

Chapter 422**PARKS****GENERAL REFERENCES**

Alcoholic beverages — See Ch. 165.

Littering — See Ch. 369.

Animals — See Ch. 172.

Noise — See Ch. 384.

Demonstrations and special events — See Ch. 248.

Peace and good order — See Ch. 428.

§ 422-1. Scope.

The following rules and regulations are hereby made and adopted as the rules and regulations governing and applicable to all public parks and other recreational areas situated and located in the Town of Phillipsburg.

§ 422-2. Hours open to the public.

All public parks shall be open daily to the public from one hour before sunrise to 11:00 p.m., between April 1 and October 15 and from one hour before sunrise to sunset between October 16 and March 31. All playgrounds and other recreational areas shall be open to children between the ages of five and 14 years from 9:00 a.m. to 9:00 p.m. during the regular established playground season.

§ 422-3. Supervision.

Supervision of all parks, playgrounds and other recreational areas shall be provided by the Superintendent of Recreation.

§ 422-4. Use of entrances and exits.

No person shall enter or leave any park, playground or other recreational area except by the established entrance or exit.

§ 422-5. Loitering or parking motor vehicles after closing hours.

No person except police, personnel from the Department of Recreation or any emergency personnel in the performance of their duties shall loiter or park a motor vehicle after the established closing hours, except as otherwise permitted.

§ 422-6. Driving. [Amended 5-18-2010 by Ord. No. O:2010-07]

- A. It shall be unlawful for any person to operate or have any motor vehicle or other form of conveyance, including, but not limited to, mini-bikes, motor bikes, scooters, motorcycles, snowmobiles, all-terrain vehicles, go-carts, tractors and/or riding mowers within any park.
- B. No person shall drive any motor vehicle inside a park, except along the paved roads and only to get to a designated parking area or such other area as may on occasion be

specifically designated as temporary parking areas by the Chief of Police or Recreation Commission.

- C. All state motor vehicle statutes and municipal ordinances shall apply within the confines of the parks.
- D. This article shall not apply to Town Officials and employees operating any such vehicles in the course of the maintenance of the park and recreation areas.
- E. Handicapped persons are exempted from the prohibitions in this article provided the location of designated parking area of the particular park makes it prohibitive for him/her to make use of the park. Individuals are required to have placards and plates visible at all times and the handicapped person must be present in the vehicle when it is operated within the park. "Handicapped person" is defined as a person who has been issued a special identification card and plates or a placard by the Division of Motor Vehicles or a temporary placard issued by the Chief of Police. [Added 7-6-2010 by Ord. No. O:2010-09]

§ 422-7. Parking restrictions.

No owner or driver shall cause his vehicle to stand or park anywhere outside of designated parking spaces except for a reasonable time to take up or discharge passengers or in such areas as may on occasion be specifically designated as temporary parking areas by the Town of Phillipsburg.

§ 422-8. Speed limit.

No person shall drive a vehicle at a rate of speed exceeding that indicated by the signs, and at no time shall such speed exceed 20 miles per hour.

§ 422-9. Conduct.

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

- A. Willfully mark, deface, disfigure, injure, tamper with, displace or remove any buildings, bridges, tables, benches, fireplaces, grills, railings, paving materials, public utilities or appurtenances thereof, signs, notices or placards (whether temporary or permanent), monuments, stakes, posts or other boundary markers, or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal.
- B. Fail to cooperate in maintaining rest rooms and washrooms in a neat and sanitary condition.
- C. Dig or remove soil, rock, sand, stones, trees, shrubs, plants or other wood or materials or make any excavation by tool, equipment or other means.
- D. Construct or erect a 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.
- E. Damage, cut, carve, transplant or remove any tree or plant, or injure the bark, or pick flowers or seed of any tree or plant or dig in or otherwise disturb grassed areas or in any other way injure the natural beauty or usefulness of any area.

- F. Climb any tree or walk, stand or sit upon monuments, vases, planters, fountains, railings, fences or upon any property not designated or customarily used for such purposes.
- G. Tie or hitch any animal to any tree or plant.
- H. Hunt, molest, kill, wound, trap, abuse, shoot, pursue or throw objects at, or have in his possession any animal, reptile or bird found within any park, nor shall their habitats be disturbed, except where specifically designated and permitted. No person shall purchase, sell, accept or give any such animal, reptile, bird or eggs except as may be specifically provided for and permitted.
- I. 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 any park or any tributary stream, storm sewer or drain flowing into such water any substance, matter or thing, liquid or solid, which may result in the pollution of said waters.
- J. Have brought in, dump in, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, garbage, refuse or organic or inorganic solid or liquid waste.
- K. Violate the regulation that the use of individual fireplaces, together with tables and benches, follows the generally accepted rule of first come, first served.
- L. Disturb or interfere unreasonably with any person or party occupying any area or participating in any activity under the authority of a permit.
- M. Gamble, participate in or abet any game of chance except in such areas and under such regulations as may be designated by the Town of Phillipsburg.
- N. Go onto the ice on any waters except such areas as are designated as skating fields, and provided that a safety signal is displayed.
- O. Solicit contributions for any purpose, whether public or private, except in such areas and under such regulations as may be designated and permitted by the Town of Phillipsburg.
- P. 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 on any parklands or roads in any park.

§ 422-10. Fires restricted.

No person shall kindle, build, maintain or use fire except in portable grills or places provided for such purposes. Any fire shall be continuously under the care and direction of the competent person from the time it is kindled until it is extinguished, and no fire shall be built within 10 feet of any tree or building. No person shall drop, throw or otherwise scatter lighted matches, burning cigarettes, cigars, tobacco, paper or other flammable material within any park or on any highways, roads or streets abutting or contiguous hereto.

§ 422-11. Use or possession of liquor, use of tobacco. [Amended 1-2-2008 by Ord. No. O:2007-25; 11-3-2008 by O:2008-27; 10-7-2014 by Ord. No. O:2014-21]

- A. No person shall drink, take, use or have in his/her possession any intoxicating liquors in any park, playground or other recreational areas.

- B. The smoking of tobacco products, including electronic cigarettes, in any park or at any athletic or recreational facility owned or leased by the Town of Phillipsburg, including parking lots attached to same, is prohibited.

§ 422-12. Coasting regulations. [Amended 6-17-2003 by Ord. No. O:2003-08]

No person shall coast with skates, skis, sleds, wagons, skateboards or other like vehicles on wheels or runners, with exception of skateboards being permitted at Delaware River Park.

§ 422-13. Bicycles. [Amended 6-17-2003 by Ord. No. O:2003-08]

- A. No person shall ride a bicycle without reasonable regard to the safety of others. No person shall leave a bicycle lying on the ground or paving or set against trees or in any place or position where a person may trip over or be injured by it.
- B. No person shall be permitted to ride a bicycle in Shappell Park at any time.

§ 422-14. Swimming and wading; pool rates.

- A. No person shall swim, wade or bathe in any waters or waterways in any park except in such waters and at such places as may be specifically designated for such activities.
- B. No person shall bring into or operate any boat, raft or other watercraft, whether motor-powered or not, upon any waters except at places designated for boating by the Town of Phillipsburg. Such activity shall be in accordance with applicable regulations as are now or will hereafter be adopted.
- C. No person shall bathe, wade or swim in any park or playground pool except at such times and in such places as the Superintendent of Recreation may designate and unless covered with a bathing suit.
- D. No person shall fish in any area where bathing is permitted.
- E. Rates for the Phillipsburg Municipal Pool are as follows: **[Amended 3-16-2004 by Ord. No. O:2004-05; 5-3-2005 by Ord. No. O:2005-22; 4-3-2007 by Ord. No. O:2007-5; 5-20-2008 by Ord. No. O:2008-14]**

Season Passes	Rate
Family*	\$125
Individual	\$70
Senior	\$25
Youth 5-11 years	\$20

*More than four in a family, there will be an additional fee of \$10 per person.

Daily Admissions	Monday - Friday	Weekends/Holidays
Adult	\$5	\$7
Child or senior	\$4	\$6

The holder of a park permit will receive a discount of \$2 for individuals with your party.

§ 422-15. Ball playing.

No person shall cast, catch, kick or strike any baseball, golf ball, football, basketball, beanbag or other object except in the places designated therefor.

§ 422-16. Firearms, lethal weapons and explosive devices.

- A. No person shall carry or possess firearms of any description, or air rifles, spring guns, bows and arrows, slings, slingshots or any other forms of weapons or devices potentially inimical to wildlife or dangerous to human safety, or any instrument that can be loaded with and fire blank cartridges, or any kind of trapping device in the parks, playgrounds or other recreational areas except as may be specifically permitted.
- B. Shooting into the park areas from beyond park boundaries is forbidden.
- C. No person shall have in his possession, set or otherwise cause to explode, discharge or burn any fireworks, firecrackers or explosives or flammable materials or discharge them or throw them into any such areas from lands or highways adjacent thereto.

§ 422-17. Animals prohibited.

- A. No person shall cause or permit any animal owned by, in the custody of or under the control of that individual to be in any park, playground, recreation areas or other Town-owned property, whether on a leash or otherwise; provided, however, that the provisions of this section shall not apply to dogs in the Delaware River Park, provided that said dogs are being controlled and handled in accordance with the provisions governing the Delaware River Park set forth in § 422-17.1 et seq. [Amended 6-3-2014 by Ord. No. O:2014-14]
- B. Animals found to be at large may be seized and disposed of as provided by the laws of the State of New Jersey and the Town of Phillipsburg.

§ 422-17.1. Delaware River Park rules and regulations. [Added 6-3-2014 by Ord. No. O:2014-14]

- A. The provisions of this § 422-17.1 shall govern and control the presence of dogs in the Delaware River Park.
- B. Rules and regulations.
 - (1) Dogs are permitted in the Delaware River Park between the hours of 8:00 a.m. and sunset.
 - (2) All dogs must display a valid dog license as well as a Phillipsburg Dog Park pass, which pass can be obtained from the Office of the Town Clerk. Passes are nontransferable. In order to obtain a pass, the dog must hold current vaccinations and be validly registered within the Town where the owner resides. The cost of the application is \$10 for Town residents and \$20 for all non-Town residents, per annum. The applicant must also execute a release of liability form available from the Office of the Town Clerk.
 - (3) There is a limit of two dogs per adult in the park. All dogs must be accompanied by an adult 18 years or older. All children must be accompanied by an adult, and no

children under the age of 10 are permitted in the gated area. Owners or handlers are responsible for the actions of their dogs.

- (4) All dogs must be kept leashed unless inside the gated area. There is a limit of 10 dogs inside the gated area reserved for large dogs and a limit of five dogs inside the gated area reserved for small dogs (defined as dogs weighing 25 pounds or less). No dogs weighing more than 25 pounds are permitted in the gated area reserved for small dogs.
- (5) No puppies under the age of four months are permitted in the park.
- (6) No spiked, pronged or choke collars are permitted, and the owner or handlers must remove the dog from the park at the first sign of aggression.
- (7) Dogs in heat are not permitted in the park.
- (8) Rawhide or other dog food products are prohibited inside the gated area.
- (9) Food and beverages for human consumption are prohibited inside the gated area.
- (10) Owners or handlers are required to clean up after and properly dispose of their dogs' waste.
- (11) Smoking is prohibited in the park, and the park may be closed at any time without prior notice at the discretion of the Town.

§ 422-18. Horses.

No person shall ride, drive or bring any horse within the limits of any park, playground or other recreational area without permission from the Superintendent of Recreation.

§ 422-19. Public use and availability of park and recreation areas.

- A. Except for unusual and unforeseen emergencies, parks shall be open to the public every day of the year during designated hours. The opening and closing hours for each individual park shall be posted therein and shall be determined from time to time by resolution of Town Council.
- B. No person shall, on the grounds of race, color, national origin, age, sex or handicap, be excluded from participation in, be denied the benefits of or be otherwise subjected to discrimination in any park facility, program or activity.
- C. Discrimination on the basis of residence, including preferential reservation, membership or annual permit systems, is prohibited except to the extent that reasonable differences in admission and other fees may be maintained on the basis of residence in any park.

§ 422-20. Permit required for special uses.

- A. Permits for special events/activities in parks must be obtained by application to the Department of Recreation in accordance with the procedures in the use of facilities request form and the following:
 - (1) The proposed activity or use of the park will not reasonably interfere with or detract from the general public enjoyment of the park.

- (2) The proposed activity will not unreasonably interfere with or detract from the promotion of public health and safety.
 - (3) The proposed activity or uses that are reasonably anticipated will not include violence, crime or disorderly conduct.
 - (4) The facilities desired have not been reserved for other use at the date and hour requested in the application.
 - (5) A permittee shall be bound by all park rules and regulations and all applicable ordinances fully as though the same were inserted in said permits.
 - (6) The person(s) 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(s) to whom such permit shall have been issued. The Town of Phillipsburg shall have the right to require any permittee to submit evidence of liability insurance covering injuries to members of the general public arising as a result of such permitted activities in such amounts as may be from time to time be determined by the Town of Phillipsburg prior to the commencement of any activity or issuance of any permit.
 - (7) The Town of Phillipsburg shall have the authority to revoke a permit upon finding of violation of any rule or ordinance or upon cause shown.
- B. No person, without written permission of the Superintendent of Recreation, shall erect any structure, stand or platform, hold any meeting, perform any ceremony, make a speech, address or harangue or exhibit to the public any form of entertainment or engage in any parade drill or maneuvers.
- C. No person shall set up tents, shacks or any other temporary shelter for the purpose of overnight camping, nor shall any person leave in the 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, either temporary or permanent, by the Town of Phillipsburg for those purposes or by the permission of the Superintendent of Recreation.
- D. No person shall expose or offer for sale any article or thing nor place any stand, cart or vehicle for the transportation, sale or display of any such article or thing. Exception is made for any person holding a permit or licensed concessionaire by and under the authority and regulation of the Town of Phillipsburg.

§ 422-21. Appeals.

- A. All denials issued by the Superintendent of Recreation for special use permits may be appealed to the Mayor.
- B. The Town Council shall be notified of all denials.

§ 422-22. Use of park roads for demonstrating vehicles or driver training.

No person shall use the park drives, parkways or roads for the purpose of demonstration of any vehicle or instructing another to drive or operate any vehicle or for the purpose of learning to drive or operate any vehicle.

§ 422-23. Towing vehicles prohibited; exception.

No person shall cause or permit a vehicle in tow of another vehicle to enter the parks, playgrounds or other recreational areas, except that in case of breakdown a disabled vehicle may be towed to the nearest exit or during grounds maintenance by Town employees.

§ 422-24. Buses and commercial vehicles.

No person shall drive or operate any omnibus or vehicle adapted for more than 12 passengers or any vehicle constructed or adapted for or engaged in the carrying of any merchandise without the written permission of the Superintendent of Recreation.

§ 422-25. Unauthorized commercial sales to patrons of Town events. [Added 7-12-2005 by Ord. No. O:2005-28]

- A. It shall be a violation of this chapter for any person to engage in unauthorized commercial sales of food, beverages or any other commercial merchandise of any kind to patrons attending or waiting to enter a Town-sponsored event located at a Town park.
- B. Application may be made to the Town Council of the Town of Phillipsburg for special authorization to engage in such commercial sales, but shall be denied absent a demonstrated significant public need for proposed commercial vending services.

§ 422-26. Activities prohibited by state and/or Town.

No person making use of any park, playground or other recreational area shall do, perform or engage in or encourage others to do, perform or engage in any act or activity that is prohibited by the laws of the State of New Jersey or ordinances of the Town of Phillipsburg.

§ 422-27. Enforcement; violations and penalties.

- A. The Town of Phillipsburg or its designated agents shall, in connection with their duties imposed by law, diligently enforce the provisions of this chapter. No person shall interfere with or fail to obey any police officer or recreation personnel in the proper performance of his or their duties.
- B. The Town of Phillipsburg or its designated agents shall have the authority to eject from any park any person(s) acting in violation of this chapter.
- C. The Town of Phillipsburg or its designated agents shall have the authority to seize and confiscate any property, thing or device in the park areas or used in violation of this chapter.
- D. This chapter shall also be enforced by the Phillipsburg Police Department of the municipality.
- E. Any person violating any of the provisions of this chapter or any rule or regulation promulgated pursuant hereto shall, upon conviction thereof before the Municipal Court, be subject to the replacement, repair or restoration of any damaged park property and shall be subject to punishment as provided in Chapter 1, General Provisions, Article II, General Penalty.