a. The Township shall only engage in classes, lessons or instructions where it is demonstrated that the class will not become a drain on fiscal resources of the Township or the maintenance and upkeep of the park or park facility or unnecessarily interfere with the peace and enjoyment of the park.

§ 213-12 Standards for Field Signs.

A. In an effort for uniformity and to ensure the safety of park visitors, the following sign sponsorship regulations are enacted.

1. Only Recognized Lumberton Sports Organizations are permitted to hang signs.

2. Signs shall be made of corrugated plastic or vinyl with grommets in each corner and with at least one additional grommet in the middle of each side.

3. Signs shall be rectangular in shape and be limited in size to no greater than 3 foot by 3 foot in size.

4. Corner and edges should be smooth and not contain sharp edges to prevent opportunity for injury.

5. Signs shall be secured to existing sports fencing using zip ties. Where no fencing exists, signs may be installed using standard steel stakes ensuring that the stake is at least two inches (2") lower than the top of the sign to prevent protruding objects.

6. No sign shall be installed to interfere with the regular conduct of the sport nor to create a danger for the athletes using the field or a visual barrier for spectators.

7. Signs shall be removed at the end of the playing season.

8. The Recognized Lumberton Sports Organization shall provide a plan with the placement of sign. Plan must be approved by Township Administrator and Recreation Liaisons.

§ 213-13 Special Events; Community Events; Sports Tournaments

In addition to the general permitting requirements established herein, special event, community events or sports tournaments that are expected to draw one hundred or more participants or run over more than one (1) day, will require the following additional information and be subject to more detailed review.

A. The application shall contain the following information:

1. The name and address of the applicant.
2. Proof that the organization is organized as a 501(c)(3), not-for-profit organization.
3. Sports Tournament applications shall only be made by Recognized Lumberton Sports Organizations for their organizations.
4. The name and address of the person, persons, corporation, association or organization; the name and address of the president and secretary of said organization and relationship of applicant to said organization.
5. The date and time for which permit is desired.
6. The park or portion thereof for which such permit is desired.
7. The activity to be undertaken or reason for the application.
8. The number of persons anticipated to participate.
9. Site sketch of all areas including any temporary tents, vendor stations etc.
10. Parking measures in place including location and logistics for ensuring the safety of motorist and pedestrians.
11. Security measure in place, including a request for Lumberton Police Officers
12. Custodial measures in place, including trash removal and restroom maintenance, including a request for Lumberton Public Works Department labor
13. Any other information which the Township shall find reasonably necessary to make a fair determination as to whether a permit should be issued.

B. Standards for issuance of a use permit by the Township.

Standards may include the following findings:

1. That the proposed activity or use of the park or recreational area will not unreasonably interfere with or detract from the general public enjoyment of the park.
2. That the proposed activity and use will not unreasonably interfere with or detract from the promotion and maintenance of public health, welfare, safety and recreation.
3. That the proposed activity or uses that are reasonably anticipated will not induce or tend to induce violence, crime or disorderly conduct.
4. That the proposed activity will not entail extraordinary or burdensome expense on Township police, public works operations or other township resources.
5. That any fees assessed participants or requests for contributions will be solely for the purpose of offsetting or equaling the organization's reasonable expectation of expenses to be incurred.
6. That the facilities desired have not been reserved for another use at the date and time requested in the application.

7. That the applicant shall submit the necessary insurance requirements.
8. Posting of an escrow as determined by the Township Administrator. By way of example, escrows shall consider the above factors, the cost to provide additional police or public works manpower and the potential damage to the facility. The below figures are minimums required based on past experiences of municipal events:
   (a). standard sports tournament - $500.00 per day
   (b). band concert - $2,000.00
   (c). car show - $500.00

C. Conditions of issuance.

All permits for seasonal or special events issued shall be on the condition that:

1. The Permittee shall be bound by all park rules and regulations and all applicable ordinances fully as though the same were inserted in the permit.

2. The person, persons or organization to whom the permit is issued shall be liable for all loss, damage or injury sustained by any person whatever by reason of negligence of the person, persons or organization to whom such permit shall have been issued. The Township shall have the right to require that prior to the issuance of a permit or commencement of the activity, the applicant submit evidence of liability insurance covering injuries to members of the general public arising out of such permitted activities, in such amounts as may be from time to time determined by the Township.
3. The Permittee shall maintain the park, recreational area or facilities by removing all trash or debris and restoring the area or facilities to a condition equal to or better than its condition prior to the granting of the permit. In the event that special or extraordinary maintenance is required or additional costs are incurred for a proposed use or activity, such costs shall be borne by the applicant.
4. No structures shall be erected or placed, no utilities installed, run or extended and no alteration of a natural or man-made feature, facility or object shall be allowed unless so authorized in the permit issued by the Township and, when so authorized, in accordance with its requirements for such use and alterations.
5. No permit shall be valid except for the facilities, area and time expressly set forth therein.
6. The Permittee will obey any other reasonable requirement, condition or restriction which the Township authorizes.
7. Fees may be charged for a permit and the Township may require a cash deposit or bond in reasonable amount to ensure performance of the terms and conditions of the permit, which deposit shall be refundable after deducting the cost of necessary expenses incurred by the Township in restoring the leased area to the condition the same was in at the time the permit was issued, reasonable wear and tear excepted.

§ 213-14 Agreement with Board of Education.

The Township reserves the right, with respect to any and all of the public park and recreation areas and any facilities located therein, to enter into any agreement with the Board of Education of the Township, or Business Administrator designee, concerning the control and use thereof. Anything contained in this chapter to the contrary notwithstanding, any use of premises or facilities by the Board of Education pursuant to any agreement with the Township Committee heretofore or hereafter entered into shall be free and exclusive from any control or supervision of or by the Township Committee.

§ 213-15 Specific Rules for Community Garden.

The Township has established a community garden and make seek to expand such programs based upon the success of the garden program. The Township Administrator in coordination with the Township Solicitor and the Parks and Recreation and Engineering Committee liaisons is authorized to establish specific rules for garden program, including appropriate use fees, to post the same at the facility and to provide a copy to all individuals who seek to utilize the community garden. The Administrator may also propose changes to the rules and fees from time to time and the same may be approved by Resolution of the Township Committee.

§ 213-16 Specific Rules for Dog Parks

The Township has established a dog park and may seek to expand such facilities based upon the success of the initial park. The Township Administrator in coordination with the Township Solicitor and the Parks and Recreation and Engineering Committee liaisons is authorized to establish specific rules for dog park, to post the same at the facility and to provide a copy to all individuals who seek to utilize the dog park. The Administrator may also propose changes to the rules from time to time and the same may be approved by Resolution of the Township Committee.

The following rules are adopted for the dog park:

1. Dogs shall be kept on leashes at all times except in designated "off-leash" areas.
2. "Off-leash" dogs must be under voice control by their owners at all times. If voice control is not possible, do not enter "off-leash" areas.
3. Dog owners must have the leash in hand at all times. In the event of problems, dog owners should be able to quickly leash and remove their dogs from the premises.
4. Dog owners must remain in the park and keep their dog in view at all times, especially in "off-leash" areas. No dog may be unattended.
5. All dogs must have up-to-date vaccinations prior to entering the dog park.
6. Dogs must have current rabies and applicable license tags clipped to their collars at all times.
7. Puppies under four months of age should not enter the park.
8. No infants or small children are permitted in the dog park.
9. Owners are responsible for the behavior of their animals. Animals who have a documented history of injuring other animals or humans may be prohibited from using the park
10. Aggressive dogs are not allowed in the park. Any dogs showing signs of aggression should be removed from the premises.
11. No dog declared vicious or potentially dangerous under New Jersey statutes or a court of competent jurisdiction is permitted in the park under any circumstances.
12. Female dogs in heat are not permitted in the dog park.
13. Do not bring human or dog food inside the park. Small dog treats may be permitted, depending on the dog park or dog area.
14. Do not give treats to any dog without the owner's permission.
15. Do not bring any dog toys inside the park.
16. Owners must clean up any dog droppings made by their pets. Bag all droppings before depositing them in provided receptacles.
17. Owners must fill in any holes made by their pets.
18. Do not brush or otherwise groom pets inside the park.
19. Training may not be permitted inside the dog park.

§ 213-17 Specific Rules for Boat Launch Ares

Reserved for future rules and regulations for boat launch.

§ 213-18 Insurance and indemnification.

A. INSURANCE

1. Formal organizations (i.e., Boy Scouts, athletic leagues) that wish to use municipal facilities must maintain adequate insurance coverage and provide proof of coverage with their application. An original executed Certificate of Insurance is required at the time of permit issuance. Informal groups, however, are free to use facilities without insurance coverage, contingent upon the execution of an Indemnification and Waiver, which is described in Section B.

2. Insurance requirements may also be waived for municipally sponsored meetings or events.

3. Determination as to whether a group is formal or informal will be made by the Township Administrator. Factors that will be considered include, but are not limited to, incorporation status, size of membership, frequency of gatherings, and existing insurance.

4. Those users required to have insurance must present satisfactory evidence (original executed Certificate of Insurance) of insurance protection for participants, spectators, coaches and the public within the following terms and conditions. The applicant must maintain Commercial General Liability insurance with limits of liability not less than $1,000,000 ($1 million) per occurrence and aggregate. The policy will provide coverage for the user's activity at the approved facilities, and shall state such activities on the Certificate of Insurance. The Certificate shall name the Township of Lumberton as the Certificate Holder and as an Additional Insured for the full duration of the use of the facility(ies).

B. INDEMNIFICATION AND WAIVER

1. Users 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 Township of Lumberton arising out of the use of the facility resulting in personal injury and/or property damage. The users must recognize and acknowledge that they assume all risks in connection with the use of the facility.

2. Users must indemnify the Township of Lumberton 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, and, the defense of any such claims or action, whether the liability, loss or damage is caused by, or arise out of negligence of the Township, or any of the agents, employees or otherwise. The user must further agree to reimburse the Township for any and all expenses, attorney's fees, or costs incurred in the enforcement of this waiver and indemnification.

§ 213-19 Facilities Use Forms

The Township adopts the Lumberton Township Facilities Use Forms which are attached hereto as Exhibit A and incorporated herein.

The Facilities Use Forms may be amended from time-to-time by the Township Administrator or his designee. This Chapter, any amendments thereto, shall have priority over the Facilities Use Forms in the event of any inconsistencies between the documents.

§ 213-20 General rules and regulations for all park users; prohibited acts.

The Township Committee shall have the authority to establish park rules and regulations, and to amend same from time to time. Provided said rules and regulations are posted, said rules and regulations may be enforced under this chapter.

A. In addition to any federal or state law which has precedence, it shall be unlawful for any individual to be in or upon any Township-owned park or property for the purposes of or while in the conduct of any activity which is in violation of the rules and regulations established by the Township, this chapter, or any of the ordinances of this Township.

B. In addition to the rules and regulations as may be prescribed and posted from time to time by the Township Committee, no person in a public park or recreation area shall:

(1) Willfully mark, deface, disfigure, injure, tamper with, displace or remove any buildings, bridges, tables, fences, benches, fireplaces, grills, paving or paving materials, waterlines, public utilities or parts of appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts or other boundary markers or other structures, facilities, park property or appurtenances whatever, either real or personal.

(2) Construct or erect any building or structure of whatever kind, whether permanent or temporary, or run or string any public-service utility into, upon, under or across such lands, except by special written permit issued hereunder.

(3) Dig or remove any soil, rock, sand, stones, wood or wood materials or make any excavation by tool, equipment, blasting or other means except with written authorization of the Township.

(4) Damage, cut, carve, transplant or remove any tree or plant or injure the bark, pick flowers or seeds of any plants or tree, dig in or otherwise disturb grass areas or in any other way injure the plant life.

(5) Climb any tree or walk, stand or sit on monuments, planters, fountains, railings, fences or upon any other property not designated or customarily used for such purposes.

(6) Tie or hitch any animal to any tree or plant or any man-made structure.

(7) Hunt, molest, harm, frighten, kill, trap, pursue, chase, tease, shoot or throw missiles at any animal, wildlife, reptile or bird, nor shall any person remove or have in his/her possession the young of any wild animals or the eggs or nest or young of any reptile or bird. Exception to the foregoing shall be made in case of self-defense against poisonous snakes.

(8) Throw, discharge or otherwise place or cause to be placed in any body of water, 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.

(9) Dump, deposit or leave trash, dirt, bottles, broken glass, refuse, garbage, debris or other waste materials.

(10) Solicit moneys or contributions for any purpose, whether public or private, unless written permission is granted by the Township.

(11) Build, attempt to build or start a fire except in such areas and facilities and under such regulations as may be designated and set forth by the Township. No person shall drop, throw or otherwise scatter lighted matches, burning cigarettes, cigars, tobacco paper or any other flammable material within a park or on any highways, roads or streets abutting or contiguous thereto.

(12) Leave a picnic fire unattended nor leave a picnic area before any fire is completely extinguished.

(13) Open fires are prohibited, except when approved by the Township and any and all government agencies having jurisdiction therein. However, charcoal grills are permitted in designated picnic areas.

(14) Have in his/her possession, or set or otherwise cause to explode, discharge or burn, any firecrackers, torpedo rockets or other fireworks and explosives, or discharge or throw said explosives 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 in terms of flammability and explosion. Upon proper application, the Township may grant permits for conducting properly supervised firework displays in designated park areas.

(15) Carry or possess firearms of any description or air rifles, spring guns, bows and arrows, slings or any other form of weapons dangerous to human safety and wildlife, or any kind of trapping device. Instruments that can be loaded with and fire blank cartridges may be permitted upon application and approval of a special permit in accordance with the standards and regulations set forth herein. Shooting into park areas from beyond park boundaries is forbidden. This provision shall not apply to courses offered by the Township or its agents.

(16) Bring alcoholic beverages or drink same at any time, or be under the influence of intoxicating liquor in a park or recreational area. This provision shall not apply to the consumption of alcoholic beverage where the same is authorized and permitted by the New Jersey Division of Alcoholic Beverage Control and the Township during special events in those contained areas specifically designated during said events, however, at no time shall an individual become intoxicated in a park or recreation area.

(17) Gamble or participate in or abet any game of chance except when such game of chance is authorized by permit of the Township.

(18) Paste, glue, tack, nail 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.

(19) Disturb or interfere unreasonably with any person or party occupying any area or participating in any activity under the authority of a valid permit.

(20) Expose or offer for sale any article or object, or station or place any stand, cart or vehicle for the transportation, sale or display of any article or object. Exception is hereby made to this subsection in connection with any regularly licensed concessionaire acting by and under the authority and regulation of the Township.

(21) Sleep or protractedly lounge on the seats, benches or other areas of a park 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 and welfare.

(22) Leave a bicycle, scooter, skateboard or similar object lying on the ground or pavement or set against trees or in any other place or position where other persons may trip over or be injured by it.

(23) Fail to produce and exhibit any permit from the Township he/she claims to have upon request of any Township official who shall desire to inspect the same for the purpose of enforcing compliance with any ordinance or rule.

(24) 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 or designated by the Township for the use of a specific group.

(25) If picnicking, all such areas for picnicking shall be maintained by placing all trash, refuse, garbage and debris is designated disposal and recycling containers where provided. If no trash receptacles are available, or if available but full, then trash shall be carried away from the park area by the picnicker, to be properly disposed of elsewhere.

(26) Skateboard in or on a park, playground or recreation which has been designated as a "No Skateboarding" area.

(27) Utilize any facility or area of a park or recreational area for activity other than the designated use of said facility or area. Roller skating, inline skating, and skateboarding and the like, if allowed, shall be confined to those areas specifically designed for such activities.

(28) Fail to properly maintain all restrooms, washrooms, or concession stands in a neat and sanitary condition.

(29) Fail to properly clean up after any domestic animal permitted to be in the park.

(30) Allow any dog to run at large. Dogs shall be permitted in township parks and recreational areas so long as they are restrained by a leash not exceeding six feet in length and led or controlled by a person capable of controlling said dog. This provision shall not apply

(31) 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.

(32) 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.

(33) Leave a vehicle standing or parked at night at established parking areas or elsewhere in the park area.

(34) Ride a bicycle without reasonable regard to the safety of others.

(35) Frequent any waters or places designated for the purposes of swimming or bathing or congregate thereat, except between such hours of the day as shall be designated by the Township Committee for such purposes for each individual site.

(36) Allow himself to be so covered with a bathing suit so as to indecently expose his person. Dress or undress in any area except in such structures as may be provided for that purpose.

(37) 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.

(38) Navigate, direct or handle any boat in such a manner as to unjustifiably or unnecessarily annoy or frighten or endanger the occupant of any other boat.

(39) 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, nor shall any person be on, remain on or in any boat during said closed hours of the park.

(40) Fish in any area where bathing is permitted.

(41) Ride, drive or bring any horse upon any township park or recreation area.

(42) Drive, fly or park any motorized vehicles, including minibikes, snow mobiles or other power-driven equipment, drones, remote controlled aircraft (except for motorized wheelchairs or other aids utilized by disabled persons) on or in any township park or recreation area.

(43) Smoking, the use of narcotics, or the consumption of alcoholic beverages are expressly prohibited in all township parks and facilities.

C. The Township reserves the right to prohibit, rescind or change the use of facilities, regardless of prior approval for use. Whenever practicable, reasonable notice will be provided.

D. Municipal facilities cannot be used for any purpose prohibited by law.

E. Special Regulations for Tennis Courts.

1. Any person using a public tennis court owned by the Township of Lumberton shall be subject to the following additional rules and regulations:

A. Township residents shall be given priority in terms of usage of and play upon said courts.
B. Play shall be limited to one hour if and when others are waiting to utilize the courts.
C. Proper footwear shall be required at all times.
D. Street hockey is expressly prohibited.
E. No in-line skates, roller-skates, skateboards, bicycles or other wheeled vehicles or toys shall be permitted on the courts at any time; nothing herein contained, however, shall preclude the utilization of wheelchairs by persons requiring the same as a result of physical disabilities.

§ 213-21 Notice.

The police, upon finding a child under the age of 18 years in or upon any Township-owned park or property in violation of any of the provisions of this chapter, shall take the name and address of the parent, guardian or other person having the legal care or custody of such child, send such child home, and make a report of the same to the Director of Public Safety or highest ranking uniformed officer within 24 hours; whereupon the Director of Public Safety shall send, via certified mail to said parent, guardian or legal custodian of such child, a written notice of the first violation of this chapter informing such parent, guardian or legal custodian that, unless the terms of this chapter are complied with in the future, the penalty therefor will be invoked against such person, guardian or legal custodian of such child. Nothing herein shall prevent the police from seeking immediate judicial relief if the activities of the minor in question cause damage or destruction to Township facilities.

§ 213-22. Parental responsibilities.

It shall be unlawful for a parent, guardian or other person having legal care or custody of a child under the age of 18 to knowingly permit or by inefficient control to allow the child to be or remain upon any Township-owned park or property in violation of any of the provisions of this chapter. The term "knowingly" shall include knowledge which a parent, guardian or other person having legal care or custody of a child under the age of 18 should reasonably be expected to have concerning the whereabouts of the child in that person's legal custody. This section is intended to continue to keep neglectful or careless parents, guardians or legal custodians up to a reasonable community standard of parental responsibility to an objective test. It shall, therefore, be no defense that a parent, guardian or legal custodian was completely indifferent to the activities, conduct or whereabouts of such child. It shall be conclusive proof of knowledge when a parent has received prior notice pursuant to § 213-16 or the minor has been prosecuted or adjudicated for a similar offense under this ordinance.

§ 213-23 Facility sponsorship program.

A. Purpose. The purpose of the facility sponsor program is to encourage local and regional supporters of the Township of Lumberton, and particularly its various parks and recreation programs, to take an active role in maintaining the Township sports fields and park areas, to improve the appearance and playing conditions of same, to reduce the burden on taxpayers, and to create a long-term community commitment to these facilities by identifying local community partners to assist in the maintenance of parks and recreation areas through the donation of maintenance services and materials.

Sponsors will be reviewed and approved by the Township Committee. In exchange for an annual (or seasonal, where appropriate) commitment to provide maintenance services or materials to the Township's parks and recreation areas, the Township will permit the erection of sponsorship signs at sports field and/or park entrances.

B. Sponsors may be business entities, nonprofit organizations or individuals. Sponsorship will not create a priority in any right by the sponsor to utilize the facility. The same will remain open for the general use of the public unless a permit has been granted for a seasonal or daily purpose.

C. Sponsors will be permitted to post a sign in a park or on a particular sports field when that sponsor has entered into an annual or seasonal commitment to perform labor or provide donation(s) of materials for the improvement of the park.

D. The size and location of the sign will be determined by the level of services or materials provided to the facility.

E. The Township Administrator, Engineer and Solicitor shall develop reasonable and uniform regulations to fulfill the purposes of this section, and a copy of the same shall be kept on file with Township Administrator. The Township Solicitor shall develop a contract for use between the Township and the sponsor.

F. The Mayor and the Township Administrator shall be permitted to enter into contracts in fulfillment of this section upon approval by the Township Committee.

§ 213-24. Donation of time, materials and equipment

A. From time to time, individuals or organization may desire to improve municipal facilities through the donation of time, materials and/or equipment.
B. The installation of materials and equipment is a donation to the Township and shall become the permanent property of the Township. For example, the installation of a scoreboard at a field shall be a donation of the scoreboard and shall become a permanent fixture of the municipality.
C. All donations of materials and equipment must receive prior approval from the Township Committee.
D. All labor costs to perform installations shall be paid in conformance with the New Jersey Prevailing Wage Act.
E. The donation of materials and equipment, including labor, shall not grant any exclusivity to the use of the field or the use of the equipment and the field shall remain available for the entire public and the equipment available to the entire public.
F. There are no exceptions to this policy preventing exclusivity and promoting access for all persons.

§ 213-25 Violations and penalties.

In addition to the revocation or suspension of any permit issued herein, any person violating any provision of this chapter shall, upon conviction, be subject to a fine not exceeding $2,000, or be required to perform community service, or both, in the discretion of the court. A separate offense shall be committed for each day during which a violation occurs or continues. In addition, nothing herein shall limit the court's authority to order restitution for any and all damage or destruction caused by the convicted or adjudicated offender or the parents or guardian of the offender.

REPEALER, SEVERABILITY AND EFFECTIVE DATE.

A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.

B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.

C. Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.

LUMBERTON TOWNSHIP COMMITTEE

ACTION ON INTRODUCTION: November 22, 2016
Motion made by: Committeeman Dinneen
Motion seconded by: Committeeman Jackson

VOTE:

Committeeman Conway:	**Yes**	No	Abstain	Not Present
Committeeman Dinneen:	**Yes**	No	Abstain	Not Present
Committeeman Jackson:	**Yes**	No	Abstain	Not Present
Committeeman Mansdoerfer:	**Yes**	No	Abstain	Not Present
Mayor Earlen:	**Yes**	No	Abstain	Not Present

ACTION ON ADOPTION (after public hearing)
Motion made by: _____
Motion seconded by: _____

VOTE:

Committeeman Conway:	Yes	No	Abstain	Not Present
Committeeman Dinneen:	Yes	No	Abstain	Not Present
Committeeman Jackson:	Yes	No	Abstain	Not Present
Committeeman Mansdoerfer:	Yes	No	Abstain	Not Present
Mayor Earlen:	Yes	No	Abstain	Not Present

Attest:

Debra L. Shaw-Blemings, RMC
Township Clerk

_____
Sean Earlen
Mayor

Introduced: November 22, 2019
Published: November 29, 2019
Hearing: December 13, 2016
Adopted:
Published: